

Passed on: 29/7/2015

THE KERALA CASHEW FACTORIES (ACQUISITION)  
AMENDMENT BILL, 2015

(As passed by the Assembly)

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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 Sixty-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, 2015.

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

2. *Amendment of section 3A.*—In section 3A of the Kerala Cashew Factories (Acquisition) Act, 1974, (hereinafter referred to as the principal Act), in sub-section (1),—

(i) after the words, “closed for a period of not less than three months” the words “prior to the date of coming into force of this Act or any day thereafter” shall be added;

(ii) in the proviso, after the words “resolution of the Legislative Assembly”, the words, figures and brackets, “which shall be passed within a period of six months from the date of publication of the order under sub-section (1) of this section” shall be added;

(iii) after the proviso, the following explanation shall be inserted, namely:—

“*Explanation.*—The vesting in pursuance of the order mentioned in sub-section (1) shall take effect on the date of publication of such order.”

3. *Insertion of section 6A.*—After section 6 of the principal Act, the following section shall be inserted, namely:—

“6A. *Acquisition of factories specified in Schedule III.*—(1) Notwithstanding anything 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, it is hereby declared that it is expedient in public interest that the cashew factories specified in Schedule III of this Act shall, stand transferred to, and vest in, the Government with effect from the date noted against each:

Provided that such transfer shall be supported by a resolution of the Legislative Assembly which shall be passed within a period of six months from the date of publication of the Kerala Cashew Factories (Acquisition) Amendment Act, 2015 in the Gazette.

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

(3) For the 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 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 III 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 the Kerala Cashew Factories (Acquisition) Amendment Act, 2015 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 Act by the said amendment Act had been in force at all material times.”.

4. *Amendment of section 9.*—In section 9, after sub-section (7), the following sub-sections shall be inserted, namely:—

“(8) Notwithstanding anything contained in any other law for the time being in force or any judgment, order or decree passed by any court, tribunal or authority, where the occupier or owner of a cashew factory has accepted the amount determined in accordance with the provisions herein contained, the cashew factory shall be deemed to have been conveyed to the Government by means of execution of a conveyance as defined in section 54 of the Transfer of Property Act, 1882 (Central Act 4 of 1882) and accordingly the right, title and interest of the occupier or owner shall stand extinguished upon the date of receipt of the compensation.

(9) If the conveyance referred to in sub-section (8) has taken place, the Government shall not be obliged to give possession, right and title of the factory back to the owners/occupiers.”

5. *Insertion of Schedule III.*—After Schedule II of the principal Act, the following Schedule shall be inserted, namely:—

SCHEDULE III

(See Section 6A)

<i>Sl. No.</i>	<i>Reg. No. of the factory</i>	<i>Name, description and details of factories</i>	<i>Date from which it is vested in Government</i>
(1)	(2)	(3)	(4)
1	K.U.28	M/s Grand Cashew Corporation, Chengamanad, located at Melila Village, Kottarakkara Taluk, Kollam District.	11-5-1984

(1)	(2)	(3)	(4)
2	K.U.96	M/s K. A. Karim & Sons, Kilikolloor, located at Kilikolloor Village, Kollam Taluk, Kollam District.	11-5-1984
3	Q.38	M/s P. K. Damodar Cashew Company, Eravipuram, located at Eravipuram Village, Kollam Taluk, Kollam District.	27-7-1984
4	Q.97	M/s Quilon Exports, Chathannoor, located at Chathannoor 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 Entreprises, Perinadu, located at Perinadu Village, Kollam Taluk, Kollam District.	27-7-1984
7	K.U.207	M/s Viswanath Cashew Factory, Chathinamkulam, 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

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(1)	(2)	(3)	(4)
10	A.P.11	Rajmohan Cashew Limited, Eruva, located at Eruva, Kayamkulam in Karthikappally Taluk, Alappuzha District.	11-6-1986.

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