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THE JUTE REGULATION ACT, 1940

ACT NO. V OF 1940

[20th April, 1940]

An Act to provide for the regulation of the growing of jute, and for that purpose to provide for the preparation of a record of the lands on which jute was grown in any year.*

WHEREAS it is expedient to provide for the regulation of the growing of jute, and for that purpose to provide for the preparation of a record of the lands on which jute was grown in any year;

It is hereby enacted as follows:-

Short title and extent

1. (1) This Act may be called the ¹[* * *] Jute Regulation Act, 1940.

(2) It extends to the whole of Bangladesh.

Definitions

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

(1) “Collector” means the Collector of the district and includes the Deputy Commissioner and any Government servant, other than a Police officer, appointed by the Government to exercise all or any of the functions of the Collector under this Act;

(2) “Committee” means a Union Jute Committee constituted under this Act;

* Throughout this Act, the words “Bangladesh”, “Government”, “Taka” and “Government servant” were substituted for the words “East Pakistan”, “Provincial Government”, “rupees” and “servant of the Crown” respectively by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ The word “Bengal” was omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

- (3) “Director of Land Records” means the person appointed by the Government to be the Director of Lands Records or to exercise all or any of the functions of the Director of Land Records under this Act, and includes every person who for the time being performs the duties of that office;
- (4) “grow”, with its grammatical variations when used in relation to jute, includes ‘sow’ and the grammatical variations thereof, irrespective of whether the jute is harvested or not;
- (5) “grower of jute” means any person who, either for his own consumption or for sale, and whether by himself or by members of his family or by hired labour or by *adhiaars* or *bargadars* or *bhagdars*, grows jute in any year on any land in his possession;
- (6) “jute” means the plant known botanically as belonging to the genus *Corchorus*, and includes all the species of that genus, whether known commonly as *pat*, *kosta*, *nalia* or by any other name, and also means the plant known botanically as *hibiscus cannabinus* and commonly as *mesta*;
- (7) “land” includes any land covered with water at any time of the year but does not include any land on which, with the written permission of the Government or of a Government servant authorised by the Government in this behalf, jute is grown in any year for bona fide experimental or demonstrational purposes;
- (8) “licensee” means a person to whom there has been issued under section 10 a licence which is still in force;
- (9) “notification” means a notification published in the *official Gazette*;
- (10) “prescribed” means prescribed by rules made under this Act;
- (11) “recording officer” includes the Director of Land Records and any person appointed by him to perform all or any of the duties of a recording officer under this Act;

- (12) "rules" means rules made under this Act;
- (13) "Sub-divisional Magistrate" means the Magistrate in charge of the subdivision of the district;
- (14) "Union" includes a local area or group of dwellings declared to be a village, a village or group of villages constituted as a Union under any law for the time being in force.

Preparation of record of lands on which jute was grown in any year

3. (1) The Government may, by notification, direct that, for the whole of the areas to which this Act extends or for such part thereof as may for any special reason or purpose be specified in the notification, a record shall be prepared of all lands on which jute was grown by any grower of jute in such year as may be specified in the notification, and the Director of Land Records shall thereupon, in the prescribed manner and form, cause such a record to be prepared.

(2) The Government may, by notification, also direct that, in the area specified in the notification or in any part of such area, any grower of jute may, within the period, in the manner and to the authority specified in sub-section (2) of section 4, apply to have entered in the record the nature of any land in his possession on which no crop other than jute can be grown:

Provided that after the records having been prepared under this sub-section, persons having acquired newly accreted *char* lands and other reclaimed areas on which jute can be grown, may apply to the Government or an officer authorised in this behalf by the Government, have records of such lands and the Government or the authorised officer thereupon may cause an enquiry to be made and records of such lands prepared under this sub-section.

(3) The Government may, by notification, further direct that, in the area specified in the notification or in any part of such area, any grower of jute may, within the period, in the manner and to the authority specified in sub-section (2) of section 4, apply to have entered in the record any land in his possession on which, in any one of the three years immediately preceding the year specified in the notification, he or his predecessor-in-interest grew jute in excess of the total area of land on which he grew jute in the year specified in the notification.

