

The Madhya Pradesh Sale of Khaddar Act, 1953

MADHYA PRADESH

India

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Act 10 of 1953

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An Act to regulate the sale of Khaddar or KhadiPreamble. - Whereas it is expedient to regulate the sale of Khaddar or Khadi;It is hereby enacted as follows :-

1. Short title, extent and commencement.-

(1)This Act may be cited as the Madhya Pradesh Sale of Khaddar Act, 1953.(2)It extends to the whole of Madhya Pradesh.[(3) It shall be in force in Mahakoshal region anil shall [come into force in all other regions of the State on such date] as the State Government may, by notification in the official Gazette, appoint.]

2. Definitions.-

In this Act, unless there is anything repugnant in the subject or context,-(a)"deal" means to carry on the business of selling "Khaddar" or "Khadi" wholesale or retail, but does not include the sale by an educational or other institution imparting instructions or training in spinning and weaving of "Khaddar" or "Khadi" produced by it, and the expression "dealer"shall be construed accordingly;(b)"Khaddar" or "Khadi" means any cloth woven on handloom in India from cotton, silk or woollen yarn handspun in India, or from a mixture of any two or all of such yarns;(c)"Licensing authority" means the Licensing Authority constituted under Section 3.

3. Licensing Authority over.-

(1)The Licensing Authority shall consist of [four]members as follows(a)one member to be nominated by the Secretary of the All-India Spinner's Association, Wardha;(b)one member to be nominated by the Secretary, All India Sarwa Seva Sangh, Wardha;[(b-1) one member to be nominated by the State Government to represent the Khadi and Village Industries Board exercising jurisdiction in the State];(c)one official to be nominated by the State Government.(2)Every nomination under this section shall take effect as soon as it is notified by the State Government.

4. Appointment of Chairman.-

The State Government shall nominate a member of the Licensing Authority to be the Chairman thereof.

5. Term of office.-

(1)The term of office of a member nominated under [clause (a) clause (b) or clause (b-1) of sub-section (1) of Section 3 shall be three years commencing from the date on which his nomination is notified.](2)The member appointed under clause (c) of sub-section (1) of Section 3 shall, unless resigns the membership of the Licensing Authority, hold office during the pleasure of the State Government.(3)Any member of the Licensing Authority may resign his membership by a letter addressed to the State Government and the resignation shall be effective on the date such letter is received by the State Government.

6. Conduct of business.-

(1)The Licensing Authority may, with the previous approval of the State Government, make regulations for the conduct of its own business.(2)Such regulations shall be published in the Gazette.

7. Act of Licensing Authority not to be questioned due to vacancy, defect or irregularity.-

Any act done by the Licensing Authority shall not be questioned on account of any vacancy in the authority or any defect or irregularity in the appointment of the Chairman or any member of the authority.

8. Sale of Khaddar or Khadi by licensed dealers only.-

No dealer shall sell any article in the name of "Khaddar" or "Khadi" except under and in accordance with a licence granted by a Licensing Authority under this Act.

9. Power to grant licence.-

(1)Subject to any rules made under this Act, a Licensing Authority may on the application of a dealer and after making such inquiry as it thinks fit, grant a licence to him to sell "Khaddar" or "Khadi".(2)Where the Licensing Authority rejects an application for a licence, it shall record its reasons therefor.(3)Every licence shall be issued in such form, on such conditions and subject to such fees as may be prescribed.

10. Dealer in Khadi not to deal in any other cloth in the same premises.-

No dealer to whom a licence has been granted under Section 9 shall deal in any cloth other than "Khaddar" or "Khadi" on the premises in which he locates his shop for the sale of "Khaddar" or "Khadi".

11. Penalty.-

Any dealer, who contravenes the provisions of Section 8 or Section 10 for commits a breach of any of the conditions of a licence granted under this Act, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

12. Offences by corporations.-

If the person committing an offence under this Act is a company or other body corporate, every director, manager secretary or other officer or agent thereof shall, unless he proves that the offence took place without this knowledge or that he exercised all due diligence to prevent the commission of such offence, be deemed to be guilty of such offence.

13. Cognizance of offences.-

No Court shall take cognizance of any offence punishable under this Act except upon a complaint, in writing, made in the prescribed manner by the Licensing Authority.

14. Rules.-

(1)The State Government may make rules to carry out all or any of the purpose of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, the State Government may make rules to provide for-(a)the form in which an application for a licence under this Act may be made;(b)the form in which, and the conditions subject to which, a licence may be granted under this Act;(c)the fees to be levied for the grant of licences;(d)the procedure to be followed by the Licensing Authority in considering the applications for licences, anti the issue of licences.(e)the manner in which a complaint shall be made of any offence punishable under this Act.(3)The rules under sub-sections (1) and (2) shall be made after consultation with the Licensing Authority.