

JUTE PACKAGING MATERIALS ACT, 1987

An Act to provide for the compulsory use of jute packaging material in supply and distribution of certain commodities in the interests of production of raw jute and jute packaging material, and of persons engaged in the production thereof and for matters connected therewith. Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows.

1.

(1) This Act may be called the Jute Packaging Materials (Compulsory Use in Packing Commodities) Act, 1987.

(2) It extends to the whole of India.

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

2. In this Act, unless the context otherwise requires :-

(a) "commodity" means -

(i) any essential commodity ;

(ii) any article manufactured or produced by any scheduled

"essential commodity" industry ; as in the Essential Commodity

(b) shall have the same meaning as in the Essential Commodities Act, 1955 ;

(c) "Jute packaging material" means jute, jute yarn, jute twine, jute sacking cloth, hessian cloth, jute bags or any other packaging material containing not less than seventy-five per cent, by weight, of jute;

(d) "scheduled industry" shall have the same meaning as in the Industries (Development and Regulation) Act, 1951

(e) "Standing Advisory Committee" means the Standing Advisory committee constituted under section 4.

3. (i) Notwithstanding anything contained in any other law for the time being in force, the Central Government may, if it is satisfied, after consulting the Standing Advisory Committee, that it is necessary so to do in the interests of

production of raw jute and jute packaging material, and of persons engaged in the production thereof, by order published in the Official Gazette, direct, from time to time, that such commodity or class of commodities or such percentage thereof, as may be specified in the order, shall, on and from such date, as may be specified in the order, be packed for the purposes of its supply or distribution in such jute packaging material as may be specified in the order Provided that until such time as the Standing Advisory Committee is constituted under section 4, the Central Government shall, before making any order under this sub-section, consider the matters specified in sub-section (2) of section 4, and any order so made shall cease to operate at the expiration of three months from the date on which the Standing Advisory Committee makes its recommendations.

(ii) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case, prejudice to the validity of anything previously done under that order.

4. (1) The Central Government shall with a view to determining the commodity or class Of commodities or percentages thereof in respect of which jute packaging material shall be used in their packing, constitute a Standing Advisory Committee consisting of such persons as have, in the opinion of that Government the necessary expertise to give advice in the matter.

(2) The Standing Advisory Committee shall, after considering the following matters, indicate its recommendations to the Central Government, namely :-

- (a) the existing level Of usage of jute material ;
- (b) the quantity of raw jute available ;
- (c) the quantity of jute material available ;
- (d) the protection of interests of persons engaged in the
jute industry and in the production of raw jute ;
- (e) the need for continued maintenance of jute industry ;
- (f) the quantity Of commodities which, in its opinion is likely
to be required for packing in jute material ;
- (g) such other matters as the Standing Advisory Committee
may think fit.

5. Where an order has been made under section 3 requiring any commodity, Provided that nothing in this sction shall apply to the supply or distribution of any commodity, class of commodities or

percentage thereof for a period of three months from the aforesaid date if immediately before that date such commodity, class of commodities or percentage, thereof were being packed in any material other than jute packaging material.

6. The Central Government may, by order, require any person, who is required to use jute packaging material for packing under section 5, to furnish for the purposes of this Act,-

(a) such information in his possession, with respect to any commodity or class

of commodities or percentage thereof which requires such packing, to

any officer specified by it, in such form and within such period as may be

specified by that Government in the order

(b) such samples of jute packaging material for inspection by such officer at

such places and within such period as may be specified by it in the order.

7. Any officer authorized by the Central Government (hereinafter referred to as the authorized officer) may enter, at all reasonable times, any place, premises or vehicle where any commodity packed in jute packaging material is stored or kept for supply or distribution, and may require its production for inspection and ask for any information relating thereto.

8. (1) The authorized officer may, if he has reason to believe that any commodity has been packed in contravention of section 5 and is secreted in any place, premises or vehicle, enter into search such place, premises or vehicle for such commodity.

(2) Where, as a result of any search made under sub-section (1), any commodity packed in contravention of section 5 has been found the authorized officer may seize such commodity and any other thing which in his opinion, will be useful for, or relevant to any processing under this Act :-

(3) The provision of the code of criminal procedure 1973, relating to search and seizures shall, so far as may be apply to every search or seizure made under this section.

9. Whoever packs any commodity, class of commodities or any percentage thereof in any material in contravention of section 5 shall be punishable with fine any which may extend to an amount equal to double the cost of the jute packaging material which should have been used in accordance with the order made under section 3.

10. If any person when required by any order made under section 6 to furnish information or sample, fails to furnish such information or sample, or makes any statement or furnishes any information which is false in any material particular and which he knows, or has reasonable grounds to believe, or makes any statement or sample, fails to furnish such information or sample, or makes any statement or furnishes any information which is false in any material particular and which he knows, or has reasonable grounds to believe, or makes any statement or sample, fails to furnish such information or etc cause

to believe, to be false or does not believe it to be true, he shall be punishable with fine which may extend to five thousand rupees.

11. (1) Where an offence under this Act has been committed by a company, Of fences every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation-For the purposes of this section,-

(a) "company" means any body corporate and includes a firm or other association of individuals ; and

(b) "director", in relation to a firm, means a partner in the firm.

12. Notwithstanding anything contained in the code of Criminal Procedure, 1973, every offence punishable under this Act shall be cognizable.

13. The Central Government may, by order published in the Official Gazette, direct that the powers exercisable by it under any provision of this Act, other than the power to make orders under section 3 or under section 16 or to make rules under section 17, shall, in relation to such matters and subject to such conditions, if any, as may be specified in the order, be exercisable also by

(a) Such officer or authority subordinate to the Central government; or

(b) Such State Government or such officer or authority subordinate to a State

Government, as may be specified in the order.

14. The Central Government may give such directions as it may consider necessary to a State Government as to the carrying into execution of the provision of this act.

15. No suit, prosecution or other legal proceeding shall lie against the Central Government, State Government or any officer or employee of the Central Govt. of any state govt. or any authorised officer for anything which is in good faith done or intended to be done under this Act or any rule or order made there under.

16. (1) If the Central Government is of the opinion that it is necessary or expedient so to do in the public interest, it may, by order published in the Official Gazette, exempt any person or class of persons,

supplying or distributing any commodity or class of commodities, from the operation of an order made under section 3.

(2) while it is in session , for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

17. (1) The Central Govt may, by notification in the Official Gazette, make rules for carrying out the purposes of the act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.