(4) For the purposes of preparing the record referred to in sub-section (1), a recording officer, or any Government servant authorised by the Collector by general or special order in this behalf, may enter upon, examine in such manner as he thinks fit, and make a survey of, any land on which he has reason to believe that jute was grown in the said year by any grower of jute and, subject to the rules, may-

- (a) publish, in the prescribed manner and form, a notice requiring any grower of jute and any other person whose attendance appears to him to be necessary, to attend before him at the time and place specified in the notice and to furnish such information as he may require or to produce any document specified in the notice, and
- (b) receive and record any information given, and examine any document produced, by any grower of jute.

(5) After publication of a notice under sub-section (4), every grower of jute and other person to whom such notice is directed shall, either personally or by an authorised agent, attend before the recording officer at the time and place specified in the notice and shall, as the case may be, furnish such information as the recording officer may require or produce such document as may be specified in the notice.

Explanation.- For the purposes of this sub-section the expression “authorised agent” means a person employed, with authority expressed or implied, to represent before a recording officer, a grower of jute or other person to whom a notice under sub-section (4) has been directed.

(6) No person shall be entitled to compensation for any damage done in good faith to any land or to any crop thereon in connection with any entry, examination or survey made under sub-section (4).

4. (1) The recording officer shall, in the manner prescribed, furnish free of cost to every grower of jute a copy of the entry standing against his name in the record prepared under section 3.

Disposal of objections against entries in the record

(2) Within such period, in such manner and to such authority as may be prescribed, any person may make an objection against the correctness of any entry in the record and

any grower of jute referred to in sub-section (2) or sub-section (3) of section 3 may make the application referred to respectively in those sub-sections, and such objection and application shall, in the prescribed manner, be heard by such authority, whose decision thereon shall, for the purposes of this Act, be final.

Preparation of
final record

5. (1) When any objection or application made under sub-section (2) of section 4 is allowed, either wholly or in part, the recording officer shall, in the manner prescribed, correct the record accordingly and, after the disposal of all such objections and applications, shall, in the manner prescribed, authenticate the record so corrected, and the record so authenticated shall, in respect of the area for which it is prepared, be the final record of all lands on which jute was grown in that year by any grower of jute:

Provided that the Government may, in any year subsequent to that in respect of which the final record is prepared, direct that any correction so made in the final record in respect of an application made under sub-section (2) of section 4 by any grower of jute referred to in sub-section (2) of section 3 shall, in the prescribed manner, be examined and, if necessary, be revised:

Provided further that the Collector, on his own initiative at any time, or on receipt of an application made in the prescribed manner and on payment of the prescribed fee by any grower of jute within one year from the date on which the record is so authenticated, may examine the final record and if, after such inquiry as he thinks fit, he is satisfied that any entry in the final record is incorrect or that any entry has been improperly omitted from the final record, he shall direct that the final record be revised accordingly.

(2) The recording officer shall send the final record to the Union Jute Committee constituted under sub-section (1) or sub-section (5) of section 6 for the local area to which the record relates, or to such Government servant as may have been authorised under sub-section (5) or appointed under sub-section (7) of section 6 to perform the functions of such Committee in such local area.

6. (1) The Government shall, by notification, declare the local areas in which there shall be constituted Union Jute Committees, and thereupon the Collector shall, as soon as may be, cause to be constituted such a Committee for each such local area within his jurisdiction.

(2) Each Committee shall consist of a Chairman and not more than six other members, of whom three shall be growers of jute within the area of the jurisdiction of the Committee.

(3) The Chairman and other members of the Committee shall be appointed by the Collector or by such Government servant other than a Police officer as may, subject to the rules, be authorised by the Collector by general or special order in this behalf.

(4) The Committee shall be subject to the control and supervision of the Collector and of any Government servant authorised by the Collector by general or special order in this behalf.

