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PART IV A

Bills introduced in the Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF BENGAL

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

No. 1212L.—15th November 1939.—The Governor having been pleased to order, under rule 47 of the Bengal Legislative Assembly Procedure Rules, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Calcutta Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information.

THE BENGAL JUTE REGULATION BILL, 1939.

A

BILL

to provide for the regulation of the growing of jute, and for that purpose to provide for the preparation of a record of the lands on which jute was grown in any year.

WHEREAS it is expedient to provide for the regulation of the growing of jute, and for that purpose to provide for the preparation of a record of the lands on which jute was grown in any year ;

It is hereby enacted as follows :—

Short title,
extent and
commencement.

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

(2) It extends to the whole of Bengal.

(3) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

Definitions.

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

(1) "Collector" includes any servant of the Crown appointed by the Provincial Government to exercise all or any of the functions of the Collector under this Act ;

(2) "Committee" means a Union Jute Committee constituted under this Act ;

(3) "Director of Land Records" means the person appointed by the Provincial Government to be the Director of Land Records or to exercise all or any of the functions of the Director of Land Records under this Act, and includes every person who for the time being performs the duties of that office ;

(4) "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, grows jute in any year on any land in his possession ;

(5) "jute" means the plant known botanically as belonging to the *genus Corchorus*, and includes all the species of that *genus*, whether known commonly as *pal*, *kosta*, *nalia* or by any other name ;

(6) "land" includes any land covered with water at any time of the year ;

(7) "licensee" means a person to whom a licence has been issued under section 8 ;

(8) "notification" means a notification published in the *Official Gazette* ;

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

(10) "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 Act ; and

(11) "rules" means rules made under this Act.

The Bengal Jute Regulation Bill, 1939.

(Clauses 3—6.)

Preparation of record of lands on which jute was grown in any year.

3. (1) The Provincial Government may, by notification, direct that, in such locality as may be specified in the notification, a record shall be prepared of all lands on which jute was grown by any grower of jute in such year as may be specified in the notification, and the Director of Land Records shall thereupon, in the prescribed manner and form, cause such a record to be prepared.

(2) For the purposes of preparing 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 in the said year by any grower of jute and, subject to the rules, may—

(a) publish, in the prescribed manner and form, a notice requiring any grower of jute and any other person whose attendance appears to him to be necessary, to attend before him at the time and place specified in the notice and to furnish such information as he may require or to produce any document specified in the notice, and

(b) receive and record any information given, and examine any document produced, by any grower of jute.

(3) After publication of a notice under sub-section (2), every grower of jute shall, either personally or by an authorized agent, attend before the recording officer at the time and place specified in the notice and shall, as the case may be, furnish such information as the recording officer may require or produce such document as may be specified in the notice.

(4) No person shall be entitled to compensation for any damage done to any land or to any crop thereon in connection with any entry, examination or survey made under sub-section (2).

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 standing against his name in the record prepared under section 3.

(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 Act, be final.

Preparation of final record.

5. (1) 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 that year by any grower of jute.

(2) The recording officer shall send the final record to the Union Jute Committee constituted under sub-section (1) of section 6 for the local area to which the record relates, or, if such a Committee has been dissolved or has not been constituted, to such person as may have been authorized under sub-section (5) or appointed under sub-section (7) of section 6 to perform the functions of such Committee in such local area.

Establishment and constitution of Union Jute Committees.

6. (1) The Provincial Government shall, by notification, declare the local areas in which there shall be constituted Union Jute Committees, and thereupon the Collector shall, as soon as may be, cause to be constituted such a Committee for each such local area within his jurisdiction.

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(Clauses 7, 8.)

(2) Each Committee shall consist of a Chairman and not more than six other members, of whom three shall be growers of jute within the area of the jurisdiction of the Committee.

(3) The Chairman and other members of the Committee shall be appointed by the Collector or by such servant of the Crown other than a Police-officer as may, subject to the rules, be authorized by the Collector by general or special order in this behalf.

(4) The Committee shall be subject to the control and supervision of the Collector and of any servant of the Crown authorized by the Collector by general or special order in this behalf.

(5) The Collector may, at any time and for reasons to be recorded by him in writing, dissolve a Committee, and may thereupon either cause a fresh Committee to be appointed or may, subject to the rules, authorize any servant of the Crown other than a Police-officer to perform all or any of the functions of the Committee.

(6) The Collector may, at any time and for reasons to be recorded by him in writing, cancel the appointment of the Chairman or any other member of the Committee, and shall thereupon cause to be appointed a fresh Chairman or a fresh member, as the case may be.

(7) For any area in respect of which a Committee has not been constituted, the Provincial Government may, by notification, appoint any servant of the Crown other than a Police-officer to perform in such area all or any of such functions of a Committee as may be specified in the notification.

