

**THE RECORD OF JUTE GROWERS (BORDER
AREAS) ACT, 1974**

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**THE RECORD OF JUTE GROWERS (BORDER AREAS)
ACT, 1974**

ACT NO. LXXVI OF 1974

[29th November, 1974]

An Act to provide for the preparation of records of growers of jute and lands on which jute is grown by them within the border area.

WHEREAS it is expedient to provide for the preparation of records of growers of jute and lands on which jute is grown by them within the border area for the purpose of ensuring more effective check on smuggling and for matters ancillary thereto;

It is hereby enacted as follows:-

Short title and commencement

1. (1) This Act may be called the Record of Jute Growers (Border Areas) Act, 1974.

(2) It shall be deemed to have come into force on the 21st day of August, 1974.

Definitions

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

- (a) “border area” means the area of land lying within ten miles adjacent to the frontier of Bangladesh;
- (b) “dealer” means any person who purchases, or negotiates for the purchase of, or stores, or sells, or undertakes the grading or baling or spinning or manufacturing of, jute or jute manufactures and includes all kinds of dealers in jute and jute manufactures commonly known as *faria*, *bepari*, *paikar*, *arathdar*, broker, commission agent, *kutch* baler, *pucca* baler, manufacturer, export agent, and exporter, but does not include a grower of jute storing or selling his own produce;
- (c) “Director” means the Director, Directorate of Jute, Government of Bangladesh and includes any person who, for the time being, performs the duties of that office;
- (d) “grow” with its grammatical variations, when used in relation to jute, includes “sow” with its grammatical variations, irrespective of whether the jute is harvested or not;

- (e) “grower’s card” means a card issued to a grower of jute under sub-section (2) of section 4;
- ¹[(f) “grower of jute” means any person who, either himself or by members of his family or by hired labourers or by any arrangement to share the produce, grows jute in any year on any land in his possession and includes, in relation to any land, any person who, as *adhiar*, *bargadar*, *bhagdar* or otherwise, receives any share of jute grown in such land;]
- (g) “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 known commonly as *mesta*, and includes any jute fibre which has not been subjected to any process of spinning or weaving;
- (h) “land” includes any land on which jute is grown in any year but does not include any land on which, with the permission in writing of the Government or any person authorised by the Government in this behalf, jute is grown in any year for *bona fide* experimental or demonstrational purposes.

3. (1) The Government may, by notification in the *official Gazette*, direct that there shall be prepared, in respect of such year as may be specified in the notification, a record of all growers of jute in the border area or in such part thereof as may be specified in the notification, in which shall be entered the lands on which such growers of jute have grown, or intend to grow, jute in that year:

Preparation of record, etc.

Provided that, for the purpose of such record, the border area may be divided into separate zones and a separate record may be prepared for each such zone.

¹ Clause (f) was substituted by section 2 of the Record of Jute Growers (Border Areas) (Amendment) Act, 1975 (Act No. XXX of 1975).

(2) Upon the issue of a notification under sub-section (1), the Director shall prepare, or cause to be prepared, within such period and in such manner and form as the Government may direct, the record referred to in sub-section (1).

Liability of growers of jute to submit names and other particulars

4. (1) For the purpose of preparation of a record under section 3, every grower of jute referred to in sub-section (1) of section 3 shall, within such period and at such place as may be specified by the Director or any officer authorised by him in this behalf, declare or submit either personally, or in such other manner as the Director or such officer, considering the circumstances of the grower, may permit, to the person authorised to prepare the record his name and other particulars including those of the lands on which he has grown, or intends to grow, jute.

(2) Immediately upon the declaration or submission of the name and other particulars of the grower of jute, the person preparing the record shall enter in the record the name and particulars and shall issue to the grower of jute a grower's card in which shall be entered the name and the particulars declared or submitted by the grower of jute.

Prohibition to sell jute, etc.

5. (1) No grower of jute referred to in sub-section (1) of section 3 shall, unless authorised in writing in this behalf by the Director, sell or otherwise dispose of jute grown by him except to such dealer as the Director may specify in this behalf.

(2) The Director may require every grower of jute referred to in sub-section (1) of section 3 to sell the entire quantity of jute produced by him after retaining not more than two maunds for his own consumption, to such dealer and in such manner and at such price on *garsat* basis and within such period as may be specified by the Director and to maintain an account of sale in the grower's card.

(3) The dealer to whom a grower of jute is required to sell jute in pursuance of a direction under sub-section (2) shall purchase jute in accordance with such direction:

Provided that the dealer may decline to purchase any lot of jute if the content of sticks or *hunka* in the lot exceeds three *per cent*

(4) The Director, in determining the price of jute under sub-section (2), shall have regard to the average quality of jute on *garsat* basis.

