

**JOINT/SELECT
COMMITTEE REPORT
LEGISLATIVE
ASSEMBLY
1925**

The Cotton Gining and Pressing Factories Bill

List of Reports of Select or Joint Committees
presented to the Legislative Assembly in 1925.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Indian Soldiers (Litigation) Bill.	2.2.25.	
2.	The Obscene Publications Bill.	11.2.25.	
3.	The Code of Civil Procedure (Amendment) Bill.	13.2.25.	Copy not available
4.	The Indian Penal Code (Amendment) Bill (Age of Consent) by Dr. Hari Singh Gour.	23.2.25.	- do -
5.	The Cotton Gining and Pressing Factories Bill.	23.2.25.	
6.	The Indian Tariff (Amendment) Bill.	5.3.25.	
7.	The Indian Succession Bill.	26.8.25.	Report of the Joint Committ.
8.	The Indian Succession (Amendment) Bill (Sec. 27).	26.8.25.	- do -
9.	The Code of Criminal Procedure (Amendment) Bill (Use of firearms) by Dewan Bahadur T. Rangachariar.	26.8.25.	
10.	The Indian Trade Unions Bill.	31.8.25.	
11.	The Indian Carriage of Goods by Sea Bill.	31.8.25.	- do -
12.	The Coal grading Board Bill.	31.8.25.	
13.	The Indian Limitation (Amendment) Bill.	3.9.25.	
14.	The Court-fees (Amendment) Bill.	14.9.25.	
15.	The Contempt of Courts Bill.	16.9.25.	

WE, the undersigned, Members of the Select Committee to which the Bill
 Paper No. I. to provide for the better
 Paper No. II. regulation of Cotton Ginning
 Paper No. III. and Cotton Pressing Fac-
 Paper No. IV. tories was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. *Clause 2 (b).*—We have omitted the reference to cotton seeds as unnecessary.

3. *Clause 3 (1).*—It will be more convenient for the owner to maintain not a daily record of the amount of cotton ginned on each day but a record of the dates on which cotton received from any individual was ginned and the total amount ginned for the individual, as the process of ginning may continue for some days.

4. *Clause 5.*—The return required is a weekly and progressive return for the season, and we have amended the Bill to secure this. The weight to be shown is the average net weight of the bales pressed in that week. We have also made it clear that the owner is not obliged to submit a blank return when the factory is closed, if he has given due notice of the fact.

The amount of the fine has been reduced to Rs. 50, as the offence is no more serious than other offences for which the same penalty has been inflicted.

5. *Clause 7.*—We are of opinion that, where the owner has leased his factory and has nothing to do with the management thereof, the responsibility of maintaining and producing registers should be on the lessee during the period of the lease. New clause 7 accordingly throws the responsibility on the lessee and makes due provision for the transfer of the registers at the end of the lease. The owner is still responsible for producing the old registers.

6. *Clause 8.*—Similar provision has been made in the case of a transfer of ownership.

7. *Clause 9(1).*—We have excluded small ginning factories from the operation of this clause.

8. *Clause 9(1).*—We are of opinion that provision should be made to secure that necessary alterations should be made in a factory which has not

been constructed or paved in accordance with the provisions of this clause and that the nature of the continuing offence should be made clear.

9. *Clause 11(1).*—We have omitted from the Bill references to Inspectors of Factories under the Indian Factories Act, 1911, and have limited the power of sanctioning prosecutions to Magistrates with powers not less than those of a first class Magistrate.

10. *Clause 13(2).*—This clause has been omitted as we do not think that any penal provisions are required beyond those specified in the Bill.

Further minor drafting amendments have been made.

11. The Bill was published as follows:—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	6th September, 1924.
Port Saint George Gazette	23rd September, 1924.
Bombay Government Gazette	23rd October, 1924.
Calcutta Gazette	12th September, 1924.
United Provinces Gazette	27th September, 1924.
Punjab Government Gazette	17th October, 1924.
Burma Gazette	11th October, 1924.
Bihar and Orissa Gazette	15th October, 1924.
Coorg District Gazette	1st October, 1924.
Sind Official Gazette	30th October, 1924.
North-West Frontier Gazette	3rd October, 1924.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras	Tamil	14th October, 1924.
	Telugu	14th October, 1924.
	Kannaree	14th October, 1924.
Bombay	Marathi	18th December, 1924.
	Gujarathi	18th December, 1924.
	Kannaree	4th December, 1924.
Burma	Burmese	11th October, 1924.
Sindh	Sindhi	13th November, 1924.

12. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

C. A. INNES.

T. RANGACHARIAR.

PURSHOTAMDAS THAKURDAS.

M. HARBILAS SARDA.

R. A. WILSON.

KASTURBHAI LALBHAI.

E. G. FLEMING.

M. V. ABHYANKAR*

The 21st February, 1925.

* Subject to minute of dissent.

MINUTE OF DISSENT.