(5) The Collector may, at any time and for reasons to be recorded by him in writing, dissolve a Committee and may thereupon either cause a fresh Committee to be constituted or, may, subject to the rules, authorise any Government servant other than a Police officer to perform all or any of the functions of the Committee.

(6) The Collector may, at any time and for reasons to be recorded by him in writing, cancel the appointment of the Chairman or any other member of the Committee, and shall thereupon cause to be appointed a fresh Chairman or a fresh member as the case may be.

(7) For any area in respect of which a Committee has not been constituted, the Government may, by notification, appoint any Government servant other than a Police officer to perform in such area all or any of such functions of a Committee as may be specified in the notification.

(8) The procedure to be followed by, the quorum at a meeting of, and the manner of filling casual vacancies among members of a Committee shall be such as may be prescribed.

(9) Subject to the provisions of sub-sections (5) and (6), the term of a Committee constituted under this section shall be two years from the date on which it is constituted.

Power to procure information of stocks of raw jute and jute products

7. (1) The Government may, at any time, and by notification-

- (a) direct any person to maintain and submit, by such date as may be specified in the notification, a statement showing in the prescribed form the quantity of jute and manufactured jute products which was in the possession, or under the control, of such person on such date as may be specified in the notification, and/or
- (b) direct any person, as may be specified in the notification, to declare and maintain in the prescribed form a correct account of jute produced and/or received by him during a particular calendar year and also of the manner in which he disposes of such jute and specify the officers who will function as assessing and revising authority in this respect; and/or
- (c) direct the manner in which the standard output of jute in each Union/Circle is to be assessed.

(2) Subject to the rules any Government servant, other than a Police officer, authorised by the Government by general or special order in this behalf may, within the local limits for which he is so authorised and for carrying out the purposes of this section,-

- (a) enter and remain in any premises in which he has reason to believe that there is jute or any jute product,
- (b) make such examination of such premises and of any record or register maintained therein and relating to jute or any jute product, and take on the spot or otherwise such evidence of any person, as he may deem necessary for carrying out the purposes of this section, and
- (c) require any person having custody of any such record or register to produce it:

Provided that no person shall be required under this sub-section to answer any question or give any evidence tending to criminate himself.

8. [*Constitution of Advisory Board.- Omitted by section 3 of the East Bengal Jute Regulation (East Pakistan Amendment) Act, 1964 (East Pakistan Act No. IV of 1964).*]

9. The Government may, by notification, declare the proportion which the total area of land on which jute may be grown, in the whole of Bangladesh or in such part thereof as may for any special reason or purpose be specified in the notification and in such year as may be specified in the notification, shall bear to the total recorded area of land on which jute was grown in that locality in such previous year or years as may be specified in the notification.

Notification of area on which jute may be grown

¹[**9A.** Notwithstanding anything contained elsewhere in this Act, the Government may, by notification, prohibit, for any year, the growing of jute or any particular variety of jute in the whole of Bangladesh or any part thereof.]

Prohibition of growing of any particular variety of jute

10. (1) On the publication of a notification under section 9, every Committee constituted under sub-section (1) or sub-section (5) of section 6, and every Government servant authorised under sub-section (5) or appointed under sub-section (7) of that section to perform the functions of a Committee in this behalf, shall, in the prescribed manner and within the prescribed period, allot to every grower of jute who is within the jurisdiction of such Committee or of such Government servant, as the case may be, and is named in the final record relating to the previous year or years referred to in the said notification, or to the successor-in-interest of any such grower of jute, an area of land which bears, to the area of land entered in the said final record against the name either of such grower of jute or of his predecessor-in-interest, the same proportion as that declared by the said notification, and shall, after giving notice in such form and manner as may be prescribed, issue to each such grower of jute or to his successor-in-interest, in such form as may be prescribed, a licence specifying the area so allotted and the land comprised within such area:

Allotment of areas, and issue of licences, to growers of jute

¹ Section 9A was added by section 3 of the Bengal Jute Regulation (East Bengal Amendment) Act, 1953 (East Bengal Act No. IV of 1953).

