

THE KERALA CASHEW FACTORIES (ACQUISITION)

AMENDMENT BILL, 2009

[As passed by the Assembly]

A

BILL

further to amend the Kerala Cashew Factories (Acquisition) Act, 1974.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Cashew Factories (Acquisition) Act, 1974 for the purposes hereinafter appearing ;

BE, it enacted in the Sixtieth 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, 2009.

(2) It shall be deemed to have come into force on the 1st day of August, 2009.

2. *Amendment of Section 2.*—In section 2 of the Kerala Cashew Factories (Acquisition) Act, 1974 (29 of 1974), (hereinafter referred to as principal Act) in clause (a), the following shall be added at the end, namely :—

“or under section 3B”

3. *Amendment of section 3.*—In section 3 of the Principal Act, in subsection (1), for clause (c) except the proviso and the Explanation, the following clauses shall be inserted, namely :—

“(c) that there has been large scale unemployment other than by way of lay off or retrenchment of the workers of a cashew factory ; or

“(d) that the cashew factories possessed by the Kerala State Cashew Development Corporation either under a lease existing or expired or under requisition current or expired and returned to their owners pursuant to any judgment, order or decree of any court, tribunal or other authority or on the KNPP. 828/2009.

expiry of any contract or agreement, the employees/workers therein may be rendered unemployed,

by order published in the Gazette, declare that those cashew factories shall stand transferred to, and vest in, the Government.”;

4. *Insertion of new section 3B.*—After section 3A of the principal Act, the following section shall be inserted, namely :—

“3B. *Acquisition of Cashew Factories, which are in the possession of the Kerala State Cashew Development Corporation (KSCDC) either under a lease existing or expired or under requisition current or expired.*—Notwithstanding anything contained in section 3 or 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, if the Government are of opinion that the cashew factories specified in schedule II of this Act now in the possession of Kerala State Cashew Development Corporation either under a lease existing or expired or under requisition current or expired, if returned to their respective owners, they may not provide employment to the entire/any of the employees/workers and such employees/workers may be rendered unemployed and in order to continue to provide employment to such employees/workers the Government, may in public interest by order published in the Gazette, declare that those factories shall stand transferred to, and vest in, the Government.”.

5. *Amendment of section 5.*—After sub-section (3) of section 5 of the principal Act, the following sub-section shall be inserted, namely :—

“(4) In the case of the Cashew Factories which are originally leased or requisitioned and now in the possession of Kerala State Cashew Development Corporation, the inventory prepared originally shall be the inventory for all purposes.”.

6. *Amendment to the Schedule.*—The existing Schedule of the principal Act shall be numbered as “Schedule I” and after the Schedule I as so numbered, the following Schedule shall be added, namely :—

“SCHEDULE II

(See section 3 B)

<i>Sl. No.</i>	<i>Reg. No. of the cashew factory</i>	<i>Name, description and details of cashew factory</i>	<i>Name and address of the owner</i>
(1)	(2)	(3)	(4)
1	Reg. No. AP. 10	Fy. No. 4. Krishnapuram, Kayamkulam, Located at Krishnapuram Village, Karthikapally Taluk, Alleppey Dist., taken over on lease on 1-3-1971	Shri S. Ramachandra Naik, 23-2002 Kadri Temple Road, Mangalore.
2	Reg. No. KU.2	Fy. No. 5, Mynagappally, Karunagappally located at Mynagappally Village, Karunagappally Taluk, Kollam Dist., taken over on lease on 15-3-1971	Smt. K. Devayani Amma, Jupiter Cashew Co., Kochupilammoodu, Kollam.
3	Reg. No. KT. 72	Fy. No. 7, Nooranadu, Kayamkulam, Located at Nooranadu Palamel Village, Mavelikkara Taluk, Alleppey Dist., taken over on lease on 11-5-1971	T. G. Walter, Mammikunnu Benglow, Mundakkal, Kollam.
4	Reg. No. KU. 78	Fy. No. 8, Puthoor, Kollam Located at Pavithreswaram Village, Kollam Taluk, Kollam District, taken over on lease on 12-5-1971	S. Ramachandra Naik, 23-2002 Kadri Temple Road, Mangalore
5	Reg. No. Q. 1	Fy. No. 9, Kilimanoor, Trivandrum, located at Pazhayakunnummel Village, Chirayinkeezh Taluk, Trivandrum Dist., taken over on lease on 3-6-1971	Smt. Devayani Amma, Jupiter Cashew Co., Kochupilammoodu, Kollam.

