

MADHYA PRADESH COTTON CONTROL ACT, 1954.

'The Madhya Pradesh Cotton Control Act, 1954 Act 17 of 1954 Keyword(s): Controlled Area, Cotton, Prohibited Variety, Standard Variety' ER: '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 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 MADHYA PRADESH COTTON CONTROL ACT, No. 17 of 1954 TABLE OF CONTENTS Preamble. Sections 1954 Page 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11, 12. 13. 15

16. Short title and extent. Definitions. Power to specify variety of cotton to be cultivated, etc., in controlled areas. Grant of permission to factories to mix cotton. Penalties. Prohibition of cultivation or mixing of Garrowhill cotton. Confiscation. Power of entry and seizure. occupier or person in charge Duty of officer, facilities for inspection by authorised officer. to give Previous sanction for prosecution. Cognizance of offences. Offences by corporations, etc. 12—A. Composition of offence. Protection for acts done in good faith. Persons acting under the Act to be public Power to make rules. Repeal and savings-servants, 381 381 382 332 383 383 384 384 385 385 385 386 386 386 386 386 PRADESH COTTON CONTROL ACT, (No. 17 of 1954) 195 The President received the assent of the President, assent in the President's Order. Prakash Chandra All Act to provide for controlling the production, import, certain varieties of cotton and possession or use of, or trade in, matter ancillary thereto for the purpose of ensuring cultivation of varieties of cotton and the maintenance of their purity. - Whereas it is expedient to provide for the purpose of ensuring cultivation of better varieties of cotton, purpose maintenance, of their purity It is hereby enacted as follows:— This Act may be cited as the Madhya Pradesh Cotton Control Act, 1954. It extends to the whole of Madhya Pradesh. 2. The subject or context, as the Madhya Pradesh Madhya Pradesh. 2 anything repugnant in 38b Short title and extent. Definitions. (1) (b) (c) (d) (e) means the area specified in the notification issued under sub-section (1) of section 3 includes cotton plant, ginned and unginned cotton, cotton waste and cotton seed means the Director of Agriculture, and includes a deputy officer Madhya Pradesh, authorised by the State Government to exercise or perform any of the powers or duties of the Director under this Act prescribed in the rules made under this Act. "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 For Statement of Objects and Reasons, see Madhya Pradesh Gazette, dated the 18th September, 1953, part 92 For of Select Committee, see Madhya Pradesh Gazette, dated the 5th March, 1954, Part 1 v *A). page 37. For proceeding in Assembly, see Madhya Pradesh Legislative Assembly Proceedings. Vol. V, pages 44-49 and 13-37 dated the 31st December, 1963 and 4th January, 1954, respectively vol. pages 19-58 and 27-57, 9th and 10th March, 1954. respectively Subs. by M. P. Act 23 of 1958. S.3 (3), Sch. Part A, item 76. THE MADHYA PRADESH COTTON CONTROL ACT, 1954 variciv uuler section 3. as standard variety In the notification. "The controlled area and declare any local area to be Power to specify variety of cotton to be cultivated, etc., in controlled areas. Grant of permission to mix cotton, of such area, (i) specify any variety of cotton as being a standard variety as per the notification issued by the Government; and prohibit cultivation in such area any other specified variety of cotton; or area of prohibition of any prohibition in such any other standard or authorised prohibition or other variety: or prohibition or "Chauhan" such area the import, possession or sale of standard variety trade in, standard, prohibited or otherwise. notification under sub-section the State Government shall publish the notification in the official Gazette of such area with a notice stating that any objection or suggestion may be received by the period specified in the notice (such period being not less than twelve months from the date of publication

of the draft) will be considered by the State Government under sub-section (1) be published in the regional language of the controlled area in prescribed manner. (1) Nothing contained in section 5 notification there in, State Government by notification, permit, In {factor in which cotton is manufactured into yarn or cloth, any standard variety to be any other standard or prohibited variety mixed with cotton so mixed— used such exclusively in the manufacture of yarn or cloth. The owner or person in charge of factory shall maintain a register containing a daily statement of cotton that of standard variety record received the factory. He shall preserve such register for a time, and used in case when the (late, of the last in NE MADHYA PRADESH COTTON CONTROL ACT, 1954 (1) any person who cultivates any prohibited variety in contravention of the provisions of any notification issued there under shall be punishable with fine second or third (2) person who, in contravention of provisions of section 5, or extend to twenty rupees or with fine which may extend in any controlled area contravention of any notification issued to be any standard variety any other standard variety or with any prohibited or other variety of cotton, standard imports possesses, uses or trades in, all, mixed with any standard variety or with any prohibited or other variety of cotton, punishable with fine which may extend to five hundred rupees.

(3) The owner of, or any person in charge of, a factory who contravenes any of the provisions sub-section (1) of section 4, or fails to comply with any of provisions of sub-section or sub-section of section 4, shall be punishable with fine may extend to five thousand rupees and (or a second or third offence) with fine which may extend to ten thousand rupees. (1) anything herein before contained, no person shall grow in Madhya Pradesh cotton as a pure crop or in a mixture, or shall mix in [Madhya Pradesh] any kind of cotton. Any person 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 third offence with which may extend to fifty rupees (3) person who (3) mixes or causes to mix Garrowhill cotton with any variety of cotton, whether standard, prohibited or other shall be punishable with a fine which may extend to five hundred rupees.

