

ACT NO. XVII OF 1936.

[PASSED BY THE INDIAN LEGISLATURE.]

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

An Act to amend the Indian Tea Control Act, 1933,
for certain purposes.

XXIV of 1933. **WHEREAS** it is expedient to amend the Indian
Tea Control Act, 1933, for the purposes hereinafter
appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Tea Control Short title and
commencement. (Amendment) Act, 1936.

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

XXIV of 1933. 2. In clause (a) of section 2 of the Indian Tea Control Amendment of
section 2, Act
XXIV of 1933. Act, 1933 (hereinafter referred to as the said Act), for the
words "Committee" means the words "Committee"
and "Authority" mean, respectively, shall be substituted,
and after the words "Indian Tea Licensing Com-
mittee" the words "and the Burma Tea Licensing
Authority" shall be inserted.

3. In section 9 of the said Act,—

(a) for sub-section (1) the following sub-section Amendment of
section 9, Act
XXIV of 1933.
shall be substituted, namely:—

"(1) The Governor General in Council may, by
notification in the Gazette of India, declare
the Committee to be dissolved or the Author-
ity to be abolished, and on the date of the
publication of any such notification the
Committee shall stand dissolved or the
Authority abolished, as the case may be,
and, if both events occur, this Act shall be
deemed to be repealed."; and

(b) in sub-section (2), after the word "dissolved"
the words "or the Authority is abolished"
shall be inserted, and after the word "Com-
mittee", where it occurs for the second time,

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the words "or by the Authority, as the case may be," shall be inserted and for the word "Government" the words "Governments of India and Burma respectively" shall be substituted.

Insertion of new Chapter IA after section 10 in Act XXIV of 1933. 4. After section 10 of the said Act the following Chapter shall be inserted, namely:—

"CHAPTER IA.

THE BURMA TEA LICENSING AUTHORITY.

Constitution of Burma Tea Licensing Authority. 10A. The Governor General in Council shall after consulting the Government of Burma constitute an authority, to be called the Burma Tea Licensing Authority, to exercise and discharge in Burma the powers, functions and duties exercised and discharged before the commencement of the Indian Tea Control (Amendment) Act, 1936, by the Committee.

Application of sections 7, 8 and 10 to the Authority. 10B. The provisions of sections 7 and 8 shall, as far as they may be, apply to the Authority as they apply to the Committee, and the power conferred by section 10 shall include a power to make with respect to the Authority rules for any of the purposes for which rules may be made under that section with respect to the Committee."

Amendment of section 12, Act XXIV of 1933. 5. In section 12 of the said Act,—
(a) to sub-section (1) the following words shall be added, namely:—

"in the case of exports from British India excluding Burma, or the Authority in the case of exports from Burma"; and

(b) to sub-section (2) the words "or the Authority, as the case may be" shall be added.

Amendment of section 13, Act XXIV of 1933. 6. To section 13 of the said Act the following sub-section shall be added, namely:—

"(3) The Indian Overseas Export Allotment so declared for any financial year after the financial year ending on the 31st day of March, 1937, shall not include the overseas export allotment for the Province of Burma, but the Governor General in Council, shall, by notification in the Gazette of India, declare a separate Burma Overseas Export Allotment after consulting the Committee and the Authority and paying due regard to all interests concerned."

7. In.

7. In section 14 of the said Act,—

Amendment of
section 14, Act
XXIV of 1933.

(a) in sub-section (1), for the words “by the Committee” the words “for estates in British India excluding Burma by the Committee and for estates in Burma by the Authority” shall be substituted; and

(b) for sub-section (2) the following sub-section shall be substituted, namely:—

“(2) The total of all export quotas for any financial year prior to the financial year beginning on the 1st day of April, 1937, shall not exceed the Indian Overseas Export Allotment for that year, and the total of all export quotas for any subsequent financial year of estates in British India excluding Burma and of estates in Burma, respectively, shall not exceed the Indian Overseas Export Allotment and the Burma Overseas Export Allotment, respectively, for that year.”

