

[Authorised English Translation]

HARYANA GOVERNMENT
AGRICULTURE DEPARTMENT

Notification

The 25th November, 2005

No. S. O. 89/H.A. 16/1993/S. 21/2005.— In exercise of the powers conferred by sub-section (1) read with sub-section (2) of section 21 of the Haryana cotton Ginning and Pressing Factories Act, 1992 (Act 16 of 1993), the Governor of Haryana hereby makes the following rules, for carrying out the purposes of the said Act, namely :—

Short title and commencement.

1. (1) These rules may be called the Haryana Cotton Ginning and Pressing Factories Rules, 2005.

(2) They shall come into force on the date of publication in the Official Gazette.

Definitions.

2. In these rules, unless the context otherwise requires,—

(a) "Act" means the Haryana Cotton Ginning and Pressing Factories Act, 1992 (Act 16 of 1993);

(b) "Form" means a form appended to these rules;

(c) "section" means a section of the Act; and

(d) words and expressions used in these rules but not defined, shall have the same meaning as assigned to them in the Act.

Admixture. sections 5 and 21(2)(a).

3. Mixture of more than three percent of different varieties of cotton shall be treated as admixture of cotton.

Permissible seed content. section 21(2)(b).

4. The proportion of seed that may be contained in any ginned cotton (lint) shall not exceed 0.5 percent.

Prescribed authorities. sections 3, 7, 11, 14 and 15.

5. (1) The Director of Agriculture, Haryana, shall be the licencing authority under section 3. For the purposes of sections 11, 14 and 15, Marketing Officer, Agriculture Department, Haryana, shall be the prescribed authority.

(2) The authority for the purpose of section 7 shall be the Deputy Director of Agriculture of the district concerned.

6. (1) Every person desiring to obtain a licence shall make an application in duplicate with relevant documents to the Director in Form A through the Marketing Officer, Agriculture Department, Haryana, together with the treasury challan receipt of deposit of the prescribed fee under Rule 7 and a copy of blue print of his cotton ginning and/or pressing factory which is prepared in accordance with the guidelines and norms specified in the Appendix appended to these rules, under the provisions of Rule 18 :

Grant/renewal of licence. sections 3 and 21(2)(m).

Provided that blue print of a cotton ginning and/or pressing factory shall not be necessary at the time of renewal.

(2) On receipt of an application for the grant of a licence, the licencing authority may after taking into consideration the provisions of the Act, fulfillment of requirements under the provisions of sections 3, 7, 10, 12 and 16 and these rules, grant or refuse a licence after following the procedure laid down under sub-sections (3), (4) and (5) of section 3.

The procedure to be followed for renewal of licence by licencing authority shall be the same as that of grant of a licence :

Provided that the application for renewal of licence shall be submitted in Form B before one month of its expiry and with a late fee of ten percent of the fees prescribed for renewal of licence for the delay of each month after its expiry.

(3) A duplicate licence may be issued where the original licence has been lost or damaged, on payment of a fee of one hundred rupees and an undertaking from the licensee in the form of an affidavit that he will not misuse the original licence, if found later on.

(4) (a) The licence shall be granted in Form C initially for a period of three years, which may be renewed in Form D for a further period of three years at a time.

(b) An order for the cancellation or suspension of the licence shall be passed in Form E.

7. The fee for grant or renewal of a licence shall be as under :—

- | | |
|-----------------------|---------------------------------|
| (a) Roller Gin | Rs. 50/- per roller gin |
| (b) Double Roller Gin | Rs. 100/- per double roller gin |
| (c) Saw Gins | Rs. 1000/- per saw gin |
| (d) Presses | Rs. 1000/- per cotton press. |

Fee for grant or renewal of licence. sections 3 and 21(2)(m).

Conditions for
grant of
licence.
sections 3 and
21(2)(m).

