

The Punjab Cotton Ginning and Pressing Factories Act, 1953

HARYANA

India

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Act 2 of 1955

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The Punjab Cotton Ginning and Pressing Factories Act, 1953 Punjab Act 2 of 1955 Statement of Objects and Reasons. - "All the varieties of cotton grown in India have been classified according to their mean staple and the traders as well as spinning mills want that the cotton tendered to them for sale should not be below the respective specification fixed. In practice, however, this is hardly realised because of the mixing of various varieties that is often resorted to in the Ginning and Pressing Factories and other places. The Cotton and Ginning Factories in this State are at present being worked under the Cotton Ginning and Pressing Factories Act, 1925, which, however, contains no provision for penalising the mixing of various varieties of cotton. The experience of the working of the old Central Act of 1925 for a period of over two decades has also revealed certain lacunae in it which make it ineffective in several important directions.² With a view to checking the evil of mixing, several other States in India have already enacted the necessary legislation. In the Punjab State two varieties of American Cotton, namely, 4F and L.S.S., are under cultivation and there is a keen demand for them from spinning mills, especially after the stoppage of import of these varieties from Pakistan. Unless however the malpractice of mixing of various varieties of cotton is checked the cultivation and production of American Cotton which is so badly needed in this country, will be seriously jeopardised. A new variety called 216-F is also being cultivated in the Hariana tract and efforts are being made to spread it on a wide scale in that tract. The success of all these efforts is bound up with the question of tendering cotton to the spinning mills in as pure a form as is wanted by them. In order to achieve this end, it is absolutely necessary to check the evil of mixing of various varieties of cotton in this State and this draft Bill is accordingly being brought on the Statute Book. The Bill not only contains penal clauses for the admixture of cotton but opportunity has also been taken to recast the entire Cotton Ginning and Pressing Factories Act, 1925, and to remove the lacunae found in it as a result of its working for the last several years. The provisions of President's Act, the Punjab Cotton (Prevention of Adulteration) Act, 1952, since lapsed on the 16th April, 1953, have also been incorporated in the Bill." Punjab Government Gazette Extraordinary, dated the 28th September, 1953. For Statement of Objects and Reasons, see Punjab Government Gazette Extraordinary, dated 28th September, 1953 pp. 1598-99. Received the assent of the Governor of

Punjab on the 8th March, 1955, and was first published in the Punjab Government Gazette Extraordinary, dated the 22nd March, 1955. An Act to provide for better regulation of Cotton Ginning and Pressing Factories. It is hereby enacted as follows:-

1. Short title, extent and commencement.

(1) This Act may, be called the Punjab Cotton Ginning and Pressing Factories Act, 1953. (2) [It shall extend to the whole of the State of Haryana] [Substituted vide Haryana Adaptation of Laws Order 1968.] (3) It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires:- (a) "Cotton" means ginned or unginned cotton, or cotton waste; (b) "bale" means any pressed package or cotton whatever size or density; (c) "admixture of cotton" means mixture of different varieties of cotton in contravention rules made under this Act. (d) "cotton ginning factory" means any premises including the precincts thereof, where cotton is ginned or where cotton fibre is separated from cotton seed by any process whether involving the use of steam, water or other mechanical power or of electrical power; (e) "cotton pressing factory" means any factory as defined in the Factories Act 1948, (Act LXIII of 1948) in which cotton is pressed into bales; (f) "cotton waste" means droppings, strippings, fly and other waste products of a cotton mill or of a cotton ginning factory or of a cotton pressing factory, but does include yarn waste; (g) "Indian Central Cotton Committee" means the Indian Central Cotton Committee constituted under the Indian Cotton Cess Act, 1923 (Act of XIV of 1923), and includes any Sub-Committee appointed by it to perform any function of the Indian Central Cotton Committee under this Act; (h) "owner" includes a person in charge of a factory; (i) "prescribed" means prescribed by or under rules made under this Act; and (j) "season" means such period as may from time to time be notified as such by the State Government. (k) ["Licence" means a licence granted under section 2-A, to a cotton ginning factory or a cotton pressing factory.] [Clause (k) added by Punjab Act 36 of 1957, section 2.]

2A. [(1) No cotton ginning factory or cotton pressing factory shall be worked without a licence granted to the owner thereof by such authority, in such form, subject to such conditions and on payment of such fee, as may be prescribed.

