

COTTON GINNING AND PRESSING FACTORIES ACT, 1925

12 of 1925

[18th March, 1925]

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COTTON GINNING AND PRESSING FACTORIES ACT, 1925

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"The Indian Cotton Committee which was appointed in 1917 in Chapter XVI of their Report recommended certain measures including the licensing of cotton ginning and pressing factories, to prevent such malpractices as damping, mixing and adulteration, which are injurious to the quality and reputation of Indian cotton. The recommendations of the Committee, however, involved an excessive amount of official interference. The object of the present Bill is to put the trade in a position to protect itself by providing for the marking of bales and the record of ownership, and by providing further that unmarked bales are not tenderable in fulfilment of a contract, if marked bales are demanded by the purchaser. The Bill also makes provision for the maintenance of register for statistical returns, for the use of correct scales and weights, and for the

structural improvement of ginning and pressing factories. The Bill is based on the recommendations of the Indian Central Cotton Committee, and is supplementary to the Cotton Transport Act, 1923." -Gazette of India, 1924, Part V, p. 115.

1. Short title, extent and commencement :-

(1) This Act may be called the Cotton Ginning and Pressing Factories Act, 1925.

¹[(2) It extends to the whole of India ²[except the State of Jammu and Kashmir].]

(3) It shall come into force on such ³date as the ⁴[Central Government] may by notification in the ⁴ [Official Gazette], appoint.

1. Substituted for the former sub-section (2), by A. L. O., 1950.

2. Substituted for the words "except Part B States," by the Part B States (Laws) Act, 1951 (3 of 1951), S. 3 and Sch. (1-4-1951)

3. The Act came into force on 8th August, 1925.

4. Substituted for the words 'Governor-General in Council' and 'Gazette of India', respectively by A. O., 1937.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,-

(a) "bale" means any pressed package of cotton of whatever size or density;

(b) "cotton" means ginned or unginned cotton, or cotton waste;

(c) "cotton ginning factory" means any place where cotton is ginned or where cotton fibre 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 factory as defined in the Factories Act, 1911, in which cotton is pressed into bales;

(e) "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 not include yarn waste;

(f) "Indian Central Cotton Committee" means the Indian Central Cotton Committee constituted under the Cotton Cess Act, 1923, and includes any sub-committee appointed by it to perform any

function of the Indian Central Cotton Committee under this Act;
and

(g) "occupier" includes a managing agent or other person authorized to represent the occupier;

(h) "prescribed" means prescribed by or under rules made under this Act,

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3. Maintenance of registers :-

(1) The owner of every cotton ginning factory shall cause to be maintained at the factory in such form, if any, as may be prescribed, a ginning register containing a record of all cotton ginned in the factory and of the names of the persons for whom and the dates on which the cotton has been ginned and of the amount ginned for each person.

(2) The owner of every cotton pressing factory shall cause to be maintained at the factory in such form, if any, as may be prescribed, a press register containing a daily record of the number of bales pressed in the factory, the serial number of each bale, and the name of the person for whom it has been pressed.

(3) The owner or the person in charge 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 to do so by any person appointed by the State Government in this behalf, and the owner or person in charge of any cotton-pressing factory shall be bound to furnish to the Indian Central Cotton Committee ¹ if so required by it in writing a copy, certified as correct by the owner or person in charge of the factory, 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 punished with fine which may extend to fifty rupees or, if he has previously been convicted of any offence under this sub-section, to five hundred rupees.

(6) If the owner or the person in charge of any factory fails to produce any register, or to furnish a certified copy of any entry, when required to do so under sub-section (3), or furnishes a certified copy of an entry knowing or having reason to believe such copy to be false, he shall be punished with fine which may extend to fifty rupees or, if he has previously been convicted of any offence under this sub-section, to five hundred rupees.

OBJECTS AND REASONS Sub-section (1).-"It will be more convenient for the owner to maintain not a daily record of the amount of cotton ginned on each day but a record of the dates on which cotton received from any individual was ginned' and the total amount ginned for the individual, as the process of ginning may continue for some days." - S.C.R.

1. Said Committee is dissolved - See S. O. 882 of 1966; G. 1. 1966, Pt. II, S. 3(ii), p. 815.

4. 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 prescribed for the factory.

(2) If any bale is removed from the press-house of cotton-pressing factory without having been marked as required by sub-section (1), the owner of the factory shall be punished with fine which may extend to fifty rupees.

