



**The Cotton Ginning and Pressing Factories (Tamil Nadu Amendment) Act,
1948**

Act 25 of 1948

Keyword(s):

Central Act Amendment, The Cotton Ginning and Pressing Factories Act, 1925

Amendments appended: 10 of 1953, 23 of 1965

DISCLAIMER: 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 to any person on account of any action taken or not taken on the basis of this document.

1108 *Cotton Ginning [1948 : T.N. Act XXV
and Pressing Factories (Tamil Nadu Amendment)*

¹[TAMIL NADU] ACT No. XXV OF 1948².

[THE COTTON GINNING AND PRESSING FACTORIES
(¹[TAMIL NADU] AMENDMENT) ACT, 1948.]

(Received the assent of the Governor-General on the
4th March 1949 ; first published in the Fort. St.
George Gazette on the 15th March 1949.)

An Act further to amend the Cotton Ginning
and Pressing Factories Act, 1925, in its
application to the ³[State of Tamil Nadu].

WHEREAS it is expedient further to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the ³[State of Tamil Nadu], for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Central
Act XII
of 1925.

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Cotton Ginning and Pressing Factories (¹[Tamil Nadu] Amendment) Act, 1948.

(2) It extends to the whole of the ⁴[State of Tamil Nadu].

(3) This section shall come into force at once ; and the rest of this Act, shall come into force in such areas and on such dates as the ⁵(State) Government may, by notification in the *Fort St. George Gazette*, appoint.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 5th October 1948, Part IV-A, pages 398-399.

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1957 (Tamil Nadu Act XXII of 1957.)

³ This expression was substituted for the expression "Province of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

⁴ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969,

⁵ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

1948 : T.N. Act XXV] Cotton Ginning and Pressing Factories (Tamil Nadu Amendment) 1109

Central Act XII of 1925.

2. In section 2 of the Cotton Ginning and Pressing Factories Act, 1925 (hereinafter referred to as the said Act)—

Amendment of section 2, Central Act XII of 1925.

(i) clause (a) shall be relettered as clause (a-1) and before the clause as so relettered, the following clause shall be inserted, namely :—

“(a) ‘ admixed cotton ’ means a mixture of different varieties of cotton ;”

(ii) in clause (b), the words, “ or cotton waste ” shall be omitted ;

(iii) after clause (e), the following clause shall be inserted, namely :—

“(e-1) ‘ foreign substance ’ means a substance other than cotton lint, and includes cotton waste, but does not include cotton leaf or cotton seed;”

(iv) after clause (f), the following clause shall be inserted, namely :—

“(f-1) ‘ licence ’ means a licence granted under section 2-A, sub-section (1) ;”

(v) after clause (g), the following clause shall be inserted, namely :—

“(g-1) ‘ owner ’ includes any person authorized to represent the owner.”

3. After section 2 of the said Act, the following section shall be inserted, namely :—

Insertion of new section 2-A in Central Act XII of 1925.

“ 2-A. (1) No cotton ginning or pressing factory shall be worked without a licence granted to the owner thereof, by such authority, in such form, subject to such conditions, and on payment of such fee, as may be prescribed.

Licence for working cotton ginning or pressing factory.

(2) A licence for which the prescribed fee has been paid shall be refused only on the ground that the owner or person in charge of the factory has been convicted of an offence punishable under this Act.

1110 Cotton Ginning [1948 : T.N. Act XXV
and Pressing Factories (Tamil Nadu Amendment)

(3) A licence shall be suspended or cancelled only on the ground that the owner or person in charge of the factory has been convicted of an offence punishable under this Act.

(4) Whoever works a cotton ginning or pressing factory,

(a) in respect of which no licence has been granted, or the licence granted in respect of which has been suspended or cancelled, or

(b) in contravention of any of the conditions of the licence granted in respect thereof,

shall be punishable with fine which may extend to five hundred rupees, and in the case of a second or subsequent conviction, with fine which may extend to one thousand five hundred rupees."