Provided that the provisions of this sub-section shall apply to the issue of a licence required in consequence of any revision of the final record directed under sub-section (1) of section 5 or in compliance with any order made under sub-section (1) of section 12:

Provided further that no grower of jute or his successor-in-interest, who is entitled to receive a licence for growing jute under the provisions of this sub-section, shall be granted a licence unless he applies in writing for the grant of such a licence and that no such application shall be entertained unless a fee calculated on the following scale or such other scale, as may be prescribed from time to time, is paid with the application in Court-fee or in cash and in the latter case the applicant shall be granted a receipt therefore by the receiving officer:-

For land not exceeding one acre-at the rate of ¹[twenty-five poisha] for every .25 acre or portion thereof.

For land exceeding one acre-at the rate of ²[fifty poisha] for every .25 acre or portion thereof in respect of the entire area.

(2) When a notice is given under sub-section (1), any person to whom an allotment of area has been made under that sub-section, and who desires to grow jute on any land not entered against the name of himself or his predecessor-in-interest in the record relating to the previous year or years referred to in the notification under section 9, may, in such manner as may be prescribed and together with a certified copy of the entry relating to such land in the finally published record-of-rights, apply to the Committee or to a Government servant authorised under sub-section (5) or appointed under sub-section (7) of section 6 for permission to grow jute on the whole or such portion of such land as may be

¹ The words “twenty-five poisha” were substituted for the words “annas four” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words “fifty poisha” were substituted for the words “annas eight” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

specified in the application; and the Committee or such Government servant, if satisfied that permission should be granted, shall specify such land in the licence to be issued in conformity with the provisions of sub-section (1):

Provided that the total area of land specified in the licence shall in no case exceed the total area of land allotted to the applicant under sub-section (1).

(3) Every licence issued under sub-section (1) shall be issued in duplicate, shall bear the date of its issue and shall be signed and sealed in the prescribed manner, and the duplicate copy of every licence shall be retained by the Committee or Government servant issuing the licence.

(4) In any year in respect of which a declaration has been published under section 9, no grower of jute shall grow jute except in conformity with a licence issued under sub-section (1).

11. (1) If for any reason a licensee is prevented from growing jute on any portion of the land specified in the licence, and desires to grow jute on any land not so specified, he may apply to the Collector in writing, stating his reasons, and the Collector, if satisfied, may modify the licence accordingly:

Modification of
licence by
Collector

Provided that-

- (i) the total area of land specified in the licence so modified shall in no case exceed the total area of land originally specified in the licence, and
- (ii) pending the disposal of an application under this section, no jute shall be grown on any land not originally specified in the licence.

(2) If, in consequence of any revision of the final record directed under sub-section (1) of section 5 or in compliance with any order made under sub-section (1) of section 12, it is required to modify any licence, the Collector shall modify the licence accordingly.

Appeals

12. (1) A licensee or any person to whom a licence has been refused may, in such manner and on payment of such fee as may be prescribed, appeal to the Collector against an order made, or in respect of a licence issued or refused under section 10, on the ground that such order has not been made or that such licence has not been issued or refused in accordance with the provisions of that section, and the decision of the Collector in respect of any such appeal shall be final.

(2). An appeal under sub-section (1) shall be preferred within fifteen days of the date of the order or of the issue or refusal of the licence complained of, and pending the disposal of such appeal, no jute shall be grown on any land not originally specified in the licence.

Bar to jurisdiction of Courts

13. No allotment of area specified in any licence, and no order granting or refusing to grant or modifying a licence, shall be called in question in any Court or in any manner save as provided in this Act.

Examination and registration of areas of land on which jute is grown in any year

14. (1) The Government may by notification, direct that an examination shall be made of all lands on which jute was grown in any year by any grower of jute, and the Director of Land Records shall thereupon, in the prescribed manner and form, cause such an examination to be made.