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5. Returns :-

(1) The owner of every cotton-pressing factory shall submit to the prescribed authority, within such time and in such form as may be prescribed, 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 that week, and the

approximate average net weight of the bales pressed in that week.

(2) The ¹[State Government] shall compile from the weekly returns, and shall publish in such manner as ² [it thinks fit], a statement showing the total number of bales pressed in the State during the week and from the commencement of the season to the end of the week, to which the returns relate : Provided that the number of bales pressed in any individual factory shall not be published.

(3) If default is made in submitting any return as required by sub-section (1), the owner of the factory shall be punished with fine which may extend to fifty rupees.

(4) Where the owner of a cotton pressing factory, has notified to the prescribed authority that the work of pressing bales in that factory has been suspended, it shall not be necessary for the owner to submit returns under sub-section (1) until such work has been resumed. Explanation.- In this section "season" means the period notified in this behalf by the State Government in the [Official Gazette].

OBJECTS AND REASONS "The return required is a weekly and progressive return for the season..... The weight to be shown is the average net weight of the bales pressed in that week. We have also made it clear that the owner is not obliged to submit a blank return when the factory is closed, if he has given due notice of the fact. The amount of the fine has been reduced to Rs. 50, as the offence is no more serious than other offences for which the same penalty has been inflicted." -S.C.R.

1. Substituted by Maha. Act I of 1962, S.3(1-7-1963): same substitution is made in Gujarat by Guj. Act 23 of 1968, S. 7 (9-12-1968).

2. Inserted by Bom. Act 20 of 1938, S. 2 (21-11-1938).

6. Scales and weights :-

(1) No scales or weights shall be used in any cotton ginning or cotton pressing factory other than the scales or weights, if any, prescribed by the ¹ [Central Government] as standard for the district in which the factory is situated.

(2) If in any factory any scale or weight is used in contravention of the provisions of sub-section (1), the owner of the factory shall be punished with fine which may extend to fifty rupees or, if he has been previously convicted of any offence under this sub-section, to five hundred rupees.

1. Substituted by Maha. Act I of 1962, S.3(1-7-1963): same substitution is made in Gujarat by Guj. Act 23 of 1968, S. 7 (9-12-1968).

7. Liability of lessee as owner :-

(1) Where the owner of a cotton-ginning or pressing factory has leased the factory for a period of not less than one month, in the case of a cotton-ginning factory, or three months in the case of a cotton-pressing factory, and the lessor retains no interest in the management or profits of the factory and notice of the lease has been given by the lessor and the lessee to the prescribed authority, the lessee 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, 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 section 4 , Section 5 ¹ [Section 5A] and Section 6 .

(2) On the termination of the lease the lessee shall hand over to the lessor the registers maintained under S. 3, and the lessor shall forthwith report to the prescribed authority any default of the lessee in complying with the provisions of this sub-section or in maintaining the registers in accordance with the provisions of Section 3 .

(3) If default is made in handing over any register or making any report as required by this section, the lessor or the lessee, as the case may be, shall be punished with fine which may extend to fifty rupees.

OBJECTS AND REASONS "Where the owner has leased this factory and has nothing to do with the management thereof, the responsibility of maintaining and producing registers is on the lessee during the period of the lease. This section accordingly throws the responsibility on the lessee and makes due provision for the transfer of the registers at the end of the lease. The owner is still responsible for producing the old registers." - See S. C. R.

1. Substituted by Maha. Act I of 1962, S.3(1-7-1963): same substitution is made in Gujarat by Guj. Act 23 of 1968, S. 7 (9-12-1968).

8. Liability on transfer of ownership :-

(1) On a 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 punished with fine which may extend to fifty rupees.

9. Structural requirements for factories :-

(1) In the case of cotton-ginning factories the construction of which is commenced after the commencement of this Act-

(a) gin-houses shall be provided with separate entrances and exits for the bringing in of unginmed and the taking out of ginned cotton respectively, and

(b) the factories shall be constructed in accordance with plans and specifications approved by the prescribed authority : Provided that nothing in this sub-section shall apply to any factory in which only roller gins are used where the number of such gins is not more than four.

