

ACT No. XXXII OF 1939.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 28th September, 1939.)

An Act further to amend the Indian Rubber Control Act, 1934.

WHEREAS the Agreement between the Governments of France, the United Kingdom, India, the Netherlands and Siam to regulate production and export of rubber, signed in London on the 7th day of May, 1934, as amended by the Protocols of the 27th day of June, 1935, the 22nd day of May, 1936 and the 5th day of February, 1937, has been revised in accordance with the recommendation, accepted by all the said Governments, of the International Rubber Regulation Committee of the 29th day of March, 1938 and has come into force as so revised on the 1st day of January, 1939 ;

AND WHEREAS it is expedient further to amend the Indian Rubber Control Act, 1934 for the purpose of implementing the said Agreement as so revised, and for certain other purposes hereinafter appearing ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Rubber Control (Amendment) Act, 1939. Short title and commencement.

(2) It shall be deemed to have come into force on the 1st day of January, 1939.

2. In sub-section (4) of section 1 of the Indian Rubber Control Act, 1934 (hereinafter referred to as the said Act), for the figure "1938" the figure "1943" shall be substituted. Amendment of section 1 of Act XXVIII of 1934.

3. In section 2 of the said Act, —

(a) clause (a) shall be renumbered as clause (aa), and before the said clause as so renumbered, the following clause shall be inserted, namely :—

(a) "Agreement" means the Agreement between the Governments of France, the United Kingdom, India, the Netherlands and Siam

Amendment of section 2.

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and Siam to regulate production and export of rubber, signed in London on the 7th day of May, 1934, as amended by the Protocols of the 27th day of June, 1935, the 22nd day of May, 1936 and the 5th day of February, 1937, and as revised in accordance with the recommendation, accepted by all the said Governments, of the International Rubber Regulation Committee of the 29th day of March, 1938;';

(b) in clause (b) —

(i) for the words "by sea or by land" the words "by land, sea or air" shall be substituted;

(ii) the words "and Burma" shall be omitted;

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

'(cc) "International Rubber Regulation Committee" means the Committee referred to in Article 15 of the Agreement;';

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

'(d) "net exports" of rubber means the difference between the total exports of rubber during a period and the total imports of crude rubber during the same period exclusive of rubber imported from Burma;';

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

'(g) "to plant" means to propagate a rubber plant from seed or any living portion of the rubber plant that may be used to propagate it; "new planting" means planting in an area which has not since the 1st day of June, 1934 carried any rubber plants or substituting in an area carrying rubber plants and other growths, rubber growths for those other growths; "to replant" means to plant, in such circumstances as not to constitute new planting, on any one acre of an area carrying rubber plants on the 1st day of June, 1934 more than thirty rubber plants; and "to supply" means so to plant on any one acre of such an area thirty rubber plants or less;';

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

' (h) " rubber " means—

- (i) crude rubber, that is to say, rubber prepared from the leaves, bark or latex of any rubber plant,
- (ii) the latex of any rubber plant, whether fluid or coagulated, in any stage of the treatment to which it is subjected during the process of conversion into rubber, and
- (iii) latex in any state of concentration, and includes, for the purposes of determining net exports and regulating export, the rubber content of any article manufactured wholly or partly from crude rubber in India;';

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

' (i) " rubber plant " includes plants, trees, shrubs and vines, and any leaves, flowers, seeds, buds, twigs, branches, roots and any living portion thereof, that may be used to propagate any of the following, namely :—

(i) *Hevea Braziliensis* (Para rubber),

(ii) *Manihot Glaziovii* (Ceara rubber),

(iii) *Castilloa elastica*,

(iv) *Ficus elastica* (Rambong),

(v) any other plant, tree, shrub or vine which the Committee may, by notification in the Gazette of India, declare to be a rubber plant for the purposes of this Act;';

4. To sub-section (1) of section 3 of the said Act the following shall be added, namely :— Amendment of section 3

" and such Committee shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued ".

