



The Cotton Ginning and Pressing Factories (Bombay Amendment) Act, 1936

Act 4 of 1936

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**THE COTTON GINNING AND PRESSING FACTORIES (BOMBAY
AMENDMENT) ACT, 1936.**

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BOMBAY ACT No. IV OF 1936.¹

[THE COTTON GINNING AND PRESSING FACTORIES (BOMBAY AMENDMENT) ACT, 1936.]

[16th March 1936]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

„ „ „ by the Adaptation of Laws Order, 1950.

An Act to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the Presidency of Bombay.

XII of 1925. 5 & 6 Geo. V. c. 61. WHEREAS it is expedient to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the Presidency of Bombay for the purposes herein-after appearing ; And whereas the previous sanction of the Governor General required under sub-section (3) of section 80A and the previous sanction of the Governor required under section 80C of the Government of India Act have been obtained for the passing of this Act ; It is hereby enacted as follows :—

1. (1) This Act may be called the Cotton Ginning and Pressing Factories (Bombay Amendment) Act, 1936. Short title, extent and commencement.

(2) * * * * * The [State] Government may by notification in the [Official Gazette] extend the provisions of this Act to [any area of the State of Bombay] with effect from such date as the [State] Government may appoint in the said notification.

XII of 1925. 2. In section 2 of the Cotton Ginning and Pressing Factories Act, 1925, hereinafter called the said Act,— Amendment of section 2 of Act XII of 1925.

(1) after the word, comma and dash “ context,—” the following shall be inserted, namely :—

“(aa) ‘admixture of cotton’ means a prescribed mixture of different varieties of cotton ;” and

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

“(ff) ‘licence’ means a licence granted under section 2A.”

(3) after clause (h) the following clause shall be inserted, namely :—

“(i) ‘Season’ means such period as may from time to time be prescribed.”

3. After section 2 of the said Act, the following section shall be inserted; Insertion of section 2A in Act XII of 1925.
namely :—

“2A. (1) No cotton ginning factory or cotton 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 factory or cotton pressing factory.

(2) (a) A licence for which the prescribed fee has been paid shall be liable to be refused only on the ground that the owner or person in charge of a cotton ginning or cotton pressing factory in respect of which a licence is applied for has been convicted of an offence punishable under this Act.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1935, Part V, pp. 335-336; for Report of the Select Committee, see *Bombay Government Gazette*, 1936, Part V, pp. 24-27; and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1936, Vol. XLIV.

* The portion beginning with the words “This Act shall extend” and ending with the words “Official Gazette appoint” was omitted by the Adaptation of Laws Order, 1950.

* The words “Provincial Government” were substituted for the words “Local Government” by the Adaptation of Indian Laws Order in Council.

* This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

* The words “Official Gazette” were substituted for the words “local official Gazette” by the Adaptation of Indian Laws Order in Council.

* These words were substituted for the words “any other area” by the Adaptation of Laws Order, 1950.

(b) A licence shall be liable to be suspended, withdrawn or cancelled only on the ground that the owner or person in charge of the cotton ginning or cotton pressing factory in respect of which a licence was granted has been convicted of an offence punishable under this Act :

Provided that no licence shall be suspended, withdrawn or cancelled under this clause until after the expiration of the season in which the said owner or person has been so convicted.

(3) If any person works a cotton ginning or cotton pressing factory in respect of which a licence has not been granted or has been suspended, withdrawn or cancelled, such person shall be punishable :—

(a) on a first conviction, with fine which may extend to five hundred rupees and, if the offence has continued for more than one day, with an additional fine which may extend to one hundred rupees for every day subsequent to the first day during which the offence has continued ; and

(b) on every subsequent conviction, with fine which may extend to fifteen hundred rupees and, if the offence has continued for more than one day, with an additional fine which may extend to two hundred rupees for every day subsequent to the first day during which the offence has continued."

