

Cardamom (Licensing and Marketing) Rules, 1987

CONTENTS

1. Short title and commencement
2. Definitions
3. Conditions to carry on business in cardamom
4. Licensing of persons to carry on business of cardamom
5. Renewal of Licences.
6. Validity of licence
7. Suspension or cancellation of licence
8. Appeal
9. Returns to be submitted by licensees

Cardamom (Licensing and Marketing) Rules, 1987

In exercise of the powers conferred by Section 38 of the Spices Board Act, 1986, (10 of 1986) and in supersession of the Cardamom (Licensing and Marketing) Rules, 1977, the Central Government hereby makes the following rules, namely :-

1. Short title and commencement :-

- (1) These rules may be called the Cardamom (Licensing and Marketing) Rules, 1987.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires :-

- (a) 'Act' means the Spices Board Act, 1986 ;
- (b) 'auctieneer' means a person engaged in the business of conducting cardamom auctions;
- (c) 'Dealer' means a person engaged in the business of purchasing and selling of cardamom but does not include any auctioneer or exporter;
- {d) 'form' means a form appended to these rules ;
- (e) 'Person' means an individual and includes company, firm, society and any other association or body of individuals, whether

incorporated or not.

3. Conditions to carry on business in cardamom :-

(1) No person shall carry on business as auctioneer or dealer of cardamom except under and in accordance with the terms and conditions of a licence issued under these rules and such other instructions as may be issued, from time to time, by the Board for the development of the cardamom industry.

(2) No producer of cardamom shall sell his produce otherwise than through a Licensed auctioneer or to a dealer licensed to purchase cardamom from producers:

Provided that the Board may, if it is satisfied that to ensure remunerative returns to growers, it is necessary to route all cardamom through auctions, require producers to sell their produce to the licensed dealers through auctions alone.

4. Licensing of persons to carry on business of cardamom :-

(1) Any person desiring to carry on business as auctioneer or dealer in any year may apply in Form A to the Board for a licence:

Provided that separate applications shall be necessary where a person desires to be licensed in more than one capacity:

Provided further that separate licence shall be necessary for an auctioneer in respect of each centre if he desires to conduct auctions in more than one centre.

¹(2) Every application for,

(i) cardamom auction shall be accompanied by a fee of five thousand rupees;

(ii) cardamom dealership shall be accompanied by a fee of one thousand rupees,

¹ (3) The Board may, if it is satisfied as to the suitability of the applicant, issue a licence to him either in Form B or Form B1, as the case may be".

1. In Rule 4, sub-rule (2) and (3) shall be substituted by Cardamom (Licensing and Marketing) Amendment Rules, 2002., Noti No. F. No. 07/01/2001-EP (Agri-V), dt. 13/09/2002, Gaz. of India, Exty., Pt. II-Sec. 3(i), No. 324, dt. 13/09/2002. p. 10.

5. Renewal of Licences. :-

1

(1) any person desiring to renew his licence as auctioneer or dealer may submit his application to the Board accompanied by the fees as referred to in sub-rule (2) and in Form A so as to reach the Board on or before the 30th of June of the year in which the licence expires.

Provided that the Board may entertain an application for renewal of licence up to the date of expiry of the licence on payment of an additional fee of Rs. 250/- for the delay of every month or part thereof in case of auctioneer licence and an additional fee of Rs. 100/- for delay of every month or part thereof in case of dealer licence,

(2) Every application for renewal of a licence referred to in item (1) of sub-rule (2) of Rule 4 shall be accompanied by a fee of

(i) five thousand rupees where the average auction turn over does not exceed one crore rupees;

(ii) ten thousand rupees where the average auction turn over exceeds one crore rupees but does not exceed ten crore rupees;

(iii) twenty-five thousand rupees where the average auction turn over exceeds ten crores rupees, in any three immediately preceding financial years;

(3) Every application for renewal of licence referred to in item (ii) of sub-rule (2) of Rule 4 shall be accompanied by a fee of one thousand rupees.

1. Rule 5, shall be substituted by Cardamom (Licensing and Marketing) Amendment Rules, 2002. , Noti No. F. No.07/01/2001-EP (Agri-V), dt. 13/09/2002, Gaz. of India, Exty., Pt. II-Sec. 3(i), No. 324, dt. 13/09/2002. p. 10.

6. Validity of licence :-

The licence shall normally be valid for a period of three years :
Provided that the Board may issue a licence for a shorter period for reasons to be recorded in writing.

7. Suspension or cancellation of licence :-

(1) If the Board is satisfied that a licensee has violated any of the conditions of the licence or any provision of the Act or rules made thereunder or in general or specific directions issued by the Board

or an authorised officer of the Board or that any person to whom licence has been issued under these rules has obtained such licence by fraud or misrepresentation) it may, without prejudice to any other action which may be taken under any other law, after giving a reasonable opportunity to such licensee of being heard and for reasons to be recorded in writing, suspend or cancel such licence by an order in writing.

(2) A copy of the order made under sub-rule (1) shall be communicated to the licensee.

8. Appeal :-

(1) Any person aggrieved by an order of the Board refusing to issue or renew a licence or suspending or revoking a licence may, within 60 days from the date of making of such order, appeal to the Central Government.

(2) On receipt of the appeal under sub-rule (1), the Central Government shall after giving a reasonable opportunity to the appellant of being heard, pass such order as it may deem fit.

9. Returns to be submitted by licensees :-

Every licensee shall from time to time, maintain and submit such registers and returns as may be required under the conditions on which the licence is issued.