

CARDAMOM (LICENSING AND MARKETING) AMENDMENT RULES, 2014

q-ao-33004/99 REGD. NO. D. L.-33004/99 Che Gazette of Sfldia 603] No. 603] EXTRAORDINARY PART 11—Section 3—Sub.section (i) PUBLISHED BY AUTHORITY 18, 27, 1936 NEW DELHI, TUESDAY, NOVEMBER 18, 20141KARTIKA 27, 1936 azirq 18 2014 3fifizrcr, 1986 (1986 10) fr a-rrr 38 1987 \$, I • (1) 2014 I (2) fr a-I-ft-a I 2. GAIT, 1987 2002 (2002 39) AT 1860 (1860 21) "4. firr (1) 4548 GV2014 2 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] öfr (2) crrq 1 2014 AT (6) fiær 1 1 2017 25 (3) (4) (5) fr -a, 1 AT -q 3 q-r+r (4) q-zrfq (i) 5,000/-FVIT.; (ii) 1 1 30 AT q-rær AT 2500/- Grq 250/- I (3) ft•zrr zrt 10 (1) (Z) É_âi-q-rfi avrax) •:rrqTFzr fr 300 *31T I Grq 25 3 (7) a-fi fr a-fi z•q-rzr\$ I zrt fr cr9fH Q-IT f*-a-r I 1 -fi7 u-rq *31T z•ær g-q-rq-t 717T (Z) 7-ü-rrr *3TT ; *3TT 3Tfi-srrq *OTT ; 3Fzr (7) a-rarr a-rq:r a-rq:r ft•zrr I qTQ31T I 4 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] (q) *-rrr (2) AT QI-â i _ 3ßFfr : a-fh 4(1) 5(1)] 5 2. 3. (ir zær) 4. (Aft a2T .9frä 6 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] 6. va-rtr (7 (+10 Ng-I - I O I 8 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] (3) -e-t-q-r (1987 4(1) 5(4)] 9 2. -4-q-fr 10 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] 11 30X (1987 crrq t , 6. 77-1 12 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] 31 31 [ü 4(3)] 13 2 3 4 5 5(2) 10(1) 6 7 8 9 10 11 31fh•afr 10(1) frqhé ((7)-(8) (Fq-q) 14 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] 10(2) q•aT 1 0(2) q-a-r (æ-q-rr,) 2 3 1 3 15 1 . (ft-Fi-.,-rq 2. * q-rq I FT.#. 1/1/2014-# 5 / e-puq-q)] 11, 3, (i) q-rxr.a. 1 16(3T), 26 1987 q-rÄ-r.Ä. 645(3T), 13 2002 312(3T), 25 2006 I Mr•41STRY OF COMMERCE AND INDIJSTRY (Department of Commerce) NOTIFICATION New Delhi. the 18th November, 2014 G.S.R. exercise of the powers conferred by Section 38 of the Spices Board Act, 1986 (IO of 1986), the Central Government hereby makes the following rules further to a_nrnd in the Cardamom (Licensing and Marketing) Rules. 1987, nanrly:- (1) These Niles may be called the Cardamom (Licensing and Marketing) Amendment Rules. 2014. (2) They shall come into force on the date of their publication in the Official Gazette

2. In the Cardamom (Licensing and Marketing) Rules.1987, - (l) in rule 2, - (a) after clause (a), the following clause shall be inserted. namely "(aa) 'auction' means a system of conducting sale of cardamom through the platfonn provided and approved by the Spices Board and includes nunual auction, e-auction and online auction; (b) for clause (e), the following clause shall be substituted, namely "(e) 'person' means an individual or a film. company. multi-State coAjperrative societies registered under the Multi-State Co-operative Societies Act. 2002 (39 of 2002) or a chalitable society registered under the Societies Registration Act, 1860 (21 of 1860) . (2) for rule 4, the following rule shall be substituted. namely :- "4. Licensing of persons to carry on business of cardanwm. - (l) Any person desiring to carry on business as auctioneer or dealer in any year may apply in Form A (Auctioneer) or A1 (Dealer) 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: 16 (2) (3) (4) (5) THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] Provided further that separate licence shall be necessary for an auctioneer in respect of manual auction for each centre if he desires to conduct auctions in more than one centre. Every application for licence as auctioneer or dealer shall be accompanied by a receipt of fee as specified in sub-rule (6) for a block period of three years or part thereof, starting from September