4. In sub-section (2) of section 3 of the said Act :—

(1) the word " and " shall be omitted, and

(2) the following words shall be added at the end :—

" and the prescribed particulars as supplied by such person of the cotton ginning factory where it has been ginned."

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

" 3A. (1) The [State] Government may by notification in the [Official Gazette] declare that in any area specified in such notification no cotton which is ginned or pressed in a cotton ginning or cotton pressing factory shall contain any admixture of cotton.

(2) Any owner of a cotton ginning or cotton pressing factory or any person in charge of such factory—

(a) who knowing or having reason to believe that any cotton is watered or contains seed in excess of the prescribed proportion or contains any foreign substance, gins or presses or allows such cotton to be ginned or pressed in such factory, or

(b) who in any area specified in the notification under sub-section (1) gins or presses or allows to be ginned or pressed any cotton which he knows or has reason to believe to contain an admixture of cotton,

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

(3) Any owner of cotton who knowingly waters any cotton which is ginned and which is being, or is intended to be, pressed in a cotton pressing factory, or mixes seed or foreign substance with such cotton, or in any area specified in sub-section (1) makes any admixture of cotton, or abets or knowingly allows or connives at any such watering, mixing or admixture of cotton, shall, on conviction, be punishable with fine which may extend to five thousand rupees.

Amendment
of section 3
of Act XII
of 1925.

Insertion of
new sections
3A, 3B and
3C in Act
XII of 1925.

Prohibition
against
watering
etc. of
cotton.

¹ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation of Indian Laws Order in Council.

² This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1960.

³ The words " Official Gazette " were substituted for the words " local official Gazette " by the Adaptation of Indian Laws Order in Council.

Explanation.—For the purposes of this section, cotton shall not be deemed to be watered, unless such cotton contains moisture in excess of the normal quantity. The normal quantity of moisture in any given quantity of cotton is the amount of moisture that such cotton is reasonably expected to have, regard being had to the place or places at or to which, and the time or times of the year in which, such cotton has been picked, collected, stored, conveyed, left, ginned or pressed. A certificate given by the prescribed authority as to the normal quantity of moisture that a given quantity of such cotton should have and the quantity of moisture that it possesses shall be evidence of such matters, until the contrary is proved; and if the latter quantity exceeds the former it shall be evidence, until the contrary is proved, that the cotton is watered.

3B. (1) The ¹[Provincial Government] or any gazetted officer authorised by it in this behalf may on its or his own motion or on receipt of a complaint that there has been a contravention of the provisions of section 3A in respect of any cotton, package or of any bale and in the case of a complaint, 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 person or body. Examination of cotton, packages or bales.

(2) A certificate given by such person after examination of the contents of any bale under sub-section (1) shall be admissible in evidence and be presumptive proof of the facts mentioned therein until the contrary is proved.

3C. (1) The ¹[Provincial Government] may authorise any gazetted officer to enter into and inspect, at any reasonable time, any cotton ginning or cotton 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 all things in respect of which an offence punishable under this Act appears to have been committed. Entry and inspection.

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

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

6. For section 5 of the said Act, the following section shall be substituted, namely :— Amendment of section 5 of Act XII of 1925.

"5. (1) The owner of every cotton ginning factory shall submit to the prescribed authority, within such time and in such form, as may be prescribed, monthly returns showing the quantity of cotton ginned in the factory during the preceding month and from the commencement of the season to the end of that month. Returns.

(2) The ¹[Provincial Government] shall compile from the monthly returns submitted under sub-section (1), and shall publish in such manner as the ²[Central Government] may direct, a statement showing the total quantity of cotton ginned in the province during the month and from the commencement of the season to the end of the month to which the returns relate :

Provided that the quantity of cotton ginned in an individual factory shall not be published.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

² The words "Central Government" were substituted for the words "Governor General in Council", *ibid.*

(3) The owner of every cotton pressing factory shall submit to the prescribed authority, within such time and in such form, as may be prescribed, weekly returns showing the total number of bales of cotton pressed during the preceding week and from the commencement of the season to the end of that week, and the approximate average net weight of the bales pressed in that week.

