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THE RAW JUTE TAXATION ACT, 1941

ACT NO. XI OF 1941

[27th November, 1941]

An Act to provide for the levy of a tax on raw jute purchased by the occupiers of jute mills and by shippers of jute.*

WHEREAS it is expedient to provide for the levy of a tax on raw jute purchased by the occupiers of jute mills and by shippers of jute for the purpose of carrying out measures for the stabilisation of jute prices and for furthering the interests of the growers of jute in Bangladesh and of the jute industry generally;

It is hereby enacted as follows:-

Short title,
extent and
commencement

1. (1) This Act may be called the ¹[* * *] Raw Jute Taxation Act, 1941.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force on such date as the Government may, by notification in the *official Gazette*, appoint.

Definitions

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

(1) “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*;

* Throughout this Act, the words “Bangladesh”, “Government” and “Taka” were substituted for the words “East Bengal” or “the Province”, “Provincial Government” and “rupees” 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).

- (2) “jute mill” means a factory as defined in, or declared to be a factory under, ¹[the Factories Act, 1965,] which is engaged wholly or in part in the manufacture of jute products;
- (3) “maund” means the weight equivalent to a standard maund as specified under the Standards of Weight Act, 1939;
- (4) “occupier of a jute mill” means the person who has ultimate control over the affairs of the jute mill:

Provided that, where the affairs of a jute mill are entrusted to a managing agent, such agent shall be deemed to be the occupier of the jute mill;

- (5) “prescribed” means prescribed by rules made under this Act;
- (6) “purchased” means purchased, delivered and accepted;
- (7) “quarter” means a period of three months ending on 31st March, 30th June, 30th September or 31st December in any year;
- (8) “raw jute” means the fibre of jute which has not been subjected to any process of spinning or weaving and includes jute cuttings, whether loose or packed in drums or bales;
- (9) “shipper of jute” means any person who purchases raw jute and supplies it himself or by an agent to any person including himself outside areas to which this Act extends.

3. (1) Except as otherwise expressly provided in this Act, Levy of tax there shall be charged and levied a tax of ²[twelve poisha] on every maund of raw jute purchased by the occupier of a jute-

¹ The words, commas and figure “the Factories Act, 1965,” were substituted for the words, commas and figure “the Factories Act, 1934,” by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

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

mill or purchased and despatched outside areas to which this Act extends by any means of transit by a shipper of jute and such tax shall be payable to the Government by the occupier of every jute mill and by every shipper of jute.

(2) No tax shall be leviable under this Act on any raw jute in respect of which such tax has already been paid ¹[* * *]:

Provided that the burden of proving that such tax has already been paid shall be upon the person who claims the benefit of this sub-section.

(3) [Omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).]

No premise to be used as a jute mill unless registered

4. (1) No premises shall, after the commencement of this Act, be used as a jute mill unless such premises have been registered by the occupier of the jute mill and every such registration shall be renewed annually, by the occupier of such jute mill.

²[* * *]

(2) An application for registration or renewal thereof under this section shall be made in such form and to such authority as may be prescribed, and the prescribed authority shall, in the prescribed manner and form, maintain a record of every registration and renewal thereof.

(3) The registration of any jute mill may, with the previous sanction of the Government, be cancelled by the registering authority if the premises registered have ceased to be used as a jute mill.

¹ The words, bracket and figure “or to which the provisions of sub-section (3) apply” were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The proviso was omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

5. (1) No person shall, after the commencement of this Act, carry on business as a shipper of jute unless his name has been registered as such and every such registration shall be renewed annually by every shipper of jute.

No person to carry on business as a shipper of jute without registration of his name

¹[* * *]

(2) An application for registration or renewal thereof under this section shall be made in such form and to such authority as may be prescribed, and the prescribed authority shall, in the prescribed manner and form maintain a record of every registration and renewal thereof.

(3) The registration of any shipper of jute may, with the previous sanction of the Government, be cancelled by the registering authority if the registered person has ceased to carry on, or has sold or otherwise transferred his interest in the business in respect of which his name was registered.

6. Every occupier of a jute mill shall in respect of such jute mill-

Occupiers of jute mills to keep books of account and submit returns

- (a) keep books of account relating to the purchase of raw jute in the prescribed form; and
- (b) submit every quarter to such authority as may be prescribed a return in the prescribed form and before the prescribed date showing-
 - (i) the quantity of raw jute held in stock in the jute mill at the beginning of the preceding quarter;
 - (ii) the quantity of raw jute purchased by him for the jute mill during the preceding quarter;
 - (iii) the quantity of raw jute despatched from the jute mill during the preceding quarter;
 - (iv) the quantity of raw jute held in stock in the jute mill at the end of the preceding quarter; and
 - (v) such other particulars necessary for the purposes of this Act as may be prescribed.