8. In section 15 of the said Act,—

Amendment of
section 15, Act
XXIV of 1933.

(a) in sub-section (2), after the word “Committee” the words “or, if the estate is in Burma, of the Authority” shall be inserted; and

(b) to sub-section (2) the following proviso shall be added, namely:—

“Provided that after the 31st day of March, 1937, this sub-section shall not authorise the transfer to a tea estate in Burma of any such right accruing in respect of a tea estate situated outside Burma or *vice versa*.”

9. In section 16 of the said Act,—

Amendment of
section 16, Act
XXIV of 1933.

(a) in sub-section (1), after the word “Committee” the words “or, if such estate is in Burma, to the Authority” shall be inserted;

(b) in sub-section (2), after the word “Committee” the words “or Authority, as the case may be,” shall be inserted; and

(c) in the proviso to sub-section (3), after the word “Committee” the words “or the Authority” shall be inserted.

10. In

Indian Tea Control. [ACT XVII]

Amendment of
section 17, Act
XXIV of 1933.

10. In sub-section (1) of section 17 of the said Act,—

- (a) after the word "Committee", where it occurs for the first time, the words "or, in Burma, to the Authority" shall be inserted; and
- (b) after the word "Committee", where it occurs for the second time, the words "or Authority, as the case may be," shall be inserted.

Amendment of
section 18, Act
XXIV of 1933.

11. In sub-section (1) of section 18 of the said Act, for the words "The Committee shall" the words "The Committee and the Authority shall each" shall be substituted, and for the words "the Committee may" the words "the Committee or the Authority may" shall be substituted.

Amendment of
section 19, Act
XXIV of 1933.

12. In section 19 of the said Act,—

- (a) in sub-section (2), after the word "Committee" the following words shall be inserted, namely:—
"or, in the case of tea shipped or waterborne to be shipped for export from Burma, by the Authority,"; and
- (b) in sub-section (3), after the word "Committee" the words "or, in the case of tea produced in Burma, by the Authority" shall be inserted.

Amendment of
section 20, Act
XXIV of 1933.

13. In section 20 of the said Act,—

- (a) in sub-section (1), after the word "Committee" the words "or, in Burma, the Authority" shall be inserted; and
- (b) in sub-section (2), the words "to the Committee" shall be omitted, and for the words "the Committee", where they occur for the second time, the words "the Committee or the Authority, as the case may be," shall be substituted.

Amendment of
section 21, Act
XXIV of 1933.

14. In section 21 of the said Act,—

- (a) in sub-section (1), after the word "Committee" the words "or the Authority" shall be inserted; and
- (b) in sub-section (2), after the word "Committee" the words "and the Authority" shall be inserted, and for the word "it", in both places where it occurs, the word "them" shall be substituted.

15. In

15. In section 29 of the said Act,—

Amendment of
section 29, Act
XXIV of 1933.

- (a) in sub-section (1), after the words "The Committee" the words "or, in Burma, the Authority" shall be inserted and the words "to enable it to discharge its duties under this Chapter" shall be omitted; and
- (b) in sub-section (2), after the words "in this behalf" the words "or, in Burma, any person authorised by the Authority in this behalf" shall be inserted.

16. In section 32 of the said Act,—

Amendment of
section 32, Act
XXIV of 1933.

- (a) after the word "Committee", where it first occurs, the words "or any person authorised by the Authority" shall be inserted;
- (b) for the words "such member or officer" the words "such member, officer or person" shall be substituted; and
- (c) after the word "Committee", where it occurs for the second time, the words "or by a person authorised by the Authority" shall be inserted.

17. In section 35 of the said Act,—

Amendment of
section 35, Act
XXIV of 1933.

- (a) in sub-section (1), after the word "Committee" the words "or, in Burma, by the Authority" shall be inserted; and
- (b) in sub-section (2), after the word "Committee" the words "or, in Burma, the Authority" shall be inserted.