¹[(1 A) In any cotton-ginning factory, whether erected before or after the commencement of this Act-

(a) no structural alterations or additions, the construction of which commenced after the 27th day of February, 1939, shall be made so as to minimise 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 structural addition (whether actually attached to any existing structure in the factory or not), the construction of which commenced after the last-mentioned date, shall be constructed in accordance with plans and specifications 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 roller gins are used where the number of such gins is not more than four.]

(2) Within such period after the commencement of this Act as may be prescribed, 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.

(3) If the owner of any factory fails to comply with any provision of this section, which is applicable to the factory, he shall be punished with fine which may extend to one hundred rupees.

(4)

(a) Where the owner of a factory has been convicted under sub-section (3), 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 in the opinion of the said authority are necessary to secure compliance with the provisions of sub-section (1), ¹ [sub-section (1 A)] or sub-section (2), as the case may be.

(b) Where the alterations are not made in accordance with the order served under clause (a) of this sub-section, the prescribed authority may serve on the owner and on the occupier, if any, of the factory 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 order served under cl. (a) of this sub-section and the owner and the occupier, if any, shall be jointly and severally liable to 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 clause.

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1. Substituted by Maha. Act I of 1962, S.3(1-7-1963): same substitution is made in Gujarat by Guj. Act 23 of 1968, S. 7 (9-12-1968).

10. 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 like offence and is liable to the like punishment.

11. Cognizance of offences :-

(1) No prosecution under this Act shall be instituted except by or with the previous sanction of the District Magistrate or a Chief Presidency Magistrate or a Magistrate of the first class specially empowered in this behalf by the ¹ [State Government].

(2) No offence punishable under this Act shall be tried by any Court to that of a Presidency Magistrate or of a Magistrate of the first class.

1. Substituted by Maha. Act I of 1962, S.3(1-7-1963): same substitution is made in Gujarat by Guj. Act 23 of 1968, S. 7 (9-12-1968).

12. Power of the Central Government to make rules :-

The ¹[Central Government] may make rules² to provide for-

(a) the allotment of a special mark to be used by each pressing factory for the purpose of the marking of bales;

(b) the manner in which bales shall be marked; and

[(c) the standard weights and scales to be used in cotton-ginning and cotton-pressing factories in any part of [the territories to which this Act extends] and the inspection of the same.]

1. Substituted by Maha. Act I of 1962, S.3(1-7-1963): same substitution is made in Gujarat by Guj. Act 23 of 1968, S. 7 (9-12-1968).

2. Inserted by Bom. Act 20 of 1938, S. 2 (21-11-1938).

13. Power of the State Government to make rules :-

The ¹[State Government] may by notification in the ¹[Official Gazette], make rules consistent with this Act to provide for all or any of the following matters, namely:-

(a) the forms in which registers, records and returns are to be maintained or submitted, and the inspection of records and registers;

(b) the appointment of the authority to whom and the time within which the returns required by ³[section 5 and 5A] shall be made;

[* * * * *]

(d) the appointment of authorities for the purposes of section 7 ; Section 8 and Section 9 ;

(e) the manner of service of orders made under S. 9;

(f) the powers of entry and inspection which may be exercised by District Magistrates or by any officer specially empowered in this behalf by the ¹ [State Government];

(g) any other matter which is to be or may be prescribed or for which provision is necessary in order to carry out the purposes of this Act.

1. Substituted by Maha. Act I of 1962, S.3(1-7-1963): same substitution is made in Gujarat by Guj. Act 23 of 1968, S. 7 (9-12-1968).

3. Inserted by Bom. Act 20 of 1938, S. 2 (21-11-1938).

14. Power to reject unmarked bales in fulfilment of contracts :-

¹[(1)] After the expiration of one year from the commencement of this Act, any person who has made a contract for the purchase of baled cotton may require that no bales other than bales, marked ²[with the mark prescribed under Section 4 for the factory in which they were pressed,] shall be supplied in fulfilment of such contract, and, if he does so require, no bale not so marked shall be tenderable in fulfilment of the contract. [* * * * *]

¹ [(2) Any bale marked in accordance with the provisions of Section 4 shall, within the meaning of the Evidence Act, 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.]

1. Substituted by Maha. Act I of 1962, S.3(1-7-1963): same substitution is made in Gujarat by Guj. Act 23 of 1968, S. 7 (9-12-1968).

2. Inserted by Bom. Act 20 of 1938, S. 2 (21-11-1938).

15. Protection for acts done under Act :-

No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Act.