

JOINT SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY - 1923

The Cotton Transport Bill

LEGISLATIVE DEPARTMENT.

WE, the undersigned, Members of the Joint Committee, to which the Bill to provide

1. Paper No. I.—(Opinions from Delhi, Calcutta High Court, Assam and Baluchistan.)

2. Paper No. II.—(Opinions from Coorg, Ajmer-Merwara, North-West Frontier Province, Barua, Bombay, Bihar and Orissa and Central Provinces.)

3. Paper No. III.—(Opinions from United Provinces, Madras, Bengal, Punjab, Baluchistan, Coorg and Ajmer-Merwara.)

4. Paper No. IV.—(Opinions from the Indian Central Cotton Committee, Bombay.)

for the restriction and control of the transport of cotton in certain circumstances 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.

Mr. H. A. F. Lindsay has, since being nominated a member of our Committee, ceased to be a Member of the Council of State, and four of the other members of our Committee were unfortunately unable to attend the meeting.

Most of the amendments which we propose in the Bill are consequential upon a few cardinal alterations to which we refer in detail. The remainder are of a drafting nature.

The Preamble.—As one of the objects of the Bill is to check the practice of sending pressed bales from one cotton tract to another, ordinarily producing a better quality cotton, so that it may be re-booked from a railway station in that tract and thereby appear as if it were cotton grown in that area of better quality, we think the purpose of the Bill would be more correctly stated as the maintenance of the quality and reputation of the cotton grown in British India, and we have amended the Preamble accordingly. This also removes any difficulty which might arise in interpreting the terms inferior and superior varieties.

Clause 2.—We have made it clear in the definition of the expression "cotton" contained in sub-clause (b) that the enumeration of the various kinds of cotton referred to is exhaustive. We have also made a slight alteration in this sub-clause and in sub-clause (g) in connection with the proposal to which we refer in our remarks on clause 3.

Clause 3.—We are impressed with the necessity of enabling a Local Government to prohibit the import into protected areas of all or any of the kinds of cotton specified in clause 2. In famine times it might, for instance, be necessary for a Local Government to permit the import into such an area of cotton seed which is extensively used as cattle food. This decision necessitates a considerable number of consequential alterations throughout the Bill, e.g., in sub-clause (2) of this clause and in clauses 4, 5 and 7, in addition to those in clause 2 referred to above.

We have further provided in sub-clause (1) of this clause for the exemption from the provisions of the Act of all cotton which is consigned in packages not exceeding ten pounds in weight. This alteration is intended to secure the free movement of samples of cotton. The Upper India Chamber of Commerce advocated the exemption from the Bill of small parcels such as are ordinarily sent as samples and might in fact be despatched by parcel post.

Clause 5.—We are of opinion that fourteen days is a sufficient period to allow for the removal by the consignee from the station of destination of cotton which is covered by a licence.

Clause 6.—We have made it clear that an innocent contravention of the Act is not to be punishable.

We have further considered with care the proposal supported by the Local Government of Bombay and others that the Bill should provide for the confiscation of cotton in respect of which an offence under this clause has been committed, and we have by a majority (Messrs. Kamat and Saklatvala dissenting) decided not to make any alteration in this respect. We think that the difficulties which would arise in connection with the seizure and identification of cotton after its arrival at a press or other place of destination would result in any such provision proving ineffectual, unless powers are given to the police and other officials which we are disinclined to provide until experience shows that they are necessary.

2. The Bill was published as follows :—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	11th March, 1922
Fort Saint George Gazette	28th March, 1922.
Bombay Government Gazette	4th May, 1922.
Calcutta Gazette	12th April, 1922.
United Provinces Gazette	29th April, 1922.
Punjab Government Gazette	
Burma Gazette	22nd April, 1922.
Central Provinces Gazette	1st April, 1922.
Assam Gazette	29th March, 1922
Bihar and Orissa Gazette	3rd May, 1922.
Coorg District Gazette	1st April, 1922
Sind Official Gazette	
North-West Frontier Gazette	5th May, 1922.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras	Tamil	2nd May, 1922.
	Telugu	2nd May, 1922.
	Hindustani	2nd May, 1922.
	Kanarese	2nd May, 1922.
	Malayalam	6th May, 1922.
Bombay	Marathi	25th May, 1922.
	Gujarathi	25th May, 1922.
	Kanarese	26th May, 1922.
Burma	Burmese	29th April, 1922
Central Provinces	Marathi	13th May, 1922.
Coorg	Kanarese	1st June, 1922.

3. 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

LALUBHAI SAMALDAS.

K. C. NEOGY.

B. S. KAMAT.

N. B. SAKLATVALA.

The 29th December, 1922

(Words printed in italics indicate amendments suggested by the Committee.)

BILL

TO

Provide for the restriction and control of the transport of cotton in certain circumstances.

WHEREAS it is expedient for the purpose of *maintaining the quality and reputation of the cotton grown in certain areas in British India to enable* the restriction and control of the transport by rail and the import of cotton into *those* areas; It is hereby enacted as follows:—

1. (1) This Act may be called the Cotton Short title and extent. Transport Act, 1923.

(2) It extends to the whole of British India.