(2) (a) A licence for which the prescribed fee has been paid shall be liable to be refused only on the ground that the owner or person in charge of a cotton ginning or a cotton pressing factory in respect of which a licence is applied for has been convicted of an offence punishable under this Act; (b) A licence shall be liable to be suspended, withdrawn or cancelled only on the ground that the owner or person in charge of the cotton ginning or cotton pressing factory in respect of which licence was granted has been convicted of an offence punishable under this Act; Provided that no licence shall be suspended, withdrawn or cancelled under this clause until after the expiration of the season in which the owner or person has been so convicted. (3) If any person works a cotton ginning or cotton

pressing factory in respect of which a licence has not been granted or has been suspended, withdrawn or cancelled, such person shall be punishable -(a)on a first conviction, with fine which may extend to five hundred rupees and if the offence is continued for more than one day, with an additional fine which may extend to one hundred rupees for every day subsequent to the first day for which the offence has continued; and(b)on every subsequent conviction, with fine which may extend to fifteen hundred rupees and, if the offence has continued for more than one day, with an additional fine which may extend to two hundred rupees for every day subsequent to the first day during which the offence has continued.]

3.

(1)The owner of every cotton ginning factory shall maintain at the factory a ginning register in the form and manner prescribed, setting forth a daily record of all cotton ginned in the factory, the names of the persons for whom and the dates on which the cotton has been ginned, the quantity ginned for each person and such other particulars as may be prescribed.(2)The owner of every cotton pressing factory shall maintain at the factory a press register in the form and manner prescribed, setting forth a daily record of the number of bales pressed in the factory, the serial number of each bale, the name of the person for whom it has been pressed and such other particulars as may be prescribed.(3)The owner of a cotton ginning or cotton pressing factory shall be bound to produce any ginning register or press register maintained under this section when required so to do by any person appointed by the State Government in this behalf and to furnish to the Indian Central Cotton Committee, if so required by it in writing, a copy certified by him as correct, of the entry in any press register maintained at the factory relating to any specified bale.(4)No register required to be maintained by this section shall be destroyed until after the expiration of three years from the date of the last entry therein.(5)If -(a)in any factory any register required by this section to be maintained is not maintained or is maintained in any form other than the form, if any, prescribed for the purpose, or(b)any entry in any such register is proved to be false in any material particular, or(c)any such register is destroyed before the expiration of the period referred to in sub-section (4),the owner of the factory shall be punishable with fine which may extend to two hundred and fifty rupees or if he has previously been convicted of any offence under this sub-section, to fine which may extend to one thousand rupees.(6)If the owner fails to produce any register, or to furnish a certified copy of any entry when required so to do under sub-section (3), or furnishes a certified copy of any entry knowing or having reason to believe such copy to be false, he shall be punishable with fine which may extend to two hundred and fifty rupees or, if he has previously been convicted of any offence under this sub-section, to fine which may extend to one thousand rupees.

4. Prohibition of admixture of cotton in specified area and penalties therefor.

(1)The State Government may, by notification in the Official Gazette, prohibit, in any area specified in the notification, any admixture of cotton which is ginned or pressed in a cotton ginning or cotton pressing factory.(2)In any area specified in the notification under sub-section (1) if -(a)any owner of a cotton ginning or cotton pressing factory gins or presses or allows to be ginned or pressed any cotton which he knows or has reason to believe to contain an admixture of cotton, or(b)any person

makes any admixture of cotton or abets or knowingly allows or connives at such admixture of cotton which is being, or is intended to be, pressed in a cotton pressing factory; he shall, on conviction, be punishable with imprisonment of either description which may extend to six months or the fine which may extend to five thousand rupees, or with both.

5. Penalty for watering etc.

(1) Any owner of a cotton ginning or cotton pressing factory who knowingly or having reason to believe that any cotton is watered or contains seed in excess of the prescribed proportion or contains any foreign substance or cotton waste gins or presses or allows such cotton to be ginned or pressed in such factory shall, on conviction, be punishable with fine which may extend to five thousand rupees. (2) Any person who knowingly waters or wets any cotton or mixes seeds or foreign substance or cotton waste with any cotton or abets or knowingly allows or connives at such watering, wetting or mixing of cotton, which is ginned and which is being, or is intended to be, pressed in a cotton pressing factory shall, on conviction, be punishable with imprisonment of either description for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both. Explanation - For the purpose of this section, cotton shall be deemed to be watered or wetted if such cotton - (a) is knowingly watered or wetted, or (b) contains moisture in excess of the normal amount, the normal amount being the amount of moisture that such cotton may reasonably be expected to contain regard being had to the place or places at or to which and the time or times of the year in which such cotton has been picked, collected, stored, conveyed, left ginned or pressed [or [Inserted by Punjab Act 19 of 1965, section 2.]] (c) is duly certified by the prescribed authority to contain caked material or patches due to deliberate watering. (3) A certificate given by an officer authorised in this behalf by the State Government as to the normal amount of moisture that a given quantity of cotton may contain and the amount of moisture that it actually contains shall be evidence of such matters, until the contrary is proved, and if the amount of moisture that cotton actually contains exceeds the normal amount, it shall be evidence, until the contrary is proved, that the cotton is watered.

