

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE INDIAN RUBBER CONTROL
ACT, 1934

(XXVIII OF 1934)

PUBLISHED BY MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI.
1934.

Price anna 1 or 1½d.

THE INDIAN RUBBER CONTROL ACT, 1934.

CONTENTS.

PRELIMINARY.

SECTIONS.

1. Short title, extent, commencement and duration.
2. Definitions.

CHAPTER I.

THE RUBBER LICENSING COMMITTEES.

3. Constitution of Licensing Committees.
4. Vacancies.
5. Sub-Committees and executive officers.
6. Power to make by-laws.
7. Power of control by the Governor General in Council.
8. Keeping and auditing of accounts.
9. Dissolution of Committees.
10. Power to make rules.

CHAPTER II.

CONTROL OVER THE EXPORT OF RUBBER.

11. Limitation of application of Chapter.
12. Control of export of rubber.
13. Export allotments.
14. Export quotas.
15. Excess or deficiency in net exports.
16. Right to obtain export licences.
17. Grant of export licences and certificates of origin.
18. Re-export of imported rubber.
19. Committee to maintain accounts of quotas.
20. Rubber for export to be covered by licence and certificate of origin.

SECTIONS.

21. Power of Committee to call for returns.
22. Fees.
23. Validation of acts already done.
24. Power to make rules.
25. Bar of jurisdiction.

CHAPTER III.

CONTROL OVER EXTENSION OF RUBBER CULTIVATION.

26. Control of cultivation of rubber.
27. Permission to plant rubber plants.
28. Permission to replant land with rubber plants.
29. Application for permission to plant or replant.
30. Appeal to Local Government.
31. Power of Committee to call for return and to inspect estates.

CHAPTER IV.

SUPPLEMENTAL.

32. Certificate of origin for imported rubber.
33. Prohibition of export of leaves, etc., of rubber plants.
34. Submission of returns showing stocks of rubber in India.
35. Member may inspect factories.
36. Power to make rules.

CHAPTER V.

PENALTIES AND PROCEDURE.

37. Penalty for illicit import or export.
38. Penalty for default in submitting return.
39. Penalty for making false return.
40. Penalty for obstructing inspection of rubber estate.
41. Penalty for obstructing inspection of factory.
42. Penalty for illicit cultivation.
43. Removal of rubber plants planted without permission.
44. Trial of offences under sections 38, 39, 40, 41 and 42.

ACT No. XXVIII OF 1934.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 31st August, 1934.)

An Act to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India.

WHEREAS it is expedient to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India; It is hereby enacted as follows:—

PRELIMINARY.

1. (1) This Act may be called the Indian Rubber Control Act, 1934. Short title,
extent,
commencement
and duration.

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

(3) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

(4) It shall remain in force only up to the 31st day of December, 1938, but the Governor General in Council may, by notification in the Gazette of India, direct that it shall remain in force for such further period as may be specified in any such notification.

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

(a) "Committee" means in relation to British India excluding Burma the Indian Rubber Licensing Committee and in relation to Burma the Burma Rubber Licensing Committee constituted under this Act;

(b) "to export" means to take out of British India by sea or by land to a French or Portuguese Settlement bounded by India or to any place outside India.

(c) "factory" means any premises for the manufacture of articles containing rubber from rubber produced in India;

(d) "net exports of rubber" means the difference between the total exports of rubber excluding imported rubber re-exported in manufactured articles containing rubber and the total imports of rubber excluding rubber in manufactured articles containing rubber;

(e) "owner" 8

- (e) "owner" includes any agent of an owner;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "to plant" means to propagate a rubber plant from seed or any living portion of the rubber plant that may be used to propagate it, and "to replant" means to plant in any area carrying rubber plants on the 1st day of June, 1934, more than thirty rubber plants in any one acre;
- (h) "rubber" means—
 - (i) rubber prepared from the leaves, bark or latex of any rubber plant,
 - (ii) the latex of any rubber plant, whether fluid or coagulated, in any stage of the treatment to which it is subjected during the process of conversion into rubber, and
 - (iii) latex in any state of concentration, and includes, except where the word is used in Chapter IV, rubber produced in India contained in any article manufactured in India;
- (i) "rubber plant" includes plants, trees, shrubs or vines of any of the following:—
 - (i) *Hevea Braziliensis* (Para Rubber),
 - (ii) *Manihot Glaziovii* (Ceara Rubber),
 - (iii) *Castilloa elastica*,
 - (iv) *Ficus elastica* (Rambong), and
 - (v) any other plant which the Governor General in Council may, by notification in the Gazette of India, declare to be a rubber plant for the purposes of this Act;and
- (j) "Rubber Licensing Resolutions" means the Resolutions of the Government of India published under Finance Department (Central Revenues) Notifications Nos. 39 and 40, dated the 26th May, 1934.