4. After section 3 of the said Act, the following sections shall be inserted, namely :—

"3-A. (1) The ¹(State) Government may, by notification in the *Fort St. George Gazette*, direct that no admixed cotton shall be ginned or pressed in a cotton ginning or pressing factory situated in any specified area.

(2) Any owner or person in charge of a factory who, in contravention of a notification issued under sub-section (1), gins or presses, or allows to be ginned or pressed in such factory any cotton which he knows or has reason to believe to be admixed cotton, shall be punishable with fine which may extend to one thousand five hundred rupees.

3-B. Any owner or person in charge of a cotton ginning or pressing factory who, knowing or having reason to believe that any cotton is watered, or ²[has been mixed with cotton leaf or cotton seed] or contains

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "contains cotton leaf or cotton seed in excess of the prescribed proportion" by section 3 of the Cotton Ginning and Pressing Factories (Tamil Nadu Amendment) Act, 1953 (Tamil Nadu Act X of 1953).

Insertion of
new sections
3-A to 3-F
in Central
Act XII of
1925.

Admixed
cotton not
to be ginned
or pressed
in notified
areas.

Watered or
impure
cotton not
to be ginned
or pressed.

1948 : T.N. Act XXV] Cotton Ginning 1111
and Pressing Factories (Tamil Nadu Amendment)

any foreign substance, gins or presses, or allows to be ginned or pressed, such cotton in the factory, shall be punishable with fine which may extend to one thousand five hundred rupees.

¹[3-C]. (1) (a) For the purposes of ²[section 3-B] cotton shall not be deemed to be watered unless it contains moisture in excess of the normal quantity. Presumptions in certain cases.

(b) The normal quantity of moisture in any given quantity of cotton is the amount of moisture which such cotton may reasonably be expected to contain, regard being had to the variety of the cotton, and the place or places at or to which, and the time or times of the year in which, such cotton was picked, collected, stored, conveyed, left, ginned or pressed.

(c) A certificate given by the prescribed authority as to the normal quantity of moisture in a given quantity of any cotton, and the quantity of moisture which it actually contains shall be evidence of such matters, and shall, until the contrary is proved, be presumed to be correct ; and if the latter quantity as specified in the certificate exceeds the former it shall be presumed, until the contrary is proved, that the cotton has been watered.

(2) (a) For the purposes of ²[section 3-B] no variety of cotton shall be deemed to be mixed with cotton leaf or cotton seed unless such cotton contains cotton leaf or seed in excess of the quantity prescribed for such variety of cotton.

(b) A certificate given by the prescribed authority as to the quantity of cotton leaf or seed which a given quantity of any cotton actually contains shall be evidence thereof and shall, until the contrary is proved, be presumed to be correct ; and if the quantity

¹ Sections 3-C and 3-D were transposed and relettered as sections 3-D and 3-C by section 4 of the Cotton Ginning and Pressing Factories (Tamil Nadu Amendment) Act, 1953 (Tamil Nadu Act X of 1953).

² The word, figure and letter " section 3-B " were substituted for the words, figures and letters "sections 3-B and 3-C" by *ibid*.

1112 Cotton Ginning and [1948: T.N. Act XXV
Pressing Factories (Tamil Nadu Amendment)

specified in the certificate exceeds the limit prescribed under clause (a) for cotton of that variety, it shall be presumed, until the contrary is proved, that the cotton has been mixed with cotton leaf or seed in excess of the limit so prescribed.

Owner not
to mix
different
varieties of
cotton or to
water, etc.,
cotton.

¹ [3-D.] Any owner of cotton who knowingly —

(a) mixes one variety with another variety of cotton, in any area specified in a notification issued under section 3-A, sub-section (1), or

(b) waters any ginned cotton which is being, or is intended to be, pressed in a cotton pressing factory, or

(c) mixes with ginned cotton any foreign substance, cotton leaf or cotton seed, or

(d) abets, or allows the commission of, any of the acts specified in the foregoing clauses,

shall be punishable with fine which may extend to one thousand five hundred rupees.

Examination
of cotton
packages or
bales.