6. Examination of cotton packages or bales

. - Any gazetted officer authorised by the State Government in this behalf may, of his own motion or on receipt of a complaint (together with the prescribed fee) that there has been a contravention of the provisions of section 4 or section 5 in respect of any cotton package or bale, cause such cotton or the contents of such package or bale to be examined by an officer authorised in this behalf; and for such purpose, he may take or cause to be taken a sample of such cotton. (2) A certificate given by the authorised officer after examination of any cotton or the contents of any package or bale under sub-section (1), shall be admissible in evidence and be presumptive proof of the facts mentioned therein until the contrary is proved.

7. Entry and inspection.

(1) The State Government may authorise any gazetted officer to enter and inspect, at any reasonable time, any cotton ginning or cotton pressing factory for the purpose of ascertaining whether there is

any contravention of any of the provisions of this Act or of any rules made thereunder or of any of the conditions subject to which such factory has worked or has been permitted to work and to seize all things in respect of which an offence punishable under this Act appears to have been committed.(2)The owner of every cotton ginning or pressing factory shall give every reasonable assistance to the inspecting officer in the performance of his duties under sub-section (1).(3)The owner of such factory shall, in every instance, be permitted to be present during the inspection, and anything seized during such inspection shall be sealed in the prescribed manner.

8. Marking of bales.

(1)The owner of every cotton pressing factory shall cause every bale pressed in the factory to be marked in such manner as may be prescribed, before it is removed from the press house, with a serial number and with the mark allotted to the factory.(2)Every such bale which contains cotton from the crop relating to the current season mixed with cotton from the crop relating to any previous season shall be clearly marked, in such manner as may be prescribed to distinguish it from bales containing exclusively cotton from the crop relating to the current season.(3)If any bale is removed from the press house or any cotton pressing factory without having been marked as required by sub-section (1) the owner or person in charge of the factory shall be punishable with fine which may extend to two hundred and fifty rupees and if any bale to which the provisions of sub-section (2) are applicable is so removed without being marked as required by that sub-section the owner or the cotton pressing factory, if he was cognizant of the mixture, and the person (if any) being the owner of the cotton contained in the bale to whose order it was pressed, shall be punishable with fine which may extend to two hundred and fifty rupees.

9. Returns.

(1)The owner or person in charge of every cotton ginning factory shall submit to the prescribed authority, within the prescribed time and in the prescribed form [weekly] [Substituted for the word 'monthly' by Punjab Act 19 of 1965, section 3.] returns showing the quantity of cotton ginned in the factory during the preceding [week] [Substituted for the word 'months' by *ibid.*] and from the commencement of the season to the end of that [week] [Substituted for the word 'months' by *ibid.*].(2)The State Government shall compile from the [weekly] [Substituted for the word 'monthly' by Punjab Act 19 of 1965, section 3.] returns submitted under sub-section (1) and shall publish in such manner as it thinks fit, a statement showing the total quantity of cotton ginned in the State during the [week] [Substituted for the word 'months' by *ibid.*] and from the commencement of the season to the end of the [week] [Substituted for the word 'months' by *ibid.*] to which the returns relate:Provided that the quantity of the cotton ginned in any individual factory shall not be published.(3)The owner or person in charge of every cotton pressing factory shall submit to the prescribed authority, within the prescribed time and in the prescribed form weekly returns showing the total number of bales of cotton pressed during the preceding week and from the commencement of the season to the end of the week and the approximate average net weight of the bales pressed in that week.(4)The State Government shall compile from weekly returns submitted under sub-section (3) and shall publish in such manner as it thinks fit a statement showing the total number of bales pressed in the State during the week and from the commencement of season to the end of the week

to which the return relate: Provided that the number of bales pressed in any individual factory shall not be published. (5) If default is made in submitting any return as required by sub-section (1) or sub-section (3), the owner or person in charge of the factory shall be punishable with fine which may extend to two hundred and fifty rupees. (6) Where the owner or person in charge of a cotton ginning or cotton pressing factory has notified to the prescribed authority that the work of ginning cotton or pressing bales in that factory has been suspended, it shall not be necessary for him to submit returns under sub-section (1) or sub-section (3) until such work has been resumed.