CHAPTER I.

THE RUBBER LICENSING COMMITTEES.

Constitution of
Licensing
Committees.

3. (1) The Governor General in Council shall constitute two Committees, to be called the Indian Rubber Licensing Committee and the Burma Rubber Licensing Committee, respectively.

(2) The

(2) The Indian Rubber Licensing Committee shall consist of five members, namely,—

- (a) two members to be nominated by the Government of Travancore,
- (b) one member to be nominated by the Government of Madras,
- (c) one member to be nominated by the Cochin Durbar, and
- (d) one member to be nominated by the United Planters' Association of Southern India,

and the Chairman shall be elected by the members from among themselves:

Provided that the Chairman elected by the Indian Rubber Licensing Committee constituted under the Rubber Licensing Resolutions shall be deemed to have been duly elected under this sub-section as Chairman of the Indian Rubber Licensing Committee constituted under this Act.

(3) The Burma Rubber Licensing Committee shall consist of four members, namely,—

- (a) two members to be nominated by the Burma Planters' Association, and
- (b) two members, one an official, and one a non-official, to be nominated by the Local Government,

and the Chairman shall be the official member nominated by the Local Government.

(4) Any person nominated under the Rubber Licensing Resolutions as a member of the Indian Rubber Licensing Committee or the Burma Rubber Licensing Committee constituted under the said Resolutions shall, if such nomination is not inconsistent with the provisions contained in sub-section (2) or sub-section (3), be deemed to have been duly nominated to the Committee of the same name constituted under this Act.

(5) As soon as may be after the commencement of this Act the Governor General in Council shall publish in the Gazette of India the names of all members of each Committee.

4. (1) If any authority or body fails to make within a reasonable time any nomination which it is entitled to make under section 3, the Governor General in Council may himself nominate a member to fill the vacancy. Vacancies.

(2) Where a member of the Committee dies, resigns, ceases to reside in India or becomes incapable of acting, the Governor General in Council may, on the recommendation of the authority or body which is entitled to make the first nomination under

section

section 3, or, where such recommendation is not made within a reasonable time, then on his own initiative, nominate a person to fill the vacancy.]

(3) No act done by the Committee shall be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of the Committee.

Sub-committees and executive officers.

5. The Committee may appoint such sub-committees (consisting wholly or partly of members of the Committee) and such executive officers as may be necessary for the efficient performance of the duties imposed upon it by this Act:

Provided that sub-committees or executive officers appointed by the Licensing Committees constituted under the Rubber Licensing Resolutions shall be deemed to have been duly appointed under this Act.

Power to make by-laws.

6. (1) The Committee may make by-laws consistent with this Act and with the rules made thereunder for all or any of the following matters, namely:—

- (a) the regulation of the procedure to be followed at meetings of the Committee;
- (b) the appointment of sub-committees;
- (c) the delegation to sub-committees, members or officers of the Committee of any of the powers of the Committee under this Act;
- (d) the determination of the travelling allowances of members or officers of the Committee and of members of a sub-committee;
- (e) the appointment, promotion and dismissal of officers and servants of the Committee and the creation and abolition of appointments of such officers and servants;
- (f) the regulation of the grant of pay and leave to such officers and servants; and
- (g) any other matter in respect of which by-laws may be made under this Act or the rules made thereunder.

(2) All by-laws made under this section shall be subject to the previous sanction of the Governor General in Council.

Power to control by the Governor General in Council.

7. (1) Save in respect of proceedings and orders under section 29, all acts of the Committee shall be subject to the control of the Governor General in Council, who may cancel, suspend or modify as he thinks fit any such act.

(2) The

(2) The records of the Committee shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Governor General in Council.

8. (1) Each Committee shall keep accounts of all fees received by it under this Act, and of the manner in which they are expended. Keeping and auditing of accounts.

(2) Such accounts shall be examined and audited annually by auditors appointed in this behalf by the Governor General in Council; and such auditors shall have power to disallow any item which has been, in their opinion, expended otherwise than in pursuance of the purposes of this Act.

9. (1) The Governor General in Council may, by notification in the Gazette of India, declare one or both of the Committees to be dissolved, and on the date of the publication of such notification the Committee or Committees, as the case may be, shall stand dissolved, and if both Committees are dissolved this Act shall be deemed to be repealed. Dissolution of Committees.

