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PART II — Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 22nd January, 2010/Magha 2, 1931 (Saka)

The following Act of Parliament received the assent of the President on the 21st January, 2010, and is hereby published for general information:—

THE RUBBER (AMENDMENT) ACT, 2009

(No. 4 of 2010)

[21st January, 2010.]

An Act further to amend the Rubber Act, 1947.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Rubber (Amendment) Act, 2009.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

24 of 1947.

2. In section 3 of the Rubber Act, 1947 (hereinafter referred to as the principal Act),—

Amendment of section 3.

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

‘(ga) “processor” means a person who undertakes the processing of rubber;’ ;

(b) in clause (k), for the words “fifty acres”, the words “ten hectares” shall be substituted.

Amendment of section 4.

3. In the principal Act, in section 4, in sub-section (3), after clause (d), the following clause shall be inserted, namely:—

“(da) three members to be nominated by the Central Government of whom two shall be from the Department of Commerce and one from the Department of Agriculture and Co-operation;”.

Amendment of section 8.

4. In the principal Act, in section 8,—

(i) in sub-section (2),—

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

“(da) improving the quality of rubber and implementing the standards for quality, marking, labelling and packing for the rubber produced or processed in, imported into or exported from, India;”;

(b) in clause (e), for the words “and manufactures”, the words “manufacturers and processors” shall be substituted;

(ii) in sub-section (3), in clause (c), for the words “half-yearly reports”, the words “annual report” shall be substituted.

Substitution of new section for sections 9, 9A and 9B.

5. In the principal Act, for sections 9, 9A and 9B, the following section shall be substituted, namely:—

“9.(1) There shall be a fund to be called the Rubber Development Fund and there shall be credited,—

(a) all sums forming the funds of the Board immediately before the commencement of the Rubber (Amendment) Act, 2009;

(b) the proceeds of cess paid to the Board by the Central Government under sub-section (7) of section 12;

(c) any sum of money that may be paid to the Board by way of grants or loans by the Central Government;

(d) internal and extra budgetary resources of the Board;

(e) all moneys received and collected under section 26A; and

(f) any other sum that may be levied and collected under this Act and the rules made thereunder.

(2) The Rubber Development Fund shall be applied—

(a) to meet the expenses of the Board;

(b) to meet the cost of the measures referred to in section 8;

(c) to meet the expenditure incurred in the performance of its functions under this Act or the rules made thereunder;

(d) to meet the expenditure for rehabilitation of small growers; and

(e) for making such grants to rubber estates or for meeting the cost of such other assistance to rubber estates as the Board may think necessary for the development of such estates.”.

Omission of section 10.

6. Section 10 of the principal Act shall be omitted.

Amendment of section 12.

7. In the principal Act, in section 12,—

(i) in sub-section (2),—

(a) for the words “such rubber is used.”, the words “such rubber is used or from the exporter by whom such rubber is exported:” shall be substituted;

(b) the following provisos shall be inserted, namely:—

“Provided that the Central Government may, if considered necessary in the public interest, by order for reasons to be recorded in writing, exempt or reduce the duty of excise on rubber exported on such terms and conditions as it deems fit:

Provided further that the Central Government may, by notification in the Official Gazette, specify zero paise per kilogram as the rate of duty of excise on natural rubber produced in India and procured for export by the exporters of natural rubber for the period from the 1st April, 1961 to the 31st August, 2003.”;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Subject to the provisions of this Act, every owner, exporter or the manufacturer, as the case may be, shall pay the duty of excise to the Board in the manner and for the period referred to in sub-section (4) and, if he fails to do so, the duty may be recovered with the cost of collection and interest at such rates, as may be prescribed, from the owner, exporter or the manufacturer, as the case may be, as an arrear of the land revenue.”;

(iii) in sub-section (4) in clause (b), —

(a) for the words “fifteen days”, the words “thirty days” shall be substituted;

(b) in sub-clause (ii), for the words “rubber used”, the words “rubber acquired” shall be substituted;

(iv) in sub-section (5),—

(a) for the words “owner or manufacturer”, the words “owner, exporter or manufacturer” shall be substituted;

(b) after the words “as may be prescribed”, the following shall be inserted, namely:—

“and collect the cess from the owner, exporter or the manufacturer, as the case may be, after issuing a notice and after making such enquiry as it considers necessary, with such rate of interest as fixed under sub-section (3):

Provided that where for any reason, the Board finds that an owner, exporter or manufacturer, as the case may be, has paid cess in excess of what is due from him, it shall be adjusted against the future payment, if any, from him or shall be refunded to him.”.

8. In the principal Act, in section 13, in sub-section (1), after the words “The Central Government may”, the words “, if it deems necessary,” shall be inserted.

Amendment of section 13.

9. In the principal Act, for section 17, the following section shall be substituted, namely:—

Substitution of new section for section 17.

“17. (1) The Board shall implement the standards for quality, marking, labelling and packing for various marketable forms of rubber, for the rubber produced or processed in, imported into or exported from, India.

Implementation of standards for quality, marking, etc., for rubber.

18. In the principal Act, after section 26, the following section shall be inserted, namely:—

Insertion of new section 26A.

2 of 1974.

“26A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act may, either before the institution of prosecution or with the permission of the Court after the institution of the prosecution, be compounded by the Board on payment to the Board such sum of money as does not exceed the value of the goods in respect of which contravention has been committed.”.

Compounding of offences.

V. K. BHASIN,
Secy. to the Govt. of India.