(8) The procedure to be followed by, the quorum at a meeting of, and the manner of filling casual vacancies among members of a Committee shall be such as may be prescribed.

Notification
of area on which
jute may be
grown.

7. The Provincial Government may, by notification, declare the proportion which the total area of land on which jute may be grown, in such locality and in such year as may be specified in the notification, shall bear to the total recorded area of land on which jute was grown in that locality in such previous year or years as may be specified in the notification.

Allotment of
areas, and issue
of licences, to
growers of
jute.

8. (1) On the publication of a notification under section 7, every Committee constituted under sub-section (1) of section 6, and every servant of the Crown authorized under sub-section (5) or appointed under sub-section (7) of that section to perform the functions of a Committee in this behalf, shall, in the prescribed manner and within the prescribed period, allot to every grower of jute who is within the jurisdiction of such Committee or of such servant of the Crown, as the case may be, and is named in the final record relating to the previous year or years referred to in the said notification, or to the successor in interest of any such grower of jute, an area of land which bears, to the area of land shown in the said final record against the name either of such grower of jute or of his predecessor in interest, the same proportion as that declared by the said notification, and shall, after giving notice in such form and manner as may be prescribed, issue to each such grower of jute or to his successor in interest, in such form and on payment of such fee as may be prescribed, a licence specifying the area so allotted.

(2) Every licence issued under sub-section (1) shall be issued in duplicate, shall bear the date of its issue and shall be signed and sealed in the prescribed manner, and the duplicate copy of every licence shall be retained by the Committee or person issuing the licence.

(3) In any year in respect of which a declaration has been published under section 7, no grower of jute shall grow jute except in conformity with a licence issued under sub-section (1).

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(Clauses 9—14.)

Modification of
of licence by
Collector.

9. If for any reason a licensee is prevented from growing jute on any portion of the land specified in the licence, and desires to grow jute on any land not so specified, he may apply to the Collector in writing, stating his reasons, and the Collector, if satisfied, may modify the licence accordingly :

Provided that—

- (i) the total area of land specified in the licence so modified shall in no case exceed the total area of land originally specified in the licence, and
- (ii) pending the disposal of an application under this section, no jute shall be grown on any land not originally specified in the licence.

Appeals.

10. (1) A licensee or any person to whom a licence has been refused may, in such manner and on payment of such fee as may be prescribed, appeal to the Collector against an order made, or in respect of a licence issued or refused under section 8, on the ground that such order has not been made or that such licence has not issued or refused in accordance with the provisions of that section, and the decision of the Collector in respect of any such appeal shall be final.

(2) An appeal under sub-section (1) shall be preferred within fifteen days of the date of the order or of the issue or refusal of the licence complained of, and pending the disposal of such appeal, no jute shall be grown on any land not originally specified in the licence.

Bar to jurisdic-
tion of Courts.

11. No allotment of area specified in any licence, and no order granting or refusing to grant or modifying a licence, shall be called in question in any Court or in any manner save as provided in this Act.

Examination and
registration
of areas of
land on which
jute is grown in
any year.

12. (1) The Provincial Government may, by notification, direct that an examination shall be made of all lands on which jute was grown in any year by any grower of jute, and the Director of Land Records shall thereupon, in the prescribed manner and form, cause such an examination to be made.

(2) The Director of Land Records or any person authorized by him by general or special order in this behalf, shall in the prescribed manner report to the Collector every case in which jute has been grown in the said year on any land not so specified in a licence issued under section 8.

(3) For the purpose of making the examination referred to in sub-section (1), the Director of Land Records and any person authorized by him 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 in the said year, and may, subject to the rules, exercise all or any of the powers conferred upon a recording officer by sub-section (2) of section 3.

(4) No person shall be entitled to compensation for any damage done to any land or to any crop thereon in connection with any entry, examination or survey made under sub-section (3).

Production
of licence.

13. Every person to whom a licence has been issued under section 8 shall, on demand by the Director of Land Records or by any person authorized by him by general or special order in this behalf or by any servant of the Crown, produce such licence for inspection.

Penalties.

14. Notwithstanding anything contained in any other law for the time being in force—

(1) whoever—

- (a) intentionally fails to comply with a notice published under clause (a) of sub-section (2) of section 3 or under sub-section (3) of section 12, or

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(Clauses 15—19.)