(4) The ¹[Provincial Government] shall compile from the weekly returns submitted under sub-section (3), and shall publish in such manner as the ²[Central Government] may direct, a statement showing the total number of bales pressed in the province during the week and from the commencement of the season to the end of the week to which the returns relate :

Provided that the number of bales pressed in any individual factory shall not be published.

(5) If default is made in submitting any return as required by sub-section (1) or sub-section (3), the owner of the factory shall, on conviction, be punishable with fine which may extend to fifty rupees.

(6) Where the owner of a cotton ginning or cotton pressing factory has notified to the prescribed authority that the work of ginning cotton or pressing bales in that factory has been suspended, it shall not be necessary for the owner to submit returns under sub-section (1) or sub-section (3) until such work has been resumed."

Amendment
of section 6
of Act XII
of 1925.

7. In section 6 of the said Act, after the words "other than" the words and figures "the standard weights and measures, weighing and measuring instruments authorised under the Bombay Weights and Measures Act, 1932, in districts or areas in which Parts II, III, V and VI of that Act are in force or elsewhere other than" Bom.
XV of
1932.

Amendment
of section 7
of Act XII
of 1925.

8. In sub-section (1) of section 7 of the said Act, after the words "for the purpose of sections" insert the figures and letters "3A, 3C"

Insertion of
new section
11A in Act
XII of 1925.

9. After section 11 of the said Act the following new section shall be inserted, namely :—

Power of
Magistrate
to pass
sentence.

"11A. Notwithstanding anything contained in section 32 of the Code of ^vof Criminal Procedure, 1898, a Presidency Magistrate or a Magistrate of the First ^{1898.} Class may pass any sentence provided for any offence punishable under this Act and the provisions of the said Code shall be deemed to have been amended accordingly."

Amendment
of section 13
of Act XII
of 1925.

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

- "(aa) what shall constitute an admixture of cotton ;
- (ab) the period which shall from time to time constitute a season ;
- (ac) the authority by whom, the form in which, the conditions subject to which and the fees on payment of which, a licence may be granted under sub-section (1) of section 2A ;
- (ad) the particulars of the cotton ginning factory to be entered in the register maintained under sub-section (2) of section 3 ;
- (ae) the proportion of seed which may be contained in cotton ;
- (af) the person authorised to give a certificate regarding the quantity of moisture contained in any cotton and other matters specified in section 3A ;

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

² The words "Central Government" were substituted for the words "Governor General in Council", *ibid.*

(ag) the person authorised to examine bales under section 3B ;

(ah) the procedure for making a complaint and causing the contents of a bale to be examined and the fee for examination of the contents of a bale under sub-section (1) of section 3B ;

(ai) the manner in which the things seized shall be sealed under section 3C."

(2) Section 13 of the said Act shall be renumbered as sub-section (1) of that section and after the sub-section so renumbered, the following sub-sections shall be added, namely :—

"(2) The rules to be made under sub-section (1) shall be subject to the condition of previous publication.

(3) Rules made under sub-section (1) shall as soon as they are made be laid ¹[before each of the ²[Houses] of the ³[State] Legislature] for a period of one month and shall be liable to be modified or rescinded by a resolution ⁴[passed by each of the ²[Houses] during] the session thereof immediately following the expiry of the said period ; such rule shall, after notification in the ⁵[Official Gazette], be deemed to have been modified or rescinded accordingly :

Provided that when, in the opinion of the ⁴[³[State] Government], such modification or rescission is likely to defeat or frustrate any of the purposes of this Act, the ³[³[State] Government] may, by notification in the ⁵[Official Gazette], declare that the modification or rescission shall have no effect and thereupon the rule shall remain in force as if it had not been modified or rescinded."