3-E. (1) The ²(State) Government or any officer authorized by them in this behalf may—

(a) *suo motu*, if such Government or officer has reason to believe that there has been contravention of the provisions of sections 3-A, 3-B or ³[3-D] in respect of any cotton or package or bale of cotton, or

(b) on receipt of a complaint from any person that there has been such a contravention in respect of any cotton or package or bale of cotton and on payment of the prescribed fee by the complainant, cause such cotton or the contents of such package or bale to be examined by the prescribed authority.

¹ Sections 3-C and 3-D were transposed and relettered as sections 3-D and 3-C by section 4 of the Cotton Ginning and Pressing Factories (Tamil Nadu Amendment) Act, 1953 (Tamil Nadu Act X of 1953)

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ The figure and letter "3-D" were substituted for the figure and letter "3-C" by section 5 of the Cotton Ginning and Pressing Factories (Tamil Nadu Amendment) Act, 1953 (Tamil Nadu Act X of 1953).

1948 : T. N. Act XXV] Cotton Ginning 1113
and Pressing Factories (Tamil Nadu Amendment)

(2) A certificate given by such authority in respect of any such cotton or the contents of any such package or bale, shall be evidence of the facts stated therein, and shall, until the contrary is proved, be presumed to be correct.

3-F. (1) The ¹(State) Government may authorize any officer to enter and inspect, at any reasonable time, any cotton ginning or pressing factory for the purpose of ascertaining whether there is any contravention therein of any of the provisions of this Act, or of any rule made thereunder, or of any of the conditions subject to which a licence has been granted in respect of such factory, and to seize and remove all things in respect of which an offence punishable under this Act appears to have been committed. Entry and inspection.

(2) The owner or person in charge of the factory shall give every reasonable assistance to the inspecting officer in the performance of his duties under sub-section (1).

(3) The owner or person in charge of the factory shall be permitted to be present during the inspection ; and the things seized during such inspection shall be sealed in the prescribed manner. "

5. For section 6 of the said Act, the following section shall be substituted, namely :—

" 6. (1) No scales or weights shall be kept or used in any cotton ginning or pressing factory other than scales or weights prescribed by the Central Government or notified by the ¹(State) Government, in this behalf. Substitution of new section 6 in Central Act XII of 1925. Scales and weights to be used in factories.

(2) If, in any such factory, any scales or weights not so prescribed or notified are kept or used, the owner of the factory shall be punishable with fine which may extend to fifty rupees, or in case he

¹ This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

1114 *Cotton Ginning and [1948: T.N. Act XXV
Pressing Factories (Tamil Nadu Amendment)*

has been convicted previously of any offence under this sub-section or sub-section (3), with fine which may extend to five hundred rupees.

(3) The owner or person in charge of any such factory shall produce the scales and weights kept or used therein, at the factory on demand by any person appointed by the (State) Government in this behalf ; and if the owner or person in charge fails to do so, he shall be punishable with fine which may extend to fifty rupees; or in case he has been convicted previously of any offence under sub-section (2) or this sub-section, with fine which may extend to five hundred rupees. ”

Amendment
of section 7,
Central Act
XII of 1925.

6. In section 7, sub-section (1). of the said Act, for the words and figures “ for the purposes of section 4, 5, ” the words, figures and letters “for the purposes of sections 3-A, 3-B, 3-F, 4, 5 ” shall be substituted.

Amendment
of section 9,
Central Act
XII of
1925.

7. In section 9 of the said Act—

(i) in sub-section (1), the word “ and ” at the end of clause (a) shall be omitted and after clause (b), the following clause shall be inserted, namely:—

“ (c) a kapas opener shall be installed and worked for the purpose of freeing the kapas, before ginning, from foreign substances other than cotton waste ; ”

(ii) in the same sub-section, the proviso shall be omitted ;

(iii) in sub-section (1-A), for clause (a), the following clause shall be substituted, namely :—

“ (a) no structural alterations or additions shall be made so as to diminish the degree of compliance of the factory as a whole—

(i) with the requirements set forth in clauses (a) and (b) of sub-section (1), if the alterations or additions, commenced after the 27th February 1939 and before the 31st March 1949, or

¹ This word was substituted for the word “ Provincial ” by the Adaptation Order of 1950.