(1)	(2)	(3)	(4)
6	Reg. No. KU. 64	Fy. No. 11, Edamulakkal, Edamulakkal Village, Pathanapuram Taluk, Kollam Dist., taken over on lease on 14-4-1971	M/s Ramsons & Co., Kollam-4.
7	Reg. No. Q. 55	Fy. No. 12, Chathannoor, Meenadu Village, Kollam Taluk, Kollam Dist., taken over on lease on 16-8-1971	Badarudeen Musaliar, Kandannachalil House, Kilikolloor, Kollam-4.
8	Reg. No. KU. 36	Fy. No. 14, Bharanikkavu, Sasthamcottah Village, Kunnathoor Taluk, Kollam Dist., taken over on lease on 9-2-1972	Smt. Umaiban Beevi, Kambikettle Veedu, Kilikolloor, Kollam.
9	Reg. No. KU. 41	Fy. No. 16, Adinadu, Kulasekharapuram Village, Karunagappally Taluk, Kollam Dist., taken over on lease on 7-2-1972	Smt. B. Leela, Padmalayam, Uliyacovil, Kollam.
10	Reg. No. KU. 53	Fy. No. 20, Elampalloor, Elampalloor Village, Kollam Taluk, Kollam Dist., taken over on lease on 14-2-1972	K. Mydeen Kunju & Sons, Kuthirapanthiyil Bunglow, Thevally, Kollam.
11	Reg. No. KU. 70	Fy. No. 22, Nedumpaikulam, Ezhukone Village, Kollam Taluk, Kollam Dist., taken over on lease on 28-2-1972	K. Suresh, Managing Partner, Shanmughavilas, Kilikolloor, Kollam.
12	Reg. No. KT. 71	Fy. No. 24, Karimulakkal, Chunakkara Village, Mavelikkara Taluk, Alleppey Dist., taken over on lease on 18-5-1972	T. G. Walter, Mammikunnu Benglow, Kochupilammoodu, Kollam.

(1)	(2)	(3)	(4)
13	Reg. No. KU. 88	Fy. No. 26, Thettikuzhy, Thazhuthala Village, Kollam Taluk, Kollam Dist., taken over on lease on 11-3-1974	Smt. Ummasalummal, Kuruttazhikathu Veedu, Umayanalloor, Kollam.
14	Reg. No. Q. 95	Fy. No. 27, Eravipuram, Eravipuram Village, Kollam Taluk, Kollam Dist., taken over on lease on 13-3-1974	M/s Ramsons & Co., Kollam-4.
15	Reg. No. Q. 96	Fy. No. 28, Parippally, Parippally Village, Kollam Taluk, Kollam Dist., taken over on lease on 13-3-1974	M/s Ramsons & Co., Kollam-4.
16	Reg. No. KU. 86	Fy. No. 29, Paruthumpara, Mulavana and Ezhukone Village, Kollam Taluk, Kollam Dist., taken over on lease on 11-3-1974	M/s M. P. Govindan & Sons, Kollam-4.
17	Reg. No. KU. 158	Fy. No. 30, Kunnathoor, Kunnathoor Village, Kunnathoor Taluk, Kollam Dist., taken over on lease on 21-3-1974	G. Bhanu Asan, Vishnu Nivas, Pattathanam, Kollam Present: Sushamma, Sitaram, Acharandil House, Pattathanam, Kollam.
18	Reg. No. Q. 31	Fy. No. 32, Kanjamkadu, Kollam Corporation, Kollam Taluk, Kollam Dist., taken over on lease on 23-3-1974	Smt. Rajeswari, W/o Govindaraja Reddiyar, Raji Nivas, N.A.N.R. Compound, Main Road, Kollam.
19	Reg. No. Q. 243	Fy. No. 33, Kadakkal, Kadakkal Village, Kottarakkara Taluk, Kollam Dist., taken over on lease on 29-4-1974	Smt. B. Jalaja Kumari, Bhaskara, Temple Lane, Medical College P. O., Ulloor, Trivandrum.

(1)	(2)	(3)	(4)
20	Reg. No. KU. 9	Fy. No. 34, Chengamanadu, Melila Village, Kottarakkara Taluk, Kollam Dist., taken over on lease on 13-6-1974	Smt. Rajeswari, W/o Govindaraja Reddiyar, Raji Nivas, N.A.N.R. Compound, Main Road, Kollam.”.