8. The licence shall be granted subject to the following conditions :—

- (a) The licensee shall comply with the provisions of the Act and these rules.
- (b) The licensee shall not permit evasion or infringement of any of the provisions of the Act and shall report in writing to the licencing authority about any evasion or breach that comes to his knowledge.
- (c) The licensee shall ensure that the quality of ginned cotton is not impaired due to any defect in the construction or conditions of machines or their improper working. The construction of the ginning and pressing factory if done after the commencement of these rules, shall be in accordance with the norms and specifications as contained in the Appendix to these rules. The licensee shall produce his licence on demand to the authority issuing or renewing it or to any of the officers mentioned in sub-rule (1) of rule 10.

Authorised
officers.
sections 8 and
21(2)(d).

9. The Joint Director of Agriculture (Cotton) and the Deputy Director of Agriculture of the district concerned shall have the powers to examine and draw samples of cotton, cotton package or bale or cotton seed to assess the extent of admixture, moisture percentage and proportion of cotton seed in lint and make a report thereon and certify as to the normal quantity of moisture percentage and proportion of cotton seed in lint and make a report thereon and certify as to the normal quantity of moisture which a given sample of cotton should contain and the quantity of moisture which is actually contained. They will have their conclusion on their own observations/tests, in addition to the test reports regarding moisture content and lint length of the sample as determined by the Senior Scientist (Cotton), Chaudhary Charan Singh Haryana Agricultural University, Hisar.

Inspecting
Officers and
prescribed
authority.
sections 9, 11
and 16.

10. (1) The following officers shall be the Inspecting Officers under the Act to enter and inspect any cotton ginning or pressing factory :—

- (a) Director of Agriculture, Haryana;
- (b) Additional Director of Agriculture, Haryana;
- (c) Joint Director of Agriculture (Cotton);
- (d) Marketing Officer, Agriculture Department, Haryana;
- (e) Deputy Director of Agriculture of district concerned;
- (f) Assistant Marketing Officers, Agriculture Department, Haryana.

(2) Anyone of the above officers may ask for the production of any ginning register or press register and inspect any cotton package or bale of cotton for the purpose or ascertaining whether there is any contravention of any of the provisions of the Act or the rules and may seize all things in respect of which an offence punishable under the Act appears to have been committed.

(3) For the purpose of section 16 of the Act, the Additional/Joint Director (Agricultural Engineering) Haryana, shall be the prescribed authority.

(4) The officers mentioned in sub-rule (1) above shall have the right of access and inspection during the working hours of a factory and within the sphere of their respective duty area.

11. (1) Any of the Inspecting Officers under sub-rule (1) of rule 10 shall forward sealed samples of seized cotton to the Senior Scientist (Cotton), Chaudhry Charan Singh Haryana Agricultural University, Hisar, in such quantities as are indicated below :—

Seizing and
sealing of
cotton samples,
section
21(2)(e).

(a) if the cotton seized weighs more than ten kilograms, one random sample of such cotton weighing two kilograms;

(b) if the cotton seized weighs up to ten kilograms, the entire cotton seized.

(2) The samples drawn under sub-rule (1) shall be packed and sealed with official seal of the officer in the presence of the owner or Manager who will also be allowed to put his seal if he so desires.

(3) The seizing officer shall receive an undertaking in writing from the person whose cotton has been seized, to produce before him the remaining quantity of cotton, if any when demanded.

(4) If on receipt of the analysis report from the Senior Scientist (Cotton), Chaudhary Charan Singh Haryana Agricultural University, Hisar, the sample is found not conforming to the requirements of sections 5 and 6, the Director of Agriculture, Haryana, may himself lodge a complaint in a court of competent jurisdiction or authorise any of the officers mentioned in sub-rule (1) of rule 10 for this purpose.

12. (1) A complaint in respect of any cotton bale may be made in writing to any one of the officers mentioned in sub-rule (1) of rule 10 and shall be accompanied by a sample of cotton complained of provided that no such

Complaint against
defective cotton
bale.
sections 8 and
21(2)(f).

complaint shall be entertained unless a fee of Rs. 100/- in respect of each package or bale has been paid through treasury challan.