1948 : T.N. Act XXV] Cotton Ginning and Pressing Factories (Tamil Nadu Amendment) 1115

(ii) with the requirements set forth in clauses (a), (b) and (c) of sub-section (1), if the alterations or additions commenced on or after the 31st March 1949;*

(iv) in the same sub-section, in clause (b), for the words "last-mentioned date", the date "27th February 1939" shall be substituted;

(v) in the same sub-section, the proviso shall be omitted.

8. In section 13 of the said Act, after clause (a), the following clauses shall be inserted, namely :—

Amendment of section 13, Central Act XII of 1925

"(a-1) the specification of what shall constitute different varieties of cotton for the purposes of section 2, clause (a), section 1[3-D], clause (a), or other purposes;

(a-2) the postponement of the application of rules made under this Act, to cotton ginning or pressing factories in any specified area; and the exemption of factories in any specified area from the operation of such rules;

(a-3) the procedure for making a complaint under section 3-E and the investigation thereof; "

9. After section 15 of the said Act, the following sections shall be added, namely :—

Insertion of new sections 16 and 17 in Central Act XII of 1925.

"16. Whoever contravenes any of the provisions of this Act or any rule made thereunder or any of the conditions subject to which a licence has been granted to him shall, if no other penalty is provided in this Act for such contravention, be punishable with fine which may extend to five hundred rupees, and in the case of a second or subsequent conviction, with fine which may extend to one thousand five hundred rupees.

Penalty in cases not otherwise provided for.

* The figure and letter "3-D" were substituted for the figure and letter "3-C" by section 5 of the Cotton Ginning and Pressing Factories (Tamil Nadu Amendment) Act, 1948.

1116 *Cotton Ginning and Pressing Factories (Tamil Nadu Amendment)* [1948 : T.N. Act XXV]

Compound-
ing of
offences,
etc.

17. (1) Any officer empowered by the ¹(State) Government in this behalf may accept from any person whose licence is liable to be suspended or cancelled under this Act, or who has committed or is reasonably suspected of having committed an offence punishable under this Act, a sum of money in lieu of such suspension or cancellation or by way of composition for the offence which has been or may have been committed.

(2) The composition of an offence under subsection (1) shall have the effect of an acquittal of the offender, and if he is in custody, he shall be set at liberty."

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

¹[TAMIL NADU] ACT No. X OF 1953².

[THE COTTON GINNING AND PRESSING FACTORIES
(⁴[TAMIL NADU] AMENDMENT) ACT, 1953.]

(Received the assent of the President on the 1st June 1953 ;
first published in the Fort St. George Gazette on the
10th June 1953.)

An Act further to amend the Cotton Ginning and Pressing
Factories Act, 1925, in its application to the ³[State of
Tamil Nadu].

WHEREAS it is expedient further to amend the Cotton
Ginning and Pressing Factories Act, 1925 (Central
Act XII of 1925), in its application to the ³[State of
Tamil Nadu], for the purposes hereinafter appearing ;
It is hereby enacted as follows :—

Short title
and extent, 1 (1) This Act may be called the Cotton Ginning and
Pressing Factories (⁴[Tamil Nadu] Amendment) Act, 1953.

(2) It extends to the whole of the ³[State of Tamil
Nadu].

Amendment
of section 2,
Central
Act XII
of 1925. 2. In section 2 of the Cotton Ginning and Pressing
Factories Act, 1925 (hereinafter referred to as the principal
Act)—

(1) in clause (a-1), after the word "cotton", the
words "or cotton waste" shall be inserted ;

(2) in clause (d), for the words "cotton is pressed",
the words "cotton or cotton waste is pressed" shall be
substituted.

¹ These words were substituted for the word "Madras" by the
Tamil Nadu Adaptation of Laws Order, 1969, as amended by the
Tamil Nadu Adaptation of Laws (Second Amendment) Order,
1969.

² For Statement of Objects and Reasons, see *Fort St. George
Gazette*, Part IV-A, dated the 11th February 1953, page 11.