Clause 4 (2) makes the factory owner liable to punishment for removal of any bale from the factory without being duly marked—although he might in no way be responsible for such removal and even though it might have taken place without his knowledge or permission. I would therefore like the words "or allowed to be removed" to be inserted after the word "removed" and before the word "from" in the first line and the word "by" to be inserted after "(1)" and before the word "the" in the third line and the word "he" to be inserted after the word "factory" and before the word "shall" in the fourth line.

The 20th February, 1925.

Clause 13 empowers the Local Government to make rules breaches of which will be offences under the Act. It is therefore necessary that this rule-making power of the Local Government should be subject to the control of the local legislature and particularly so because local conditions must be fully considered before the rules are final. The following proviso should therefore be added to the clause at the end of it:—

"Provided that no notification under this section shall be issued by the Local Government unless the rules have been approved by the legislative council of the province by a resolution."

M. V. ABHYANKAR.

[Words printed in italics indicate the amendments made by the Select Committee.]

A

BILL

TO

Provide for the better regulation of cotton ginning and cotton pressing factories.

WHEREAS it is expedient to provide for the better regulation of cotton ginning and cotton pressing factories; It is hereby enacted as follows:—

1. (1) This Act may be called the Cotton Ginning and Pressing Factories Act, 1925.
Short title, extent and commencement.

(2) It extends to the whole of British India (except Burma), including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

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

(a) "bale" means any pressed package of cotton of whatever size or density;

(b) "cotton" means ginned or unginned cotton, or cotton waste;

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

(d) "cotton pressing factory" means any factory as defined in the Indian Factories Act, 1911, in which cotton is pressed into bales; XII of 1911

(e) "cotton waste" means droppings, strip-pings, fly and other waste products of a cotton mill or of a cotton ginning factory or of a cotton pressing factory, but does not include yarn waste;

(f) "Indian Central Cotton Committee" means the Indian Central Cotton Committee constituted under the Indian Cotton Cess Act, 1923, and includes any sub-committee appointed by it to perform any function of the Indian Central Cotton Committee under this Act; and XIV of 1923

(g) "Occupier" includes a managing agent or other person authorised to represent the occupier;

(h) "prescribed" means prescribed by or under rules made under this Act

3. (1) The owner of every cotton ginning factory shall cause to be maintained at the factory in such form, if any, as may be prescribed, a ginning register.
Maintenance of registers.

containing a record of all cotton ginned in the factory and of the names of the persons for whom and the dates on which the cotton has been ginned and of the amount ginned for each person.

(2) The owner of every cotton pressing factory shall cause to be maintained at the factory in such form, if any, as may be prescribed, a press register containing a daily record of the number of bales pressed in the factory, the serial number of each bale, and the name of the person for whom it has been pressed.

(3) The owner or the person in charge of a cotton ginning or cotton pressing factory shall be bound to produce any ginning register or press register maintained under this section when required to do so by any person appointed by the Local Government in this behalf, and the owner or person in charge of any cotton pressing factory shall be bound to furnish to the Indian Central Cotton Committee, if so required by it in writing, a copy, certified as correct by the owner or person in charge of the factory, of the entry in any press register maintained at the factory relating to any specified bale.

(4) No register required to be maintained by this section shall be destroyed until after the expiration of three years from the date of the last entry therein.

(5) If—

- (a) in any factory any register required by this section to be maintained is not maintained or is maintained in any form other than the form, if any, prescribed for the purpose, or
- (b) any entry in any such register is proved to be false in any material particular, or
- (c) any such register is destroyed before the expiration of the period referred to in sub-section (4),

the owner of the factory shall be punished with fine which may extend to fifty rupees or, if he has previously been convicted of any offence under this sub-section, to five hundred rupees.

(6) If the owner or the person in charge of any factory fails to produce any register, or to furnish a certified copy of any entry, when required to do so under sub-section (3), or furnishes a certified copy of an entry knowing or having reason to believe such copy to be false, he shall be punished with fine which may extend to fifty rupees or, if he has previously been convicted of any offence under this sub-section, to five hundred rupees.

4. (1) The owner of every cotton pressing factory shall cause every bale pressed in the factory to be marked in such manner as may be prescribed, before it is removed from the press-house, with a serial number and with the mark prescribed for the factory.

(2) If any bale is removed from the press-house of any cotton pressing factory without having been marked as required by sub-section (1), the owner of the factory shall be punished with fine which may extend to fifty rupees.

5. (1) The owner of every cotton pressing factory shall submit to the Returns. 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.*

(2) The Local Government shall compile from the weekly returns, and shall publish in such manner as the Governor General in Council 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.

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

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

Explanation.—In this section "season" means the period notified in this behalf by the Local Government in the local official Gazette.

6. (1) No scales or weights shall be used in any Scales and weights. cotton ginning or cotton pressing factory other than the scales or weights, if any, prescribed by the Local Government as standard for the district in which the factory is situated.