(2) When either Committee is dissolved either under this section or by the expiry of this Act, the unexpended balance of fees received by the Committee under this Act shall lapse to Government.

10. The Governor General in Council may, by notification in the Gazette of India, make rules— Power to make rules.

- (a) providing for the establishment and maintenance of offices by the Committee;
- (b) providing for the conduct of business by the Committee and determining the number of members which shall form a quorum at meetings;
- (c) providing for the maintenance by the Committee of a record of all business transacted and submission of copies thereof to Government;
- (d) regulating the preparation of annual estimates of receipts and expenditure;
- (e) regulating the keeping of accounts of receipts and expenditure;
- (f) determining the custody in which the current account of the Committee shall be kept, and the bank or banks at which surplus monies at the credit of the Committee may be deposited at interest; and
- (g) generally to carry out the provisions of this Chapter.

CHAPTER II.

CONTROL OVER THE EXPORT OF RUBBER.

Limitation of application of Chapter.

11. Nothing in this Act shall apply to the export of rubber which has been placed before midnight on the 31st day of May, 1934, under customs control in a godown or warehouse approved by a Customs Collector or to the export of rubber by parcel post.

Control of export of rubber.

12. (1) No rubber the growth or produce of India shall be exported unless covered by a licence and a certificate of origin issued by or on behalf of the Indian Rubber Licensing Committee in the case of exports from British India excluding Burma, or the Burma Rubber Licensing Committee in the case of exports from Burma.

(2) No rubber the growth or produce of a country other than India shall be re-exported unless covered by a certificate of origin issued by an official empowered in that behalf by the Government of such country and endorsed by or on behalf of the Indian Rubber Licensing Committee in the case of re-exports from British India excluding Burma, or the Burma Rubber Licensing Committee in the case of re-exports from Burma.

Export allotments.

13. (1) The general export allotment for the period beginning on the 1st day of June, 1934, and ending on the 31st day of December, 1934, that is, the permissible maximum net exports expressed in terms of dry rubber from British India excluding Burma for the said period shall be 3,484 tons.

(2) The Burma export allotment for the period beginning on the 1st day of June, 1934, and ending on the 31st day of December, 1934, that is, the permissible maximum net exports from Burma expressed in terms of dry rubber for the said period shall be 2,616 tons.

(3) The general export allotment and the Burma export allotment for the year 1935 and succeeding years shall be declared by the Governor General in Council by notification in the Gazette of India.

Export quotas.

14. (1) The export quota of each rubber estate or factory for any period, that is, the total quantity of rubber which may be exported by or on behalf of the owner of the estate or factory during that period, shall be determined by the Committee in the prescribed manner.

(2) The total of all export quotas for any period as so determined by the Indian Rubber Licensing Committee or by the Burma Rubber Licensing Committee shall not be more than an amount which, when the difference between imports of rubber and re-exports of imported rubber in the same period has been deducted therefrom, exceeds the general export allotment or the

Burma

Burma export allotment, as the case may be, for the same period by more than five per cent.

15. (1) If in any year the net exports of rubber from British India excluding Burma exceed the general export allotment for that year, or if in any year the net exports of rubber from Burma exceed the Burma export allotment for that year, the export allotment for the succeeding year shall be deemed to be reduced by an amount equal to such excess.

Excess or
deficiency in
next exports.

(2) If in any year the net exports of rubber from British India excluding Burma are less than the general export allotment for that year, or if in any year the net exports of rubber from Burma are less than the Burma export allotment for that year, a quantity of rubber equal to the amount of such deficiency but not in any case exceeding twelve per cent. of the export allotment for the year in which the deficiency occurred may be exported in the succeeding year and shall not be deemed to form part of the export allotment for the year in which it is exported.

(3) The right to export rubber to which sub-section (2) refers shall be allocated among estates and factories by the Committee in the prescribed manner.

(4) As soon as may be after the end of each year, the Governor General in Council shall notify in the Gazette of India in respect of British India excluding Burma and in respect of Burma, respectively, the amount of any deficiency to which the provisions of sub-section (2) apply.

16. (1) The owner of a rubber estate or factory to which a quota has been allotted by the Committee for any period shall have a right to obtain from that Committee at any time during that period export licences and certificates of origin to cover the export of rubber up to the amount of the unexhausted balance of the quota, that is, up to the amount of the quota less the amount for which export licences have already been issued against it:

Right to
obtain export
licences .

