

# The M.P. Cotton Control Act, 1954

MADHYA PRADESH

India

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### Act 17 of 1954

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The M.P. Cotton Control Act, 1954No. 17 of 1954Statement of Objects and Reasons. - 1. For some time past the question of improving the quality of the cotton crop in this State by maintaining the purity of improved strains, increasing the production of commercially uniform qualities and preventing abuses through wilful adulteration has been engaging the attention of the State Government.2. For the last two years Government of India have been insisting that premium would be paid only for those varieties of cotton which are grown in controlled areas. With a view to maintain higher standard of purity of staple varieties of cotton, the Indian Central Cotton Committee has also been requesting this Government to declare the areas under cotton as controlled areas and to prescribe certain improved varieties of cotton for cultivation in those areas. Such a demand was also made by organisations of cotton growers in the State. The Central Provinces and Berar Cotton Control Act, 1937 (XX of 1937), provides for the prohibition of the cultivation of Garrowhill cotton and the mixing of this cotton with other varieties of cotton. This Act is not, however, adequate for the purpose of preventing the evil of mixing other inferior varieties of cotton with superior varieties. It has, therefore, been considered necessary to have a comprehensive measure to prevent this evil and to ensure the quality and purity of the strains cultivated in the different areas of this State.3. The Bill contains provisions empowering the State Government to fix the variety of cotton to be cultivated in any areas, to prohibit or restrict the import, possession or use of or trade in, any variety of standard cotton mixed with any other variety of cotton. Provisions have also been made for seizure of cotton in respect of which offence has been committed and also for examination of such cotton by an officer of the State Government. Suitable penalties have also been provided for infringement of the provisions of the Bill.[Dated 23rd June, 1954]Received the assent of the President on the 23rd June, 1954; assent first published in the Madhya Pradesh Gazette on the 2nd July, 1954.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), vide item 76 of Part A of the Schedule to the said Act. The said Act No. 23 of 1958 came into force on 1-1-1959.] to provide for controlling the production, import, possession or use of, or trade in certain varieties of cotton and matters ancillary thereto for the purpose of ensuring cultivation of better varieties of cotton and the maintenance of their purity.Whereas it is expedient to provide for controlling the production, import, possession or use of, or trade in, certain varieties of cotton and matters ancillary thereto for

the purpose of ensuring cultivation of better varieties of cotton and the maintenance of their purity. It is hereby enacted as follows:

## **1. Short title and extent.**

(1) This Act may be cited as the Madhya Pradesh Cotton Control Act, 1954. (2) [It extends to the whole of Madhya Pradesh.] [Substituted by M.P. Extension of Laws Act, 1958 (23 of 1958) for the words 'It extends to the whole of Mahakoshal region'.]

## **2. Definitions.**

- In this Act, unless there is anything repugnant in the subject or context, - (a) "controlled area" means the area specified in the notification issued under sub-section (1) of Section 3; (b) "cotton" includes cotton plant, ginned and unginned cotton, cotton waste and cotton seed; (c) "Director" means the Director of Agriculture, Madhya Pradesh, and includes any officer who is authorised by the State Government to exercise or perform any of the powers or duties of the Director under this Act; (d) "prescribed" means prescribed by rules made under this Act; (e) "prohibited variety", in respect of any area, means a variety of cotton the cultivation of which is either prohibited under this Act or by the State Government under Section 3; (f) "standard variety", in respect of any area, means a variety of cotton specified by the State Government as a standard variety under Section 3.

## **3. Power to Specify variety of cotton to be cultivated, etc., in controlled areas.**

(1) The State Government may, by notification, declare any local area to be a controlled area and may, in respect of such area, - (i) specify any variety of cotton as being a standard variety, the cultivation of which is permitted in such area; and prohibit the cultivation in such area of any other specified variety of cotton; or (ii) prohibit in such area the mixing of any standard variety with any other standard variety or with any prohibited or other variety; or (iii) prohibit or restrict in such area the import, possession or use of, or trade in, any standard variety mixed with any other variety whether standard, prohibited or otherwise. (2) Before issuing a notification under sub-section (1), the State Government shall publish in the prescribed manner a draft of such notification together with a notice stating that any objection or suggestion which may be received by the State Government within the period specified in the notice (such period being not less than two months from the date of publication of the draft) will be considered by the State Government. (3) Every notification under sub-section (1) shall also be published in the regional language of the controlled area in the prescribed manner.

