

ACT No. XXVII OF 1940.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the
15th April, 1940.)

An Act to make better financial provision for the Imperial Council of Agricultural Research.

WHEREAS it is expedient to make better financial provision for the carrying out by the Imperial Council of Agricultural Research of the objects for which it is established as set forth in the Memorandum of Association of that body, and for this purpose to impose on certain articles a cess by way of customs duty on export, the proceeds of which shall be paid to the said Council :

It is hereby enacted as follows :—

1. (1) This Act may be called the Agricultural Produce Cess Act, 1940. Short title and extent.

(2) It extends to the whole of British India.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "Collector" means a Customs-collector as defined in clause (c) of section 3 of the Sea Customs Act, 1878, or a Collector of land Customs as defined in clause (c) of section 2 of the Land Customs Act, 1924, as the case may be, and

(b) "Council" means the Imperial Council of Agricultural Research.

3. (1) A customs duty at the rate of one-half of one per cent. *ad valorem* shall be levied on all articles included in the Schedule which are exported from British India : Imposition of cess.

Provided

Price *anna* 1 or $1\frac{1}{2}$ d.

VIII of 1878.

XIX of 1924.

Agricultural Produce Cess. [ACT XXVII

Provided that the said duty shall not be levied on articles proved to the satisfaction of the Collector not to have been produced in India.

(2) The Central Government may, by notification in the official Gazette, fix for the purposes of levying the said duty tariff values of any articles included in the Schedule, and may alter any tariff values for the time being in force.

Power to exclude articles from Schedule.

4. The Central Government may, after previous consultation with the Council, by notification in the official Gazette, direct that any article specified in the Schedule shall cease to be subject to the duty imposed by section 3, and thereupon, so long as the notification remains in force, that article shall be deemed not to be included in the Schedule.

Refund of, and exemption from, cess.

5. The Central Board of Revenue may make rules providing, on such conditions as may be specified in the rules, for—

- (a) the refund of duty levied where articles are exported by land and subsequently imported into India, and
- (b) the export by land, without payment of the duty, of articles which are subsequently to be imported into India.

Payment of cess to Council and expenditure of cess by Council.

6. (1) The proceeds of the duty levied under this Act reduced by the cost of collection as determined by the Central Government shall be paid to the Council.

(2) The amount so due shall be paid by the Central Government to the Council at intervals of not more than six months.

(3) The expenditure of the money so paid to the Council shall be subject to such limitations as may be imposed by rules made in this behalf by the Central Government.

Standing Finance Committee.

7. (1) The Council shall constitute a Standing Finance Committee, of which one member shall be chosen from among the representatives of the Central Legislature on the governing body of the Council, and one member shall be an officer appointed by the Central Government.

(2) Subject

OF 1940.] *Agricultural Produce Cess.*

(2) Subject to the provisions of sub-section (1), the constitution, functions and procedure of the Standing Finance Committee shall be regulated in such manner as the Council may with the previous approval of the Central Government determine.

8. The Council shall in accordance with the rules made in this behalf by the Central Government create and maintain a reserve fund.

9. (1) The Central Government may, after consultation with the Council, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Central Government may make rules regulating the expenditure of the money paid to the Council under section 6 and providing for the creation, maintenance and management of the reserve fund referred to in section 8.

(3) All rules made under this Act shall be laid before both Chambers of the Central Legislature as soon as may be after they are made.

THE SCHEDULE.

(See section 3.)

1. BONES.
2. BRISTLES.
3. BUTTER.
4. CEREALS, other than Rice and Wheat.
5. DRUGS.
6. FIBRE for brushes.
7. FISH.
8. FRUITS.
9. GHEE.
10. HIDES, raw.
11. MANURES.
12. OILCAKES.
13. PULSES.
14. SEEDS.

Agricultural Produce Cess. [ACT XXVII OF 1940.]

14. SEEDS.
15. SKINS, raw.
16. SPICES.
17. TOBACCO, unmanufactured.
18. VEGETABLES.
19. WHEAT.
20. WHEAT FLOUR.
21. WOOL, raw.