RAW JUTE (CENTRAL JUTE BOARD AND MISCELLANEOUS PROVISIONS) ACT, 1951

West Ben. Act VI of 1950. West Ben. Ord. XVII of 1950. LXIII of 1948. West Bengal Act VI of 1951 THE RAW JUTE (CENTRAL JUTE BOARD ANO MISCELLANEOUS PROVISIONS) ACT, 1951. [Passcd by the West Bengal Legislature.] [Assent of the President was first published in the Calcutta Gazette, Ectraordinary, of the 21st March, 1951.] An Act to provide for the setting up of a Central Jute Board in J'Vest Bengal and for certatn other matters. WHEREAS a crisis has arisen in the jute industry on account of the owners of jute-mills not being able to secure adequate supplies of raw jute at the maximum prices fixed under the West Bengal Jute (Control of Prices) Act, 1950 ; AND WHEREAS it is expedient to set up a Central Jute Board in West Bengal for ensuring equitable supply of raw jute to the owners of different jute-mills ; AND WHEREAS it is also expedient to make certain other miscellaneous provisions for the better regulation of the jute trade and for the protection of cultivators of jute ; It is hereby enacted as follows : — (1) This Act may be called the Raw Jute (Central Jute Board and Miscellaneous Provisions) Act, 1951. (2) It extends to the whole of West Bengal. (3) It shall come into force immediately on the Raw Jute (Central Jute Board and Miscellaneous Provisions) Ordinance, 1950, ceasing to operate. 2, In this Act, unless there is anything repugnant in the subject or context, Short title, extent and commence. mente Definitions. (1) (2) (3) (4) (5) appointed day" means the date specified by the State Government by notification in the Official Gazette as the appointed day for the purpose of this Act ; ' 'the Board" means the Central Jute Board con- stituted under section 4 of this Act; "cultivator of jute" means any person who, whether by himself or by members of his family or by hired labour or by adhiars or bargadars or bhagdars, grows Jute on any land in his possession ; jute" lueans the plant belonging to any species of the genus Corchorus and commonly called pat, kosta, nalia or bimalipatam and includes also the plant hibiscus cannabinus, commonly called mes ta; 'jute-mill' means a factory defined in, or declared to be a factory under the Factories Act, 1948, which is engaged wholly or in part in the manu- facture of jute products ; 2 The Raw Jute (Central Jute Board and Miscellaneous Provisions) Act, 1951. [West Ben. Act (Sections 3, 4.) (6) "owner of a jute-mill" means the person who has ultimate control over the affairs of the jute-mill : Provided that, where the affairs of a jute-mill are (7) (8) (9) (10) entrusted to a managing agent, such agent shall be deemed to be the owner of the jute-mill ; 'prescribed" means prescribed by rules made under this Act ; "raw jute" means the fibre of jute which has not been subjected to any process of spinning or weaving, whether loose or packed in bales or drums, and whether or not containing any waste product or moisture and includes jute cuttings, jute ropes and habi jabi; "stockist of raw jute" means an owner of a jute- mill, a baler, a dealer in raw jute or any other person who in the ordinary course of business stocks raw jute ; ' 'waste product" means strippings, odd filaments or fragments, droppings, sweepings, or other waste product of jute and includes also ropes of raw jute used for fastenino raw jute in bales and also articles commonly known in the jute trade as habi iabi. Avoidance of certain contracts. ntral ard. 3- (1) Every contract for the sale or supply of raw jute entered into before the appointed day which on such day remains to be performed wholly or in part shall to the extent it so remains to be performed, be void and unenforceable in law. (2) So much of any brokerage in respect of any contract as aforesaid as relates to such contract to the extent such contract becomes void and unenforceable under sub-section (1), shall not be payable. (3) Sub-section (2) shall not •apply (a) where a broker did not guarantee the delivery of any raw jute, and (b) to contracts for the sale or supply of raw jute, the performance of which were to be completed on or before the appointed day but in respect of which the time for performance has been extended by common consent, and in every such case brokerage shall be payable in accordance with the terms agreed upon with the broker. 4. (1) The State Government shall constitute a Central Jute Board consisting of the following members, namely : — (a) four persons representing the Indian Jute Mills Association, nominated by that Association and approved by the State Government ; (b) two persons representing the Jute Dealers Associa- tions; nominated by the State Government ; Contracts for sale or supply of rav jute not to be made except in the manner provided. Manner of making contracts. Ben. 1 of The Raw Jute (Central Jute Board and Miscellaneous 3 Provisions) Act, 1951. VI of 1951.] (Sections 5' 6.) (c) two persons representing the Jute Balers Associa- tions, nominated by the State Government ; (d) three persons to be nominated by Government to enable the Government to allow representations of all interests. (2) The Chairman of the Board shall be nominated by the State Government and shall be a member of the