- (b) intentionally makes any false statement with intent to deceive, or intentionally produces any false document before, a recording officer or a person making an examination under section 12, or
- (c) in any proceeding under this Act, falsely personates another and in such assumed character makes any statement or produces any document or fraudulently does any other act, or
- (d) without obtaining a licence in the prescribed form or in contravention of any of the provisions of a licence, grows jute on any area of land not specified in such licence in any year in respect of which a declaration has been made by the Provincial Government under section 7, or
- (e) voluntarily obstructs or prevents a recording officer, or any person authorized by the Director of Land Records under sub-section (3) of section 12, or any servant of the Crown, from entering upon, examining or making a survey of, any land for the purposes of this Act or from performing any of the duties imposed by this Act, or
- (f) abets any act punishable under this clause, 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 ; and
- (2) no prosecution for an offence punishable under sub-clauses (b), (c), (d) or (e) of clause (1), or for the abetment of any such offence, shall be instituted except with the previous sanction of the Collector and upon complaint by a recording officer or by a servant of the Crown authorized by the Collector under sub-section (2) of section 3 or by a person authorised by the Director of Land Records under sub-section (3) of section 12.

Destruction
of jute
grown
without a
licence.

15. When any person has been convicted under sub-clause (d) of clause (1) of section 14, the Court may direct that the jute in respect of which the offence was committed shall be destroyed, and may further order that the cost of such destruction shall be recoverable from such person as if it were a fine.

Certain
persons
deemed to be
public servants.

16. The Chairman and every other member of a Committee, a recording officer, and any person authorized by the Collector or the Director of Land Records for any of the purposes of this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

Certain
proceedings
deemed to
be judicial
proceedings.
Indemnity.

17. Proceedings under sections 3, 4, 5, 8, 9, 10 and 12 shall be deemed to be judicial proceedings within the meaning of section 228 of the Indian Penal Code, 1860.

18. No suit, prosecution or legal proceeding shall, in respect of anything done or intended to be done in good faith under this Act or the rules, lie against any Chairman or other member of a Committee or any recording officer or any servant of the Crown or any person authorized by the Director of Land Records for any of the purposes of this Act.

Power of
Director of
Land Records
to delegate
authority.

19. Subject to the control of the Provincial Government, the Director of Land Records may delegate to any person subordinate to him the exercise of all or any of the powers conferred, and the performance of all or any of the duties imposed, upon him by this Act or the rules.

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(Clauses 20, 21.)

Realization
and disposal
of fees.

20. All fees payable under this Act shall be realized and disposed of in the manner prescribed.

Power to
make rules.

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

(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 exercise of the powers conferred by clauses (a) and (b) of 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 ;
- (i) the constitution of a Committee and the appointment of the members thereof ;
- (j) the procedure to be followed by a Committee, and the quorum at a meeting thereof ;
- (k) the manner of filling casual vacancies among members of a Committee ;
- (l) the publication of a notification under section 7 ;
- (m) the manner of making an allotment under sub-section (1) of section 8, and the period within which such allotment shall be made ;
- (n) the manner of giving notice of, and the form and manner of issue of, a licence under sub-section (1) of section 8, and the fee payable for, and the manner of signing and sealing, such licence ;
- (o) the manner of, and the fee payable for, preferring an appeal under section 10 ;
- (p) the manner of making an examination under section 12, and the exercise of the powers conferred by sub-section (3) of that section ;
- (q) the manner of reporting to the Collector under sub-section (2) of section 12 ; and
- (r) the manner of realization and disposal of fees payable under this Act.

(3) In making any rule under this section the Provincial Government may direct that any person committing a breach thereof shall, on conviction by a Court, 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.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to secure to the grower a fair and steady price for his produce by adjusting as far as is practicable the supply of raw jute to the estimated world demand for jute and jute products in any given year. To achieve this it is proposed that powers be conferred upon Government to regulate in such manner and to such extent as may be necessary the total area of land upon which jute may be grown in Bengal.

Experience has shown that with unregulated cultivation of jute the supply of the raw material is often in excess of the demand with the result that prices fall so low as to be unremunerative to the grower. Prices also are often very unsteady and easily liable to manipulation to the detriment of the interests of the actual grower. To protect the grower and prevent wide fluctuations of the price of raw jute from season to season it is essential that a system of compulsory regulation be introduced.

The Bill accordingly provides in the first place for the making of a record of the land upon which every individual grower cultivated jute in any given year. This record is the essential basis upon which the proposed system of regulation by allotment of specific areas to each individual grower must be based.

The Bill further provides that Government may before the sowing season of any year commences declare, after due consideration of the position at the time regarding the supply and demand for jute and all matters pertinent thereto, that the area upon which the next crop may be sown shall be regulated and the extent of such regulation. Thereupon on the basis of the prepared record above referred to, allotment will be made to individual growers, through the agency of local Committees, of specific areas upon which under licence the cultivation of jute shall be permitted for the season about to commence. In this manner it is proposed to control the supply of raw jute and to adjust it as far as possible to the anticipated demand for the year in question.

T. KHAN,

Member-in-charge.

CALCUTTA,

The 9th November, 1939.

By order of the Governor,

E. B. H. BAKER,

Secy. to the Govt. of Bengal.