10. Scale and weight.

(1) The scales or weights used in any cotton ginning or cotton pressing factory shall be those prescribed by the State Government under the Punjab Weights and Measures Act, 1941 (Act XII of 1941). (2) If in any factory any scale or weight is used in contravention of the provisions of sub-section (1), the owner or person in charge of the factory shall be punishable with fine which may extend to five hundred rupees or if he has been previously convicted of any offence under this sub-section to fine which may extend to two thousand rupees.

11. Fixation of pressing and ginning charges.

- Government may, by notification in the official Gazette, and after hearing objections, if any, of persons interested, fix charges which may be charged by a factory for pressing, or ginning or both. Such notification may apply to the whole State or to any part thereof.

12. Liability of lessee or mortgagee as owner.

(1) Where the owner of a cotton ginning or pressing factory has leased or mortgaged with possession the factory for a period of not less than one month in the case of a cotton ginning factory; and three months in the case of a cotton pressing factory and retains no interest in management or profits of the factory, and has given notice of a lease or mortgage to the prescribed authority, the owner shall hand over to the lessee or mortgagee all the registers maintained by him under section 3 before the commencement of the lease or mortgage. The lessee or the mortgagee, as the case may be, shall be deemed to be the owner of the factory from the date of the notice and for the period of the continuance of the lease or mortgage for the purposes of section 3, in respect of the registers maintained or to be maintained from that date and for that period, and for the purposes of sections 4, 7, 8, 9, 10 and sub-sections (2) to (6) of section 14. (2) If default is made in handing over any register the lessee or the mortgagee shall hand over to the owner the registers maintained under section 3, and the owner shall forthwith report to the prescribed authority any default of the lessee or mortgagee in complying with the provisions of this sub-section or in maintaining the registers in accordance with the provisions of section 3. (3) Any person who fails to comply with any of the provisions of sub-sections (1) and (2) shall be punishable with the fine which may extend to two hundred and fifty rupees.

13. Liability on transfer of ownership.

(1) On transfer of the ownership of a cotton ginning or pressing factory the transferor shall hand over to the transferee the registers maintained under section 3 and the transferee shall forthwith report to the prescribed authority any default of the transferor in complying with the provisions of this sub-section or in maintaining the registers in accordance with the provisions of section 3. (2) If default is made in handing over any register or making any report as required by sub-section (1) the transferor or the transferee, as the case may be, shall be punishable with fine which may extend to two hundred and fifty rupees.

14. Structural requirements for factories.

(1) In every cotton ginning factory the construction of which is commenced after the coming into force of this Act, (a) gin-houses shall be provided with separate entrances and exits for the bringing in of unginced and the taking out of ginned cotton, respectively; and (b) construction shall be in accordance with the plan and specifications previously approved by the prescribed authority; Provided that nothing in this sub-section shall apply to any factory in which only single roller gins are used and where the number of such gins is not more than four. (2) In any cotton ginning factory whether erected before or after the commencement of this Act:-(a) no alterations or additions whether structural or in plant or in machinery shall be made so as to reduce the degree of compliance of the factory as a whole with the requirements set forth in clauses (a) and (b) of sub-section (1); and (b) every alteration or addition, whether structural or in plant or in machinery made after the commencement of this Act shall be in accordance with the plan and specifications previously approved by the prescribed authority: Provided that nothing in this sub-section shall apply to any factory in which, after any alteration, or addition has been made, only, single roller gins are used and where the number of such gins is not more than four. (3) The owner of every cotton pressing factory in which cotton is handled on the ground floor shall cause the press-house to be paved or provided with other suitable flooring to the satisfaction of the prescribed authority. (4) If the owner of any factory fails to comply with any provision of this section, he shall be punishable with fine which may extend to two hundred and fifty rupees. (5) Where the owner of a factory has been convicted under sub-section (4), the prescribed authority may serve on the owner of the factory an order in writing directing that such alterations shall be made in the factory, before a specified date, as are, in the opinion of the said authority necessary to secure compliance with the provisions of sub-section (4), sub-section (2) or sub-section (3) as the case may be. (6) Where the alterations are not made in accordance with the order served under sub-section (5) the prescribed authority may serve on the owner, an order in writing directing that the work of ginning or pressing cotton in such factory shall be suspended until the alterations have been made in accordance with the said order, and the owner shall be punishable with fine which may extend to fifty rupees for each day on which cotton is ginned or pressed in the factory in contravention of the order served under this sub-section. (7) For the purposes of this section the equivalent of other types of gins, such as double roller gins, and saw gins, in terms of single roller gins, shall be laid down by the prescribed authority.