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

Addition of
sections 16
and 17 in 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, on conviction, if no other penalty is already provided in this Act for such contravention, be punishable with fine which may extend to five hundred rupees or, if he has previously been convicted of an offence under this Act or any rule made thereunder, with fine which may extend to fifteen hundred rupees.

Penalty.

17. (1) The District Magistrate may accept from any person whose licence is liable to be suspended, withdrawn or cancelled under this Act, or who is reasonably suspected of having committed an offence under this Act, a sum of money in lieu of such suspension, withdrawal or cancellation or by way of composition for the offence which may have been committed, as the case may be.

Compounding
offences, etc.

(2) On payment by such person of such sum to the District Magistrate, such person if in custody shall be set at liberty and if criminal proceedings shall have been instituted against such person, the composition shall be held to amount to an acquittal."

12. In sub-sections (5) and (6) of section 3, in sub-section (2) of section 4, in sub-section (2) of section 6, in sub-section (3) of section 7, in sub-section (2) of section 8 and in sub-section (3) of section 9 of the said Act for the words "shall be punished" the words "shall, on conviction, be punishable" shall be substituted.

Amendment
of sections 3,
4, 6, 7, 8 and
9 of Act XII
of 1925.

¹The words "before each of the Chambers of the Provincial Legislature" were substituted for the words "upon the table of the Bombay Legislative Council" by the Adaptation of Indian Laws Order in Council.

²This word was substituted for the word "Chambers" by the Adaptation of Laws Order, 1950.

³This word was substituted for the word "Provincial", *ibid*.

⁴The words "passed by each of the Chambers during" were substituted for the words "tabled at", by the Adaptation of Indian Laws Order in Council.

⁵The words "Official Gazette" were substituted for the words "local official Gazette", *ibid*.

⁶The words "Provincial Government" were substituted for the words "Local Government", *ibid*.

**THE COTTON GINNING AND PRESSING FACTORIES (BOMBAY
AMENDMENT) ACT, 1938.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 3A of Act XII of 1925.
3. Insertion of new section 3AA in Act XII of 1925.
4. Amendment of section 3B of Act XII of 1925.

BOMBAY ACT No. XX OF 1938.¹

[THE COTTON GINNING AND PRESSING FACTORIES (BOMBAY
AMENDMENT) ACT, 1938.]

[21st November 1938]

An Act to amend the Cotton Ginning and Pressing Factories Act, 1925,² in its application to the Province of Bombay.

WHEREAS it is expedient to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the Province of Bombay, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Cotton Ginning and Pressing Factories (Bombay Amendment) Act, 1938. Short title.
2. In section 3A of the Cotton Ginning and Pressing Factories Act, 1925, hereinafter called the said Act— Amendment of section 3A of Act XII of 1925.
 - (1) in clause (a) of sub-section (2) after the words "foreign substance", the words "or cotton waste" shall be inserted ;
 - (2) sub-section (3) shall be deleted.
3. After section 3A of the said Act, the following new section shall be inserted :— Insertion of new section 3AA in Act XII of 1925.

"3AA. Any owner of cotton who knowingly makes or causes to be made any cotton which is ginned and which is being or is intended to be pressed in a cotton pressing factory, wet, or mixes or causes to be mixed seed, foreign substance or cotton waste with such cotton, or in any area specified in sub-section (1) or section 3A makes any admixture of cotton, or abets or knowingly allows or connives at any such act shall, on conviction, be punishable with fine which may extend to five thousand rupees". Penalty for making any cotton wet.
4. In section 3B of the said Act, after the word, figure and letter "section 3A", the words, figure and letters "or section 3AA" shall be inserted. Amendment of section 3B of Act XII of 1925.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1938, Part V, pp. 444 and 445, for Proceedings in Assembly, see *Bombay Legislative Assembly Debates*, 1938, Vol. 4, pp. 368-370, and for Proceedings in Council, see *Bombay Legislative Council Debates*, 1938, Vol. 4 pp. 115-120.