5. In section 8 of the said Act,— Amendment of section 8.

(a) sub-sections (1) and (2) shall be renumbered as sub-sections (2) and (3) respectively, and the following shall

following shall be inserted as sub-section (1), namely :—

Annual report and accounts.

“(1) The Committee shall publish an annual report on the working of this Act.”;

(b) after sub-section (3) as so renumbered, the following sub-section shall be inserted, namely :—

“(4) If any item of expenditure is disallowed under sub-section (3), an appeal shall lie to the Central Government whose decision in the matter shall be final.”

Amendment of section 10.

6. In section 10 of the said Act, after clause (a) the following clause shall be inserted, namely :—

“(aa) regulating the term of office of members of the Committee, and the circumstances in which, and the authority by which, members may be removed;”.

Substitution of new section for section 11.

7. For section 11 of the said Act the following section shall be substituted, namely :—

Limitation of application of Act.

“11. Nothing in this Act shall apply to the export of rubber by parcel post or to the re-export of rubber contained in imported manufactured articles.”

Amendment of section 12.

8. In section 12 of the said Act,—

(a) in sub-section (1), the words “or Burma” shall be omitted;

(b) in sub-section (2), for the words “grown, produced or contained in an article manufactured in a country other than India and Burma” the words “grown or produced in any country other than India” shall be substituted.

Amendment of section 15.

9. In sub-section (2) of section 15 of the said Act, for the word “twelve” the word “ten” shall be substituted.

Amendment of section 16.

10. In sub-section (1) of section 16 of the said Act,—

(a) after the words “for any period shall” the words, figures and brackets “, subject to the provisions of sub-section (2) of section 17,” shall be inserted;

(b) the proviso shall be omitted.

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11. To sub-section (2) of section 17 of the said Act, Amendment of section 17.
the following proviso shall be added, namely :—

“ Provided that the Committee may refuse, either absolutely or for such period as it thinks fit, to grant such licence and certificate—

(a) in respect of rubber under attachment by order of a competent Court, or

(b) where a *bona fide* dispute exists as to the person entitled to receive the quota,

and where such refusal is absolute, may cancel the unexhausted balance of the quota.”

12. In sub-section (1) of section 18 of the said Act, Amendment of section 18.
the words “ or British Burma ” and the words “ and Burma ” shall be omitted.

13. In section 19 of the said Act,—

Amendment of section 19.

(a) in sub-section (1), after the words “ licences issued against it ” the words, figures and brackets “, the amount, if any, thereof transferred under sub-section (2) of section 16 ” shall be inserted;

(b) in sub-section (2), the words “ and Burma ” shall be omitted.

14. In sub-section (1) of section 20 of the said Act,— Amendment of section 20.

(a) for the words “ from a port in British India ” the words “ or shall be exported ” shall be substituted;

(b) after the words “ quantity to be shipped ” the words “ or exported ” shall be inserted.

15. In section 21 of the said Act,—

Amendment of section 21.

(a) in sub-section (1), for the words commencing “ relating to the area ” and ending “ manufactured in the factory ” the following shall be substituted, namely :—

“ and documents relating to the area planted with rubber, or to the production (including costs of production), manufacture, sale or export of rubber produced on the estate or manufactured in the factory, or to the ownership of the estate or factory, or to any other matter ”;

(b) in sub-section

(b) in sub-section (2),—

(i) after the words "any return" the words "or document" shall be inserted;

(ii) after the words "may cancel" the words "or suspend for such period as it thinks fit" shall be inserted;

(iii) for the word and figure "section 15" the word and figure "section 17" shall be substituted.

Amendment of section 22.

16. In section 22 of the said Act,—

(a) in sub-section (1),—

(i) in clause (a), for the words "per hundred pounds" the words "for every hundred pounds or part thereof" shall be substituted;

(ii) in clause (b), after the words "accounts of quotas" the words "or other documents relating thereto" shall be inserted;

(b) in sub-section (2), for the word "international" the words "institution or" shall be substituted.