(2) The officers on receipt of the complaint, shall cause the cotton package or bale in respect of which the complaint has been made, to be seized and sealed and forward a sealed sample of seized cotton to the Senior Scientist (Cotton), Chaudhary Charan Singh, Haryana Agricultural University, Hisar, for examination and report.

Note :—Fee prescribed above shall be recoverable in the case of bales in respect of actual number of bales to be opened for examination, subject to a minimum of ten percent of a consignment, and not in respect of the total number of bales in respect of which the complaint is made.

Gin/Press mark.
sections 10 and
21(2)(g).

13. (1) The owner or lessee of every cotton ginning or pressing factory constructed after the enforcement of the Act and the rules made thereunder, shall apply to the licencing authority, for the allotment of the mark (required under section 10) to be used for such factory not less than one month before the work commences in the factory.

(2) The mark allotted to each factory shall consist of letter (H) denoting the Haryana State together with a number denoting the factory e.g.

Gin Mark = HG Number allotted

Press Mark = HP Number allotted

(3) The numbers denoting the factories shall run consecutively.

(4) Gin or press mark once allotted to a factory shall not be transferred to any other factory.

(5) The serial number on cotton bale shall consist of two parts. The first part shall consist of two numerals being the last two integers of the calendar year in which the cotton year has commenced and the second part shall be the running number of the bale according to the factory's press register. A new series of running number shall be started at the commencement of each cotton season on the first day of September, in each calendar year and shall be terminated on the thirty-first day of August of the following year.

(6) The mark and the two integers denoting the cotton year shall be indelibly punched or stamped on any part of the central hoop of the bale in such a manner as to be clearly decipherable.

(7) The running number of the bale shall be punched or stamped on the hoops as described above or shall be stencilled in ink on the Hessian covering of a lashed flat side of the bale in such a manner as to be clearly decipherable. English numbers only shall be used and the numbers shall not be less than two inches in length.

(8) The following order shall be observed for marks punched on the hoops :—

Number denoting the factory, letter "H" denoting Haryana State and numerals denoting cotton year. If the running number is punched on the hoop, it shall follow the number denoting the cotton year and be separated from it by a star. When the running number is stencilled on the hessian, a star be placed before the first integer and after the integer.

Illustration :

Cotton bale Pressed in February, 1995, is to be shown as under :—

On the hoop	On the hoop	On the Hessian
3	3	*
5	5	3
H	H	4
9 OR	9	5
5	5	6
*	*	*
3		
4		
5		
6		

In the above illustration, 35 is the factory mark, (H) denotes the Haryana State, 95 denotes the cotton year commencing on 1st September, 1995 and 3456 is the running number of the bale pressed in the factory.

Note :—The stencilling of the running number on the end or unlashed side of a bale does not fulfill the requirements of this rule. Bales pressed during a season but containing cotton from the crop of the previous year shall be marked 'OLD' by stencilling this word in capital letters on the Hessian cloth to the right side serial number of bale. The letter should be indelibly marked in not less than two inches length.

Manner of service of orders. section 21(2)(i).

14. The dispatch through the post under registered cover, of any order under the Act, to the owner or person in charge of a factory shall be deemed to be the sufficient service of the same on the owner.

Maintenance of ginning/pressing registers. sections 4, 11 and 21(2)(j).

15. Every licensee under the Act shall maintain the registers and submit the returns as prescribed below in fulfilment of the requirements of sections 4 and 11 :—

- (a) The ginning register shall be maintained in Form F.
- (b) The press register shall be maintained in Form G.
- (c) The weekly returns of cotton pressing shall be submitted in Form H to the prescribed authority.
- (d) The monthly returns of cotton ginned shall be submitted in Form I to the prescribed authority.
- (e) The weekly returns of cotton pressed during the seven days ending on Friday of each week shall be submitted not later than the next following day *i.e.* Saturday.
- (f) The monthly returns of cotton ginned during a calendar month shall be submitted not later than the first day of the next following month.

Cotton season. sections 2(k) and 21(2)(k).

16. The cotton season shall commence on the first day of September in each calendar year and terminate on the thirty-first day of August next following year.

