

Kerala Raw Cashewnuts (Procurement And Distribution) Amendment Act, 1983

5 of 1983

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An Act to amend the Kerala Raw Cashew nuts(Procurement and Distribution) Act, 1981. Whereas it is expedient to amend the Kerala Raw Cashewnuts (Procurement and Distribution) Act, 1981, for the purposes hereinafter appearing; BE it enacted in the Thirty-fourth Year of the Republic of Indians follows:-

1. Short Title And Commencement :-

(1) This Act may be called the Kerala Raw Cashew nuts(Procurement arid Distribution) Amendment Act, 1983.

(2) It shall be deemed to have come into force on the 22 nd day of February, 1983.

2. Substitution Of New Long Title For Existing Long Title :-

In the Kerala Raw Cashewnuts (Procurement and Distribution) Act, 1981 (14 of 1981) (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:
"An Act to make provisions for facilitating the maintenance of supplies of raw cashewnuts to the cashew factories in the State and for matters incidental thereto."

3. Amendment Of Preamble :-

In the preamble to the principal Act, for the sixth paragraph, the following paragraph shall be substituted, namely:

"AND whereas in the circumstances, it is considered necessary to make provisions for facilitating the maintenance of supplies of raw cashewnuts produced within the State to the cashew factories in the State and for fixation of a minimum price for such raw cashewnuts;"

4. Amendment Of Section 1 :-

In section 1 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:

"(1) This Act may be called the Kerala Raw Cashew nuts (Marketing and Transport and Fixation of Minimum Price) Act, 1981."

5. Amendment Of Section 2 :-

In section 2 of the principal Act

(i) for clause (a), the following clause shall be substituted, namely:

"(a) "agent" means the agent appointed under sub-section (2) of section 3;"

(ii) after clause (d), the following clause shall be inserted namely:

"(dd) "licensee" means a person to whom a licence to purchase raw cashewnuts is granted under section 2A; "

(iii) for clause (e), the following clause shall be substituted, namely:

"(e) "minimum price", in relation to raw cashewnuts, means the price notified under sub-section (2) of section 5;"

(iv) after clause (1), the following clause shall be inserted, namely:

"(m) "sub-licensee" means a sub-licensee appointed by a licensee under section 2 C."

6. Insertion Of New Sections 2A, 2B And 2C :-

After section 2 of the principal Act, the following sections shall be inserted, namely;

"2A. Grant of licence for purchase of raw cashewnuts.-(i) Any occupier may, within a period of thirty days from the commencement of the Kerala Raw Cashewnuts (Procurement and Distribution) Amendment Act, 1983, or within such further period as may be specified by the Government in this behalf, make an application to the competent authority for a licence to purchase raw cashewnuts.

(a) An application under sub-section (1) shall be in the prescribed form and shall be verified in the prescribed manner and shall be affixed with a court fee stamp of the value of two rupees.

(b) On receipt of an application under sub-section (1), the competent authority shall, after such inquiry as it considers necessary, grant the licence applied for or reject the application :
Provided that before rejecting an application, the applicant shall be given an opportunity to state his case against such rejection.

(c) The licence shall be in such form and shall be subject to such terms and conditions as may be prescribed.

(d) The fee for a licence under this section shall be one thousand rupees.

2B. Suspension of licence.-Where the competent authority is satisfied that a licensee has contravened any of the provisions of this Act or of any of the terms and conditions of the licence, it may, without prejudice to any other action under this Act, by order, suspend the licence for such period, not exceeding six months, as may be specified in the order:

Provided that no licence shall be suspended without giving the licensee an opportunity to state his case against such suspension.

2C. Appointment of sub licensees.-A licensee may, by order in writing, appoint any person as a sub-licensee for the purposes of this Act and define the local area for which he is so appointed:

Provided that no such order shall be valid unless it is countersigned by officer authorised by the Government in this behalf."

7. Substitution Of New Section For Section 3 :-

For section 3 of the principal Act, the following section shall be substituted, namely:

"3. Persons authorised to purchase raw Cashewnuts.-(1) No person shall sell any raw cashew nut within the State except to a licensee or a sub-licensee or the agent or a sub-agent and no person other

than a licensee or a sub- licensee or the agent or a sub-agent shall purchase any raw cashew nut within the State.

(2) The Government may appoint an agent for the purpose of purchase of raw cashewnuts within the State.

(3) No person other than a co-operative society shall be appointed as the agent under subsection (2).

8. Amendment Of Section 4 :-

In section 4 of the principal Act,

(a) in the opening paragraph, for the words the Agent, the words a licensee or a sub-licensee or the agent shall be substituted;

(b) the proviso shall be omitted.

9. Substitution Of New Sections For Sections 5 And 6 :-

For sections 5 and 6 of the principal Act, the following sections shall be substituted, namely:

5. Minimum price to be paid for raw cashewnuts .--(1) licensee or a sub-licensee or the agent or a sub-agent shall not purchase raw cashewnuts at a price which is less than the minimum price notified under sub-section (2).

(2) For the purposes of sub-section (1), the Government shall, from time to time, notify in such manner as they think fit the minimum price of raw cashewnuts in the different localities in the state.

(3) Subject to such rules as to quality, as may be made by the Government in this behalf, the agent or a sub-agent shall not refuse to purchase at the minimum price any raw cashewnut tendered to him by or on behalf of any cultivator.

6. Agent, licensees and sub-licensees to furnish return.--(1) The agent and every licensee shall furnish to the Government and to any officer specified by the Government in this behalf by notification in the Gazette, on such day or days as may be prescribed, a return in the prescribed form showing the place or places where raw cashewnuts have been stocked by him, the quantity thereof and the price paid by him therefor.

(2) Every sub-licensee shall furnish to an officer specified by the Government in this behalf by notification in the Gazette, on such day or days as may be prescribed, a return in the prescribed form showing the place or places where raw cashewnuts have been stocked by him and the quantity thereof."

10. Amendment Of Section 10 :-

In section 10 of the principal Act, in clause (b), for the words and figures "the provisions of section 11", the words "the direction issued by the Government in this behalf" shall be substituted.

11. Omission Of Sections 11, 12 And 13 :-

Sections 11, 12 and 13 of the principal Act shall be omitted.

12. Substitution Of New Section For Section 14 :-

For section 14 of the principal Act, the following section shall be substituted, namely:

"14. Processing of raw cashewnuts to be done in registered factories within the State.-A licensee shall not process the raw cashewnuts purchased by him or on his behalf within the State except in a. cashew factory in the State, which is registered in pursuance of the rules made under the Factories Act, 1948 (Central Act 63 of 1948) and of which he is the occupier.

Explanation. For the purposes of this section, "processing" means roosting, shelling, peeling or grading."

13. Amendment Of Section 15 :-

In section 15 of the principal Act, in the proviso, for the words "the agent or a sub-agent", the words "a licensee of a sub-licensee or the agent or a sub-agent" shall be substituted.

14. Amendment Of Section 20 :-

In section 20 of the principal Act, in sub section (2), for the words, brackets and figures "at the highest price notified under sub-section (2) of section 5", the words "at the minimum price" shall be substituted.

15. Amendment Of Section 22 :-

In section 22 of the principal Act, in sub section (2),

(a) for the words "be paid the price", the words "be paid the minimum price" shall be substituted;

(b) the words and figure "and such price shall be determined in accordance with the provisions of section 5" shall be omitted.

16. Repeal And Saving :-

(1) The Kerala Raw Cashewnuts (Procurement and Distribution) Amendment Ordinance, 1983 (7 of 1983), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.