

**THE EAST PUNJAB COTTON (STATISTICS)
ACT, 1948.**

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THE EAST PUNJAB COTTON (STATISTICS) ACT, 1948.

East Punjab Act No. XXIII of 1948.

[Received the assent of His Excellency the Governor on the 10th April, 1948, and was first published in the East Punjab Government Gazette (Extraordinary) of April 12, 1948.]

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Year	No.	Short title	Whether repealed or otherwise affected by legislation
1948 ..	XXIII	East Punjab Cotton (Statistics) Act, 1948	Amended in part by the Adaptation of Laws Order, 1950. Amended in part by the Adaptation of Laws (Third Amendment) Order, 1951. Amended in part, Punjab Act No XX of 1952 ³ Extended to the territories, which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union, by Punjab Act 18 of 1958 ³ . Amended by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent subjects) Order, 1968.

An Act to facilitate the collection of statistics of stocks of Indian raw cotton in the ⁴[State].

WHEREAS it is expedient to facilitate the collection of statistics of stocks of Indian raw cotton in the ⁴[State] ; it is hereby enacted as follows .—

1. (1) This Act may be called the East Punjab Cotton (Statistics) Act, 1948.

(2) It extends to the whole of ⁵[Union territory of Chandigarh].

(3) It shall come into force on such date as the ⁶[Central Government] may, by notification ⁷ in the official Gazette, appoint.

Short title, extent and commencement.

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), 1948, page 277 ; for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, Volume II, 1948, pages 945—47.

²For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary) of 22nd October, 1952, page 1186 ; for proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, 1952.

³For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extra-ordinary), 1958, page 546 K.

⁴Substituted for the word "Province" by the Adaptation of Laws (Third Amendment) Order, 1951.

⁵Substituted for the word "Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

⁶Substituted for the words "State Government" by *ibid.*

⁷See notification No. 7472-D, dated 13th July, 1948.

Definitions.

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

- (1) 'Cotton' means Indian raw cotton including seed cotton, lint and fly ;
- (2) 'Director' means the Director of Agriculture, ¹[Union territory of Chandigarh] and includes every officer who for the time being performs the duties of that office for the purposes of this Act, and is notified accordingly in the official Gazette ;
- (3) 'Indian Central Cotton Committee' means the Indian Central Cotton Committee constituted under Indian Cotton (Cess) Act, 1923 (XIV of 1923) ;
- (4) 'Owner' means the owner of a cotton ginning factory or a cotton pressing factory and includes the managing agent or other principal officer of such factory ;
- (5) 'prescribed date' means the thirty-first day of August in each year ;
- (6) ⁶'[State]' means the ²[Union territory of Chandigarh] ;
- (7) 'trader' means the person carrying on the business of selling or purchasing cotton and includes a broker or a commission agent who makes contracts for the sale or purchase of cotton for others and stocks cotton on their behalf or any one holding stocks of cotton ;
- (8) the expressions 'cotton ginning factory' and 'cotton pressing factory' shall have the meanings, respectively, assigned to them by the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925).

¹Substituted for the word "Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

²Substituted for the words "State of Punjab" by *ibid.*

³Substituted for the word "Province" by the Adaptation of Laws Order, 1950.

3. (1) Every trader and every owner shall each year prepare and deliver or cause to be prepared and delivered to the Director a return, in the form prescribed by rules made under this Act, of the quantity of cotton of different varieties in his possession on the prescribed date.

Delivery of yearly returns of Indian raw cotton.

(2) Every such trader or owner shall subscribe a declaration of the truth of the return at the foot thereof.

(3) Every such return shall be delivered or sent by post to the Director within seven days of the prescribed date.

4. The Director or any person authorised by him in writing in this behalf shall for the purpose of the collection of any statistics required under section 3 have access to any relevant record or document in the possession of any trader or owner and may enter at any reasonable time any premises wherein he believes such record or document to be and may ask any question necessary for obtaining any information required for the aforesaid purpose.

Right of access to record or document.

5. The Director may use the returns furnished under section 3 or the information obtained under section 4 for such purposes as he may deem fit and may in particular use such returns or information for the purpose of supplying any statistics required by the Indian Central Cotton Committee.

Use of returns required under section 3 or information obtained under section 4.

6. (1) No individual return made under section 3 and no part of such return and no information obtained under section 4 shall without the previous consent in writing of the trader or owner, as the case may be, by whom the return or information was furnished or given, or his authorised agent, be published in such manner as would enable any particulars to be identified as referring to a particular cotton ginning factory or a cotton pressing factory or the business of any particular trader.

Restriction on the publication of returns and information.

(2) Except for the purposes of a prosecution under this Act or under the Indian Penal Code (XLV of 1860), no person not engaged in connection with the collection of statistics required under this Act shall be permitted to see any individual return or information referred to in subsection (1).

XLV of 1860.

Penalties.

7. ¹(1) If any person (a) wilfully refuses or without lawful excuse neglects to furnish the return required under section 3, or (b) wilfully furnishes or causes to be furnished any such return which he knows to be false, or (c) refuses to answer or wilfully gives a false answer to any question asked in exercise of the powers conferred by section 4, or if any person impedes the right of access to any relevant record or document or the right of entry conferred by section 4, he shall for each such offence be punishable with fine which may extend to rupees five hundred, and in the case of a continuing offence to a further fine which may extend to rupees two hundred for each day after the first during which the offence continues ; and in respect of a false return or answer the offence shall be deemed to continue until the true return or answer has been given or made.

Offence by Corporation.

¹[(2) If the person contravening any of the provisions of this Act, is a company or other body corporate, the Secretary, Manager or other principal officer managing the affairs of such company or body, as the case may be, shall be presumed to be guilty of such contravention.]

Penalty for im-
proper disclosure
of information and
return.

8. If any person engaged in connection with the collection of statistics under this Act wilfully discloses any information or the contents of any return given or made under this Act otherwise than in the execution of his duties under this Act or for the purpose of the prosecution of an offence under this Act or under the Indian Penal Code (XLV of 1860), he shall be punishable with imprisonment ^{XLV of 1860.} for a term which may extend to six months or with fine which may extend to one thousand rupees or with both imprisonment and fine.

Cognizance of an offence.

9. No prosecution under section 7 shall be instituted except with the previous sanction in writing of the Director and no prosecution under section 8 shall be instituted except with the previous sanction in writing of the ²[Central Government].

¹Section 7 renumbered as sub-section (1) and a new sub-section (2) added by Punjab Act No. XX of 1952, section 2.

²Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

10. No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Act. Protection for acts done under this Act.

11. The ¹[Central Government] may, by general or special order, exempt any trader or class of traders from the operation of this Act. Exemptions.

12. (1) The ¹[Central Government] may subject to the condition of previous publication, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Without prejudice to the generality of the foregoing powers, ²rules may be made under this section (a) prescribing the form of the return to be furnished under section 3 ; and (b) regulating the exercise of the right of access to documents and the right of entry conferred by section 4.

¹Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

²For rules, see notification No. 123-Agriculture, dated 8th January, 1949, published in *East Punjab Government Gazette*, 1949, Part I, pages 44-45.