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THE MADHYA PRADESH SALE OF KHA DDAR ACT, 1953

(No. 10 of 1953)

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THE MADHYA PRADESH SALE OF KHADDAR ACT, 1953

(No. 10 of 1953)¹

(Received the assent of the Governor on the 9th April 1953; assent first published in the Madhya Pradesh Gazette. on the 17th April, 1953.)

An Act to regulate the sale of Khaddar or Khadi.

Preamble.— Whereas it is expedient to regulate the sale of Khaddar or Khadi;

It is hereby enacted as follows :—

1. (1) This Act may be cited as the Madhya Pradesh Sale of Khaddar Act, 1953.

Short title, extent and commencement.

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

[(3) It shall be in force in Mahakoshal region² and shall come into force in all other regions of the State on such date³ as the State Government may, by notification in the official Gazette, appoint.]⁴

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

Definitions.

(a) “deal” means to carry on the business of selling “Khaddar” or “Khadi” whether wholesale or retail, but does not include the sale by an educational or other institution imparting instructions or training in spinning and weaving of “Khaddar” or “Khadi” produced by it, and the expression “dealer” shall be construed accordingly;

(b) “Khaddar” or “Khadi” means any cloth woven on handloom in India from cotton, silk or woolen yarn handspun in India, or from a mixture of any two or all of such yarns;

1. For Statement of Objects and Reasons see “Madhya Pradesh Gazette” dated the 20th June, 1952, Part IV-A, page 18. For Report of the Select Committee, see Madhya Pradesh Gazette Extraordinary dated the 14th February 1953, page 57. For proceedings in Assembly see Madhya Pradesh legislative Assembly Proceedings, 1952 pages 54-79, dated the 31st July 1952 Vol.III, pages 15-19, dated the 13th February 1953. Pages 51-52, dated the 24th February 1953, pages 23-58 dated the 5th March, 1953.

2. The Act came into force in the former State of Madhya Pradesh, on the 18th November, 1955 see Civil supplies Department Notification No. 1827-2832-XXV, dated the 9th November, 1953 published in “Madhya Pradesh Gazette” dated the 11th November, 1953, Part I page 1009.

3. The Act came into force in the M.B., V.P. Bhopal and Sironj regions from 2nd October 1960, vide Noti. 1470/ 1694-XI A, dated the 6th September 1960 published in M.P. Gazette, dated 30th September 1960, Part I, page 1499.

4. Subs. by M.P. Act 23 of 1958. S.3(3) Sch. Part A item 74.

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(c) "licensing authority" means the licensing authority constituted under section 3.

Licensing Authority over.

3. (1) The licensing authority shall consist of [four] 1 members as follows :—

(a) one member to be nominated by the Secretary of the All-India Spinner's Association, Wardha;

(b) one member to be nominated by the Secretary, All-India Sarwa Seva Sangh, Wardha;

(b-1) one member to be nominated by the State Government to represent the Khadi and Village Industries Board exercising jurisdiction in the State;]²

(c) one official to be nominated by the State Government.

(2) Every nomination under this section shall take effect as soon as it is notified by the State Government.

Appointment of Chairman.

4. The State Government shall nominate a member of the licensing authority to be the Chairman thereof.

Term of office.

5. (1) The term of office of a member nominated under [clause (a) clause (b) or clause (b-1)]³ of sub section (1) of section 3 shall be three years commencing from the date on which his nomination is notified.

(2) The member appointed under clause (c) of sub-section (1) of section 3 shall, unless resigns the membership of the licensing authority, hold office during the pleasure of the State Government.

(3) Any member of the licensing authority may resign his membership by a letter addressed to the State Government and the resignation shall be effective on the date such letter is received by the State Government.

Conduct of business.

6. (1) The licensing authority may, with the previous approval of the State Government, make regulations for the conduct of its own business.

(2) Such regulations shall be published in the Gazette.

Act of licensing authority not to be questioned due to vacancy, defect or irregularity.

7 Any act done by the licensing authority shall not be questioned on account of any vacancy in the authority or any defect or irregularity in the appointment of the Chairman or any member of the authority.

1. Subs. by M. P. Act 23 of 1958, S.3 (3), Sch. Part A, item 74, for "three"
 2. Ins, ibid.
 3. Subs. by M.P. Act 23 of 1958, S.3 (3), Sch. Part A, item 74, for "clause (a) or clause (b)".

8. No dealer shall sell any article in the name of "Khaddar" or "Khadi" except under and in accordance with a licence granted by a licensing authority under this Act.

Sale of Khaddar or khadi by licensed dealers only.

9. (1) Subject to any rules made under this Act, a licensing authority may, on the application of a dealer and after making such inquiry as it thinks fit, grant a licence to him to sell "Khaddar" or "Khadi."

Power to grant licence.

(2) Where the licensing authority rejects an application for a licence, it shall record its reasons therefor.

(3) Every licence shall be issued in such form, on such conditions and subject to such fees as may be prescribed.

10. No dealer to whom a licence has been granted under section 9 shall deal in any cloth other than "Khaddar" or "Khadi" on the premises in which he locates his shop, for the sale of "Khaddar" or "Khadi".

Dealer in Khadi not to deal in any other cloth in the same premises.

11. Any dealer, who contravenes the provisions of section 8 or section 10 or commits a breach of any of the conditions of a licence granted under this Act, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both, .

Penalty.

12. If the person committing an offence under this Act is a company or other body corporate, every director, manager secretary or other officer or agent thereof shall, unless he proves that the offence took place without his knowledge or that he exercised all due diligence to prevent the commission of such offence, be deemed to be guilty of such offence.

Offences by corporations.

13. No court shall take cognizance of any offence punishable under this Act except upon a complaint, in writing, made in the prescribed manner by the licensing authority.

Cognizance of offences.

14. (1) The State Government may make rules to carry out all or any the purpose of this Act.

Rules.

(2) In particular, and without prejudice to the generality of the foregoing power, the State Government may make rules to provide for—

- (a) the form in which an application for a licence under this Act may be made;
- (b) the form in which, and the conditions subject to which, a licence may be granted under this Act;
- (c) the fees to be levied for the grant of licences;
- (d) the procedure to be followed by the licensing authority in considering the applications for licences, and the issue of licences.
- (e) the manner in which a complaint shall be made of any offence punishable under this Act.

(3) The rules under sub-sections (1) and (2) shall be made after consultation with the licensing authority.