17. For the purposes of section 17, if the owner of a cotton ginning or pressing factory for which a licence has been granted, wants to close the factory at the end of the season he shall apply thirty days in advance for permission to the licencing authority, stating clearly the reasons thereof along with an affidavit to identify the affected persons, if any, and shall not close the factory until he receives the receipt of the sanction from the licencing authority.

Permission for closure of factory sections 17 and 21(2)(n).

18. The structural plan and specifications of every cotton ginning and pressing factory, the construction of which is commenced after coming into force of these rules, shall be according to the norms specified in the Appendix appended to these rules.

Construction norms of cotton ginning/pressing factory section 16.

19. The Punjab Cotton Ginning and Pressing factories Rules, 1965, notified under G.S.R. 94/P.A./2/55/S./1865, dated the 7th may, 1965, in their application to the State of Haryana are hereby repealed:

Repeal and savings.

Provided that anything done or any action taken under the rules so repealed, shall be deemed to have been done or taken under the corresponding provisions of these rules.

(Signature of the applicant owner, proprietor, or Managing partner)

Date:

APPENDIX

(See rules 6 and 18)

Guidelines and Construction norms for Cotton Ginning/Pressing Factory

(a) The gin and press house(s) and other building and structure shall be so arranged and located within the factory compound as to avoid congestion and permit the free movement of carts, trollies and trucks etc.

(b) There shall be easy means of ingress to and out of the factory compound in order to prevent congestion.

(c) Platforms for drying kapas shall provide at the rate of 1,000 square feet per 10 single roller gins or their equivalent. There shall be minimum drying platforms and whatever their number be, shall be separated from one another by pathways of at least fifteen feet in width.

(d) Sufficient godown accommodation for storing of cotton and kapas shall be provided and each of the different variety of cotton shall be kept in a separate godown. There shall be sufficient provision of water hydrants for use against fire in the factory premises along with proper drainage system for protection against dampness.

(e) If it is proposed to install within the cotton ginning factory compound, plant or machinery unconnected with the processes of cotton ginning, pressing, spinning, weaving and delinting viz, crushing of oil seeds and (in case of factories in which oil expellers are installed or decorticating machinery), the building in which such plant or machinery are installed, shall be walled off from the rest of the cotton ginning factory, so as to be self contained.

(f) The site plan shall be prepared on a scale of 1" : 40' and shall show the complete details. The site plan shall be got previously approved from the District Town Planner, if the factory falls in a controlled area or a No Objection Certificate shall be obtained from such authority.

FORM A

[see rule 6(1)]

**APPLICATION FORM FOR THE GRANT OF LICENCE FOR WORKING OF
COTTON GINNING AND / OR PRESSING FACTORY.**

-
- (a) Name of applicant, parentage and address:
 - (b) Name of the owner of the factory:
 - (c) Press or/ and ginning mark if allotted and locations:
 - (d) The number of gins and presses:
 - (i) Roller gin _____:
Double roller gin _____:
 - (ii) Saw gin(s) _____:
(No. of saws) _____:
 - (iii) Press (s) _____:
(No. of gallas) _____:
 - (e) If the applicant is a firm, give the name of all the persons constituting it with parentage, residence and address of each(attach proprietor/ partnership deed and copy of memorandum and articles of association in case applicant is a company):
 - (f) Name of the Manager, Managing Agent or Managing Proprietor.
 - (g) Name and style under which the applicant will work (attach copy of power of attorney):
 - (h) Amount of licence fee paid with treasury challan No. _____, dated _____
 - (i) Site plan approved by District Town Planner or No Objection Certificate obtained (attach copy):

It is certified that the facts given above are correct to the best of my knowledge.

(Signature of the applicant owner, proprietor, or Managing partner).

Dated:

FORM B

[See rule 6(2) proviso]

APPLICATION FOR RENEWAL OF THE LICENCE FOR WORKING A COTTON GINNING AND PRESSING FACTORY.