Board. The Chairman shall hold office for such period as I-uay be determined by the State Government. (3) The conditions for the resignation, removal and leave ez-lndia of members of the Board and the procedure of the Board shall be such as may be prescribed. (4) The Board shall comply with such directions, if any, as may from time to time be issued to it by the State Government. (5) The Board may, with the approval of the State Government, make by-laws for the emcient functioning of the Board. (1) No person shall sell or agree to sell raw jute to the owner of a jute-mill and no owner of a jute-mill shall buy or agree to buy raw jute save and except in pursuance of a contract for the sale or the supply of raw jute entered into in the manner provided in section 6. (2) Any contract entered into for the sale or the supply of raw jute with the owner of a jute-mill save and except in the manner provided in section 6 shall be void and of no effect. (3) Any person contravening the prol isions of sub- section (1) shall be guilty of an offence under this Act and shall be punishable with imprisonment may extead to six months or with fine or with both. Ga (l) Any person who intends to enter into a contra et for the sale or the supply of raw jute with the owner of a jute-mill shall apply to the Board specifyin.g the quanti , quality and trade description of such jute and such er particulars in respect thereof, if any, as may be prescribed. (2) The Board shall after considering the applicatica, select an owner of a jute-mill (who has signiÅed in writing to the Board his intention to buy raw jute) with whom the applicant shall enter into a contract for the sale or the supplJ of raw jute within a date specified by the Board. (3) (i) The applicant and the owner of a jute-mill selected under sub-section (2) shall thereupon, within the date specified by the Board, enter into a contract for the sale or supply of raw jute on such terms and conditions (including terms as to arbitration in case of dispu te) as may be prescribed : Provided that the prices for raw jute fixed under such contract, shall not exceed the maximum prices, if any, as may be fixed under the West Bengal Jute (Control of Prices) Act, 1950. 4 The Raw Jute (Central Jute Board and Miscellaneous Protisions) Act, 1951. [West Ben. Act (Sections 7, 8.) (ii) An applicant or the owner of a jute-mill selected under sub-section (2), who refuses to comply in any manner with the provisions of clause (i), shall be guilty of an offence under this Act and shall be punishable with imprison- ment which may extend to six months or with fine or with both. (4) In consldering applications and in selecting owners of jute-mills under sub-section (2), the Board shall endeavour to ensure equitable supply of raw jute among owners of different jute-mills, but the selection of the Board shall not be questioned by or in any court of law. (5) The Board may levy in the prescribed manner, a cess from the applicant who enters into a contract for the sale or the supply of raw jute in accordance with the provi- sions of clause (i) of sub-section (3), at such rate as may be fixed from time to time by the Board, not exceeding one- eighth per centum of the value of the raw jute sold or supplied by the applicant under such contract. 7. (1) No person shall deliver or cause to be delivered Prohibition of delivery or accep- tanco of raw jute except in pursuance of con- tracts made in/ the manner provided. Power to license stockists of raw jute. to the owner of a jute-mill and no owner of a jute-mill shall accept or cause to be accepted any raw jute save and except in pursuance of a contract for the sale or the supply of raw jute entered into in the manner provided in section G. (2) Any person contravening the provisions of sub- section (1) shall be guilty of an offence under this Act and shall be punishable with imprisonment which may extend to six months or with fine or with both. (3) The provisions of section 5, section 6, and this section shall have effect on and from the appointed day. 8. (1) The State Government may, at any time by notification in the C)JficiaZ Gazette, require all stockists of raw jute to take out licenses under this Act within a date specified in the notification, (2) The terms and conditions and the procedure and the manner of taking out licenses shall be such as may be prescribed. (3) The State Government may, by notification in the Official Gazette, require all holders of license to submit returns of stocks of raw jute in such form and at such times as may be specified in the notification. (4) Any stockist in raw jute who fails to take out license within the date specified in the notification or fa,ils to submit returns as required under sub-section (3), shall be guilty of an offence under this Act and shall be punishable with imprisonment which may extend to six months or with fine or with both. The Raw Jute (Central Jute Board and Miscellaneous 5 Provisions) Act, 1951. VI 1951.] (Sections 9, IO.) 9• (I) Subject to such rules as may be prescribed, any Obtaining offcer authorised in this behalf by the State Government informa- tion, etc. may, with a view to securing compliance with the provi- sions ef this Act,— (a) require any person to give any information in his possession with respect to any business carried on by that or any other person; (b) enter with such assistants, if any, being persons in service of the State Government, as he thinks fit, any premises and— (i) make or cause to be made by such assistants such examination of premises and of any accounts, books,