See *Unrepealed Central Acts*, Vol. VIII p. 155.

**THE COTTON GINNING AND PRESSING FACTORIES (BOMBAY AMEND-
MENT) ACT, 1956.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 5 of Act XII of 1925.

BOMBAY ACT No. XXVII OF 1956.¹

[THE COTTON GINNING AND PRESSING FACTORIES (BOMBAY AMENDMENT)
ACT, 1956.]

[14th May 1956]

**An Act further to amend the Cotton Ginning and Pressing Factories Act, 1925,
in its application to the State of Bombay.**

XII WHEREAS it is expedient further to amend the Cotton Ginning and Pressing
of Factories Act, 1925, in its application to the State of Bombay, for the purposes
1925. hereinafter appearing ; It is hereby enacted in the Seventh Year of the Republic of
India as follows :—

1. This Act may be called the Cotton Ginning and Pressing Factories (Bombay Short title.
Amendment) Act, 1956.

XII of 2. In section 5 of the Cotton Ginning and Pressing Factories Act, 1925,— Amendment
of section 5
of Act XII
of 1925.
1925. (a) in sub-section (1), for the words "during the preceding month" the words
"during the period ending on the last Friday of the preceding month" shall be
substituted, and for the words "to the end of that month" the words "up to and
inclusive of such last Friday" shall be substituted ;
(b) in sub-section (2)—
(c) the word "monthly" shall be deleted ; and
(ii) for the portion beginning with the words "during the month" and
ending with the words "to which the returns relate" the words, brackets and
figure "during the period referred to in sub-section (1) and from the commence-
ment of the season to the end of such period, to which the returns relate" shall
be substituted.

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1950, Part. V. p. 4.

**THE COTTON GINNING AND PRESSING FACTORIES (BOMBAY AMENDMENT)
ACT, 1957.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and extent.
2. Amendment of long title and preamble of Act XII of 1925.
3. Insertion of new section 5B in Act XII of 1925.
4. Amendment of section 13 of Act XII of 1925.
5. Consequential.

BOMBAY ACT No. XX OF 1958.¹

[THE COTTON GINNING AND PRESSING FACTORIES (BOMBAY AMENDMENT) Act, 1957.]

[19th February 1958]

An Act to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the State of Bombay.

WHEREAS it is necessary to provide for the fixation of reasonable rates of charge for the ginning and pressing of cotton in certain areas, and for that purpose to amend XII of the Cotton Ginning and Pressing Factories Act, 1925, in its application to the State of Bombay; It is hereby enacted in the Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Cotton Ginning and Pressing Factories (Bombay Amendment) Act, 1957. Short title and extent.

(2) It extends to the whole of the State of Bombay.

XII of 1925. 2. In the Cotton Ginning and Pressing Factories Act, 1925 (hereinafter referred to as "the said Act"), in its application to the State of Bombay, in the long title and preamble, after the word "factories" the words and brackets " (including the fixation of reasonable rates of charge for the ginning and pressing of cotton in certain areas, and for matters connected therewith) " shall be inserted. Amendment of long title and preamble of Act XII of 1925.

3. After section 5A of the said Act, in its application to the State of Bombay, the following new section shall be inserted, namely:— Insertion of new section 5B in Act XII of 1925.

" 5B. (1) If the State Government is of opinion that it is necessary so to do, for the purpose of securing the ginning or pressing of cotton in any local area at reasonable rates of charge, it may by an order published in the *Official Gazette* direct that no owner or person in charge of any cotton ginning factory or cotton pressing factory in such local area shall— Power to regulate rates for ginning and pressing in certain areas.