Omission of section 23.

17. Section 23 of the said Act shall be omitted.

Amendment of section 24.

18. In clause (b) of section 24 of the said Act, the words "or British Burma" and the words "and Burma" shall be omitted.

Amendment of section 25.

19. In section 25 of the said Act, after the words "no order" the words "cancelling or suspending the unexhausted balance of any quota or" shall be inserted.

Substitution of new sections for sections 26, 27 and 28.

Control of cultivation of rubber.

20. For sections 26, 27 and 28 of the said Act the following sections shall be substituted, namely:—

"26. So long as this Act remains in force no person shall, save in pursuance of a written permission granted by or on behalf of the Committee under this Act,—

(a) carry out new planting of rubber plants on any land except for the purpose of supply, or

(b) after the expiry of the year 1940, replant any land with rubber plants where any limitations on such replanting have been imposed under sub-section (3) of section 27.

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27. (1) The total area in British India in respect of which permission for new planting otherwise than for the purpose of supply may be granted in the years 1939 and 1940 shall be such area, being as nearly as may be five per centum of the total area which was planted with rubber plants on the 31st day of December, 1938, as the Committee may, by notification in the Gazette of India, specify in this behalf, or such larger area as the Committee may, by like notification, designate as being fixed in this behalf for those years by the International Rubber Regulation Committee, and shall not thereafter in any period exceed such area as the Committee may, in like manner, designate as so fixed for that period:

Permission for
new planting.

Provided that such area may be modified to provide for such transfers of permissions for new plantings between British India and an Indian State as may be consented to by the Committee under this Act and under any law or order having the force of law of the Indian State concerned.

(2) A permission granted for new planting during the years 1939 and 1940 shall cease to be of effect at the end of the year 1940, and any such permission granted thereafter shall cease to be of effect at the end of the particular period referred to in sub-section (1) within which it was granted.

(3) Until the end of the year 1940 there shall be no restrictions upon replanting, but thereafter replanting shall be subject to such limitations, if any, as the Committee may, by notification in the Gazette of India, designate as imposed in this behalf by the International Rubber Regulation Committee.

(4) Where under sub-section (3) any limitations have been imposed on replanting, the provisions of sections 28, 28A, 29 and 30 shall apply to permissions to replant as they apply to permissions for new planting.

28. With the consent of the Committee—

Transfer of
permission for
new planting.

(a) a permission for new planting under section 26 may be transferred within British India, wholly or in part, and

(b) where provision in this behalf is made by or under any law or order having the force of law of an Indian State, a permission for new planting granted under this Act or under such law

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or order may be transferred, wholly or in part, to or from that Indian State, as the case may be.

Rules as to principles governing grants of permissions for new planting, etc.
Amendment of section 29.

28A. The Committee shall make by-laws to regulate the principles and procedure to be followed in granting permissions for new planting and for giving consent to transfers of such permissions."

21. In sub-section (1) of section 29 of the said Act,—

- (a) for the words "to plant rubber plants or to replant" the words "for new planting of" shall be substituted;
- (b) after the words "the Committee" the words "in such form as the Committee may specify" shall be inserted.

Amendment of section 31.

22. In section 31 of the said Act,—

- (a) in sub-section (1), for the words "such returns" the words "such documents, plans or returns" shall be substituted;
- (b) in sub-section (3), for the words "to plant rubber plants on that estate or to replant any part of that estate" the words "for new planting of rubber plants on that estate or may cancel any such permission already given" shall be substituted.

Amendment of section 32.

23. In section 32 of the said Act, for the words "by sea or by land" the words "by land, sea or air" shall be substituted.

Substitution of new sections for section 33.

24. For section 33 of the said Act the following sections shall be substituted, namely:—

Prohibition of export of rubber plants except to territories to which the Agreement applies.

"33. (1) No person shall export rubber plants except to a territory specified in the Schedule (being a territory to which the Agreement applies):

Provided that the export of rubber plants to such territories shall be subject to such conditions as the Central Government may think fit to prescribe.