(2) The Director of Land Records or any person authorised by him by general or special order in this behalf, shall in the prescribed manner report to the Sub-divisional Magistrate every case in which jute has been grown in the said year on any land not so specified in a licence issued under section 10.

(3) For the purpose of making the examination referred to in sub-section (1), the Director of Land Records and any person authorised by him by general or special order in this behalf may enter upon, examine in such manner as he thinks fit, and make a survey of, any land on which he has reason to believe that jute was grown in the said year, and may, subject to the rules, exercise all or any of the powers conferred upon a recording officer by sub-section (4) of section 3.

(4) No person shall be entitled to compensation for any damage done in good faith to any land or to any crop thereon in connection with any entry, examination or survey made under sub-section (3).

15. Every person to whom a licence has been issued under section 10 shall, on demand by the Director of Land Records or by the Collector or by any person authorised by the Director of Land Records or the Collector by general or special Order in this behalf, produce such licence for inspection. Production of licence

¹[**15A.** The licence of any grower of jute or his successor-in-interest who, without sufficient cause to be shown in writing, fails to renew his licence during the licensing operation, shall be treated as cancelled.] Renewal of licence

16. Notwithstanding anything contained in any other law for the time being in force- Penalties

(1) whoever -

- (a) intentionally fails to comply with a notice published under clause (a) of sub-section (4) of section 3 or under sub-section (3) of section 14, or
- (b) intentionally makes any false statement with intent to deceive, or intentionally produces any false document before, a recording officer or a Committee or a Government servant authorised under sub-section (5) or appointed under sub-section (7) of section 6 or a person making an examination under section 14, or
- (c) in any proceeding under this Act, falsely personates another and in such assumed character makes any statement or produces any document or fraudulently does any other act, or
- (d) without obtaining a licence in the prescribed form or in contravention of any of the provisions of a licence, grows jute on any area of land not specified in such licence in any year in respect of which a declaration has been made by the Government under section 9, or

¹ Section 15A was inserted by section 4 of the Bengal Jute Regulation (East Bengal Amendment) Act, 1950 (East Bengal Act No. IV of 1950).

- ¹[(dd) grow jute in contravention of any notification under section 9A, or]
- (e) voluntarily obstructs or prevents a recording officer, or any person authorised by the Director of Land Records under sub-section (3) of section 14, or any Government servant, from entering upon, examining or making a survey of, any land for the purposes of this Act or from performing any of the duties imposed by this Act, or
- (f) abets any act punishable under this clause, shall, on conviction, be punishable with imprisonment which may extend to six months or with fine which may extend to three hundred and fifty Taka, or with both;
- (2) no prosecution for an offence punishable under clause (1), shall be instituted except upon complaint by a recording officer or by a Government servant authorised by the Collector under sub-section (4) of section 3 or by a person authorised by the Director of Land Records under sub-section (3) of section 14; and
- (3) whoever intentionally fails to comply with a notification issued under sub-section (1) of section 7 or intentionally produces a false statement of accounts under clause (b) of sub-section (1) of section 7 or obstructs or prevents the authorised officers from carrying out the functions of sub-section (2) of that section shall, on conviction, be punishable with imprisonment, which may extend up to six months, or with fine which may extend to five hundred Taka or with both.

Destruction of
jute grown
without a
licence

17. (1) Any officer authorised by the Government in this behalf may, with such persons to assist him as he may require, enter upon and inspect any land and destroy any jute grown, without obtaining a licence in the prescribed form, or in contravention of any of the provisions of a licence, or in contravention of any notification under section 9A, and, for such entry, inspection or destruction, may use such force as may be necessary.

¹ Clause (dd) was inserted by section 5 of the Bengal Jute Regulation (East Bengal Amendment) Act, 1953 (East Bengal Act No. IV of 1953).

(2) Costs incurred for destruction of jute under sub-section (1) shall be recoverable from the person or persons in possession of the land as a public demand.

