

# West Bengal Act XXV of 1948

## THE WEST BENGAL RAW JUTE FUTURES ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 8th October, 1948.]

*An Act to provide for the prevention of dealing in raw jute futures.*

WHEREAS it is expedient to provide for the prevention of dealing in raw jute futures;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Raw Jute Futures Act, 1948.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of West Bengal.

West Ben.  
Ord. X of  
1948.

(3) It shall come into force on the date on which the West Bengal Raw Jute Futures Ordinance, 1948, ceases to operate.

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

Definitions.

(1) “contract relating to raw jute futures” means a contract relating to the sale or purchase of a screwed bale of raw jute made on a forward basis—

(a) providing for the payment or receipt, as the case may be, of margin in such manner and on such dates as may be specified in the contract, or

(b) by or with any person not being a person who—

(i) habitually deals in the sale or purchase of raw jute involving the actual delivery of possession thereof, or

(ii) possesses, or has control over, a godown and other means and equipments necessary for the storage and supply of raw jute;

(2) “margin” means the difference between the rate specified in a contract relating to the sale or purchase of a screwed bale of raw jute made on a forward basis and the rate prevailing on such date subsequent to the date of the contract as may be specified in the contract.

3. (1) The Provincial Government may, from time to time, if it so thinks fit, by notification in the *Official Gazette*, prohibit the making of contracts relating to raw jute futures and may, by like notification, withdraw such prohibition:

Power of  
Provincial  
Govern-  
ment to  
prohibit  
contracts  
relating to  
raw jute  
futures.

## (Section 4.)

Provided that the withdrawal of any such prohibition shall not affect the operation of the provisions of sub-section (2) in respect of any contract relating to raw jute futures made prior to the date on which the prohibition is withdrawn.

- (2) When the making of contracts relating to raw jute futures is prohibited by a notification under sub-section (1),—
- (a) no person shall make any such contract or pay or receive any margin except, in the case of any such contract made prior to the date of the notification, to the extent to which the payment or receipt, as the case may be, of margin is allowable on the basis of the last closing rate in a notified market;
- (b) no owner or occupier of any premises shall knowingly permit such premises to be used for the making of any such contract or for the payment or receipt of margin in contravention of the provisions of clause (a); and
- (c) notwithstanding anything contained in any other law for the time being in force,—
- (i) every such contract made, and every claim in respect of margin, in contravention of the provisions of clause (a), shall be void and unenforceable, and
- (ii) every such contract made prior to the date of publication of the notification shall be varied and settled on the basis of the last closing rate in a notified market.

*Explanation.*—In this sub-section,—

- (a) “last closing rate” means the rate fixed by the Directors of a notified market to be the closing rate of such market immediately preceding the date of publication of the notification under sub-section (1) prohibiting the making of contracts relating to raw jute futures; and
- (b) “notified market” means a raw jute futures market recognised by the Provincial Government by notification in the *Official Gazette*.

Penalty.

4. Whoever, in contravention of the provisions of section 3,—

- (a) makes a contract relating to raw jute futures, or pays or receives, as the case may be, margin, or
- (b) being the owner or occupier of any premises, knowingly permits such premises to be used for the making of a contract relating to raw jute futures, or for the payment or receipt of margin,

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(Sections 5, 6.)

shall, on conviction, be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Act V of  
1898.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Act shall be cognisable and non-bailable and shall not be triable by any Magistrate other than a Presidency Magistrate or Magistrate of the First Class.

Special  
procedure.

West Ben.  
Ord. X of  
1948.

6. Any notification issued or anything done or any action taken or any proceedings commenced in exercise of any power conferred by or under the West Bengal Raw Jute Futures Ordinance, 1948, shall, on the said Ordinance ceasing to operate, be deemed to have been issued, done, taken or commenced in exercise of powers conferred by or under this Act as if this Act had commenced on the 24th day of August, 1948.

Continu-  
ance of  
action  
taken  
under West  
Bengal  
Ordinance  
X of 1948.