(2) Every person exporting rubber plants to, or importing rubber plants from, a territory specified in the Schedule shall, within such time and in such manner as may be prescribed, submit to the Committee a return showing the particulars of such exportation or importation.

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(3) The Committee shall compile from such returns and submit to the Central Government at such times and in such form as may be prescribed consolidated statements of the total quantities and descriptions of rubber plants so exported and imported.

33A. If while this Act remains in force, the Govern-^{Power to amend the Schedule}ment of any country accedes to the Agreement, the Central Government may, by notification in the official Gazette, amend the Schedule by the insertion of the descriptions of the territories by virtue of which accession the Agreement will thereafter apply.”

25. In section 36 of the said Act,— ^{Amendment of section 36.}

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

“(aa) prescribing the conditions under which rubber plants may be exported to territories specified in the Schedule, and the times within which and the form in which returns of imports and exports of rubber plants from and to such territories shall be submitted to the Committee;” ;

(b) in clause (c), after the word “ stocks ” the words “ of rubber and of imports and exports of rubber plants from and to territories specified in the Schedule ” shall be inserted.

26. In section 37 of the said Act, for the words and ^{Amendment of section 37.}figure “ of section 33 ” the words, figures and brackets “ of sub-section (1) of section 33 ” shall be substituted.

27. In section 38 of the said Act,— ^{Amendment of section 38.}

(a) after the words “ as required by ” the words, figures and brackets “ sub-section (2) of section 33 or ” shall be inserted ;

(b) after the word and figure “ section 34 ” the words “ the person importing or exporting rubber plants or ” shall be inserted.

28. In section 39 of the said Act,— ^{Amendment of section 39.}

(a) for the words “ holding stocks of rubber ” the words “ importing or exporting rubber plants or holding stocks of rubber, as the case may be ” shall be substituted ;

(b) for the

for the words, figures and brackets "sub-section (1) of section 31" the words, figures and brackets "sub-section (2) of section 33" shall be substituted;

(c) after the word and figure "section 34" the words, figures and brackets "or any document, plan or return under sub-section (1) of section 31" shall be inserted.

Amendment of section 42. 29. In section 42 of the said Act, for the words "plants rubber plants or causes rubber plants to be planted" the words "carries out new planting of rubber plants or causes such new planting to be carried out" shall be substituted.

Insertion of new Chapter. 30. After section 44 of the said Act the following Chapter shall be inserted, namely:—

"CHAPTER VI.

SUSPENSION OF OPERATION OF ACT.

Suspension of operation of certain provisions of this Act. 45. (1) If the Central Government is satisfied that an emergency has arisen rendering it necessary for the security of India that certain of the restrictions imposed by this Act should cease to be imposed, the Central Government may, by notification in the official Gazette, suspend, either indefinitely or for such period as may be specified in the notification, the operation of all the provisions of this Act except those relating to the planting and export of rubber plants.

(2) If partial suspension of the Agreement under paragraph (c) of Article 21 thereof is intimated to the Central Government, the Central Government shall, by notification in the official Gazette, suspend indefinitely the operation of all the provisions of this Act except those relating to the planting and export of rubber plants.

(3) Where the operation of certain provisions of this Act has under sub-section (1) or sub-section (2) been suspended indefinitely, such suspension may at any time while this Act remains in force be removed by the Central Government by notification in the official Gazette in this behalf."

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Indian Rubber Control (Amendment).

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31. To the said Act the following Schedule shall be ^{Insertion of} added, namely:— _{Schedule.}

" THE SCHEDULE.

(See sections 33 and 33A.)

List of territories outside India to which the Agreement applies.

1. French Indo-China.

2. Burma, Ceylon, the Federated Malay States, the Unfederated Malay States, the Straits Settlements, the State of North Borneo, Brunei and Sarawak.

3. The Netherlands Indies.

4. Siam."