

# ACT NO. XIII OF 1936.

[ PASSED BY THE INDIAN LEGISLATURE. ]

(Received the assent of the Governor General on the  
27th October, 1936.)

## An Act further to amend the Indian Tea Cess Act, 1903, for certain purposes.

**W**HEREAS it is expedient further to amend the  
Indian Tea Cess Act, 1903, for the purposes  
hereinafter appearing ; It is hereby enacted as follows :—

IX of 1903. 1. (1) This Act may be called the Indian Tea Cess  
(Amendment) Act, 1936. Short title  
and commence-  
ment.

(2) It shall come into force on such date as the Gov-  
ernor General in Council may, by notification in the  
Gazette of India, appoint in this behalf.

XIX of 1924. 2. In section 2 of the Indian Tea Cess Act, 1903 (here-  
inafter referred to as the said Act),— Amendment of  
section 2,  
Act IX of  
1903.

(a) in clause (a), for the words " the Collector of the  
district " the words " a Collector of Land Cus-  
toms as defined in clause (c) of section 2 of the  
Land Customs Act, 1924 " shall be substitut-  
ed ;

(b) in clause (b), for the word " by " the words  
" by or under " shall be substituted ; and

(c) for clause (c) the following clause shall be  
substituted, namely :—

" (c) ' the Board ' means the Indian Tea Market  
Expansion Board constituted under sec-  
tion 4 " .

3. Section 3 of the said Act shall be renumbered as  
sub-section (1) of that section, and— Amendment of  
section 3,  
Act IX of  
1903.

(a) in the said section so renumbered, for the words  
" the rate of twelve annas per hundred pounds  
or at such lower rate as the Governor General  
in Council may, on the recommendation of the  
Tea Cess Committee " the following words  
shall be substituted, namely :—

" such rate not exceeding one rupee and eight  
annas per hundred pounds as the Governor  
General

*Indian Tea Cess.* [ACT XIII

General in Council may, on the recommendation of the Board”;

and

(b) to the said section so renumbered the following sub-section shall be added, namely:—

“(2) The Governor General in Council may, by notification in the Gazette of India, direct that a customs-duty at the like rate shall be levied and collected on all tea produced in India and taken by land from British India to any place beyond the limits of British India.”

Amendment of  
section 4,  
Act IX of  
1908.

4. In section 4 of the said Act,—

(a) in sub-section (1), for the words “a Committee” the words “a body to be called the Indian Tea Market Expansion Board” shall be substituted;

(b) in sub-section (2),—

(i) for the word “twenty” the word “twenty-seven” shall be substituted; and

(ii) for clauses (a), (b) and (c) the following clauses shall be substituted, namely:—

“(a) two on the recommendation of the Bengal Chamber of Commerce, one on the recommendation of the Bengal National Chamber of Commerce, one on the recommendation of the Madras Chamber of Commerce and one on the recommendation of the Associated Chamber of Commerce and one on the recommendation of the Federation of Indian Chambers of Commerce and Industry and one on the recommendation of the South Indian Chamber of Commerce;

(b) five on the recommendation of the Indian Tea Association, Calcutta, two on the recommendation of the Assam Branch of the Indian Tea Association and two on the recommendation of the Surma Valley Branch of the Indian Tea Association;

(c) two

of 1936.]

*Indian Tea Cess.*

- (c) two on the recommendation of the United Planters' Association of Southern India, two on the recommendation of the Dooars Planters' Association, one on the joint recommendation of the Darjeeling Planters' Association and the Terai Planters' Association and one on the recommendation of the Indian Tea Planters' Association, Jalpaiguri ; and
- (d) two on the recommendation of the Government of Bengal of which one is to represent the Tea Planters in North Bengal and one to represent the Tea Planters of Tripura and Chittagong who are Indians, one on the recommendation of the Assam Valley Indian Tea Planters' Associations, one on the recommendation of the Surma Valley Indian Planters' Associations and one on the recommendation of the Government of Madras to represent Tea Planters in Southern India who are Indians."

5. After sub-section (2) of section 4 of the said Act, the following sub-section shall be inserted, namely :—

Amendment of section 4, Act IX of 1908.

" (2A) The Executive Committee of the Board shall consist of nine members of whom not less than three shall be Indians."

6. In section 5 of the said Act,—

Amendment of section 5, Act IX of 1908.

- (a) in sub-section (2), for the words "teas produced in India" the words "tea generally and especially Indian tea" shall be substituted; and
- (b) after sub-section (2) the following sub-section shall be inserted, namely :—

" (3) The Board may, subject to the provisions of any rules made under section 7, borrow on the security of the tea cess for any purpose for which it is authorised under sub-section (2) to expend its funds :

Provided that the total amount borrowed shall not at any time exceed five lakhs of rupees and that no loan shall be taken which is repayable later than six months from the date of the loan."

7. In

*Indian Tea Cess.* [ACT XIII OF 1936.]

Amendment of  
section 7,  
Act IX of  
1903.

7. In sub-section (2) of section 7 of the said Act,—

(a) in clause (a)—

(i) after the word “ nomination ” the words  
“ election, recommendation ” shall be  
inserted ;

(ii) the word “ and ” before the word “ ap-  
pointment ” shall be omitted ;

(iii) after the word “ appointment ” the words  
“ and retirement ” shall be inserted ;

(b) in clause (b), the word “ and ”, where it occurs  
for the second time, shall be omitted ; and

(c) after clause (c) the following clauses shall be  
inserted, namely :—

“ (d) the conditions subject to which the Board  
may incur expenditure outside India for the  
promotion of the interests of the Indian tea  
industry ; and

(e) the conditions subject to which the Board  
may exercise its borrowing powers.”

Amendment of  
section 9,  
Act IX of  
1903.

8. In section 9 of the said Act, for the figures “ 1908 ”  
the figures “ 1938 ” shall be substituted.

General.

9. In the preamble and throughout the said Act,  
for the word “ Committee ” and for the words “ Tea  
Cess Committee ”, wherever they occur, the word “ Board ”  
shall be substituted.