## **4. Grant of permission to factories to mix cotton.**

(1) Notwithstanding anything contained in Section 3 or any notification issued thereunder, the State Government may, by notification, permit, in any factory in which cotton is manufactured into yarn or cloth, any standard variety to be mixed with any other standard or prohibited variety: Provided that the cotton so mixed - (a) is not made into fully pressed bales, and (b) is used in such factory

exclusively in the manufacture of yarn or cloth.(2)The owner or person incharge of the factory shall maintain or cause to be maintained a register containing a daily record of cotton other than that of standard variety received into, and used in, the factory. He shall preserve such register for a period of not less than two years from the date of the last entry made therein.(3)The owner or person incharge of the factory shall produce the register maintained under sub-section (2) whenever required to do so by the Director or by any person authorised by him in this behalf.

## **5. Penalties.**

(1)Any person who cultivates any prohibited variety in any controlled area in contravention of the provisions of this Act or of any notification issued thereunder, shall be punishable with fine which may extend to twenty rupees or for the second or subsequent offence with fine which may extend to fifty rupees.(2)Any person who, in any controlled area in contravention of the provisions of this Act or of any notification issued thereunder-(a)mixes or causes to be mixed any standard variety with any other standard variety or with any prohibited or other variety of cotton, or(b)imports, possesses, uses or trades in, any standard variety mixed with any other standard variety or with any prohibited or other variety of cotton, shall be punishable with fine which may extend to five thousand rupees.(3)The owner of, or any person incharge of, a factory who contravenes any of the provisions of sub-section (1) of Section 4, or fails to comply with any of the provisions of sub-section (2) or sub-section (3) of Section 4, shall be punishable with fine which may extend to five thousand rupees and for a second or subsequent offence with fine which may extend to ten thousand rupees.

## **6. Prohibition of cultivation or mixing of Garrowhill cotton.**

(1)Notwithstanding anything hereinbefore contained, no person shall grow in [Madhya Pradesh] [Substituted by M.P. Extension of Laws Act, 1958 (23 of 1958) for the words 'Mahakoshal region'.] Garrowhill cotton as a pure crop or in a mixture, or shall mix in [Madhya Pradesh] [Substituted by M.P. Extension of Laws Act, 1958 (23 of 1958) for the words 'Mahakoshal region'.] such cotton with any other kind of cotton.(2)Any person who cultivates Garrowhill cotton in contravention of sub-section (1) shall be punishable with fine which may extend to twenty rupees or for the second or subsequent offences with fine which may extend to fifty rupees.(3)Any person who mixes or causes to be mixed Garrowhill cotton with any variety of cotton, whether standard, prohibited or other, shall be punishable with fine which may extend to rupees five thousand.(4)The provisions of Sections 8 and 9 shall, in respect of Garrowhill cotton, apply as if it were a prohibited variety and the whole of [the State of Madhya Pradesh] [Substituted by M.P. Extension of Laws Act, 1958 (23 of 1958) for the words 'Mahakoshal region'.] were controlled area.

## **7. Confiscation.**

(1)Where a Court trying an offence punishable under Section 5 or Section 6 is satisfied that an offence under that Section has been committed in respect of any cotton, the Court may direct that such cotton and every box, receptacle, package or covering, containing such cotton shall be forfeited to Government.(2)Where an offence under this Act has been committed, or is believed to have been committed in respect of any cotton and the offender is not known or cannot be found or where no

person claims any right in such cotton, the officer authorised by the State Government in this behalf may hold an inquiry and may order confiscation of such cotton together with any box, receptacle, package or covering containing such cotton: Provided that no such order shall be made before the expiration of one month from the date of seizing the cotton liable to confiscation or without hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim.