(i) charge or cause to be charged, for the ginning or pressing (or both) of cotton rates in excess of such maxima as may be fixed by the rate fixing committee of such local area under sub-section (6); or

(ii) without reasonable excuse refuse to accept or cause to be so refused, cotton tendered by any person for ginning or pressing if the tenderer is prepared to pay charges at rates lawfully leviable; or

(iii) impose as a condition precedent to the acceptance of cotton for ginning or pressing tendered by any person for the purpose, surrender of cotton seed or lint in whole or in part in lieu of the charges lawfully leviable:

Provided that where a cotton ginning factory or cotton pressing factory carries on the process of ginning or pressing cotton exclusively for its owner or person in charge as part of his normal trade, the State Government may exempt such factory from the operation of clauses (ii) and (iii) subject to such conditions as may be prescribed.

(2) There shall be appointed a rate fixing committee in each local area specified in the notification under sub-section (1), which shall consist of—

(a) the Collector or Deputy Commissioner of the District;

(b) two representatives of the growers of cotton of such local area;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1957, Part V, page 244.

(c) two representatives of the owners of cotton ginning or cotton pressing factories in the local area ;

(d) one person (not being a Government servant) who possesses special knowledge of, or experience in, the ginning and pressing of cotton or of the cotton trade, to be nominated by the Collector or Deputy Commissioner of the district in consultation with the State Government.

(3) The Collector or Deputy Commissioner shall be the Chairman of the Committee.

(4) The representatives referred to in clauses (b) and (c) of sub-section (2) shall be appointed in such manner as may be prescribed.

(5) The term of office of the non-official members of the committee, the manner in which the members may resign and casual vacancies filled up, and the procedure regarding the work of the committee shall be such as may be prescribed.

(6) Every rate fixing committee shall fix the maximum rates for ginning or pressing cotton within its local area, having regard to such matters as may be prescribed.

(7) If any person gins or presses cotton at a rate exceeding the rate fixed by the committee under the provisions of this section or contravenes the provisions of any order made under sub-section (1) he shall, on conviction, be punished with fine which may extend to Rs. 500."

Amendment
of section 13
of Act XII
of 1925.

4. In section 13 of the said Act, in its application to the State of Bombay, in sub-section (1), after clause (b), the following new clause shall be inserted, namely:—

"(c) (i) prescribing the manner in which the representatives referred to in clauses (b) and (c) of sub-section (2) of section 5B shall be appointed, and

(ii) prescribing the term of office of the members of the committee, the manner of their resigning and filling up of casual vacancies and the procedure regarding the work of the committee under sub-section (5) of that section; and

(iii) the matters which a rate fixing committee should have regard to when arriving at the maximum rate for the ginning or pressing of cotton within its local area."

Consequen-
tial.

5. (1) Section 2B of the said Act, in its application to the Vidarbha region, and section 2B of the said Act, in its application to the Hyderabad area, of the State of Bombay, and section 3E of the said Act, in its application to the Saurashtra area of the State of Bombay, shall be deleted :

Provided that any committee constituted and functioning in the Vidarbha region or the Hyderabad area of the State of Bombay, immediately before the coming into force of this Act shall be deemed to be duly constituted, and any rates fixed by such committee or, as the case may be, the Government for ginning or pressing cotton under section 2B or section 3E so deleted shall be deemed to be duly fixed, under the provisions of section 5B of the said Act until a new committee is appointed and new rates are fixed by such committee under the provisions of the said section 5B.

(2) In section 7 of the said Act,—

(a) in its application to the Vidarbha region, and the Hyderabad area of the State of Bombay, the figure and letter "2B" shall in each case be deleted ;

(b) in its application to the State of Bombay, after the figure and letter "5A" the figure and letter "5B" shall be inserted.

(3) in section 13, in its application to the Saurashtra area of the State of Bombay, clause (af) shall be deleted.

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**THE COTTON GINNING AND PRESSING FACTORIES (MAHARASHTRA
PROVISION FOR UNIFORM APPLICATION AND AMENDMENT),
ACT, 1961.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Extension of certain enactments amending Act XII of 1925 to whole State.
3. Amendment of section 3A of Act XII of 1925.
4. Amendment of section 3B of Act XII of 1925.
5. Amendment of section 3C of Act XII of 1925.
6. Amendment of section 4 of Act XII of 1925.
7. Amendment of section 5 of Act XII of 1925.
8. Amendment of section 5B of Act XII of 1925.
9. Amendment of section 9 of Act XII of 1925.
10. Amendment of section 13 of Act XII of 1925.
11. Savings.