(2) If in any factory any scale or weight is used in contravention of the provisions of sub-section (1), the owner of the factory shall be punished with fine which may extend to fifty rupees or *if he has been previously convicted of any offence under this sub-section, to five hundred rupees.*

7. (1) *Where the owner of a cotton ginning or pressing factory has leased the factory for a period of not less than one month, in the case of a cotton ginning factory, or three months, in the case of a cotton pressing factory, and the lessor retains no interest in the management or profits of the factory and notice of the lease has been given by the lessor and the lessee to the prescribed authority, the lessee shall be deemed to be the owner of the factory, from the date of the notice and for the period of the continuance of the lease, for the purposes of section 3, in respect of the registers maintained or to be maintained from that date and for that period, and for the purposes of sections 4, 5 and 6.*

(2) *On the termination of the lease the lessee shall hand over to the lessor the registers maintained under section 3, and the lessor shall forthwith report to the prescribed authority any default of the lessee in complying with the provisions of this sub-section or in maintaining the registers in accordance with the provisions of section 3.*

(3) *If default is made in handing over any register or making any report as required by this*

section, the lessor or the lessee, as the case may be, shall be punished with fine which may extend to fifty rupees.

8. (1) On a transfer of the ownership of a cotton ginning or pressing factory, the transferor shall hand over to the transferee the registers maintained under section 3, and the transferee shall forthwith report to the prescribed authority any default of the transferor in complying with the provisions of this sub-section or in maintaining the registers in accordance with the provisions of section 3.

(2) If default is made in handing over any register or making any report as required by sub-section (1), the transferor or the transferee, as the case may be, shall be punished with fine which may extend to fifty rupees.

9. (1) In the case of cotton ginning factories the construction of which is commenced after the commencement of this Act —

- (a) gin-houses shall be provided with separate entrances and exits for the bringing in of unginced and the taking out of ginned cotton respectively, and
- (b) the factories shall be constructed in accordance with plans and specifications approved by the prescribed authority :

Provided that nothing in this sub-section shall apply to any factory in which only roller gins are used where the number of such gins is not more than four.

(2) Within such period after the commencement of this Act as may be prescribed, the owner of every cotton pressing factory in which cotton is handled on the ground floor shall cause the press-houses to be paved or provided with other suitable flooring to the satisfaction of the prescribed authority.

(3) If the owner of any factory fails to comply with any provision of this section which is applicable to the factory, he shall be punished with fine which may extend to one hundred rupees.

(4) (a) Where the owner of a factory has been convicted under sub-section (3), the prescribed authority may serve on the owner of the factory an order in writing directing that such alterations shall be made in the factory, before a specified date, as in the opinion of the said authority are necessary to secure compliance with the provisions of sub-section (1) or sub-section (2), as the case may be.

(b) Where the alterations are not made in accordance with the order served under clause (a) of this sub-section, the prescribed authority may serve on the owner and on the occupier, if any, of the factory an order in writing directing that the work of ginning or pressing cotton in such factory shall be suspended until the alterations have been made in accordance with the order served under clause (a) of this sub-section and the owner and the occupier, if any, shall be jointly and severally liable to fine which may extend to fifty rupees for each day on which cotton is ginned or pressed in the factory in contravention of the order served under this clause.

10. Where the person guilty of an offence under this Act is a company, every director, manager, secretary and other officer thereof who is knowingly a party to the default shall also be guilty of the like offence and liable to the like punishment.

11. No prosecution under this Act shall be instituted except by or with the previous sanction of the District Magistrate or a *Chief Presidency Magistrate* or a *Magistrate of the first class specially empowered in this behalf by the Local Government*.

(2) No offence punishable under this Act shall be tried by any Court inferior to that of a Presidency Magistrate or of a Magistrate of the first class.

12. The Governor General in Council may make rules to provide for—

- (a) the allotment of a special mark to be used by each pressing factory for the purpose of the marking of bales ;
- (b) the manner in which bales shall be marked ; and
- (c) the manner in which the weekly statements referred to in section 5 shall be published.

13. The Local Government may, by notification in the local official Gazette, make rules consistent with this Act to provide for all or any of the following matters, namely :—

- (a) the forms in which registers, records and returns are to be maintained or submitted, and the *inspection* of records and registers ;
- (b) the appointment of the authority to whom and the *time within* which the returns required by section 5 shall be made ;
- (c) the weights and scales to be used in cotton ginning and cotton pressing factories in any district in the province, and the inspection of the same ;
- (d) the appointment of authorities for the purposes of *sections 7, 8 and 9* ;
- (e) *the manner of service of orders made under section 9* ;
- (f) the powers of entry and inspection which may be exercised by District Magistrates or by any officer specially empowered in this behalf by the *Local Government* ;
- (g) any other matter which is to be or may be prescribed or for which provision is necessary in order to carry out the purposes of this Act.

14. After the expiration of one year from the commencement of this Act, any person who has made a contract for the purchase of baled cotton may require that no bales other than bales marked in accordance with section 4 shall be supplied in fulfilment of such contract, and, if he does so require, no bale not so marked shall be tenderable in fulfilment of the contract :

Provided that nothing in this section shall apply to a contract for the sale and delivery of cotton grown before, or less than one year after, the commencement of this Act.

15. 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.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

Report of the Select Committee on the
Bill to provide for the better regulation
of cotton ginning and cotton pressing
factories.

(With Bill as amended.)