

AMENDMENT TO RUBBER RULES 2009

12003—09 REGISTERED NO. Che Gazette of India No. 51 EXTRAORDINARY PART 11 — Section 1 PUBLISHED BY AUTHORITY 22, 2010 12 1931 NEW DELHI, FRIDAY, JANUARY 22, 2010 / 2 Magha, 1931 Separate paging given to this Part in order that it may be filed as a separate compilation. MINISTRY OF LAW AND JUSTICE (Legislative Department) New Delhi, the 22nd January, 2010/Magha 2, 1931 (Saka) The following Act of Parliament received the assent of the President on the 21st January, 2010, and is hereby published for general information:— THE RUBBER (AMENDMENT) ACT, 2009 (No. 4CF 2010) [21st January, 2010.] An Act further to amend the Rubber Act, 1947. BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:— 1. (1) This Act may be called the Rubber (Amendment) Act, 2009. (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, Short title and commencement. 24 of 1947

2. In section 3 of the Rubber Act, 1947 (hereinafter referred to as the principal Act),—Amendment of section 3. (a) after clause (g), the following clause shall be inserted, namely:— '(ga) "processor" means a person who undertakes the processing of rubber;' ; (b) in clause (k), for the words 'fifty acres', the words 'ten hectares' shall be substituted. 2 THE GAZETTE OF INDIA EXTRAORDINARY Amendment of section 4. Amendment of section 8. Substitution of new section for sections 9, 9A and 9B. Rubber Development Omission of section 10. Amendment of section 12

3. In the principal Act, in section 4, in sub-section (3), after clause (d), the following clause shall be inserted, namely:—"(da) three members to be nominated by the Central Government of whom two shall be from the Ministry of Commerce and one from the Department of Agriculture and Co-operation,"

4. In the principal Act, in section 8,—(i) in sub-section (2),— (a) after clause (d), the following clause shall be inserted, namely:— "(da) improving the quality of rubber and improving the standards for quality, marking, labelling and packing for the rubber produced or processed in, imported into or exported from, India;" ; (b) in clause (e), for the words "and manufactures", the words "manufacturers and processors" shall be substituted; (ii) in sub-section (3), in clause (c), for the words "half-yearly reports", the words "annual report" shall be substituted. 5. In the principal Act, for sections 9, 9A and 9B, the following section shall be substituted, namely:— '9.(1) There shall be a fund to be called the Rubber Development Fund and there shall be credited,— 6. 7. (a) all sums forming the funds of the Board immediately before the commencement of the Rubber (Amendment) Act, 2009; (b) the proceeds of cess paid to the Board by the Central Government under sub-section (7) of section 12; (c) any sum of money that may be paid to the Board by way of grants or loans by the Central Government; (d) internal and extra budgetary resources of the Board; (e) all moneys received and collected under section 26K, and (D) any other sum that may be levied and collected under this Act and the rules made thereunder. (2) The Rubber Development Fund shall be applied— (a) to meet the expenses of the Board; (b) to meet the cost of the measures referred to in section 8; (c) to meet the expenditure incurred in the performance of its functions under this Act or the rules made thereunder; (d) to meet the expenditure for rehabilitation of small growers; and (e) for making such grants to rubber estates or for meeting the cost of such other assistance to rubber estates as the Board may think necessary for the development of such estates.' . Section 10 of the principal Act shall be omitted. In the principal Act, in section 12,— (i) in sub-section (2),— (a) for the words "such rubber is used.", the words "such rubber is used or from the exporter by whom such rubber is exported." shall be substituted; THE GAZETTE OF INDIA EXTRAORDINARY (b) the following provisos shall be inserted, namely:— 3 "Provided that the Central Government may, if considered necessary in the public interest, by order for reasons to be recorded in writing, exempt or reduce the duty of excise on rubber exported on such terms and conditions as it deems fit: Provided further that the Central Government may, by notification in the Official Gazette, specify zero paisa per kilogram as the rate of duty of excise on natural rubber produced in India and procured for export by the exporters of natural rubber for the period from the 1st April, 1961 to the 31st August, 2003 ' (ii) for sub-section (3), the following sub-section shall be substituted, namely:— "(3) Subject to the provisions of this Act, every owner, exporter or the manufacturer, as the case may be, shall pay the duty of excise to the Board in the manner and for the period referred to in sub-section (4) and, if he fails to do so, the duty may be recovered with the cost of collection and interest at such rates, as may be

