



The Madhya Pradesh Cotton Control Act, 1954

Act 17 of 1954

Keyword(s):

Controlled Area, Cotton, Prohibited Variety, Standard Variety

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THE MADHYA PRADESH COTTON CONTROL ACT, 1954

No. 17 of 1954

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(No. 17 of 1954)¹

(Received the assent of the President on the 23rd June, 1954 ; assent first published in the Madhya Pradesh Gazette on the 2nd July, 1954.)

An Act to provided for controlling the production, import, possession or use of, or trade in, certain varieties of cotton and matter ancillary thereto for the purpose of ensuring cultivation of better varieties of cotton and the maintenance of their purity.

Preamble.— Whereas it is expedient to provide for controlling the production imoort, possession or use of, or trade in, certain varieties of cotton and matters ancillary thereto for the purpose of ensuring cultivation of better varieties of cotton and the maintenance of their purity ;

It is hereby enacted as follows :—

1. (1) This Act may be cited as the Madhya Pradesh Cotton Cortrol Act, 1954. Short title and extent.

(2.) It extends to the whole of Madhya Pradesh.]²

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) “controlled area” means the area specified in the notification issued under sub-section (I) of section 3 ;

(b) “cotton” includes cotton plant, ginned and ungin-
ned cotton, cotton waste and cotton seed ;

(c) “Director” means the Director of Agriculture, Madhya Pradesh, and includes any officer who is authorised by the State Government to exercise or perform any of the powers or duties of the Director under this Act ;

(d) “prescribed” means prescribed by rules made under this Act ;

(e) “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 ;

1, 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 IV (A), page 37. For Proceeding in Assembly, see Madhya Pradesh Legislative Assembly Proceedings, 1954, Vol. V, pages 44-49 and 13-37 dated the 31st December, 1963 and 4th January, 1954, respectively; Vol. VI, pages 19-58 and 27-57, dated 9th and 10th March, 1954, respectively.

2. Subs. by M. P. Act 23 of 1958, S.3 (3), Sch. Part A, item 76.

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(f) "standard variety", in respect of any area, means a variety of cotton specified by the State Government as a standard variety under section 3.

Power to specify variety of cotton to be cultivated, etc, in controlled areas.

3. (1) The State Government may, by notification, declare any local area to be a controlled area and may, in respect of such area,—
- (i) specify any variety of cotton as being a standard variety the cultivation of which is permitted in such area ; and prohibit the cultivation in such area of any other specified variety of cotton ; or
 - (ii) prohibit in such area the mixing of any standard variety with any other standard variety or with any prohibited or other variety : or
 - (iii) prohibit or restrict in such area the import, possession or use of, or trade in, any standard variety mixed with any other variety whether standard, prohibited or otherwise.

(2) Before issuing a notification under sub-section (1), the State Government shall publish in the prescribed manner a draft of such notification together with a notice stating that any objection or suggestion which may be received by the State Government within the period specified in the notice (such period being not less than two months from the date of publication of the draft) will be considered by the State Government.

(3) Every notification under sub-section (1) shall also be published in the regional language of the controlled area in the prescribed manner.

Grant of permission to factories to mix cotton.

4. (1) Notwithstanding anything contained in section 3 or any notification issued there under, the State Government may, by notification, permit, in any factory in which cotton is manufactured into yarn or cloth, any standard variety to be mixed with any other standard or prohibited variety :—

Provided that the cotton so mixed—

- (a) is not made into fully pressed bales, and
- (b) is used in such factory exclusively in the manufacture of yarn or cloth.

(2) The owner or person incharge of the factory shall maintain or cause to be maintained a register containing a daily record of cotton other than that of standard variety received into, and used in, the factory. He shall preserve such register for a period of not less than two years from the date of the last entry made therein.

(3) The owner or person incharge of the factory shall produce the register maintained under sub-section (2) whenever required to do so by the Director or by any person authorised by him in this behalf.

5. (1) Any person who cultivates any prohibited variety in any controlled area in contravention of the provisions of this Act or of any notification issued there under shall be punishable with fine which may extend to twenty rupees or for the second or subsequent offence with fine which may extend to fifty rupees.

Penalties.

(2) Any person who, in any controlled area in contravention of the provisions of this Act or of any notification issued thereunder,—

(a) mixes or causes to be mixed any standard variety with any other standard variety or with any prohibited or other variety of cotton, or

(b) imports, possesses, uses or trades in, any standard variety mixed with any other standard variety or with any prohibited or other variety of cotton,

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

(3) The owner of, or any person in charge of, a factory who contravenes any of the provisions of sub-section (1) of section 4, or fails to comply with any of the provisions of sub-section (2) or sub-section (3) of section 4, shall be punishable with fine which may extend to five thousand rupees and for a second or sub-sequent offence with fine which may extend to ten thousand rupees.