## **8. Power of entry and seizure.**

(1) Any officer authorised in this behalf by the State Government may, between the hours of 6 a.m. and 6 p.m.,—(a) enter upon any land in a controlled area in which he knows or has reason to believe that any prohibited variety has been or is being cultivated in contravention of a notification under sub-section (1) of Section 3, or of the provisions of Section 6, uproot such cotton, or cause it to be uprooted, and seize such cotton so uprooted; (b) enter upon or into any land, building, vehicle or place in a controlled area in which he knows or has reason to believe that any standard variety mixed with any other standard variety or any prohibited or other variety of cotton, is kept in contravention of a notification under sub-section (1) of Section 3, or of the provisions of Section 6, and seize such cotton. (2) (a) Every officer seizing any cotton under sub-section (1) shall forthwith—(i) take a sample of the cotton seized, separate it then and there into three equal parts and securely pack and seal each of them with his seal in the presence of the occupier or person in charge of the land, building, vehicle or place on or in which such seizure was made and of two witnesses and in case the occupier or person aforesaid wishes to seal them, they shall also be sealed with his seal; and (ii) subject to any rules made under Section 15, send one of the scaled packages to such officer as may be authorised by the State Government in that behalf for examination and report to the Director, retain another such package for his own and deliver the third sealed package to the occupier or person aforesaid. (b) The officer referred to in clause (a) shall have discretion either to entrust the remainder of the seized cotton to the occupier or person aforesaid or to make other arrangements for its safe custody. If the officer decides to entrust the cotton to the occupier or person aforesaid, such occupier or person shall take charge of the same and shall give an undertaking in writing to produce the said cotton before any Court when required to do so by the said officer. (c) The officer referred to in clause (a) shall forthwith make a report of the seizure to the nearest Magistrate having jurisdiction to try the offence committed in respect of such cotton, together with particulars of such cotton and furnish a copy of such particulars to the occupier or person aforesaid. (3) The opinion of the officer authorised under paragraph (ii) of clause (a) of sub-section (2) contained in any document signed by such officer regarding the cotton sent to him for examination under that clause, may be used as evidence as to the nature of such cotton, in any inquiry, trial or proceeding under this Act. (4) If the occupier or person aforesaid refused to take charge of the cotton when required under clause (b) of sub-section (2) or to give the undertaking referred to in that clause, or fails to produce the cotton before the Court when required, he shall be punishable with fine which may extend to twice the value of such cotton.

## **9. Duty of owner, occupier or person incharge to give facilities for inspection by authorised officer.**

(1) Every owner, occupier or person incharge of any land, building, vehicle or place in a controlled area shall give all reasonable facilities to the officer authorised under sub-section (1) of Section 8, to inspect such land, building, vehicle or place. (2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with fine which may extend to twenty rupees.

## **10. Previous sanction for prosecution.**

- No prosecution under this Act or any rule made thereunder shall be instituted without the previous sanction of the Director.

## **11. Cognizance of offences.**

- No offence punishable under this Act or any rule thereunder shall be inquired into or tried by any Court inferior to that of a Magistrate of the Second Class.

## **12. Offences by corporations, etc.**

- Where a person committing any offence punishable under this Act or any rule made thereunder is a company, or an association or body of persons, whether incorporated or not, the director, manager, secretary, agent or other principal officer managing the affairs of such company, association or body shall be deemed to be guilty of such offence.

## **12A. [ Composition of offence. [Inserted by M.P. Extension of Laws Act, 1958 (23 of 1958).]**

- Any gazetted officer of the Agriculture Department authorised in this behalf by the State Government may, on acceptance of such sum as may be prescribed, compound any offence under this Act or the rules made thereunder. (2) On the composition of the offence under this section no further action in respect thereof shall be taken against the person accused of it and if any proceedings in respect of that offence have already been instituted against such person in any Court, the composition shall have the effect of this acquittal thereof.]

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

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

## 14. Persons acting under the Act to be public servants.

- Every person acting or purporting to act in pursuance of any of the provisions of this Act or any rule made thereunder shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (No. XLV of 1860).

## 15. Power to make rules.

(1)The State Government may make rules to carry out the purpose of this Act.(2)In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following purposes, namely:(a)the manner in which notification under sub-section (1) of Section 3 shall be published;(b)the conditions subject to which cotton seized may be forwarded under Section 8.(3)Any such rule may provide that a contravention thereof, if not punishable under any provision of this Act, shall be punishable with fine which may extend to two hundred and fifty rupees.(4)Rules made under this section shall be subject to the condition of previous publication.