Provided that the unexhausted balance of any quota at any time during the year 1934 after the commencement of this Act shall be the amount of the quota less—

- (a) the amount for which export licences have already been issued against the quota under this Act, and
- (b) the amount for which export licences were issued against the quota by a Licensing Committee constituted under the Rubber Licensing Resolutions.

(2) The right of the owner of a rubber estate or factory under this section may be transferred in whole or in part and, subject to proof of the transfer to the satisfaction of the Committee which determined the quota, the transferee shall have a right

a right to obtain certificates of origin and export licences up to the amount covered by the transfer or up to the amount of the unexhausted balance of the quota, whichever may be less.

Grant of export licences and certificates of origin.

17. (1) The owner of any rubber estate or factory to which a quota has been allotted by the Committee, or any transferee of his right, may, at any time before the expiry of the period to which the quota relates, apply in writing to the Committee for an export licence and a certificate of origin covering a stated quantity of rubber.

(2) If the unexhausted balance of the quota is sufficient to cover the stated quantity, the Committee shall, subject to the payment of the requisite fee, issue an export licence and certificate of origin covering the stated quantity.

(3) Every licence and certificate of origin shall be in the prescribed form and shall bear the date of its issue, and every licence shall be valid for such period as may be specified therein or until shipment of the consignment covered by the licence provided that such consignment was placed under customs control with a view to shipment before the expiry of the period specified on the licence and has remained thereafter under customs control.

Re-export of imported rubber.

18. (1) Any person desiring to export rubber imported into British India from a place outside India may apply to the Committee for an endorsement on the certificate of origin under cover of which such rubber was imported.

(2) On receipt of such application the Committee shall make an endorsement on the certificate of origin in such form and subject to such conditions as may be prescribed, and such endorsement shall be sufficient to authorise the export from British India of such rubber.

Committee to maintain accounts of quotas.

19. (1) The Committee shall maintain an account of every export quota allotted by it showing, in addition to such other particulars as the Committee may think fit, the licences issued against it and the unexhausted balance.

(2) The Committee shall maintain an account of all rubber imported from a place outside India the export of which was authorised by it under sub-section (2) of section 18.

(3) Any owner of a rubber estate or factory shall be entitled on payment of the requisite fee to a copy of the account relating to his quota, certified in the manner laid down in the by-laws.

Rubber for export to be covered by licence and certificate of origin.

20. (1) No consignment of rubber shall be shipped or waterborne to be shipped for export from a port in British India until the owner has delivered to the Customs Collector either a valid export licence and a certificate of origin, covering the quantity to be

to be shipped, issued by or on behalf of the Committee, or, in the case of rubber to which the provisions of section 18 apply, a certificate of origin endorsed by or on behalf of the Committee.

XIX of 1924.

(2) No permit for the passage of any rubber by land into any of the French or Portuguese Settlements bounded by India shall be granted under sub-section (1) of section 5 of the Land Customs Act, 1924, unless the application for such permit is accompanied by a valid export licence and a certificate of origin, covering the quantity to be passed, issued by or on behalf of the Committee, or, in the case of rubber to which the provisions of section 18 apply, a certificate of origin endorsed by or on behalf of the Committee.

21. (1) The Committee may serve by post a notice upon the owner of any rubber estate or factory requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such returns relating to the area planted with rubber or to the production, manufacture, sale or export of rubber produced on the estate or manufactured in the factory as it may deem necessary to enable it to discharge its duties under this Act.

Power of
Committee to
call for returns.

(2) Where any return required under sub-section (1) in respect of any rubber estate or factory is not furnished to the Committee within the period specified in the notice, the Committee may refuse to allot a quota to that estate or factory under section 14 or, where a quota has already been allotted, may cancel the unexhausted balance of that quota and refuse to issue any further export licences and certificates of origin under section 15 against that quota.

22. (1) The Committee may charge and collect the following fees, namely:—

- (a) a licence fee for every export licence issued by it, at such rate, not exceeding one rupee per hundred pounds of rubber covered by the licence, as the Governor General in Council may, by notification in the Gazette of India, fix in this behalf; and
- (b) copying fees for certified copies of accounts of quotas at the rate of one rupee per copy:

Provided that the owner of any rubber estate or factory to which a quota has been allotted under section 14 may make a consolidated payment of export licence fees at the rate fixed under clause (a) to cover the whole of the quota.

