

*Rep. by Act 52 of 1964, s. 2 + sch. I (a.c.f. 29.12.6)*

THE COFFEE (AMENDMENT) ACT, 1961

No. 48 OF 1961

[7th December, 1961]

An Act further to amend the Coffee Act, 1942.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

Short title  
and com-  
mencement.

1. (1) This Act may be called the Coffee (Amendment) Act, 1961.

(2) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 3.

2. In section 3 of the Coffee Act, 1942 (hereinafter referred to as the principal Act),—

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

‘(i) “owner”, in relation to any land planted with coffee plants, includes,—

(1) any agent of the owner, and

(2) a mortgagee, lessee or other person in actual possession of the land;’; and

(b) for clause (n), the following clause shall be substituted, namely:—

‘(n) “year” means the period of twelve months beginning with the first day of July and ending with the thirtieth day of June next following.’

Amendment  
of section 4.

3. In section 4 of the principal Act,—

(i) for sub-sections (2) and (2A), the following sub-sections

[497]

19-4-1962; vide Notification No. G.S.R. 947, dated 19-4-1962, Gazette of India, Extraordinary, Part II, Sec. 3 (i), p. 267.

*Rep. by Act 52 of 1969.*

[ACT 48 OF 1961]

Coffee (Amendment)

521

shall be substituted, namely:—

“(2) The Board shall consist of—

(a) a Chairman to be appointed by the Central Government by notification in the Official Gazette;

(b) three Members of Parliament of whom two shall be elected by the House of the People and one by the Council of States; and

(c) such number of other members not exceeding twenty-nine as the Central Government may think expedient, to be appointed by that Government by notification in the Official Gazette from among persons who are in its opinion capable of representing,—

(i) Governments of the principal coffee-growing States;

(ii) coffee-growing industry;

(iii) coffee trade interests;

(iv) curing establishments;

(v) interests of labour;

(vi) interests of consumers; and

(vii) such other interests as, in the opinion of the Central Government, ought to be represented on the Board.

(2A) The number of persons to be appointed as members from each of the categories specified in clause (c) of sub-section (2), the term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Board shall be such as may be prescribed.”;

(ii) sub-section (3) shall be omitted.

4. In section 12 of the principal Act, the words, brackets and figures “, except coffee sold and delivered before the estate became subject to the provisions of sub-section (1) of section 14,” shall be omitted. Amendment of section 12.

5. In section 13 of the principal Act, in sub-section (1), the words “and of any fees” shall be omitted. Amendment of section 13.

6. In section 14 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be Amendment of section 14.

substituted, namely:—

“(1) Every owner of land planted with coffee plants, whether such land is comprised in one estate or in more than one estate and whether it is situated wholly or only partly in India, shall, before the expiration of one month from the date on which he first became owner of such estate or estates, apply to the registering officer appointed in this behalf by the State Government to be registered as an owner in respect of each estate owned by him; and any registration made before the commencement of the Coffee (Amendment) Act, 1961 shall be deemed to have been made under this sub-section.”;

(b) sub-sections (2) and (4) shall be omitted.

Amendment  
of section 17.

7. In section 17 of the principal Act,—

(a) for the words, brackets and figures “No registered owner shall, before the estate became subject to the provisions of sub-section (1) of section 14,” the words “No registered owner shall” shall be substituted; and

(b) the proviso shall be omitted.

Omission of  
section 19.

8. Section 19 of the principal Act shall be omitted.

Amendment  
of section 20.

9. In section 20 of the principal Act, in the first proviso, for clauses (ii), (iii) and (iv), the following clauses shall be substituted, namely:—

“(ii) carried as personal baggage of a passenger, not exceeding such quantities as the Central Government may, by notification in the Official Gazette, specify, or

(iii) exported for such purposes and in such quantities as the Central Government may specify in the like manner.”.

Amendment  
of section 31.

10. In section 31 of the principal Act, in sub-section (1),—

(a) in clause (b), for the word and figures “section 32.”, the words and figures “section 32; and” shall be substituted;

(b) after clause (b), the following clause shall be inserted, namely:—

“(c) all fees levied and collected by the Board under this Act.”.

Amendment  
of section 36.

11. In section 36 of the principal Act, in sub-section (1), the words and figures “and any person who contravenes the provisions of section 19” shall be omitted.

12. Section 41 shall be omitted.

Omission of section 41.

13. In section 48 of the principal Act,—

Amendment of section 48.

(a) in sub-section (2), for clauses (i) and (ii), the following clauses shall be substituted, namely:—

“(i) the constitution of the Board, the number of persons to be appointed as members from each of the categories specified in clause (c) of sub-section (2) of section 4, the term of office and other conditions of service of, the procedure to be followed by, and the manner of filling vacancies among, the members of the Board;

(ii) the circumstances in which, and the authority by which, members may be removed;”;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

14. On the commencement of this Act, the Board constituted under section 4 of the principal Act shall stand dissolved and shall be reconstituted in the manner provided in section 4 of that Act as amended by section 3 of this Act.

Reconstitution of Board on commencement of this Act.