1. Name of applicant, parentage and address:
2. Licence No. and date of issue:
3. Press and ginning marks and location of the factory:
4. Name of Manager or Managing Proprietor:
5. Name and particulars of licence:
6. Date on which licence expires:
7. Year for which renewal is requested:
8. (i) Detail of ginning and pressing machinery:
(ii) Addition or deletion, if any, proposed in machinery after grant of licence for previous year:
9. Whether the licence was ever suspended/cancelled, if so, on what reason?
10. Fees paid:
11. Justification for the renewal of licence which was previously suspended / cancelled:

Certified that the above facts are correct to the best of my knowledge and belief

Place:.....
Date:.....

Signature of the applicant
(Authorized Manager or Managing proprietor).

FORM C

[See rule 6(4)]

**FORM OF LICENCE FOR WORKING COTTON GINNING OR/AND PRESSING
FACTORY**

No.

1. Station:
2. Ginning or/ and pressing mark:
3. Name of proprietor:
4. Name and style of the person or
firm working the factory:
5. Name, parentage, residence and address
in full, of the applicant:
6. Date from which licence takes effect:
7. Date on which the licence expires:
8. Any additional condition of the licence:
9. Amount of fee paid:
10. This licence is issued for the working of-----
-----Roller gins
-----Saw gins and
-----Cotton press.

1. Remarks. The licence shall be subject to the conditions given below:

PLACE:.....
DATE:.....

Signature of licence issuing
authority with designation.

Conditions of licence:

- a) The licensee shall comply with the provisions of the Haryana Cotton Ginning and Pressing Factories Act, 1992(Act 16 of 1993) and the rules made thereunder.
- b) The licensee shall not permit evasion or infringement of any of the provisions of the Act and shall report in writing to the licensing authority, any evasion or breach that comes to his knowledge.
- c) The licensee shall ensure that the quality of ginned cotton is not impaired due to any defect in the construction or condition of machines or their improper working. The construction of the ginning and pressing factory, if done after the commencement of the rules, shall be in accordance with the plan and specifications as contained in the Appendix to the rules.
- d) The licensee shall produce his licence on demand to the authority issuing it or renewing it or to any of the officers mentioned in sub-rule(1) of rule 10.

FORM D
[See Rule 6(4)(a)]**FORM FOR RENEWAL OF LICENCE FOR WORKING A COTTON GINNING OR /
AND PRESSING FACTORY**

No.....

1. Station:
2. Ginning or/and pressing mark and the number of previous licence:
3. Name of proprietor:
4. Name and style of the person or firm working the factory:
5. Name, parentage, residence and address in full of licensee:
6. Date from which the renewal of licence takes effect:
7. Date on which the renewal of licence expires:
8. Any additional condition of the renewal of licence:
9. Amount of fee paid Rs.....:
10. Remarks: The renewal of licence will be subject to the conditions appended below.

Place:.....

Signature of the officer renewing
the licence with designation.

Date:.....

- (a) The licensee shall comply with the provisions of the Haryana Cotton Ginning and Pressing Factories Act, 1992 (Act 16 of 1993) and the rules made thereunder.
- (b) The licensee shall not permit evasion or infringement of any of the provisions of the Act and shall report in writing to the licensing authority, any evasion or breach that comes to his knowledge.
- (c) The licensee shall ensure that the quality of ginned cotton is not impaired due to any defect in the construction or condition of machines or their improper working. The construction of the Ginning and Pressing Factory, if done after the commencement of these rules shall be in accordance with the plan and specifications as contained in the Appendix to the rules.
- (d) The licensee shall produce his licence on demand to the authority issuing it or renewing it or to any of the officers mentioned in sub-rule (1) of rule 10.

FORM E
[See rule 6(4)(b)]

ORDER FOR CANCELLATION OR SUSPENSION OF THE LICENCE

NO.

DATED.....

1. Nature of offence:
2. Number and date of the order passed by the convicting court:
3. Substance of the order of the licence issuing and canceling authority:

Place.....

Date.....

**Signature, name and designation of the
licence cancelling authority.**