18. The Chairman and every other member of a Committee, a recording officer, and any person authorised by the Collector or the Director of Land Records for any of the purposes of this Act, shall be deemed to be a public servant within the meaning of section 21 of the ¹[Penal Code].

Certain persons deemed to be public servants

19. Proceedings under sections 3, 4, 5, 10, 11, 12 and 14 shall be deemed to be judicial proceedings within the meaning of section 228 of the ²[Penal Code], but notwithstanding anything contained in any other law, no prosecution for an offence punishable under that section in respect of any such proceedings shall be instituted except with the previous sanction of the Sub-divisional Magistrate.

Certain proceedings deemed to be Judicial proceedings

20. No suit, prosecution or legal proceeding shall, in respect of anything done or intended to be done in good faith under this Act or the rules, lie against any Chairman or other member of a Committee or any recording officer or any Government servant or any person authorised by the Director of Land Records for any of the purposes of this Act.

Indemnity

21. Subject to the control of the Government, the Director of Land Records may delegate to any person subordinate to him the exercise of all or any of the powers conferred, and the performance of all or any of the duties imposed, upon him by this Act or the rules.

Power of Director of Land Records to delegate authority

22. All fees payable under this Act shall be realised and disposed of in the manner prescribed.

Realisation and disposal of fees

¹ The words “Penal Code” were substituted for the words “Pakistan Penal Code” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words “Penal Code” were substituted for the words “Pakistan Penal Code” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Power to make
rules

23. (1) The Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules to provide for all or any of the following matters:-

- (a) the appointment and duties of recording officers;
- (b) the manner and form in which the record referred to in sub-section (1) of section 3 shall be prepared;
- (c) the exercise of the powers conferred by clauses (a) and (b) of sub-section (4) of section 3;
- (d) the manner of publication of the notice published under sub-section (4) of section 3, and the form of such notice;
- (e) the manner of furnishing a copy of the entry in the record under sub-section (1) of section 4;
- (f) the period allowed for the making of, and the manner of making, objections and applications under sub-section (2) of section 4;
- (g) the appointment of authorities to hear objections and applications under sub-section (2) of section 4, and the manner of hearing such objections and applications;
- (h) the manner of correcting and authenticating the record under sub-section (1) of section 5, the manner of applying for the revision of the final record, the fee payable for making such an application, and the manner of examining and revising the final record under that sub-section;
- (i) the constitution of a Committee and the appointment of the members and Chairman thereof;
- (j) the procedure to be followed by, the quorum at a meeting of, and the manner of filling casual vacancies among, members of the Committee;
- (k) the exercise by the Collector of the powers conferred upon him by section 6;
- (l) the form of the statement referred to in sub-section (1), and the exercise of the powers conferred by sub-section (2), of section 7;

¹[* * *]

- (n) the publication of a notification under section 9 or section 9A;
- (o) the manner of making an allotment under sub-section (1) of section 10, and the period within which such allotment shall be made;
- (p) the manner of giving notice of, and the form and manner of issue of, a licence under sub-section (1) of section 10, and the manner of signing and sealing, such licence or a copy thereof;
- (q) the manner of making an application under sub-section (2) of section 10;
- (r) the manner of, and the fee payable for, preferring an appeal under section 12;
- (s) the manner of making an examination under section 14, and the exercise of the powers conferred by sub-section (3) of that section;
- (t) the manner of reporting to the Sub-divisional Magistrate under sub-section (2) of section 14 and the form of such report; and
- (u) the manner of realisation and disposal of fees payable under this Act.

(3) In making any rule under this section the Government may direct that any person committing a breach thereof shall, on conviction by a Court, be punishable with fine, which may extend to fifty Taka, and where the breach is a continuing one, with a further fine which may extend to ten Taka for every day, after the first, during which the breach continues subsequent to such conviction.

¹ Clause (m) was omitted by section 6 of the East Bengal Jute Regulation (East Pakistan Amendment) Act, 1964 (East Pakistan Act No. IV of 1964).