(5) No grower of jute shall sell jute to any dealer referred to in sub-section (2) except in its dry condition nor shall such jute contain moisture in excess of the natural moisture inherent in the fibre.

(6) Any grower of jute whose stocks of jute contain high percentage of sticks or *hunka* shall, with the prior permission of the Director or any other officer authorised by him in this behalf, sell or otherwise dispose of such stocks to such dealer and in such manner and at such price and within such period as may be specified by the Director or such officer and shall also maintain account of such sale or disposal in the grower's card.

(7) Every grower of jute shall, on demand by the Director or any person authorised by him in this behalf, produce the grower's card for inspection.

(8) The provisions of this section shall have effect subject to any order made under section 6.

Explanation.- For the purposes of this section, "maund" means a standard maund of forty seers, each seer weighing eighty tolas.

6. The Government may, by general or special order in writing, direct the growers of jute referred to in sub-section (1) of section 3 not to transport, stock, sell or otherwise dispose of any jute except in such manner or in accordance with such conditions as may be specified in the order.

Power of Government to prohibit transport, stock, etc. of jute

7. No person shall, after the commencement of this Act, carry any jute from any inland area into the border area:

Prohibition of movement of jute into the border area

Provided that the Government may, by general or special order in writing, exempt, to such extent and subject to such conditions as may be specified in the order, any person or class of persons from the operation of this section.

Inspection, etc.

8. (1) The Director, or any person authorised by him in this behalf, may enter upon, and make survey of, any land where jute is grown or likely to be grown in any year and may require the grower of jute to furnish such particulars or documents relating to his lands or jute sowings as the Director or such person may call for.

(2) The Director, or any person authorised by him in this behalf, may enter upon any premises in which he has reasons to believe that there is any stock of jute and inspect the jute stock, if any.

Power to seize
jute stock, etc.

9. Any person authorised by the Director in writing in this behalf may, if he has reasons to believe that a contravention of the provisions of this Act or any order or direction made or issued thereunder has been committed or is likely to be committed,-

- (a) seize, with the previous sanction in writing of such authority as may be specified in the rules, stocks of jute in respect of which such contravention is believed to have been committed or is likely to be committed;
- (b) direct the person from whose possession or custody such stocks of jute have been seized to sell the same to such dealer, in such manner, at such price and within such period as may be specified by the Director;
- (c) on failure of the person mentioned in clause (b) to sell the seized stocks of jute in accordance with his directive under that clause, sell such stocks of jute to such dealer and at such price as may be specified by the Director and to hand over the sale proceeds to such person after deduction of cost incidental to sale; and

- (d) require any person reasonably suspected of being concerned in such contravention to cause his stocks of jute to be shifted to such place as he may specify and to sell the same to such dealer and at such price as may be specified by the Director.

10. If any person-

False information

- (a) when required under this Act or any order or direction made or issued thereunder to make a statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows, or has reasonable cause to believe, to be false, or does not believe to be true, or
- (b) makes any such statement as aforesaid in any account or record which he is required by or under this Act to maintain or furnish, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

11. (1) Any person who contravenes or fails to comply with any provision of this Act or any order or direction made or issued thereunder shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Penalty

(2) Any court trying an offence under this Act may direct that the whole or a part of the jute in respect of which the court is satisfied that the offence has been committed shall be forfeited to the Government.

12. No prosecution for an offence punishable under this Act shall be instituted except upon complaint in writing by the Director or any person authorised by him in writing in this behalf.

Cognizance of offence

13. No suit, prosecution or other legal proceedings shall lie against the Government, Director or any other person authorised by the Director in this behalf, in respect of anything in good faith done or intended to be done under this Act or any order made thereunder.

Indemnity

Effect of orders, etc., inconsistent with other enactments

14. Any order made or direction issued under this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

Power to make rules

¹**[14A.** The Government may, by notification in the *official Gazette*, make rules for carrying out the purposes of this Act.]

Repeal and savings

15. (1) The Record of Jute Growers (Border Areas) Ordinance, 1974 (Ord. XIV of 1974), is hereby repealed.

(2) Notwithstanding such repeal, anything done, any action taken, including any order made, notification issued or direction given under the said Ordinance shall be deemed to have been done, taken, made, issued or given, as the case may be, under the corresponding provision of this Act.

¹ Section 14A was inserted by section 2 of the Record of Jute Growers (Border Areas) (Amendment) Act, 1975 (Act No. XXX of 1975).