

MADHYA PRADESH COTTON (STATISTICS) ACT, 1947.

The Madhya Pradesh Cotton (Statistics) Act, 1947 (No. 40 of 1947) Keyword(s): Cotton, Owner, "Trader, Cotton Ginning Factory, Cotton Pressing Factory) ISCLAIB'IER: "This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the Gazette notification, Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress. THE Preamble. MADHYA COTTON ACT. Short title. Definitions. Submission extent and commencement. of yearly returns of cotton. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12

13. Right of access, inspection and search. Use of returns or information. Restriction on publication of returns and information Penalties. Penalty for improper disclosure of information or returns. Cognizance of offences. Protection for acts done in good faith. by corporation. Exemptions. Power to make rules. 180 180 181 181 181 182 182 182 182 183 183 183 x 80 ITIE MADHYA PRADESH COTTON (STATISTICS) ACT, 1947 (No. 40 of 1947) (Received the assent of the Governor on the 8th November, 1947; assent first published in the Central Provinces and Berar Gazette on the 21st November, 1947.) An Act to facilitate the collection of statistics of stocks of Indian raw cotton in [Madhya Pradesh] Preamble Whereas it is expedient to facilitate the collection of statistics of Stocks of Indian raw cotton: in [Madhya Pradesh] 2 Short title. extent and It is hereby enacted as follows (1) 'This Act may be cited as the [Madhya Pradesh] 3 1. Cotton (Statistics) Act, 1947. [(2) It extends to and shall be in force in the whole of Madhya 2. In this Act, unless there is anything repugnant in the subject or context, a) (d) (c) cotton" means Indian raw cotton and includes seed cotton, lint and fly; "Director" means the Director of Agriculture, Madhya Pradesh and includes any officer appointed by the State Government to perform any of the functions of the Director under this Act.} 'owner" means the owner of a cotton ginning factory or a cotton pressing factory and includes the managing agent or other principal officer of such factory ; prescribed" means prescribed by rules made under this Act; 'trader" means a person, other than an owner, carrying on the business of buying or selling cotton for the purposes of gain or profit and includes— For Statement Objects and Reasons, see Central Provinces and Berar 1947. Part 11, page 125. For proceedings in Assembly, see Central Provinces and Berar Legislative Assembly Proceedings, 1947, Vol. IV, page 7 and 18 of No. 1 dated the 21st October, 1947. Subs. by A. () 1950, For Provinces Berar' 3 4, Subs. by M.P Act 23 of 1958 S. 3 • 'Central Provinces and Berar' Subs, ibid S. (3) Sch.. pp. 19 A, 49, [or sub-sections (2) Act came into force in the former Madhya Pradesh on 1st February, 1948, see Commerce and Industry Department Notification ND. 401-6688-VII, dated the 20th January. 1948 issued under sub-section (3) above and published in the Central Provinces and Berar Gazette, dated January, 1948, Part I, 47 by M. P. Act 14 of 1977. S

2. THE MADHYA PRADESH COTTON (STATISTICS) ACT, 1947 1) a manufacturer, or (ii) an importer who carries on such business, or (iii) a broker or commission agent who contracts for the sale or purchase of cotton. for others and stocks cotton on their behalf, or (iv) any other person who holds the prescribed quantity of cotton , 'year" means a year commencing on the 1st day of September ; (g) the expressions "cotton ginning Factory" and "cotton pressing factory" have respectively the meanings assigned to them by the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925). (1) Every owner and every trader shall each year submit on or before the prescribed date to the Director through if any, as the State Government may by notification from time to time specify, a return in the prescribed form of the quantity of cotton of different varieties in his possession on the last day of the previous year. (2) Every return submitted under sub-section (1) shall be signed by the person submitting it

4. The Director or any person authorised by him in writing in this behalf shall, for the purpose of collecting any statistics; required under section 3 or for testing the accuracy of any submitted under

section 3, have access to every relevant document, book of account or other record in the possession of any owner or trader and may at any reasonable time between sunrise and sunset with or without notice to such owner or trader, as the case may be, enter any premises wherein he believes such document, book or other record to be, and examine and take copies of, or extracts from, the document, book of account or other record. The Director or the person so authorised may ask any question and make any enquiry necessary for obtaining any information required for the aforesaid purpose and shall also have access to any premises where he has reason to believe that cotton is stocked

5. The Director may use returns submitted under section 3 and information obtained under section 4 for—(a) compiling statistics required by the Indian Central Cotton Committee constituted under the Indian Cotton Cess Act, 1923 (XIV of 1923) ; (b) such purposes in respect of the matters enumerated in list 11 of the Seventh Schedule to the [Constitution], as the State Government may direct. Subs. by A. O. 1950 for "Government of India Act, 1935". Submission of yearly returns of cotton. Right of access, inspection and search. Use of returns of information. 182 THE MADHYA PRADESH COTTON (STATISTICS) ACT, 1947 *. Right of access to returns and information. Penalties. Penalty for improper disclosure of information or returns. Cognisance of offences. Protection for acts done in good faith. 6. (1) No individual return, and no part of any such return, and no information obtained for the purposes of this Act, shall, without the previous consent in writing of the owner or trader concerned, or his authorised agent, be published in such manner as would enable any particulars to be identified as referring to a particular cotton ginning or pressing factory or the business of a particular trader. (2) Except for the purposes of a prosecution under this Act or under the Indian Penal Code (XLV of 1860), no person not connected with the checking of returns or the collection of information under this Act shall be permitted to see any individual return or information referred to in sub-section (1)

7. If any person (d) wilfully refuses or without lawful excuse neglects to submit a return under section 3, or wilfully submits or causes to be submitted any such return which he knows to be false, or refuses to answer or wilfully gives a false answer to any question or enquiry necessary for obtaining any information for the purposes of this Act, or impedes the right of access to a relevant document, book of account or other record, or the right of entry conferred by section 4, he shall be punishable with fine which may extend to five hundred rupees, and in the case of a continuing offence, to a further fine which may extend to two hundred rupees for each day after the first during which the offence continues; and in respect of a false return or answer, the offence shall be deemed to continue until a true return or answer has been submitted

8. Any person connected with the checking of returns collection of information under this Act, who, otherwise than in the execution of his duties under this Act or for the purpose of the prosecution of an offence under this Act or under the Indian Penal Code (XLV of 1860), wilfully discloses any information given, or the contents of any return submitted under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both

9. No prosecution for an offence under section 7 shall be instituted except with the previous sanction in writing of the Director, and no prosecution for an offence under section 8 shall be instituted except with the previous sanction in writing of the State Government. 10. 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. THE MADHYA PRADESH COTTON (STATISTICS) ACT, 1947 11. If the person contravening any of the provisions of this Act is a company or other body corporate, the secretary, manager or other principal officer managing the affairs of such body, as the case may be, shall be deemed to be of such contravention

12. The State Government may by general or special order exempt any trader or class of traders from the operation of this Act. (1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act. (2) Without prejudice to the generality of the foregoing powers, such rules may provide for— prescribing the quantity of cotton under item (iv) of clause (e) of section 2; (b) prescribing the date on or before which and the form in which a return under section 3 shall be submitted; and regulating the exercise of the right of access to books of account, records and documents and the right of entry conferred by section 4. Offences by corporation, Exemptions. Power to make rules