

THE COFFEE (AMENDMENT) ACT, 1994

No. 23 OF 1994

[28th March, 1994.]

An Act further to amend the Coffee Act, 1942.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short
title and
commence-
ment.

1. (1) This Act may be called the Coffee (Amendment) Act, 1994.

(2) It shall be deemed to have come into force on the 14th day of January, 1994.

Amend-
ment of
section
3.

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

7 of 1942.

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

‘(c) “Collector” means a Collector of Customs as defined in clause (8) of section 2 of the Customs Act, 1962;’

52 of 1962.

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

‘(h) “free sale quota” means that portion, stated in terms of bulk or weight, of the whole of the coffee produced by the estate in the year, which a registered estate is permitted under this Act to sell;’

Omis-
sion of
section
12.

3. Section 12 of the principal Act shall be omitted.

Substitu-
tion of
new
section for
section
13.

4. For section 13 of the principal Act, the following section shall be substituted, namely:—

Payment
of pro-
ceeds of
duty
to the
Board.

“13. (1) The proceeds of the duty of customs levied under this Act (all of which shall form part of the Consolidated Fund of India), reduced by the cost of collection as determined by the Central Government, shall, if Parliament by appropriation made by law in this behalf so provides, be paid to the Board for being utilised for the purposes of this Act.

52 of 1962.

(2) The provisions of the Customs Act, 1962, and the rules and regulations made thereunder, shall, as far as may be, apply in relation to—

(a) the refund of the duty of customs where coffee is exported and subsequently imported into India; and

(b) the export, without payment of the duty of customs, of coffee which is subsequently to be imported into India.”

5. For section 17 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 17.

“17. No registered owner shall sell or contract to sell coffee from any registered estate if by such sale the free sale quota allotted to that estate is exceeded nor shall a registered owner sell or contract to sell any coffee produced on his estate in any year for which no free sale quota is allotted to the estate.”

Sale of coffee in excess of free sale quotas.

8 of 1878.

52 of 1962.

6. In section 20 of the principal Act, for the words and figures “Sea Customs Act, 1878, shall have effect as if the provision made by this section had been made by notification issued under section 19”, the words and figures “Customs Act, 1962, shall have effect as if the provision made by this section had been made by notification issued under section 11” shall be substituted.

Amendment of section 20.

7. For section 22 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 22.

“22. (1) Unless with the previous sanction of the Central Government the Board decides that no free sale quotas shall be allotted, the Board shall, as soon as may be, allot to each registered estate a free sale quota for the year.

Free sale quota.

(2) The free sale quota shall be a fixed percentage, common to all registered estates, not exceeding fifty per cent. of the probable total production of the estate in the year as estimated by the Board:

Provided that the Board may, with the previous sanction of the Central Government, allot such quota at a percentage higher than fifty per cent. of the said probable total production.

(3) The Board may at any time vary the free sale quota by varying the fixed percentage common to all registered estates, or may express the whole or any part of the free sale quota of an estate in terms of bulk instead of in terms of weight.”

8. In section 23 of the principal Act, in sub-section (2), for the words “an internal sale quota” at both the places where they occur, the words “a free sale quota” shall be substituted.

Amendment of section 23.

Amend-
ment of
section
24.

9. In section 24 of the principal Act, for the words "internal sale quota", the words "free sale quota" shall be substituted.

Amend-
ment of
section
25.

10. In section 25 of the principal Act,—

(a) in sub-section (1),—

(i) for the words "internal sale quota", the words "free sale quota" shall be substituted;

(ii) for the words "internal sale quotas" at both the places where they occur, the words "free sale quotas" shall be substituted;

(b) in sub-section (2), for the words "internal sale quota", the words "free sale quota" shall be substituted.

Amend-
ment of
section
29.

11. In section 29 of the principal Act, in sub-section (1),—

(i) for the words "internal sale quota", the words "free sale quota" shall be substituted;

(ii) for the words "for internal sale", the words "for free sale" shall be substituted;

(iii) for the words "internal sale quotas", the words "free sale quotas" shall be substituted.

Amend-
ment of
section
32.

12. In section 32 of the principal Act, in sub-section (2), for the words, brackets and figures "Subject to the provisions of sub-section (4) of section 13, the pool fund", the words "The pool fund" shall be substituted.

Amend-
ment of
section
40.

13. In section 40 of the principal Act, in sub-section (1), for the words "a Magistrate of the first class", the words "a Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted.

Amend-
ment of
section
48.

14. In section 48 of the principal Act, in sub-section (2), in clause (xviii), for the words "internal sale quota", the words "free sale quota" shall be substituted.

Repeal
and
saving.

15. (1) The Coffee (Amendment) Ordinance, 1994, 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.