

# ACT NO. IX OF 1936.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the  
26th April, 1936.)

## An Act further to amend the Indian Lac Cess Act, 1930, for certain purposes.

XXIV of 1930. **W**HEREAS it is expedient further to amend  
the Indian Lac Cess Act, 1930, for the purposes  
hereinafter appearing ; It is hereby enacted as follows :—

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

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

XXIV of 1930. 2. In section 3 of the Indian Lac Cess Act, 1930 Amendment of  
(hereinafter referred to as the said Act),— section 3, Act  
XXIV of 1930.

(a) for the words "four annas" the words "seven  
annas" shall be substituted ; and

(b) for the words "two annas" the words "five  
annas" shall be substituted.

3. For section 4 of the said Act the following section Substitution of  
shall be substituted, namely :— new section  
for section 4,  
Act XXIV of  
1930.

"4. (1) The Governor General in Council shall Constitution  
constitute a Committee to receive and expend of the Indian  
the proceeds of the cess. Lac Cess  
Committee.

(2) The Committee shall consist of a Governing  
Body and an Advisory Board, each having its  
own chairman who shall be nominated by the  
Governor General in Council.

(3) The

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- (3) The President of the Committee shall be the person nominated by the Governor General in Council to be chairman of the Governing Body.
- (4) The Governing Body shall consist of the following members, namely :—
- (i) the chairman appointed under sub-section (2) ;
  - (ii) three members representing the shellac manufacturing industry, to be nominated one by the Bengal Chamber of Commerce, one by the Calcutta Shellac Brokers Association and one by the Shellac Traders' Association, Mirzapur ;
  - (iii) one member representing the shellac export trade, to be nominated by the Bengal Chamber of Commerce ;
  - (iv) one member representing the lac brokers and shellac brokers in Calcutta, to be nominated by the Calcutta Shellac Brokers Association ;
  - (v) six members representing the cultivators of lac, one to be nominated by the Local Government of Bengal, one by the Local Government of the United Provinces, one by the Local Government of the Central Provinces, one by the Local Government of Assam and two by the Local Government of Bihar and Orissa ;
  - (vi) one member representing indigenous shellac manufacturers, to be nominated by the Governor General in Council ; and
  - (vii) two members of whom one at least shall represent the lac consuming industries in India, to be nominated by the Governor General in Council.

(5) The

- (5) The Advisory Board shall consist of the following members, namely :—
- (i) the chairman appointed under sub-section (2) ;
  - (ii) the Conservator of Forests, Bihar and Orissa, *ex-officio* ;
  - (iii) the Forest Entomologist, Dehra Dun, *ex-officio* ;
  - (iv) the Imperial Entomologist, *ex-officio* ;
  - (v) the Director of Agriculture, Bihar and Orissa, *ex-officio* ;
  - (vi) the Director of the Lac Research Institute, Nankum, *ex-officio* ;
  - (vii) one forest officer, to be nominated by the Governor General in Council ;
  - (viii) two scientists, to be nominated by the Governor General in Council ; and
  - (ix) two experts, one representing the lac manufacturing industry and one representing the lac consuming industry, to be nominated by the Governor General in Council :

Provided that the experts referred to in clause (ix) may be persons nominated as members of the Governing Body under clause (ii), (vi) or (vii) of sub-section (4), and shall in that case be entitled to exercise the functions proper to them as members of the Governing Body or the Advisory Board, respectively.

- (6) If within the period prescribed in this behalf, or, in the case of the first nominations under this section, within a reasonable time, any authority or body fails to make any nomination which it is entitled to make under this section, the Governor General in Council may himself nominate a member to fill the vacancy.
- (7) The Secretary of the Committee, who shall also be the Secretary of the Governing Body and of the Advisory Board, shall be a person not being

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being a member of the Committee appointed by the Governor General in Council.

- (8) Where a nominated member dies, resigns, ceases to reside in British India or becomes incapable of acting, the Governor General in Council may, of his own motion if the member to be replaced was nominated by him, or in other cases on the recommendation of the authority or body entitled to make the original nomination, nominate a person to fill the vacancy :

Provided that where such authority or body fails to make a recommendation within the prescribed period, the Governor General in Council may of his own motion nominate a person to fill the vacancy.

- (9) No act done by the Committee shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Committee."

4. After section 5 of the said Act the following section shall be inserted, namely :—

Insertion of  
new section  
5A in Act  
XXIV of  
1930.

Powers of  
Governing  
Body and Ad-  
visory Board.

- "5A. (1) Subject to the provisions of sub-section (2) and sub-section (3), the Governing Body alone shall manage the affairs and administer the funds of the Committee, shall make all decisions and take all action required under this Act to be made or taken by the Committee, and shall discharge on behalf of the Committee all the functions of the Committee as a body corporate.
- (2) The Governing Body and the Advisory Board together shall exercise the functions assigned to the Committee by section 9.
- (3) All matters of a technical or scientific nature proposed for consideration by the Committee shall be referred to the Advisory Board, and the Advisory Board shall report thereon to the Governing Body.

(4) If

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(4) If a doubt arises whether any action taken by the Governing Body is or is not within its powers under sub-section (1), the matter shall be referred to the Governor General in Council whose decision shall be final."

5. To section 6 of the said Act the following sub-section shall be added, namely:—

Amendment  
of section 6,  
Act XXIV  
of 1930.

"(3) Subject to the control of the Governor General in Council, the Committee may apply part of such proceeds and moneys to meeting expenditure hitherto or hereafter incurred in securing patents for the protection of inventions by employees of the Committee."

6. In sub-section (2) of section 8 of the said Act,—

Amendment of  
section 8, Act  
XXIV of 1930.

(a) in clause (d) and clause (e), after the word "Committee" the words " or the Governing Body or the Advisory Board " shall be inserted ; and

(b) after clause (p) the following clause shall be inserted, namely:—

"(pp) provide for the periodical inspection by persons appointed in this behalf by the Governor General in Council of the Indian Lac Research Institute and other institutions maintained by the Committee ;".

7. In section 9 of the said Act, in clause (c) after the word "Committee" the words " ; the Governing Body, the Advisory Board " shall be inserted.

Amendment  
of section 9,  
Act XXIV of  
1930.