

TAMIL NADU COTTON CONTROL ACT, 1952

258 Cotton Control [1952: T.N. Act XV [TAMIL NADU ACT No. XV OF THE ILTAMIL NADU] COTTON CONTRoL ACT, 1952 , (Received the assent of the President on the 25th December 1952 ; first published in the For St. George Gazette on the 31st December 1952.) An Act to provide for regulating or prohibiting the cultivation of any specified variety of cotton, the mixing of any specified variety of cotton with any other variety or cotton and the possession or use of, or trade in, any specificēi variety of cotton in certain areas in the 3LState Df Tamil Nadu]. WHEREAS it is expedient to provide for regulating or prohibiting, in areas in the 31State of T:ømil Nadu], the cultivation of any specified variety of cotton, the mixing of any specified v*xiety of with any other variety of cotton and the possession or use 01, or ir?.de in, any specified varic•iv cotton • is hereby enacted as .follows : 1. (1) This Act be the 1[Tamil Nadu] Short title and extent. Cotton Control Act, 1952. (2) It extends to the whole of the d[State of Tamil Nadu]. Definitions, 2. In this Act', unless there is anything repugnant in the subject or context,— (a) controlled area " means , notification issued under section 3, sub-sectiot' (b) " cotton includes coxton plant uipned and unginned cotton> cotton waste and cotton seed ; i These worcls wece substituted for the word " Madras " by the Tamil Nadu Adaptation of' Laws Order. I , ag Qinended by the Tamil Nadu Adaptation of (Second Amendineill) Order, 1969. 2 For Statemel'lt Objects and Reasons, scc Fort St. George Gazette, dated the 2nd July 1952, Part IV-A, pages 38-39. 3 This expression was substituted for the expression 'E State of Madras " by the Taxnil Nadu Adaptation of Laws Order, 1969, as amended by the Taniil Nadu Adaptation of Laws (Second Amend- ment)• Order, 1969. 2: *r.N: Act Cotton Control 259 (c) " Director 9' means the ICDirector of Agriculture, il Nadu] and-includes any person who is authorized *ihe Government to exercise or perform any of the powers {duties of the Director under tMs Act ; (d) " Government " means the State Government ; " notification" means a notification published in *Fort St. George Gazette ; (f) " prescribed " means prescribed by rules made er this Act ; (g) " p'rohibited variety of cotton " in respect of any means any variety of cotton the cultivation of which *p'rohibited in such area. under clause (ii) of section 3, bsection (1) ; (h) " standard cotton " in respect of any area, means ny variety of cotton the cultivation of which is permitted such area under clause (i) of section 3, sub-section (1), Power to 3, (1) The Government may, by notification, in respect specify the any area specified therein variety of (i) fix the variety or varieties of cotton the culti- cotton to be cultivated, tion of which is permitted in such area ; or etc., in (ii) prohibit the cultivation in such area of any specified •ety of cotton other than any variety fixed under clause areas. or (iii) prohibit in such area the mixing of any variety - standard cotton with any other variety of standard on or with any prohibited variety of cotton ; or (ivy prohibit or restrict in such area the •possession Puse of, or trade in (a) any variety of standard cotton ed with any other variety of standard cotton, or (b) prohibited variety of cotton, whether mixed with any "ety of standard cotton or not. (2) Before issuing a notification under sub-section (1),' Government shell publish in the prescribed manner a of such notification together with a notice stating that objecfion- or suggestion which may be received by the térnment within the period specified in the notice (such Od being not less thon two months from the date of •cation of the draft) will be considered by the Govern- is expression was substituted for the expression " Director of ture, Madras " by the Tamil Nadu Adaptation of Laws Qrd€ r, w the Tamil Nadu Government Gazette. 5.3—17A C.otton Control [1952: T.N. Act XV (3) Every notification under sub-section (1) shall also published in he regional language of lhe area conc)rnred in the prescr_ bed manner. Grant af 4, (1) Notwithstanding anything contained in any permission notification issued under section 3, sub-section (1). the to factories to mix Gov mra.y, by notification, p2rmit, in any factory in cotton. which cotton is m 'nufactured into yarn or cloth, any variety of standard cotton to be mixed with any other variety Of standard cotton or with any prohibited variety of cotton : Provided that the cotton so mixed is not made into fully pressed b? , lcs and is used in such f', ctory exclusively in the manufacture of yarn or cloth* (2) The owner or person in charge of the factory shall maintain or cause to be maintained. a register containing a daily record of cotton other than standard cotton received into, and used in, the factory. He shall preserve such regic+nr for a px•iod of not less than two years from the date of tne last entry mede therein. (3) The owner or person in charge of the factory shall produce the registor maintained under su b-section (2) when required to do by Lhe Director (Penalties • S. (1) Any person who, in any controlled area, in cone travention of the provisions of this Act or of eny notifica- tion issued or rule ma de thereunder,— (a)