2014. For subsequent block period from September, 2017, there shall be an increase of twenty-five per cent over and above the fee applicable for the previous block period for fresh licence and renewal of licence. The licence fee shall be rounded off to the nearest Rs. 100/- wherever applicable. The fee shall be payable in the form of bank transfer or crossed account payee demand draft drawn in favour of the Secretary, Spices Board, payable at Ernakulam or Kochi. The Board may, if it is satisfied as to the suitability of the applicant as per sub-rules (4) and (5) as applicable, issue licence in Forni-B Forni-B I or Fonn-B3 as the case may be. Every applicant for auctioneer licence shall have sufficient storage or godown or collection facility to store the cardamom INDOled and the facility for cleaning and grading of cardamom. Every applicant for dealer licence shall have sufficient storage or godown facility to store the cardamom. (6) Every application for issue of fresh licence or renewal of licence shall be accompanied by fee as under:- (a) The fee payable for auctioneer licence is - (i) manual auction — Rs. 5.0f)0/- ; (ii) e-auction — Rs. 50.000 /- ; (b) the fee payable for dealer licence is Rs. ; (3) for rule 5, the following rule shall be substituted, namely :- "5. Renewal of licence. — (1) Any person desiring to renew his licence as auctioneer or dealer may submit his application to the Board in Form A or A1 respectively, on or before 30th June of the year in which the validity of the licence expires. Provided that the Board may entertain an application for renewal of licence upto the date of expiry of validity of licence on payment of an additional fee of Rs. 2500/- for the delay of every month or part thereof in case of e-auctioneer and an additional fee of Rs. 250/- for delay of every month or part thereof in case of manual auctioneer or dealer." , (2) The Board, if it is satisfied as to the suitability of the applicant, renew the licence in Form B or B1 or B3 as the case may be: (3) The licence for e-auction shall not be renewed for succeeding block peliod of three years, if the auctioneer fails to transact any business for a continuous peliod of one year or fails to subrnit the extract of auction register maintained in Fonn C within the period specified in clause (K) of sub-Nile (1) of lille IO. (4) The licence shall not be renewed for succeeding block peliod of three years, if the dealer fails to transact any business or submit a NIL return duling the peliod of holding a valid licence. (4) after lille 9. the following Nile shall be insened, namely :- "IO. Terms and conditions for issue or renewal of licences.- (1) The terms and conditions for issue or renewal of auctioneer licence shall be as under :- (a) for e-auction. the applicant shall provide a security deposit in the form of a Bank Guarantee (equivalent to the average auction sale value of cardamom in one auction during the immediate preceding block period of three years) for the block peliod for which the applicant desires to obtain the auctioneer licence; (b) for conducting e-auction using the Board's conunon facility, an auctioneer shall pay a user fee of Rs. 300/- per ton of cardamom sold in an auction plus service tax as applicable. The user fee shall be increased by twenty-five per cent rounded to the nearest Rs. 10/- for every succeeding block period; (C) Bank Guarantee shall not be applicable for manual auction; 17 (d) manual auctioneer licence shall not be issued in a State where the Board has established conunon e-auction centres; (e) the auctioneer shall pay the growers whose cardamom is pooled, the applicable sale value of the cardamom sold in an auction within ten days from the date of the auction. If the auctioneer defaults to make payment as per the terms and conditions of the licence, the Board shall invoke the Bank Guarantee of the auctioneer forthwith for arranoing settlement of amount due to growers and take steps for suspension and/or cancellation of the licence; (f) the auctioneer shall provide necessary storage facilities including electronic weighing machine and nwisture meters for pooling the cardamom in places convenient to the farnrrs. (g) the auctioneer shall conduct the auction at a place and on a day and time specified by the Board; (h) the auctioneer shall draw one thousand five hundred grams out of each lot (the quantity of cardamom INDOled for auction as desired by the fanner of cardamom offered for IHjoling and the quantity of sample drawn shall be recorded in the crop slip issued to the person whose carda_nwm is pooled. Out of the sample drawn, one hundred grams shall be set aside as purchaser sample and fifty grams shall be put on display at the auction centre. The remaining one thousand three hundred fifty grams shall be used by the auctioneer for distributing as samples during the bidding process of the said lot. The auctioneer shall refund the value of one thousand three hundred fifty grams of cardamom to the growers from the sample drawn. Thereafter, the total amount payable by the auctioneer to the person who pooled the carda_nwm shall be the sum of the sample refund value and the value for which the lot has been sold in an auction after deducting the eligible one per cent commission on the total amount. No additional charges shall be deducted in the name of wastage. weight loss and charity; (i) the auctioneer shall not charge more than one per cent of the sale Plice as commission for the services rendered by him; (j) the auctioneer shall not take or accept for himself or on behalf of the

purchaser any discount or payment in cash or in kind other than the one per cent. commission due to him. The auctioneer shall ensure that the owner/seller gets value for the entire quantity of cardamom sold in the auction; (k) the auctioneer shall maintain a register in Form 'C' and forward a copy of the same to the Board within seven days from the date of auction; (l) the auctioneer shall also forward an advance report of the auction on the next day of auction in