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

(a) "certified copy", in relation to a licence, means a copy of the licence certified in the manner described in section 76 of the Indian Evidence Act, 1872, by the authority by which the licence was granted;

(b) "cotton" means every kind of unmanufactured cotton, *that is to say*, ginned and unginned cotton, cotton waste and cotton seed;

(c) "cotton waste" means droppings, stripings, fly and other waste products of a cotton-mill other than yarn waste;

(d) "licence" means a licence granted under this Act;

(e) "notified station" means a railway station specified in a notification under section 3;

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

(g) "protected area" means an area into which the import of cotton or of any kind of cotton has been prohibited by a notification under section 3.

3. (1) The Local Government may, for the purpose of *maintaining the quality or reputation of the cotton grown in any area in the Province, by notification in the local official Gazette, prohibit the import of cotton or of any specified kind of cotton into that area save under, and in accordance with the conditions of, a licence:*

Provided that no such notification shall be deemed to prohibit the import into any protected area of packages containing any kind of cotton and not exceeding ten pounds avoirdupois weight.

(2) Any such notification may prohibit the delivery to, and the taking of delivery by, any person, at any specified railway station situated in

the protected area, of any cotton, the import of which into that area is prohibited, when such cotton has been consigned from a railway station not situated in that area, unless such person holds a licence for the import of the cotton into that area.

4. (1) Notwithstanding anything contained in the Indian Railways Act, 1890, or any other law for the time being in force, the station master of any railway station or any other railway servant responsible for the booking of goods or parcels at that station may refuse to receive for carriage at, or to forward or allow to be carried on the railway from, that station any cotton consigned to a notified station, being cotton of a kind of which the delivery at such notified station has been prohibited, unless both stations are in the same protected area, or unless the consignor produces a certified copy of a licence for the import of the cotton into the protected area in which such notified station is situated.

(2) Every certified copy of a licence when so produced shall be attached to the invoice or way-bill, as the case may be, and shall accompany the consignment to its destination, and shall there be dealt with in the prescribed manner.

(3) Where by or under any law in force in the territories of any State in India the import into any area, or the delivery at any railway station, of cotton or of any kind of cotton has been prohibited, the Governor General in Council may, by notification in the Gazette of India, declare that the provisions of sub-section (1) shall apply in respect of cotton consigned to any such station as if such area and such station were respectively a protected area and a notified station, and as if any licence granted under such law were a licence granted under this Act.

5. (1) Where any cotton, the import of which into any protected area has been prohibited, has been consigned to and arrives at a notified station in any such protected area, the station master or other railway servant responsible for the receipt and delivery to the consignee of goods or parcels, as the case may be, at that station shall, unless both the notified station and the railway station from which the cotton has been consigned are situated in the same protected area, refuse to deliver the cotton until he is satisfied that the consignee holds a licence for the import of the cotton into the protected area in which such notified station is situated; and, if he is not so satisfied, or if within fourteen days the consignee or some person acting on his behalf does not appear in order to take delivery, shall return the cotton to the railway station from which it was consigned, together with an intimation that delivery of the cotton has been refused or has not been taken, as the case may be.

(2) Any station master or other railway servant receiving any cotton returned under sub-section (1), or returned with a like intimation from a railway station specified in a notification under sub-section (3) of section 4, shall cause to be served on the consignor in any manner authorised by section 141 of the Indian Railways Act, 1890, IX of 1890.

a notice stating that the cotton has been so returned and requiring the consignor to pay any rate, terminal or other charges due in respect of the carriage of the cotton to and from the railway station to which it was consigned, and such charges shall be deemed to be due from the consignor for all the purposes of section 55 of that Act.

6. Any person who, in contravention of the provisions of this Act or of any notification or rule made hereunder, *knowingly* takes delivery of any cotton from a notified station or imports, or attempts to import, any cotton into a protected area, and any station master or other railway servant who, in contravention of the provisions of sub-section (1) of section 5, without reasonable excuse, the burden of proving which shall lie upon him, delivers any cotton to a consignee or other person, shall be liable to a fine not exceeding one thousand rupees, and upon any subsequent conviction to imprisonment which may extend to three months, or to fine which may extend to five thousand rupees, or to both.

7. (1) The Local Government may, by notification in the local official Gazette, make rules to provide for any of the following matters, namely :—

- (a) the prevention of the import into a protected area by road, river or sea, save under and in accordance with the conditions of a licence, of cotton the import of which into that area has been prohibited by a notification under section 3 ;
- (b) the terms and conditions to be contained in licences and the authorities by which they may be granted ; and
- (c) the manner in which licences and certified copies thereof shall be dealt with on and after the delivery of the cotton to which they relate.

(2) Any such rules may provide that any contravention thereof or of the conditions of any licence, not otherwise made punishable by this Act, shall be punishable with fine which may extend to five hundred rupees.

8. No notification under section 3 or rule under section 7 shall be issued by the Local Government of any Governor's Province, unless it has been laid in draft before the Legislative Council of the Province, and has been approved by a resolution of the Legislative Council, either with or without modification or addition, but upon such approval being given the notification or rule, as the case may be, may be issued in the form in which it has been so approved.

9. 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 Joint Committee on the
Bill to provide for the restriction and
control of the transport of cotton in
certain circumstances, with the Bill as
amended.