cultivates any prohibited variety of cotton, or (b) mixes or causes to be mixed any variety of standard cotton with any other variety of standard cotton or with any prohibited variety of cotton or possesses, uses, or trades in, any variety of standard cotton mixed with any other variety of standard cotton or possesses, uses, or trades in, any prohibited variety of cotton, whether mixed with any variety of standard cotton or not, or (c) knowingly in any other manner contravenes any rule made under this Act, 1952. T.N. Act XV] Cotton-Control 261 shall be punishable with fine which may, in the case mentioned in clause (a), extend to twenty rupees and for a second or subsequent offence, with fine which may extend to fifty rupees, and in the case mentioned in clause (b), with fine which may extend to ten thousand rupees and in the case mentioned in clause (c), with fine which may extend to five hundred rupees for second or subsequent offence with fine which may extend to one thousand rupees.] (2), The owner or person in charge of a factory— (a) in contravention of the provisions of section 41 sub-section (1) makes the mixed cotton into fully pressed bales or uses the mixed cotton otherwise than in the manufacture of yarn or cloth in that factory; or (b) fails to comply with any of the provisions of section 4, sub-section (2) or sub-section (3); or (c) knowingly in any other manner contravenes any rule made under this Act, with fine which may extend to five hundred rupees for a second or subsequent offence. 6, 4 Ail cotton in respect of which an order has been made under this Act or any rule made thereunder and every box, receptacle, package or covering containing such cotton shall be liable to confiscation. 7. (1) Where a Court trying an offence under this Act or any rule made thereunder, considers that any thing is liable to confiscation under section 6, it may, after hearing the person, if any, claiming any right thereto and evidence, if any, which he may produce in support of his claim, order its confiscation. (2) Where an offence has been committed under this Act or any rule made thereunder, and the offender is not known or cannot be found, or when anything liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, any officer authorized by the Government in this behalf may hold an inquiry and may order: Provided that no such order shall be made before the expiration of one month from the date of seizure of the thing liable to confiscation or without hearing the person. 11 These words; letter and brackets were added by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1955 (Tamil Nadu Act XXXVI of 1955.) 262 Cotton Control [1952 T.N. Act XV] it any, claiming any right thereto and the evidence, if any, which he may produce in support of his claim. 8, (1) Any officer authorized in this behalf by the Government may, between the hours of 6 a.m. and 6 p.m. seizure, (a) enter upon any land in a controlled area in which he knows or has reason to believe that any prohibited variety of cotton has been or is being cultivated in contravention of a notification under section 3, sub-section (1), uproot such cotton, or cause it to be uprooted, and seize the cotton so uprooted (b) enter upon or into any land, building, ship, vessel, vehicle or place in a controlled area, in which he knows or has reason to believe that any variety of standard cotton mixed with any other variety of standard cotton or any prohibited variety of cotton, whether mixed with any variety of standard cotton or not, is kept in contravention of a notification under section 3, sub-section (1), and seize such cotton. (2) (a) Every officer seizing any cotton under sub-section (1) shall forthwith— (i) take a sample of the cotton seized, separate it then 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 the land, building, ship, vessel, vehicle or place on or in which such seizure was made and of two witnesses and in case the occupier or person aforesaid wishes to seal them, they shall also be sealed with his seal; and (ii) subject to any rules made under section 15, send one of the sealed packages to the Cotton Specialist authorized by the Government to receive it for examination and report to the Director, retain another such package for his own use and deliver the third sealed package to the occupier or person aforesaid, (b) The officer referred to in clause (a) shall have discretion either to entrust the remainder of the seized cotton to the occupier or person aforesaid or to make other arrangements for its safe custody. If the officer decides to entrust the cotton to the occupier or person aforesaid, such occupier or person shall take charge of the same and shall give an undertaking in writing to produce the said cotton before any Court when required to do so by the said officer. 4. 1952: T.N. Act XV] Cotton Control 263, (c) The officer referred to in clause (a) shall forthwith make a report of the seizure to the nearest Magistrate to whom an offence committed in respect of such cotton, with particulars of such cotton and furnish a copy of such particulars to the occupier or aforesaid. (3) The opinion of the Cotton Specialist referred to in clause (a) (ii) of sub-section (2), contained in any document signed by such officer regarding the cotton sent to him for examination under that clause, may be used as evidence as to

the nature of such cotton, in any inquiry, tried or proceeded to under this Act. (O Itt eo. •upiet or Brson afcresaid refuse to & tie required v n.der (b) of sub-section (2) or to give the undertaking referred to in that clause or fails to produce the cotton before the Court when required, he shall be guilty of an offence under this Act and shall be punishable with fine which may extend to twice the value of such cotton. 9. (1) Every owner, occupier or person in charge of Duty of owner, occupier or any land, building, ship, vessel, vehicle or place in a controlled area shall give all reasonable facilities to the to give authorized under section 8, sub-section (1), to inspect such facilities for land, building, ship, vessel, vehicle or place. inspection by authorized officer. (2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to twenty rupees, 10, No prosecution under this Act or any rule made Previous sanction for thereunder shall be instituted without the previous sanction prosecution. Of the Director. 11. No offence punishable under this Act or any rule Coinizance of offences, thereunder shall be inquired into or tried by any court inferior to that of a * Presidency Magistrate or a Magistrate of the second class. to clauses (b) and (c) of sub-Section. (3) of section 3 Of the Code of Criminal (Central Act 2 of 1974),- Which came into force on the 1st April 1974, any reference to a Magistrate of thesecond class shall be construed as a reference to a Judicial Magistrate of the second class and a reference to a Presidency magistrate shall be construed as a reference to a Metropolitan Magistrate, 264 Cotton Control [1952: T.N. Act YV Offences 12. Where a person committing any offence punishable by corporation under this Act or any rule made thereunder is a company, firm, or an association or body of persons, whether incorporated or not, the director, manager, secretary, agent or other principal officer managing the affairs of such company, association or body shall be deemed to be guilty of such offence. Provision 13. No suit, prosecution or other legal proceeding shall for acts be instituted against any person for anything which is done in faith, good faith done or intended to be done under this Act or any rule made thereunder, Officers 14. Every officer acting or purporting to act in pursuance of any of the provisions of this Act or any rule made thereunder shall be deemed to be a public servant servants, within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860). Power to • 15, (1) The Government may, after previous publication, make rules to carry out the purposes of this Act. (2) All rules made under this section shall have effect as if enacted in this Act, Repeal of 16, The Madras Cotton Control Act, 1932 (Madras Act VII of 1932), is hereby repealed, Act of 1932,