## 16. Repeal and saving.

(1)The Central Provinces and Berar Cotton Control Act, 1937 (XX of 1937), is hereby repealed.(2)Notwithstanding the repeal of the said Act, things done and action taken by any authority under the provisions of the said Act shall be deemed to have been done and taken under this Act.Notifications(1)[Notification No. 4487-4126-XIV-1.] [Published in M.P. Rajpatra Part I, dated 3rd July, 1964 at page 1477.] - In exercise of the powers conferred by sub-section (1) of Section 3 of the Madhya Pradesh Cotton Control Act, 1954 (XVII of 1954), the State Government hereby-(1)declares the areas specified in column (1) of the table below to be controlled area;(2)specifies the variety of cotton mentioned in the corresponding entry in column (2) of the said table to be standard variety in respect of the said areas;(3)prohibits the cultivation in the said area of any variety of cotton other than the said standard variety;(4)prohibits in the said area the mixing of any standard variety with any other variety, whether standard or prohibited; and(5)prohibits in the said area the import, possession or use of, or trade in, any standard variety mixed with any other variety whether standard, prohibited or otherwise.Table

Area	Variety of Cotton
Hirsutam (American)	Arborem (Delhi)
1. Thandla, Petalwad & Jhabua Tehsils of Jhabua District	Narmada Vijay (A-51-9)
2. Badnawar Tahsil of Dhar District	C.T. 1-4-21 (Badnawar I)

(2)[Notification No. 4182-4011-XIV-1, dated 21st June, 1966.] [Published in M.P. Rajpatra Part II, dated 1st July, 1966 at page 1170.] - In exercise of the powers conferred by sub-section (1) of Section 3 of the Madhya Pradesh Cotton Control Act, 1954 (XVII of 1954), the State Government hereby-(i)declares the whole of Betul district to be controlled area;(ii)[ specifies Hirsutam (American L-147 and B-1007) cotton to be standard varieties in respect of the said area;] [Substituted vide Notification No. 3094-1170-XIV-1, dated 31st May, 1970, published in M.P. Rajpatra Part I, dated 17-10-1969 at page 1944.](iii)prohibits the cultivation in the said area of any

variety of cotton other than the said standard varieties;(iv)prohibits in the said area the mixing of any other variety, whether standard or prohibited; and(v)prohibits in the said area import, possession or use of, or trade in, any standard variety mixed with any other variety whether standard, prohibited or otherwise.(3)[Notification No. 4304-4275-XIV-1, dated 25th June 1966.] [Published in M.P. Rajpatra Part I, dated 9th July, 1966 at page 1261.] - In exercise of the powers conferred by sub-section (1) of Section 3 of the Madhya Pradesh Cotton Control Act, 1954 (XVII of 1954) the State Government hereby-(i)declares the whole Tehsil of Ratlam of Ratlam District to be controlled area;(ii)specifies the hirsutam (American) Badnawar-1 (CT 1-4-21), cotton to be standard variety in respect of the said area;(iii)prohibits the cultivation in the said area of any other variety of cotton other than the said standard variety;(iv)prohibits in the said area, the mixing of the said standard variety with any other variety whether standard or prohibited;(v)prohibits in the said area, the import, possession or use of, or trade in, the said standard variety mixed with any other variety whether standard, prohibited or otherwise.(4)[Notification No. 2554-2331-XIV-1, dated 25th April, 1967.] [Published in M.P. Fajpatra Part I, dated 22nd November, 1968 at page 1873.] - In exercise of the powers conferred under Section 12-A of the Madhya Pradesh Cotton Control Act, 1954 (XVII of 1954), the State Government hereby authorises the Deputy Directors of Agriculture to compound offences committed under the said Act, within their respective jurisdiction.(5)[Notification No. 3532-706-XIV-1, dated 22nd June, 1968.] [Published in M.P. Rajpatra Part I, dated 28th February, 1969 at page 539.] - In pursuance of the provisions contained in sub-section (1) of Section 8 of the Madhya Pradesh Cotton Control Act, 1954 (No. 17 of 1954) and in supersession of all previous notifications issued on the subject, the State Government hereby authorises the following officers for the purposes of the said sub-section, namely-

**1. Deputy Directors of Agriculture.**

**2. Assistant Directors of Agriculture.**

**3. Agriculture Extension Officers.**

**4. Enforcement Inspectors and Agriculture Assistants.**

(6)[Notification No. 3508-706-XIV-1, dated 21st June, 1968.] [Published in M.P. Rajpatra Part I, dated 23rd August, 1968 at page 1202.] - In pursuance of the provisions contained in sub-clause (ii) of clause (a) of sub-section (2) of Section 8 of the Madhya Pradesh Cotton Control Act, 1954 (No. 17 of 1954) and in supersession of all notifications previously issued on the subject, the State Government hereby authorises the following officers for the purposes of the said sub-clause, namely-(1)Cotton Specialist, Indore; and(2)Assistant Breeder (Cotton), Khandwa.