SCHEDULE.

MAHARASHTRA ACT No. I OF 1962.¹

[THE COTTON GINNING AND PRESSING FACTORIES (MAHARASHTRA PROVISION FOR UNIFORM APPLICATION AND AMENDMENT) ACT, 1961.]

[12th February 1962]

An Act to provide for uniformity in the application of the Cotton Ginning and Pressing Factories Act, 1925 to the whole of the State of Maharashtra, and to further amend that Act as so uniformly applied.

XII of 1925. WHEREAS it is expedient to provide for uniformity in the application of the Cotton Ginning and Pressing Factories Act, 1925 to the whole of the State of Maharashtra, and for that purpose to extend throughout the State certain enactments which amend the said Act in its application only to a part of the State ;

AND WHEREAS it is also expedient further to amend, for the purposes hereinafter appearing, the said Act as so uniformly applied to the whole State ; It is hereby enacted in the Twelfth Year of the Republic of India as follows :—

1. (1) This Act may be called the Cotton Ginning and Pressing Factories (Maharashtra Provision for Uniform Application and Amendment) Act, 1961. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

XII of 1925. 2. For the purpose of providing for the uniform application of the Cotton Ginning and Pressing Factories Act, 1925, throughout the State of Maharashtra, the enactments mentioned in Part I of the Schedule (which amend that Act in its application only to the Bombay area of the State of Maharashtra) are hereby extended to, and shall by virtue of such extension be in force also in, the rest of the State of Maharashtra ; and accordingly— Extension of certain enactments amending Act XII of 1925 to whole State.

(a) all amendments made by each of the laws mentioned in Part II of the Schedule shall (except as regards things done or omitted to be done) cease to have effect, and shall stand repealed, and

XII of 1925. (b) the Cotton Ginning and Pressing Factories Act, 1925 shall be deemed to be amended by the enactments mentioned in Part I of the Schedule throughout the State.

XII of 1925. 3. In section 3A of the Cotton Ginning and Pressing Factories Act, 1925 as uniformly applied throughout the State by section 2 (hereinafter called "the principal Act"), in sub-section (3) thereof, for the Explanation the following shall be substituted, namely :— Amendment of section 3A of Act XII of 1925.

" *Explanation.*—For the purposes of this section cotton shall be deemed to be watered—

(a) if it contains moisture in excess of the normal quantity, or

(b) if the prescribed authority duly certifies that it contains caked material or patches due to deliberate watering.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1961, Part V, page 410.

For the purposes of clause (a), the normal quantity of moisture in any given quantity of cotton is the amount of moisture that such cotton is reasonably expected to have, regard being had to the place or places at or to which, and the time or times of the year in which, such cotton has been picked, collected, stored, conveyed, left ginned or pressed. A certificate given by prescribed authority as to the normal quantity of moisture that a given quantity of such cotton should have and the quantity of moisture that it possesses shall be evidence of such matter, until the contrary is proved; and if the latter quantity exceeds the former it shall be evidence, until the contrary is proved, that the cotton contains moisture in excess of the normal quantity.

Amendment
of section 3B
of Act XII
of 1925.

4. In section 3B of the principal Act, in sub-section (1) thereof, for the words "any Gazetted officer authorised by it in this behalf" the words and brackets "any Government servant authorised by it in this behalf (being a Government servant not below such rank as may be prescribed)" shall be substituted.

Amendment
of section 3C
of Act XII
of 1925.

5. In section 3C of the principal Act, in sub-section (1), for the words "any gazetted officer" the words "any government servant not below such rank as may be prescribed" shall be substituted.

Amendment
of section 4
of Act XII
of 1925.