This Act was extended to the Kanyakumari district and the
Shencottah taluk of the Tirunelveli district by section 3 of, and the
Schedule to, the Tamil Nadu (Transferred Territory) Extension of
Laws Act, 1957 (Tamil Nadu Act XXII of 1957).

³ The expression was substituted for the expression "State of
Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as
amended by the Tamil Nadu Adaptation of Laws (Second Amend-
ment) Order, 1969.

3. In section 3-B of the principal Act, for the words "contains cotton leaf or cotton seed in excess of the prescribed proportion", the words "has been mixed with cotton leaf or cotton seed" shall be substituted.

Amendment
of section
3-B,
Central
Act XII
of 1925.

4. Sections 3-C and 3-D of the principal Act shall be transposed and relettered as sections 3-D and 3-C respectively, and in section 3-C as so relettered, in sections (1) (a) and (2) (a), for the words, figures and letters "sections 3-B and 3-C", the word, figure and letter "section 3-B" shall be substituted.

Amendment
of sec-
tions 3-C
and 3-D,
Central
Act XII
1925.

5. In section 3-E, sub-section (1) (a), of the principal Act, for the figure and letter "3-C", the figure and letter "3-D" shall be substituted.

Amendment
of sec-
tion 3-E,
Central
Act XII
of 1925.

6. In section 5, sub-section (1), of the principal Act, the words "of cotton" shall be omitted.

Amendment
of section 5,
Central
Act XII
of 1925.

7. in section 9 of the principal Act—

(1) In sub-section (2), for the words "cotton is handled", the words "cotton or cotton waste is handled" shall be substituted ;

Amendment
of section 9,
Central
Act XII
of 1925.

(2) in sub-section (4) , clause (b)—

(i) for the words "ginning or pressing cotton", the words "ginning or pressing cotton or cotton waste", shall be substituted ; and

(ii) for the words "cotton is ginned or pressed" the words "cotton or cotton waste is ginned or pressed" shall be substituted.

8. In section 13, clause (a-1), of the principal Act, for the word, figure and letter "section 3-C", the word, figure and letter "section 3-D" shall be substituted.

Amendment
of section 13,
Central
Act XII
of 1925.

9. In section 14, sub-sections (1) and (2), of the principal Act, for the words "baled cotton" the word "bales" shall be substituted.

Amendment of
section 14,
Central
Act XII
of 1925.

¹[TAMIL NADU] ACT No. 23 OF 1965².

THE COTTON GINNING AND PRESSING
FACTORIES ¹[(TAMIL NADU) AMENDMENT]
ACT, 1965.

[Received the assent of the President on the 28th October 1965, first published in the Fort St. George Gazette, on the 17th November 1965 (Kartika 26, 1887).]

An Act further to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the ³[State of Tamil Nadu].

BE it enacted by the Legislature of the ³[State of Tamil Nadu] in the Sixteenth Year of the Republic of India, as follows:--

Short title,
extent and
commencement.

1. (1) This Act may be called the Cotton Ginning and Pressing Factories ¹[(Tamil Nadu) Amendment] Act, 1965.

(2) It extends to the whole of the ³[State of Tamil Nadu].

(3) It shall come into force on such date as the State Government may, by notification, appoint.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 30th June 1965, Part IV—Section 3, page 48.

³ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969 as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2. In sub-section (1) of section 3-C of the Cotton Ginning and Pressing Factories Act, 1925 (Central Act XII of 1925)—

Amendment of
section 3-C,
Central Act
XII of 1925

(1) for clause (a), the following clause shall be substituted, namely :—

“(a) For the purposes of section 3-B, cotton shall be deemed to be watered, if it contains—

(i) moisture in excess of the normal quantity;

or

(ii) cakes or patches.”;

(2) for clause (c), the following clause shall be substituted, namely :—

“(c) A certificate given by the prescribed authority as to the presence of moisture in excess of the normal quantity in a given quantity of cotton or as to the presence of cakes or patches shall, until the contrary is proved, be presumed to be correct.”