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PART I

Orders and Notifications by the Governor of Bengal, the High Court,
Government Treasury, etc.

GOVERNMENT OF BENGAL

Bengal Ordinance No. III of 1939.

The Bengal Jute Regulation Ordinance, 1939.

WHEREAS the Bengal Legislature is not in session, and the Governor is satisfied that with a view to regulate the cultivation of jute it is urgently necessary in the public interest to prepare a record of the lands upon which jute was cultivated in the year 1939 and that immediate action should be taken for that purpose;

The Governor is pleased, in exercise of the power conferred by sub-section (1) of section 88 of the Government of India Act, 1935, to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the Bengal Jute Regulation Ordinance, 1939.

(2) It extends to the whole of Bengal, except the districts of Bankura and Birbhum.

(3) It shall come into force on the date of its publication in the Official Gazette.

Short title,
extent and
commencement.

Definitions.

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

- (1) "Collector" includes any officer appointed by the Provincial Government to exercise all or any of the functions of the Collector under this Ordinance;
- (2) "Director of Land Records" means the person appointed by the Provincial Government to be the Director of Land Records, and includes every person who for the time being performs the duties of that office;
- (3) "grower of jute" means any person who, either for his own consumption or for sale, and whether by himself or by members of his family or by hired labour or by adhiars or bargadars or bhagdars, grew jute in the year 1939 on any land in his possession;
- (4) "jute" means the plant known botanically as belonging to the *genus Corchorus*, and includes all the species of that *genus*, whether known commonly as *pat*, *kosta*, *nalia* or by any other name;
- (5) "land" includes any land covered with water at any time of the year;
- (6) "prescribed" means prescribed by rules made under this Ordinance; and
- (7) "recording officer" includes the Director of Land Records and any person appointed by him to perform all or any of the duties of a recording officer under this Ordinance.

Preparation of record of land on which jute was grown in 1939.

3. (1) On the commencement of this Ordinance, the Director of Land Records shall, in the prescribed manner and form, cause to be prepared a record of all lands on which jute was grown during the year 1939 by any grower of jute.

(2) For the purposes of preparation of the record referred to in sub-section (1), a recording officer, or any servant of the Crown authorized by the Collector by general or special order in this behalf, may enter upon, examine in such manner as he thinks fit, and make a survey of, any land on which he has reason to believe that jute was grown during the year 1939 and, subject to such rules as may be prescribed may, for the purpose of securing the attendance of any person and the production of any document, exercise all or any of the powers conferred in this behalf upon a Court by the Code of Civil Procedure, 1908.

(3) After publication of notice in such form and manner as may be prescribed, every grower of jute shall, either personally or by an authorized agent, appear before the recording officer at the time and place specified in the notice, and shall furnish such information as such officer may require.

Disposal of objections against entries in the record.

4. (1) The recording officer shall, in the manner prescribed furnish free of cost to every grower of jute a copy of the entry in the record standing against his name.

(2) Within such period, in such manner, and on payment of such fee, as may be prescribed, any person may make an objection against the correctness of any entry in the record, and such objection shall, in the prescribed manner, be heard by the prescribed authority, whose decision thereon shall, for the purposes of this Ordinance, be final.

Preparation of final record.

5. When any objection made under sub-section (2) of section 4 is allowed, either wholly or in part, the recording officer shall, in the manner prescribed, correct the record accordingly and, after the disposal of all such objections, shall, in the manner prescribed, authenticate the record so corrected, and the record so authenticated shall, in respect of the area for which it is prepared, be the final record of all lands on which jute was grown in the year 1939 by any grower of jute.

Disposal of fines and fees.

6. All fines realized in exercise of the powers conferred by sub-section (2) of section 3, and all fees realized under sub-section (2) of section 4, shall, in the manner prescribed, be remitted to the Government Treasury.

Penalties.

7. (1) Whoever—

- (a) in any proceeding under sections 3, 4 or 5 of this Ordinance, falsely personates another and in such assumed character makes any statement or produces any document or fraudulently does any other act, or
- (b) abets any act punishable under this section, shall, on conviction, be punishable with imprisonment which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

(2) No prosecution—

- (a) for an offence punishable under sub-section (1) or
- (b) for an offence punishable under Chapter X of the Indian Penal Code, 1860 (Act XLV of 1860) in respect of any proceeding under sections 3, 4 or 5, shall be instituted except with the previous sanction of the Collector and upon complaint made by a recording officer or by a servant of the Crown authorized by the Collector under sub-section (2) of section 3.

Recording officers and servants of the Crown authorized by the Collector deemed to be public servants.

8. All recording officers and all servants of the Crown authorized by the Collector under sub-section (2) of section 3, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Proceedings deemed to be judicial proceedings.

9. Proceedings under sections 3, 4 and 5 shall be deemed to be judicial proceedings within the meaning of section 228 of the Indian Penal Code.

Indemnity.

10. No suit, prosecution or legal proceeding shall lie against any recording officer or any servant of the Crown authorized by the Collector under sub-section (2) of section 3, in respect of anything done or intended to be done in good faith under this Ordinance.

Power to make rules.

11. (1) The Provincial Government may make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, the Provincial Government may make rules to provide for all or any of the following matters:—

- (a) the appointment and duties of recording officers;
- (b) the manner and form in which the record referred to in sub-section (1) of section 3 shall be prepared;

(c) the manner of securing the attendance of any person or the production of any document under sub-section (2) of section 3;

- (d) the manner of publication of the notice referred to in sub-section (3) of section 3, and the form of such notice;
- (e) the manner of furnishing a copy of the entry in the record under sub-section (1) of section 4;
- (f) the period allowed for the making of, the manner of making, and the fee payable for making, an objection under sub-section (2) of section 4;
- (g) the appointment of authorities to hear objections under sub-section (2) of section 4, and the manner of hearing such objections;
- (h) the manner of correcting and authenticating the record under section 5; and
- (i) the manner of remitting fines and fees to the Government Treasury under section 6.

(3) In making any rule under this section the Provincial Government may direct that a breach thereof shall be punishable with fine, which may extend to fifty rupees, and where the breach is a continuing one, with a further fine which may extend to ten rupees for every day, after the first, during which the breach continued.

J. A. WOODHEAD,
Governor of Bengal.

DARJEELING :
The 16th October 1939.