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

Shippers of jute to keep books of account and submit returns

7. Every shipper of jute shall, in respect of his business and at each place at which he carries on such business-

- (a) keep books of account relating to the purchase and dispatch by any means of transit of raw jute in the prescribed form; and
- (b) submit every month to such authority as may be prescribed a return in the prescribed form and before the prescribed date showing-
 - (i) the quantity of raw jute held in stock by him at the beginning of the preceding month;
 - (ii) the quantity of raw jute purchased by him during the preceding month;
 - (iii) the quantity of raw jute dispatched by him outside areas to which this Act extends by any means of transit during the preceding month;
 - (iv) the quantity of raw jute held in stock by him at the end of the preceding month; and
 - (v) such other particulars necessary for the purposes of this Act as may be prescribed.

Payment of tax and receipt for such payment

8. Before submitting in each period the return referred to in clause (b) of sections 6 and 7 the occupier of a jute mill or shipper of jute, as the case may be, shall pay into a Government Treasury or the ¹[Bangladesh Bank] the full amount of the tax due under this Act in respect of the raw jute purchased by him, or purchased and despatched outside areas to which this Act extends by any means of transit by him, as the case may be, according to such return, and shall furnish along with the return a receipt from such treasury or bank showing payment of such amount.

Determination of the amount of tax by the prescribed authority in certain cases

9. (1) If no return is submitted by the occupier of a jute mill under clause (b) of section 6 or by a shipper of jute under clause (b) of section 7 in respect of any period before the date prescribed in that behalf, or if the return is submitted without a receipt showing full payment of the tax due as required by

¹ The words "Bangladesh Bank" were substituted for the words "State Bank of Pakistan" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

section 8, or if the return submitted appears to the authority referred to in clause (b) of sections 6 and 7 to be incorrect or incomplete, such authority shall, after making such enquiry, if any, as it considers necessary, determine the amount of the tax due in respect of such period from such occupier or shipper of jute, as the case may be, and such authority may in the case where no return is submitted direct that such occupier or shipper of jute shall pay in addition to the amount of the tax so determined a sum not exceeding that amount by way of penalty and the amount of the tax so determined together with the penalty (if any) so directed to be paid, less the sum, if any, already paid by him, shall be paid by such occupier or shipper of jute into a Government Treasury or the ¹[Bangladesh Bank] within fourteen days after demand is made therefore:

Provided that, before action is taken under this sub-section, the occupier of a jute mill or the shipper of jute, as the case may be, shall be given a reasonable opportunity of proving the correctness and completeness of the return, if any, submitted by him:

Provided further that the authority referred to in clause (b) of sections 6 and 7 may, for reasons to be recorded in writing, extend the date of such payment.

(2) If the amount of the tax due and the penalty (if any) directed to be paid under sub-section (1) are not paid within the period mentioned in that sub-section or within the period of any extension of time allowed under the second proviso to the said sub-section, the authority referred to in clause (b) of sections 6 and 7 may direct that the occupier of the jute mill or the shipper of jute shall pay in addition to the amount of the tax and penalty (if any) so unpaid a sum not exceeding the amount of the tax by way of penalty or further penalty as the case may be.

(3) If default is made in making the payment of the amount of tax due or any penalty directed to be paid under sub-section (1) within the period mentioned in that sub-section or within the

¹ The words "Bangladesh Bank" were substituted for the words "State Bank of Pakistan" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

period of any extension of time allowed under the second proviso to the said sub-section or in making the payment of any penalty directed to be paid under sub-section (2), it shall be recoverable from the person from whom it is due as an arrear of land revenue.

Refunds

10. The authority referred to in clause (b) of sections 6 and 7 shall, in the prescribed manner, refund to the occupier of a jute mill or a shipper of jute applying in this behalf any amount of the tax paid by such occupier or shipper of jute in excess of the amount due from him under this Act either by cash payment or, at the option of such occupier or shipper of jute, by deduction of such excess from the amount of the tax due in respect of any other period.

Powers of inspection, entry and search

11. (1) Any person empowered by the Government in this behalf may, for the purposes of this Act-

- (a) require any occupier of any jute mill or shipper of jute to produce before such person all accounts, vouchers and other documents relating to stocks, purchases, receipts and despatches of raw jute, and to furnish any other information relating to such stocks, purchases, receipts and despatches and every such occupier and shipper of jute shall comply with such requisition; and
- (b) inspect such accounts, vouchers and documents of, and the raw jute held in stock by, such occupier or shipper of jute.

(2) Any such person specially empowered by the Government in this behalf may enter and search, at any time, by day any building, vessel, vehicle or place in which he has reason to believe that any occupier of a jute mill or shipper of jute holds any stock of raw jute.

(3) All searches made under sub-section (2) shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898.