(2) The Committee shall apply the fees collected by it under this section to the meeting of expenses incurred by it in pursuance of the purposes of this Act and, with the previous sanction

of the

of the Governor General in Council, to the payment of a contribution towards the maintenance of any international committee established in furtherance of the interest of the rubber industry in rubber-producing countries generally.

Validation of acts already done.

23. (1) All licences and certificates of origin for the export of rubber and all quotas issued or fixed by the Licensing Committees constituted under the Rubber Licensing Resolutions shall be deemed to be licences and quotas respectively issued or fixed under this Act.

(2) All transfers of the right to obtain export licences and certificates of origin from the said Licensing Committees shall be valid as if they had been made under this Act.

Power to make rules.

24. The Governor General in Council may, by notification in the Gazette of India, make rules—

(a) prescribing the manner in which the export quotas of rubber estates and factories shall be determined:

(b) prescribing the conditions subject to which the export of rubber imported into British India may be permitted and the form of endorsement to be made on the certificates of origin accompanying such rubber;

(c) prescribing the manner in which the right to export rubber to which sub-section (2) of section 15 applies shall be allocated among rubber estates and factories;

(d) prescribing the form of export licences and certificates of origin; and

(e) generally to carry out the purposes of this Chapter.

Bar of jurisdiction.

25. No quota fixed and no order granting or refusing to grant any licence or certificate of origin under this Chapter shall be called in question in any Court.

CHAPTER III.

CONTROL OVER EXTENSION OF RUBBER CULTIVATION.

Control of cultivation of rubber.

26. So long as this Act remains in force no person shall plant rubber plants in any land, or replant any land with rubber plants, save in pursuance of a written permission granted by or on behalf of the Committee under this Act.

Permission to plant rubber plants.

27. (1) Permission under section 26 to plant rubber plants shall be granted only in respect of an area intended for the cultivation

cultivation of rubber plants for exclusively experimental purposes, and such area shall in every case be limited to the area necessary for such purposes.

(2) The total area of land in Burma in respect of which permission to plant rubber may be granted shall be such area, being as nearly as may be one-quarter of one per cent. of the total area in Burma which was planted with rubber plants on the 1st day of June, 1934, as the Governor General in Council, by notification in the Gazette of India, may specify in this behalf.

(3) The total area of land in any province other than Burma in respect of which permission to plant rubber may be granted shall be such area, being as nearly as may be one-quarter of one per cent. of the total area in the province which was planted with rubber plants on the 1st day of June, 1934, as the Governor General in Council, by notification in the Gazette of India, may specify in this behalf.

28. Permission under section 26 to replant land with rubber plants shall be subject to the following limitations, namely,—

Permission to replant land with rubber plants.

- (a) no person shall be permitted to replant in any one year more than ten per cent. of the area of his estate that was planted with rubber plants on the 1st day of June, 1934, and
- (b) no person shall be permitted to replant more than twenty per cent. of such area in all before the 31st day of December, 1938.

29. (1) Application for permission to plant rubber plants or to replant land with rubber plants shall be made to the Committee and shall contain a clear statement of all special circumstances justifying the application.

Application for permission to plant or replant.

(2) Subject to the provisions of sections 27 and 28, the Committee may grant or refuse the permission applied for, or may call for further information from the applicant.

(3) No order by the Committee under sub-section (2) shall be called in question in any Court.

30. (1) Any applicant aggrieved by an order of the Committee under section 29 may appeal to the Local Government within sixty days from the date thereof, and the Local Government may on such appeal cancel, modify or suspend any order of the Committee under that section.

Appeal to Local Government.

(2) The records of the Committee relating to proceedings under this Chapter shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Local Government.

31. (1) The

Power of Committee to call for returns and to inspect estates.

31. (1) The Committee may serve by post a notice upon the owner of any rubber estate, requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such returns relating to the cultivation of rubber plants on the estate as it may deem necessary to enable it to discharge its duties under this Act.

(2) Any member of the Committee and any officer of the Committee authorised by it in this behalf may, at any reasonable time, enter upon and inspect any portion of any rubber estate, and may require the owner of the estate to produce for inspection any records of the estate in his control or custody relating to the cultivation of rubber plants and the stocks of rubber on the estate.

(3) Where any return required under sub-section (1) in respect of any rubber estate is not furnished to the Committee within the period specified in the notice, the Committee may refuse to grant any permission under section 29 to plant rubber plants on that estate, or to replant any part of that estate.

CHAPTER IV.

SUPPLEMENTAL.

Certificate of origin for imported rubber.

