



The Madhya Pradesh Cotton (Statistics) Act, 1947

Act 40 of 1947

Keyword(s):

Cotton, Owner, Trader, Cotton Ginning Factory, Cotton Pressing Factory

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THE MADHYA PRADESH COTTON (STATISTICS)
ACT, 1947

No. 40 of 1947

Preamble:

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THE MADHYA PRADESH COTTON (STATISTICS) ACT, 1947

(No. 40 of 1947)¹

(Received the assent of the Governor on the 8th November, 1947; assent first published in the Central Provinces and Berar Gazette on the 21st November, 1947.)

An Act to facilitate the collection of statistics of stocks of Indian raw cotton in [Madhya Pradesh]²

Preamble—

Whereas it is expedient to facilitate the collection of statistics of Stocks of Indian raw cotton in [Madhya Pradesh]²

Short title, extent and commencement.

It is hereby enacted as follows :—

1. (1) This Act may be cited as the [Madhya Pradesh]³ Cotton (Statistics) Act, 1947.

[(2) It extends to and shall be in force in the whole of Madhya Pradesh.]⁴

Definitions.

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

(a) “cotton” means Indian raw cotton and includes seed cotton, lint and fly;

[(b) “Director” means the Director of Agriculture, Madhya Pradesh and includes any officer appointed by the State Government to perform any of the functions of the Director under this Act.]⁵

(c) “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;

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

(e) “trader” means a person, other than an owner, carrying on the business of buying or selling cotton for the purposes of gain or profit and includes—

1. For Statement of Objects and Reasons, see Central Provinces and Berar Gazette dated the 18th July, 1947, Part II, page 125. For proceedings in Assembly, see Central Provinces and Berar Legislative Assembly Proceedings, 1947, Vol. IV, pages 17 and 18 of No. 10, dated the 21st October, 1947.
2. Subs. by A.O 1950, for “the Central Provinces and Berar”.
3. Subs. by M.P Act 23 of 1958. S. 3 (4) for “Central Provinces and Berar”.
4. Subs. ibid S. 3 (3) Sch., part A, item 49, for sub-sections (2) and (3).
*The Act came into force in the former Madhya Pradesh on the 1st February, 1948, see Commerce and Industry Department Notification No. 401-6688-VII, dated the 20th January, 1948 issued under sub-section (3) above and published in the Central Provinces and Berar Gazette, dated the 23rd January, 1948, Part I, Page 47
5. Subs. by M. P. Act 14 of 1977. S. 2.

- (i) a manufacturer, or
- (ii) an importer who carries on such business, or
- (iii) a broker or commission agent who contracts for the sale or purchase of cotton for others and stocks cotton on their behalf, or
- (iv) any other person who holds the prescribed quantity of cotton;
- (f) "year" means a year commencing on the 1st day of September;
- (g) the expressions "cotton ginning factory" and "cotton pressing factory" have respectively the meanings assigned to them by the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925).

3. (1) Every owner and every trader shall each year submit on or before the prescribed date to the Director through such officer, if any, as the State Government may by notification from time to time specify, a return in the prescribed form of the quantity of cotton of different varieties in his possession on the last day of the previous year.

Submission of yearly returns of cotton.

(2) Every return submitted under sub-section (1) shall be signed by the person submitting it.

4. The Director or any person authorised by him in writing in this behalf shall, for the purpose of collecting any statistics required under section 3 or for testing the accuracy of any return submitted under section 3, have access to every relevant document, book of account or other record in the possession of any owner or trader and may at any reasonable time between sunrise and sunset with or without notice to such owner or trader, as the case may be, enter any premises wherein he believes such document, book or other record to be, and examine and take copies of, or extracts from, the document, book of account or other record. The Director or the person so authorised may ask any question and make any enquiry necessary for obtaining any information required for the aforesaid purpose and shall also have access to any premises where he has reason to believe that cotton is stocked.

Right of access, inspection and search.

5. The Director may use returns submitted under section 3 and information obtained under section 4 for—

Use or returns of information.

- (a) compiling statistics required by the Indian General Cotton Committee constituted under the Indian Cotton Cess Act, 1923 (XIV of 1923);
- (b) such purposes in respect of the matters enumerated in list II of the Seventh Schedule to the [Constitution],¹ as the State Government may direct.

¹ Subs. by A. O. 1950 for "Government of India Act, 1935".

Restriction on publication of returns and information.

6. (1) No individual return, and no part of any such return, and no information obtained for the purposes of this Act, shall, without the previous consent in writing of the owner or trader concerned, or his authorised agent, be published in such manner as would enable any particulars to be identified as referring to a particular cotton ginning or pressing factory or the business of a particular trader.

(2) Except for the purposes of a prosecution under this Act or under the Indian Penal Code (XLV of 1860), no person not connected with the checking of returns or the collection of information under this Act shall be permitted to see any individual return or information referred to in sub-section (1).

Penalties.

7. If any person—

- (a) wilfully refuses or without lawful excuse neglects to submit a return under section 3, or
- (b) wilfully submits or causes to be submitted any such return which he knows to be false, or
- (c) refuses to answer or wilfully gives a false answer to any question or enquiry necessary for obtaining any information for the purposes of this Act, or
- (d) impedes the right of access to a relevant document, book of account or other record, or the right of entry conferred by section 4,

he shall be punishable with fine which may extend to five hundred rupees, and in the case of a continuing offence, to a further fine which may extend to two hundred rupees 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 a true return or answer has been submitted.

Penalty for improper disclosure of information or returns.

8. Any person connected with the checking of returns collection of information under this Act, who, 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), wilfully discloses any information given, or the contents of any return submitted under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Cognizance of offences.

9. No prosecution for an offence under section 7 shall be instituted except with the previous sanction in writing of the Director, and no prosecution for an offence under section 8 shall be instituted except with the previous sanction in writing of the State Government.

Protection for acts done in good faith.

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.

11. 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 deemed to be guilty of such contravention. Offences by corporation.

12. The State Government may by general or special order exempt at any trader or class of traders from the operation of this Act. Exemptions.

13. (1) The State Government may, after 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, such rules may provide for—

- (a) prescribing the quantity of cotton under item (iv) of clause (e) of section 2;
 - (b) prescribing the date on or before which and the form in which a return under section 3 shall be submitted; and
 - (c) regulating the exercise of the right of access to books of account, records and documents and the right of entry conferred by section 4.
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