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¹[TAMIL NADU] ACT No. XLVII OF 1949².

[THE ¹[TAMIL NADU] COTTON (TRADE STOCKS) CENSUS ACT, 1949.]

(Received the assent of the Governor-General on the 22nd January 1950 ; first published in the Fort St. George Gazette on the 24th January 1950.)

An Act to provide for the collection of statistics relating to stocks of Indian raw cotton held by traders and owners of ginning and pressing factories in the ³[State of Tamil Nadu.]

WHEREAS it is expedient to provide for the collection of statistics relating to stocks of Indian raw cotton held by traders and owners of ginning and pressing factories in the ³[State of Tamil Nadu] ; It is hereby enacted as follows:—

1. (1) This Act may be called the ¹[Tamil Nadu] Cotton (Trade Stocks) Census Act, 1949.

Short title, extent and commencement.

(2) It extends to the whole of the ⁴[State of Tamil Nadu].

(3) This section shall come into force at once ; and the rest of this Act shall come into force on such ⁵date as the ⁶[State] Government may, by notification in the **Fort St. George Gazette*, appoint.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 22nd March 1949, Part IV-A, page 226.

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960) repealing the corresponding law in force in those territories.

³ This expression was substituted for the expression "Province of Madras" by Paragraph 3 (2) of the Tamil Nadu Adaptation of Laws Order, 1970.

⁴ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

⁵ Came into force on the 24th January 1950.

⁶ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

* Now the *Tamil Nadu Government Gazette*.

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Definitions.

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

(a) "Committee" means the Indian Central Cotton Committee constituted under the Indian Cotton Cess Act, 1923; Central Act XIV of 1923.

(b) "cotton" means ginned or unginned Indian raw cotton or cotton waste ;

(c) "cotton ginning factory" means any place where cotton fibre is separated from cotton seed by any process involving the use of steam, water or other mechanical power or electrical power ;

(d) "cotton pressing factory" means a factory as defined in the Factories Act, 1948, in which cotton is pressed into bales ; Central Act LXIII of 1948.

(e) "Director" means the ¹[Director of Agriculture, Tamil Nadu] ;

(f) "owner" in relation to a cotton ginning or pressing factory, means the lessee or mortgagee in case the factory has been leased or mortgaged with possession, and the owner in any other case and includes any agent of such lessee, mortgagee or owner having control over the factory ;

(g) "prescribed" means prescribed by rules made under this Act ;

(h) "trader" means a person other than an owner, carrying on the business of buying or selling cotton for the purpose of gain or profit, and includes—

(i) a manufacturer, an importer or an exporter who carries on such business ; and

(ii) a broker or commission agent who enters into contracts for the sale or purchase of cotton on behalf of others, and stocks cotton on their behalf.

Returns.

3. Every trader and every owner shall, in respect of each place where he carries on business—

(a) keep books of account in the prescribed form; and

¹ This expression was substituted for the expression "Director of Agriculture, Madras" by paragraph 3 (2) of the Tamil Nadu Adaptation of Laws Order, 1970.

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(b) furnish to the Director or other prescribed authority, within the prescribed time, a return in the prescribed form showing (i) the quantity of each variety of cotton held by him on the 31st January and the 31st August of each year and (ii) such other particulars as may be prescribed :

Provided that where there is more than one owner, and one of them has furnished the return aforesaid, it shall be deemed to have been furnished by all of them.

4. (1) All accounts, documents and vouchers relating to stocks, purchases, sales and deliveries of cotton kept by any trader or owner and all stocks of cotton held by him shall be open to inspection at all reasonable times by the Director or any officer authorized by him in writing in this behalf. Right of inspection, entry and search.

(2) The Director or any officer so authorized shall have power at all reasonable times to enter and search any building, vessel, vehicle or place where any trader or owner is reasonably believed to carry on business or keep stocks of cotton, for the purpose of collecting any information required for the purposes of this Act or any rule made thereunder, verifying the correctness of any such information, or satisfying himself whether the provisions of this Act or of any rule made thereunder are being complied with and to examine any person found in or about any such building, vessel, vehicle or place.

5. The Director may use the returns furnished under section 3 and the information obtained under section 4 for compiling the statistics required by the Committee or for any other purpose specified by the ¹[State] Government by general or special order. Use of returns, statistics and information.

6. (1) Save as provided in this Act, no particulars contained in any return or information furnished or obtained under this Act shall, without the previous consent in writing of the trader or owner concerned, or an agent authorized by him in this behalf be published in such a manner as to permit of their identification as referring to a particular cotton ginning or pressing factory or the business of a particular trader or owner. Restriction of publication of returns and information.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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(2) All particulars contained in any return or information furnished or obtained under this Act shall be treated as confidential; and no such particulars shall be disclosed to any person except for the purpose of investigating any offence punishable under this Act or any other law for the time being in force or of prosecuting any person in respect of any such offence.

Penalties.

7. (1) Whoever—

(a) fails to keep books of account as required by section 3, clause (a), or

(b) without lawful excuse refuses, or fails to furnish a return as required by section 3, clause (b), or

(c) furnishes any return under section 3, clause (b), which he knows or has reason to believe to be false, incorrect or incomplete, or

(d) without lawful excuse refuses, or fails to answer, or gives any answer which he knows to be false, to any question put to him under section 4, sub-section (2), or

(e) voluntarily obstructs any officer in the discharge of his functions under this Act,

shall be punishable with fine which may extend to five hundred rupees, and with an additional fine which may extend to two hundred rupees for every day after the first during which the offence continues.

Explanation.—If a false, incorrect or incomplete return has been furnished under section 3, clause (b), the offence shall be deemed to continue until a true, correct and complete return has been furnished.

(2) Whoever wilfully discloses any particulars contained in any return or information furnished or obtained under this Act otherwise than in the lawful discharge of his functions 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.

8. No Court shall take cognizance—

(i) of an offence punishable under section 7, sub-section (1), except on a complaint in writing of the Director or any officer authorized by him in writing in this behalf and

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(ii) of an offence punishable under section 7, sub-section (2), except with the previous sanction of the ¹[State] Government or an officer authorized by them in writing in this behalf.

9. No offence punishable under this Act shall be inquired into or tried by any Court inferior to that of a Presidency Magistrate or a Magistrate of the first class.* Inquiry and trial of offences.

10. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder. Protection of acts done in good faith.

11. Where a person committing any offence punishable under this Act is a company or an association or a body of persons whether incorporated or not, the 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. Offences by corporations.

12. The ¹[State] Government may, by general or special order published in the [†]*Fort St. George Gazette, exempt any class of traders or any class of owners, from all or any of the provisions of this Act. Exemptions.

13. The ¹[State] Government may, after previous publication, make rules to carry out the purposes of this Act. Power to make rules.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

*According to clauses (a) and (c) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), which came into force on the 1st April 1974, any reference to a Magistrate of the first class shall be construed as a reference to a Judicial Magistrate of the first class and any reference to a Presidency Magistrate shall be construed as a reference to a Metropolitan Magistrate.

[†]*Now the Tamil Nadu Government Gazette.