32. No rubber shall be imported by sea or by land into British India from any place outside India unless covered by a certificate of origin issued by an official empowered in that behalf by the Government of the country where the rubber was grown or produced.

Prohibition of export of leaves, etc., of rubber plants.

33. No person shall export the leaves, flowers, seeds, buds, twigs, branches, roots or any living portion of the rubber plant that may be used to propagate it.

Submission of returns showing stocks of rubber in India.

34. (1) The owner of every rubber estate or factory and every person holding stocks of rubber shall submit to the Committee at such time and in such form as may be prescribed a return showing the stocks of rubber held by him together with such further information in regard thereto as may be prescribed.

(2) The Committee shall compile from such returns and submit to the Governor General in Council at such times and in such form as may be prescribed consolidated statements showing the total amount of stocks of rubber held in British India excluding Burma, and in Burma.

Member may inspect factories.

35. Any member of the Committee or of a sub-committee and any officer of the Committee authorised by it in this behalf may,

may, at any reasonable time, enter upon and inspect any factory, and may require any owner of a factory to produce for inspection any records of the factory in his control or custody relating to the manufacture in and export from the factory of rubber or to the stocks of rubber held in the factory.

36. The Governor General in Council may, by notification ^{Power to make rules.} in the Gazette of India, make rules—

- (a) prescribing the dates on which and the form in which returns of stocks shall be submitted to the Committee;
- (b) prescribing the further information, if any, to be included in such returns;
- (c) prescribing the dates on which and the form in which consolidated statements of stocks shall be submitted by the Committee; and
- (d) generally to carry out the purposes of this Chapter.

CHAPTER V.

PENALTIES AND PROCEDURE.

37. A breach of the provisions of sub-section (1) or sub-section (2) of section 20 or of section 32 or of section 33 shall be punishable as if it were an offence under item 8 of section 167 of the Sea Customs Act, 1878, and the provisions of section 168 and of Chapter XVII of that Act shall apply accordingly. ^{Penalty for illicit import or export.}

VII of 1878.

38. If default is made in submitting any return as required by sub-section (1) of section 34 the owner of the estate or factory as the case may be shall be punishable with fine which may extend to five hundred rupees. ^{Penalty for default in submitting return.}

39. Any owner of a rubber estate or factory or any person holding stocks of rubber, who has furnished any return under sub-section (1) of section 21, or sub-section (1) of section 31 or sub-section (1) of section 34 containing any particular which is false and which he knew to be false or did not believe to be true, shall be punishable with fine which may extend to one thousand rupees. ^{Penalty for making false return.}

40. Whoever obstructs any member of the Committee or of a sub-committee or any officer of the Committee while such member or officer is entering upon or inspecting any rubber estate under sub-section (2) of section 31, and whoever, having control over or custody of any records of a rubber estate relating

to the
15

Indian Rubber Control. [ACT XXVIII OF 1934.]

to the cultivation and stocks of rubber on that estate, refuses or fails to produce such records when required by a member of the Committee or of a sub-committee or an officer of the Committee under that sub-section, shall be punishable with fine which may extend to one thousand rupees.

Penalty for obstructing inspection of factory.

41. Whoever obstructs any member of the Committee or of a sub-committee or any officer of the Committee while such member or officer is entering upon or inspecting a factory under section 35, and whoever, having control over or custody of any records of a factory relating to the manufacture in or export from the factory of rubber or to the stocks of rubber held in the factory, refuses or fails to produce such records when required by a member of the Committee or of a sub-committee or an officer of the Committee under that section, shall be punishable with fine which may extend to one thousand rupees.

Penalty for illicit cultivation.

42. Whoever plants rubber plants or causes rubber plants to be planted or replants or causes to be replanted any land in contravention of section 26 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

Removal of rubber plants planted without permission.

43. Where any person has been convicted of an offence under section 42 the convicting Court shall direct that the rubber plants in respect of which the offence was committed shall be removed from the land within a prescribed time, and in the event of the order not being duly complied with shall cause the rubber plants to be removed and recover the cost from the person convicted as if it were an arrear of land revenue due on the rubber estate on which the offence was committed.

Trial of offences under sections 38, 39, 40, 41 and 42.

44. (1) No Magistrate other than a Magistrate of the first class shall take cognizance of an offence under sections 38, 39, 40, 41 or 42 and such Magistrate may take cognizance of such an offence only upon complaint made by a person authorised by the Committee in this behalf, and with the previous sanction of the Local Government.

(2) The Committee shall be responsible for the conduct of all prosecutions of offences under sections 38, 39, 40, 41 and 42.