documents and stocks of jute therein as he thinks fit ; (ii) take or cause to be taken by such assistants extracts from copies of any accounts, books or documents referred to in sub-clause Q,) (iii) seize or cause to be seized by such assistants any stocks of jute in respect of which he suspects that any offence under this Act has been committed and also any accounts, books or other documents referred to in sub-clause (i) which are in his opinion relevant to prove the commission of such offence and keep such stocks of jute, accounts, books . or documenta in his custody or in such other custody as may be prescribed, investigation or pending prosecution. (2) Any person who fails to give any information required to be given under clause (a) of sub-section (1) or who obstructs any person in the exercise of any power conferred by clause (b) of that sub-section shall be guilty of an offence under this Act and shall be punishable Wii h imprisonment which may extend to six months or with fine or with both. 10. (1) The State Government may, by notification in the Official Gazette, fix minimum prices which may be charged for raw jute bought from cultivators of jute. (2) Different minimum prices may be fixed under sub- section (1) according to the quality, variety and trade description of raw jute and the area in which such jute ig grown. (3) Any person buying raw jute from a cultivator of jute at any rice lower than the minimum price fixed under sub-section 1 r, after a notification has been issued under that sub-section, shall be guilty of an offence under this Act and shall be punishable with imprisonment which may extend to six months or with fine or with both. Power to fix mini- mum prices of raw jute bought from cultivators. Offence by corpora- tions, etc. Cognizance of o ffences. Indemnity. Power to mako rules. Act to prevail over other law, etc. Conti- nuance and savings. 6 The Raw Jute (Central Jute Board and Miscellaneous Provisions) Act, 1951. [West Ben. Act VI of 1951.1 (Sections 11—16.) 11. Where the person committing any offence undev any of the provisions of this Act is a company or an asso- ciation 'or a body of persons whether incorporated or not, every director, manager, secretary, or other offcer or person concerned in the management thereof shall, unless he proves that the offence took place without his knowledge or that he exercised all due diligence to prevent the commission of such offence, be deemed to be guilty of such offence

12. No prosecution for any offence under this Act shall be instituted except with the previous sanction of the State Government or of such other offcer of the State Govern- ment as may .be prescribed. 13B (1) No suit or other legal proceeding shall lie against the State Government for anything which ise in good faith done, or intended to be done, under this Act or any rules made thereunder. (2) No suit, prosecution or other legal proceeding shall lie against any person for anything which, is in good faith done, or intended to be done, under this Act or any rules made thereunder. 14, (1) The State Government may make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the power under sub-section (1), such rules may provide for all or any of the matters required to be prescribed under this Act

15. The provisions of this Act and of any rules made thereunder shall have effect notwithstanding anything to the contrary in any other law, or in any custom, usage, contract or instrument.16B The Central Jute Board constituted, any rule made, any notification or license issued, any direction given, any contract entered into, any minimum price fixed, anything done or any action whatsoever taken under the Raw Jute West Ben. (Central Jute Board and Miscellaneous Provisions) Ordi- Ord' XVII of 1950. 1950, shall, on the said Ordinance ceasino• nance, to operate, be deemed to have been constituted, made. issued, given, entered into, fixed, done or taken under this Aet as if this Act had commenced on the 14th day of December, 1950. WBGP-51/e.1347A-4,500