6. (1) Notwithstanding anything herein before contained, no person shall grow in [Madhya Pradesh]¹ Garrowhill cotton as a pure crop or in a mixture, or shall mix in [Madhya Pradesh]¹ such cotton with any other kind of cotton.

Prohibition of cultivation or mixing of Garrowhill cotton.

(2) Any person who cultivates Garrowhill cotton in contravention of such sub-section (1) shall be punishable with fine which may extend to twenty rupees or for the second or subsequent offences with fine with which may extend to fifty rupees,

(3) Any person who mixes or causes to be mixed Garrowhill cotton with any variety of cotton, whether standard, prohibited or other shall be punishable with a fine which may extend to rupees five thousand.

4. The provisions of section 8 and 9 shall, in respect of Garrowhill cotton, apply as if it were a prohibited variety and the whole of [the State of Madhya Pradesh]² were a controlled area.

1. Subs. by M.P. Act 23 of 1958, S.3 (3), Sch. Part A, item 76, for "Mahakoshal region".

2. Subs., ibid., for "Mahakoshal region".

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Confiscation.

7 (1) Where a Court trying an offence punishable under section 5 or section 6 is satisfied that an offence under that section has been committed in respect of any cotton, the Court may direct that such cotton and every box, receptacle, package or covering, containing such cotton shall be forfeited to Government.

(2) Where an offence under this Act has been committed, or is believed to have been committed in respect of any cotton and the offender is not known or cannot be found or where no person claims any right in such cotton, the officer authorised by the State Government in this behalf may hold an inquiry and may order confiscation of such cotton together with any box, receptacle, package or covering containing such cotton.

Provided that no such order shall be made before the expiration of one month from the date of seizing the cotton liable to confiscation or without hearing the person, if any, claiming any right thereto and the evidence, if any, which he produces in support of his claim.

Power of entry and seizure.

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) 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;
- (b) enter upon or into any land, building, vehicle or 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.

(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, 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 such officer as may be authorised by the State Government in that

behalf 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.

(c) The officer referred to in clause (a) shall forthwith make a report of the seizure to the nearest magistrate having jurisdiction to try the offence committed in respect of such cotton, together with particulars of such cotton and furnish a copy of such particulars to the occupier or person aforesaid.

(3) The opinion of the officer authorised under paragraph (ii) of clause (a) 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, trial or proceeding under this Act.

(4) If the occupier or person aforesaid refused to take charge of the cotton when required under clause (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 punishable with fine which may extend to twice the value of such cotton.

9. (1) Every owner, occupier or person in charge of any land, building, vehicle or place in a controlled area shall give all reasonable facilities to the officer authorised under sub-section (1) of section 8, to inspect such land, building, vehicle or place.

Duty of owner, occupier or person in charge to give facilities for inspection by authorised officer.

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with fine which may extend to twenty rupees.

10. No prosecution under this Act or any rule made there-under shall be instituted without the previous sanction of the Director.

Previous sanction for prosecution.

11. No offence punishable under this Act or any rule made there under shall be inquired into or tried by any Court inferior to that of a Magistrate of the Second Class.

Cognizance of offences.

Offences by corporations, etc.

12. Where a person committing any offence punishable under this Act or any rule made thereunder is a company 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.

Composition of offence.

[12-A. (1) Any gazetted officer of the Agriculture Department authorised in this behalf by the State Government may, on acceptance of such sum as may be prescribed, compound any offence under this Act or the rules made thereunder.

(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 proceedings in respect of that offence have already been instituted against such person in any Court, the composition shall have the effect of his acquittal thereof.]¹

Protection for acts done in good faith.

13. No suit prosecution or other legal proceedings 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.

Persons [acting under the Act to be public servants.

14. Every person 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 within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860)

Power to make rules.

15. (1) The State Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality 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 the condition of previous publication.

Repeal and saving.

16. (1) The Central Provinces and Berar Cotton Control Act, 1937 (XX of 1937), is hereby repealed.

(2) Notwithstanding the repeal of the said Act, things done and action taken by any authority under the provisions of the said Act shall be deemed to have been done and taken under this Act.

1. Ins. by M.P. Act. 23 of 1958, S. 3(3), Sch. part A, item 76.