prescribed, from the owner, exporter or the manufacturer, as the case may be, as an arrear of the land revenue.' (iii) in sub-section (4) in clause (b), — (a) for the words "fifteen days", the words "thirty days" shall be substituted; (b) in sub-clause (ii), for the words "rubber used", the words "rubber acquired" shall be substituted; (iv) in sub-section (a) for the words "owner or manufacturer", the words "owner, exporter or manufacturer" shall be substituted; (b) after the words "as may be prescribed", the following shall be inserted, *namely*: — "and collect the cess from the owner, exporter or the manufacturer, as the case may be, after issuing a notice and after making such enquiry as it considers necessary, with such rate of interest as fixed under sub-section (3): Provided that where for any reason, the Board finds that an owner, exporter or manufacturer, as the case may be, has paid cess in excess of what is due from him, it shall adjust against the future payment, if any, from him or shall be refunded to him.'

8. In the principal Act, in section 13, in sub-section (1), after the words "The Central Government may", the words "if it deems necessary," shall be inserted

9. In the principal Act, for section 17, the following section shall be substituted, *namely*: —"17 (1) The Board shall implement the standards for quality, marking, labelling and packing for various marketable forms of rubber, for the rubber produced or processed in, imported into or exported from, India Amendment of section 13. Substitution of new section for section 17. Implementation of standards for quality, marking, etc.. for rubber. 4 THE GAZETTE OF INDIA EXTRAORDINARY (2) Any officer of the Board authorised by the Chairman may at any reasonable time inspect the rubber sold or purchased by any dealer or processor at any factory or other premises of a dealer, processor or manufacturer or exporter for the purpose of ensuring the compliance of the standards under sub-section (1). 10. Section 18 of the principal Act shall be omitted

11. In the principal Act, in section 19, for the words and figures "section 15 or Omission of section 18." Amendment of section 19. Amendment of section 21. Insertion of new section 22A. Power of Central Government to issue directions to Board. Insertion of new section 24 Power to delegate. Amendment of section 25. Insertion of new section 25 A. Power to make regulations. Amendment of section 17", the words and figures "or section 15" shall be substituted

12. In the principal Act, in section 21,—(a) for the words "any officer of the Board may", the words "the Board authorised by the Chairman may" shall be substituted; (b) for the words "manufacturer, for", the words "manufacturer or processor, for" shall be substituted

13. In the principal Act, after section 22, the following section shall be inserted, *namely*: —22 A. (1) Without prejudice to the foregoing provisions of Act, the Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time: Provided that the Board shall, as far as practicable, be given opportunity to express its views before any direction is given under this sub-section. (2) The decision of the Central Government whether a question is one of the policy or not shall be final

14. In the principal Act, after section 24, the following section shall be inserted, *namely*: —'24 A. The Central Government may, by notification in the Official Gazette, direct that any power exercisable and functions conferred by it under this Act may be exercised and performed in such cases and subject to such conditions, if any, as may be specified in the notification by such officer or authority as may be specified therein.' 15. In the principal Act, in section 25, in sub-section (2),— (a) clause (xx) shall be omitted; (b) after clause (xxa), the following clause shall be inserted, *namely*:— "(xxb) the cost of collection and the rate of interest to be recovered in case of delayed payment of duty under sub-section (3) of section 12;" , (c) in clause (xxi), the words and figures "or section 17" shall be omitted

16. In the principal Act, after section 25, the following section shall be inserted, *namely*: —'25A. (1) The Board may, with the previous approval of the Central Government, by notification make regulations, not inconsistent with the provisions of this Act and the rules made thereunder, to carry out its functions. (2) Every regulation made under sub-section (1) shall be laid before each House of Parliament.' 17. In the principal Act, in section 26, in sub-section (1), for the words "one thousand rupees", the words "five thousand rupees" shall be substituted. THE GAZETTE OF INDIA EXTRAORDINARY 52 of 1974

18. In the principal Act, after section 26, the following section shall be inserted, *namely*: —"26A. Notwithstanding anything contained in the Code of Criminal 1973, any offence punishable under this Act may, either before the institution of prosecution or with the leave of the Court after the institution of the

presæution, compounded by the Board on payn*nt to the Board such sum of money as does not exceed the value of the gu)d.s in resl*ct of which contravention has been committed.". V K. BHASN, Secy. to the Govt. of India. PRINTED BY THE GENERAL MANAGER. GOVT. OF INDIA PRESS. MINTO ROAD. NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS. DELHI—2010. Lnsellion of new section 26A. Compounding of offences.