Returns, etc., to be confidential

12. No person to whom any returns under this Act are submitted or who makes an inspection under section 11 shall, save with the previous sanction of the Government, disclose

any information obtained from any such return or inspection otherwise than departmentally or for the purposes of a prosecution under the ¹[Penal Code] in respect of any such return, or of any account, voucher or other document inspected, or for the purposes of a prosecution under this Act.

13. Any person who-

Penalties

- (a) being the occupier of a jute mill fails to register such jute mill as required by section 4; or
- (b) being a shipper of jute fails to register his name as required by section 5; or
- (c) fails to keep books of account as required by clause (a) of sections 6 or 7 as the case may be; or
- (d) fails without sufficient cause to submit any return as required by clause (b) of sections 6 or 7, as the case may be, or submits an incorrect or incomplete return, or fails to submit a receipt for the full amount of the tax due as required by section 8; or
- (e) fraudulently evades the payment of any tax due under this Act; or
- (f) refuses to comply with a requisition under clause (a) of sub-section (1) of section 11 or obstructs any officer making an inspection or a search under section 11; or
- (g) discloses any information in contravention of the provisions of section 12; or
- (h) acts in contravention of any of the provisions of this Act,

shall, on conviction, be punishable with fine which may extend to one thousand Taka, and in the case where the failure, evasion or contravention is a continuing one, with a further fine which may extend to one hundred Taka for every day after the first during which such failure, evasion or contravention continues subsequent to such conviction.

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).

Institution of proceedings	14. No proceedings in respect of any offence under this Act shall be instituted except with the previous sanction of such authority as may be prescribed and upon complaint by a person empowered under section 11.
Offences to be bailable	15. All offences punishable under this Act shall be bailable.
Power to compound offences	16. (1) The prescribed authority may accept from any person charged with any offence punishable under this Act or any rule made thereunder, by way of composition for such offence, payment of a sum of money not exceeding five hundred Taka or double the amount of the tax payable, whichever is greater. (2) If payment by way of composition is accepted under sub-section (1), the accused, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.
Jurisdiction to try offences	17. No Magistrate other than a Magistrate of the first class shall try an offence punishable under this Act.
Officers to be deemed public servants	18. All persons empowered to act under this Act shall be deemed to be public servants within the meaning of section 21 of the ¹ [Penal Code].
Indemnity	19. No suit, prosecution or other legal proceedings shall lie against any servant of the ² [Republic] for anything which is in good faith done or intended to be done under this Act.
Limitation of suits and proceedings	20. No suit shall be instituted against Bangladesh, and no suit, prosecution or other proceedings shall be instituted against a servant of the ³ [Republic] in respect of anything done or

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 word "Republic" was substituted for the word "Crown" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The word "Republic" was substituted for the word "Crown" by section 3 and the Second Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

intended to be done under this Act, unless the suit, prosecution or other proceeding has been instituted within six months from the date of the act complained of.

21. (1) Any person aggrieved by any order under this Act may appeal within sixty days from the date of such order-

Appeal and revision

- (i) to the Commissioner of the Division if such order is passed by the Collector of a district, and
- (ii) to the Collector of the district, if such order is passed by any officer other than the Collector.

(2) Every order passed in appeal under this section shall, subject to the powers of revision conferred by sub-section (3), be final.

(3) The prescribed authority may, at any time, either of its own motion or on application, call for and examine the record of any order passed or the proceedings recorded by any officer or person subordinate to such authority, for the purpose of satisfying itself as to the legality or propriety of such order, or as to the regularity of such proceedings, and may pass such order in reference thereto as it thinks fit.

(4) Nothing in this section shall apply to the orders or proceedings of any Court or Magistrate.

22. (1) The Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

Power to make rules

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

- (a) the form of application for registration and renewal thereof under sub-section (2) of section 4 or sub-section (2) of section 5, the authority to which such applications shall be made, the manner and form in which such authority shall maintain a record of registrations and renewals;

- (b) the forms in which books of account shall be kept under clause (a) of sections 6 and 7;
- (c) the authority to which returns are to be submitted under clause (b) of sections 6 and 7, the forms of such returns, the date before which they are to be submitted and the particulars which may be necessary for the purposes of this Act other than those specified in the said clauses to be contained in those returns;
- (d) the manner in which refunds under section 10 shall be made;
- (e) the authority which may, under section 14, accord previous sanction to the institution of proceedings;
- (f) the authority which may, under sub-section (1) of section 16, accept payment by way of composition for offences under this Act; and
- (g) the authority to which an appeal shall lie under clause (a) of sub-section (1) of section 21 and the authority which may exercise powers under sub-section (3) of that section.

(3) In making any rule under sub-section (1) or sub-section (2), the Government may provide that any person committing a breach thereof shall, on conviction, be punishable with fine which may extend to one hundred Taka.
