

Kerala Cashew Factories (Acquisition) Amendment Act, 1995

14 of 1995

CONTENTS

1. Short Title And Commencement
2. Amendment Of Section 2
3. Insertion Of New Section 3A
4. Amendment Of Section 5
5. Amendment Of Section 6
6. Declaration As To Acquisition Of Certain Cashew Factories

SCHEDULE 1 :- Schedule I

Kerala Cashew Factories (Acquisition) Amendment Act, 1995

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An Act further to amend the Kerala Cashew Factories (Acquisition) Act, 1974. WHEREAS it is expedient to amend the Kerala Cashew Factories (Acquisition) Act, 1974 (29 of 1974) for the purposes hereinafter appearing; BE it enacted in the Forty-sixth Year of the Republic of India as follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Kerala Cashew Factories (Acquisition) Amendment Act, 1995.

(2) It shall be deemed to have come into force on the 1st day of May, 1984.

2. Amendment Of Section 2 :-

In section 2 of the Kerala Cashew Factories (Acquisition) Act, 1974 (29 of 1974) (hereinafter referred to as the principal Act), in clause (a), the words, figures and brackets or under sub-section (1) of section 3A shall be added at the end.

3. Insertion Of New Section 3A :-

In the principal Act, after section 3, the following section shall be inserted, namely:

3A. Power to acquire any cashew factory in public interest.-(1) Notwithstanding anything contained in section 3, if the Government are satisfied, in relation to a cashew factory, that it has been closed for a period of not less than three months and such closure has prejudicially affected the interest of the majority of the workers engaged in that factory and that immediate action is necessary to restart the cashew factory and such restarting is necessary in the public interest, they may, by order published in the Gazette, declare, that the cashew factory shall stand transferred to, and vest in, the Government:

Provided that no order under this sub-section shall be published unless the proposal for such acquisition is supported by a resolution of the Legislative Assembly.

(2) The provisions of sub-section (3) of section 3 and section 4 shall, as far as may be, apply to a declaration made under sub-section (1), as they apply to a declaration made under sub-section (1) of section 3.

(3) The provisions of section 7 to 16 (both inclusive) shall, as far as may be, apply to, or in relation to, the cashew factory, in respect of which a declaration has been made under sub-section (1), its occupier or Government, as the case may be, as they apply to a cashew factory in relation to which a declaration has been made under subsection (1) of section 3."

4. Amendment Of Section 5 :-

In sub-section (1) of section 5 of the principal Act, for the words, figure and brackets "or the publication of that notice under sub-section (2) of that section", the words, figures and brackets "or the publication of that notice under sub-section (2) of that section or after a resolution is passed by the Legislative Assembly under sub-section (1) of section 3A, as the case may be "shall be substituted.

5. Amendment Of Section 6 :-

In section 6 of the principal Act, for the words, figures and brackets o r the publication of that notice under subsection (2) of that section", the words, figures and brackets "or the publication of that notice under sub-section (2) of that section or after a resolution is passed by the Legislative Assembly under sub-section (1) of section 3A, as the case may be," shall be substituted.

6. Declaration As To Acquisition Of Certain Cashew Factories :-

(1) It is hereby declared that it is expedient in the public interest that the cashew factories specified in the Schedule to this Act shall, notwithstanding any thing contained in any judgment, decree or order of any court, tribunal or other authority and notwithstanding anything contained in any other law, agreement or other instrument for the time being in force, stand transferred to, and vest in, the Government with effect from the date noted against each.

(2) The provisions of section 4, section 7 to 16 (both inclusive) of the principal Act shall, as far as may be, apply to, or in relation to, the cashew factory in respect of which sub-section (1) apply, as they apply to a cashew factory in relation to which a declaration has been made under sub-section (1) of section 3A.

(3) For removal of doubt it is hereby declared that the dates mentioned in the Schedule against each factory shall be the appointed day in respect of that factory for the purposes of the principal Act.

(4) All acts, proceedings or things done or taken by the Government or any officer or authority in respect of cashew factories mentioned in the Schedule including all the orders issued under sub section (1) of section 8, during the periods commencing on and from the dates noted against each and ending with the date of publication of this Act in the Gazette, shall, for all purposes, be, and shall be deemed always to have been, as valid and effective as if the amendments made to the principal Act by this Act had been in force at all material times

SCHEDULE 1

Schedule I

(See Section 6)

Sl.No.	Reg. No. of the Factory	Name, description and details of factories	Date from which it is vested in Government
1.	K.U. 28	M/s Grand Gashed Corporation, Chengamanad, located at Melila Village, Kottarakkara Taluk, Kollam District	11-5-1984
2.	K.U. 96	M/s K. A. Karim and Sons, Kilikolloor, located at Kilikolloor Village, Kollam Taluk, Kollam District	11-5-1984
3.	O. 38	M/s P.K Damodar Cashew Company.	27-7-1984

		M/s. The Standard Cashew Company,, Eravipuram, located at Eravipuram Village, Kollam Taluk, Kollam District	27-7-1984
4.	Q. 97	M/s Quilon Exports, Chathanloor, located at Chathanloor Village, Kollam Taluk, Kollam District	27-7-1984
5.	Q. 150	M/s. Dhanalekshmi Exports, Navaikulam, located at Navaikulam Village, Chirayinkil Taluk, Thiruvananthapuram District	27-7-1984
6.	K.U. 59	M/s Rajasree Exports Enterprises, Perinadu, located at Perinadu Village, Kollam Taluk, Kollam District	27-7-1984
7.	K.U. 207	M/s Viswanath Cashew Factory, Chathinakulam, located at Kilikolloor Village, Kollam Taluk, Kollam District	8-2-1985
8.	K.U. 185	M/s Dalmia International, Perumpuzha, located at Kottamkara Village, Kollam Taluk, Kollam District	8-2-1985
9.	A.P. 9	M/s Standard Cashew Industries, Pathiyoor, located at Pathiyoor Village, Karthikappally Taluk, Alappuzha District	25-4-1985
10.	A.P. 11	Rajmohan, Cashew Limited, Eruva, located at Eruva, Kayamkulam in Karthikappally Taluk, Alappuzha District	11-6-1986