15. [Restriction or closure of factories. - The owner of a cotton ginning factory, or cotton pressing factory for which a licence has been granted for the season, shall not have the factory closed or cause it to be closed, before the end of the cotton ginning or cotton pressing season, without the previous sanction of the State Government obtained in the manner prescribed, except when the factory is closed in accordance with the provisions of the Industrial Disputes Act (XIV of 1947) or any other law for the time being in force, and in case of default, the owner shall, on conviction, be punishable with fine which may extend to one thousand rupees for each day of closure without such sanction.] [Substituted by Punjab Act No. 36 of 1957, section 4.]

16. Liability of officers of a company.

- Where the person guilty of an offence under this Act is a company, every Director, Manager, Secretary and other officer thereof who is knowingly a party to the default shall also be guilty of the offence and liable to punishment.

17. Cognizance of offences.

(1)No prosecution under this Act shall be instituted except by or with the previous sanction of the District Magistrate or an [Executive Magistrate] [Substituted by Punjab Act 25 of 1964, section 2, Schedule, Part III.] of the first class specially empowered in this behalf by the State Government.(2)No offence punishable under this Act shall be tried by any Court inferior to that of a [Judicial Magistrate] [Substituted by Punjab Act 25 of 1964, section 2, Schedule, Part III.] of the first class.

18. Power of the State Government to make rules.

(1)The State Government may, by notification in the official gazette, make rules to carry out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,:-(a)the mixture of different varieties of cotton permissible under this Act:(b)the proportion of seed that may be contained in the cotton;(c)the authorisation of officers to examine and certify as to the actual amount of moisture that a given quantity of cotton contains and the normal amount of moisture that such cotton should contain;(d)the authorisation of the officers to examine cotton packages or bales under this Act.(e)the manner in which anything seized under this Act may be sealed:(f)levy of fees on complaints made under section 6;(g)the allotment of a special mark to be used by each pressing factory for the purpose of the marking of bales pressed in the factory and the manner in which such bales shall be marked under section 8;(h)the appointment of authorities for the purpose of sections 9, 12, 13 and 14.(i)the manner of service of orders made under section 13;(j)the form in which

registers, records and returns are to be maintained or submitted and the time for submission of the returns:(k)the period which shall from time to time constitute a season:(l)the manner in which objections against pressing and ginning charges proposed to be fixed by Government are to be heard and disposed of; [-] [The word 'and' omitted by Punjab Act No. 36 of 1957, section 5 clause (i).](m)[the authority by whom the form in which the conditions subject to which and the fees on payment of which a licence may be granted under section 2-A; and] [The existing clause (m) relettered as clause (n) and the new clause (m), inserted by Punjab Act 36 of 1957, section 5, clause (ii).](n)any other matter which has to be, or may be, prescribed,

19. Power to reject unmarked bales in fulfilment of contract.

(1)Any person who has made a contract for the purchase of baled cotton may require that no bales other than bales marked with the mark allotted under section 8 for the factory in which they were pressed shall be supplied in fulfilment of such contract and if he so requires, no bales not so marked shall be tenderable in fulfilment of the contract.(2)Any bale marked in accordance with the provisions of section 8 shall, within the meaning of Indian Evidence Act, 1872 (Act 1 of 1872), be presumed for all purposes as between the parties to a contract for the purchase of baled cotton, to have been so marked before leaving the factory in which it was pressed.

20. Protection of action taken under the Act.

- No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of the rules made thereunder.

21. Penalty for obstructing Inspector and for failure to produce documents.

- Whoever wilfully obstructs any officer in the exercise of any power conferred upon him by this Act or the rules made thereunder or fails to produce on demand by such officer any registers or other documents in his custody kept in pursuance of this Act or of any of the rules made thereunder, or conceals or prevents any worker in a factory from appearing before or being examined by such officer, shall be punishable with fine which may extend to five hundred rupees.

22. Penalty.

- Whoever contravenes any of the provisions of this Act or any rules made thereunder shall, if no other penalty is otherwise provided in this Act for such contravention, be punishable with fine which may extend to five hundred rupees or, if he has previously been convicted of an offence under this Act or any rule made thereunder, with fine which may extend to fifteen hundred rupees.

23. Repeal and Saving.

(1)The Cotton Ginning and Pressing Factories Act 1925, (Act XII of 1925), in its application to Punjab is hereby repealed.(2)Notwithstanding the said repeal, anything done and any action taken in exercise of any power conferred by or under the said Act shall unless inconsistent with this Act, be deemed to have been made, done or taken in exercise of the powers conferred by or under this Act.[Inserted by Punjab Act No. 36 of 1957, section 3.]