6. In section 4 of the principal Act,—

(a) in sub-section (1) for the words "every bale pressed" the words "every bale stocked or pressed" shall be substituted;

(b) in sub-section (2) for the words "bale is removed" the words "bale is stocked or removed" shall be substituted.

Amendment
of section 5
of Act XII
of 1925.

7. In section 5 of the principal Act, in sub-sections (2) and (4) for the words "in the Bombay area of the State of Maharashtra" the words "in the State" shall be substituted.

Amendment
of section 5B
of Act XII of
1925.

8. In section 5B of the principal Act,—

(a) in sub-section (2),—

(i) for the words "in the notification" the words "in the order notified" shall be substituted,

(ii) the words "or Deputy Commissioner" shall be deleted;

(b) in sub-section (3), the words "or Deputy Commissioner" shall be deleted.

Amendment
of section 9
of Act XII
of 1925.

9. In section 9 of the principal Act, in sub-section (2),—

(a) for the words "the owner of every cotton pressing factory" the words "the owner of every cotton pressing or cotton ginning factory" shall be substituted;

(b) for the words "shall cause the press house" the words and brackets "shall cause the press house or, as the case may be, the gin house (including any place used for storing cotton)" shall be substituted.

10. In section 13 of the principal Act,—

(1) in sub-section (1)—

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

“(ag) the rank of the Government servant for the purposes of sub-section (1) of sections 3B and 3C;”,

(b) in clause (c),—

(a) before sub-clause (i), the following shall be inserted, namely :—

“(i) prescribing conditions subject to which a factory may be exempted from the operation of clauses (ii) and (iii) of sub-section (1) of section 5B,”,

(b) sub-clauses (i) to (iii) shall be renumbered as sub-clauses (ii) to (iv) of that clause, respectively;

(2) for sub-section (3), the following shall be substituted, namely :—

“(3) All rules made by the State Government under this Act shall be laid for not less than thirty days before each House of the State Legislature as soon as possible after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following and publish in the *Official Gazette*.”

11. (1) The repeal by section 2 of the laws mentioned in Part II of the Schedule Savings shall not affect—

(a) the previous operation of any of the laws so repealed or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any of the laws so repealed;

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the laws so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the preceding sub-section anything done or any action taken (including any licence granted, refused, suspended or cancelled, certificates given, returns submitted, statements compiled, or notifications, orders, rules, authorizations or seizures of things made) under any such law shall be deemed to have been done or taken under the corresponding provisions of the principal Act and shall, until altered, repealed or amended, by anything done or any action taken under the principal Act, continue in force accordingly.

SCHEDULE.

(See section 2).

PART I.

Serial No. 1	Acts. 2	Provision extended. 3
1	The Cotton Ginning and Pressing Factories (Bombay Amendment) Act, 1936 (Bom. IV of 1936).	The whole except section 1 (2).
2	The Cotton Ginning and Pressing Factories (Bombay Amendment) Act, 1938 (Bom. XX of 1938).	The whole.
3	The Bombay Repealing and Amending Act, 1949 (Bom. LIII of 1949).	So much of the Act as relates to the amendment of the Cotton Ginning and Pressing Factories Act, 1925.
4	The Cotton Ginning and Pressing Factories (Bombay Amendment) Act, 1956 (XXVII of 1956).	The whole.

PART II.

*Laws which have amended the Cotton Ginning and Pressing Factories Act, 1925
in its application to Vidarbha and Hyderabad areas of the State.*

1. The Cotton Ginning and Pressing Factories (Central Provinces and Berar Amendment) Act, 1936 (C. P. and Berar XXIV of 1936);
2. The Central Provinces and Berar Cotton Ginning and Pressing Factories (Amendment) Act, 1947 (C. P. and Berar XIII of 1947); and
3. The Cotton Ginning and Pressing Factories (Hyderabad Amendment) Act, 1954 (Hyd. XXXIII of 1954).