The provisions of section 8 and 9 shall, in respect of a prohibited variety of Garrowhill cotton, apply. [The Madhya Pradesh Cotton Control Act, 1954, Subs. by M.P. Act 23 of 1958, S.3 (3), Sch. Part A, item 76, for "Mahakoshi" region • Subs. , ibid. , Cor " Mahakoshi region • 383 Penalties. Prohibition of cultivation or mixing of Garrowhill cotton. Confiscation. power of entry and MADHYA PRADESH COTTON CONTROL ACT 1954 an Offence punishable under section 5 or section 6 is satisfied once under that section has been committed in respect of any cotton, Court may direct that such cotton and every box, receptacle, package or covering, containing such cotton shall be forfeited to Government. (9) Where an offence, under this Act has been committed, or is believed to have been committed in respect of any cotton and the container is not known or cannot be found or where the officer authorised no person claims any right in such cotton, by the State Government in this behalf may hold an inquiry and may order confiscation of such cotton together with any package or covering containing such cotton box, receptacle, Provided that no such order shall be made before the expiration of one month from the date of seizure of the cotton. With the hearing of the person, if liable to confiscation or claiming any right thereto and the evidence, if any, which he produces in support of his claim.

8. (1) Any officer authorised in this behalf by the State Government may, between the hours of 6 a.m. and 6 p.m. (a) (b) (2) 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 the cotton so uprooted; building, vehicle or enter upon or into any 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. (a) Every officer seizing any cotton under sub-section (1) shall forthwith take a sample of the cotton seized, separate it 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 building, vehicle or place in which such seizure was made and of two witnesses and in case the occupier or person aforesaid wishes or to (3) THE MADHYA PRADESH COTTON CONTROL ACT, 1954 for examination and report to the Director, retail in another such package for his own use and deliver the third sealed package to the occupier or person aforesaid. or the officer referred to in clause (a) shall have the remainder of the cotton either to entrust to the officer or person aforesaid seized cotton arrangements for its custody.

or I-o inake. other If the officer decides 10 entrust the cotton to the occupier or occupzer or person aforesaid, such same and shall person shall take charge of the produce tne. an undertaker In writing Io cotton before any Court w.ten required to do so by 1 ne said officer. The officer referred to 111 clause (a) shall forthwith a report. of Lhe scrzure to the nearest nyao-is- Irate having jurisdiction to try the c.orrnni- tted in respect of such cotton, together with parti- and furrLish a copy of such culars of such cotton or person aforesaid. particulars to the occupzer 'I-hc opinion of the officer authorised under para- Y ph t' ii) of clause \ a) of sub-section ('2) contained in any docu- it signed by such officer regarding the cotton sent to him examnaun under that clause, may be used as evidence as to t}le nature of such cotton, In any inquiry. trial or procee- uncler Iblis Act. If occupier or person_ mores-aid refusccl to take harge of the cotton when required under clause (b) of sub-sect-ioli 2) 01 to Qive the unclertakang referred to in that clause, or {ails to produce cotton vwhen requi red, lbefore tae uourt shall wit-Yi fine lvhich c.xt-encl to (N,vicelhe value of suc.li 'land, building ner, occuprer oc person incharge of any place a coyi arca shall give or all reasonabl officer autnonsed under- the ch land, building, a sector b, to Inspect. section hoevci' contravenes tne prov:sxons o}" IP all. c x l_cnd to rupees. IO. No prosecuori 11 ader Of an y rule vehicle nrade ! here-under shall be instituted without the previous sanction lhe Director

11. No offence punishable under this Act 01' any rule made there under shall be inquireci into or tried by any Court Duty of owner, occu- pier or person incharge to give facilities for inspection by authorised officer. Previous sanction {or prosecution. Cognizance of offences. THE MADHYA PRADESH COTTON CONTROL ACT, 1954)ffenC5 by colpora. Composition of oflénce. 'rotection for acts done n good Persons the Act ;ervants. faith. acting to be make under public rules. Repeal and saving. 12, Where a person committing any offence punishable under this Act or any hille made thereunder is a company or an associaUon or body of persons, whether incorporated or not, the director, manager, secretary, agent or other principal officer managing the aHhirs of such company, association or body shall be deemed to be guilty of such offence. [12-A. (1) Any gazetted officer of the Agriculture Department authorised in this bahalf by the State Govern- ment may, on acceptance of such sum as may be prescribed, compound any offence under this Act or the rules made there- under. (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 proceedintgs in respect of that offence have already been instituted against such person in any Court, the composition shall have the enect illis acquittal thereof.] 13. No suit prosecution or other legal proceedingr shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder

14. Every person acting or purporting to act in pursu- ance of any of the provisions of this Act or any rule made there- under shall be deemed to be a public servant within the mea- ning of section 21 of the Indian Penal Code, 1860 (XLV of 1860) (1) The State Government may make rules to carry 15.out the purposes of this Act. (2) In particular and without prejudice to the genera- lity of the foregoing power, 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 condition 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 het condition of previous publication. 16. (1) The Central Provinces and Berar Cotton Conto I h prehv .