Form D; (m) every auctioneer shall produce on demand for inspection by any officer of the Board authorised in this behalf by the Chairman, all accounts, registers and other records kept by him in connection with his business as cardamom auctioneer; (n) on transfer of his business to another person, the auctioneer shall intimate the same to the Board and surrender his licence and the transferee shall obtain a fresh licence in accordance with the provisions of these rules; (O) on the death of a licensed auctioneer, the original licence issued to him shall terminate. However, the legal heirs and if there are more than one legal heir of the deceased, any one of them nominated by the others, may apply to the Board for the issue of a fresh licence in accordance with the provisions of these rules; (p) the auctioneer shall in respect of each auction recover payment due from bidders within seven days from the date of the auction and clear the dues to the growers within ten days from the date of auction and non-payment of dues to growers within the period so specified without any reason to the satisfaction of the Board shall be a violation of the conditions of licence. The information regarding dues to growers and from traders and their respective settlement shall be furnished to the Board in respect of each auction on a monthly basis. The auctioneers shall keep any unclaimed amount due to the growers in a separate account in the Bank and details thereof shall be intimated to the Board in respect of each auction on a monthly basis; 18 (5) THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] (q) the auctioneer shall ensure that the cardamom pooled in an auction is free from any adulteration, contamination and artificial colouring. (2) The terms and conditions for issue or renewal of dealer licence shall be as under :- (a) The licensed dealer shall purchase cardamom only from registered estate owners/growers or licensed auctioneers; (b) dealer shall not solicit or accept any amount in cash or in kind from cardamom producers or auctioneers, whether by way of discount or commission; (C) every dealer shall maintain a register in Form E; (d) every dealer shall send a monthly return in Form F so as to reach the Board on or before the 10th day of the succeeding month; (e) on transfer of his business to another person, the dealer shall intimate the same to the Board and surrender his licence and the transferee shall obtain a fresh licence in accordance with the provisions of these rules; (f) on the death of a licensed dealer, the original licence issued to him shall terminate. However, the legal heirs and if there are more than one legal heir of the deceased, any one of them nominated by the others, may apply to the Board for the issue of a fresh licence in accordance with the provisions of these rules; (g) every dealer shall produce on demand for inspection by any officer of the Board authorised in this behalf by the Chairman, all accounts, registers and other records kept by him in connection with his business as cardamom dealer; (h) the dealers shall pay the auctioneers the value of the cardamom purchased in respect of an auction within seven days from the date of auction. Non-payment of the purchase value within the specified period shall be treated as a violation of the conditions of license."; for FORM-A, the following forms shall be substituted, namely:- Affix passport size photograph of Chief Executive Officer or the designated officer of the firm "FORM-A [See rules 1) and 5(1)] (Application for issue/renewal of licence as auctioneer) (1) Name of the Person/ Firm (in block letters) 19 2. 3

4. Address of principal / registered office Building No. Building Name Street State Tel. Mobile Fax E-mail Status (Please tick where appropriate) Proprietorship Hindu Joint Family Partnership Co-operative Society Private Limited Company Public Limited Company Public Sector (Central Government) Public Sector (State Government) Others Specify *Strike out whichever is not applicable Full name and permanent address of the proprietor/partners/directors (Attach additional sheets wherever required) Name Building No. Building Name PIN State Tel. Mobile Fax E-mail 20 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] Permanent Account Number (PAN) 6. (a) (b) (c) Sales Tax Registration (Attach self-attested copy) General Sales Tax rate of issue Place of issue Central Sales Tax rate of issue Place of issue Indicate whether the application is for renewal of the existing licence or for a new licence (Please tick where appropriate) If for renewal, indicate Licence Number Date of Issue Place of auction Day of auction Time of auction (d) Answer only if the application is for renewal Quantity and value of cardamom auctioned during the preceding year Renewal Year Quantity (MT) New Value (in Lakhs) (e) Indicate Category (Please tick where appropriate) c (A - average turn over above Rs. 10 crore B- average turn over Rs. 1- 10 crore. C- average turnover less than Rs. 1 crore) (f) (h) Details of fee remitted Amount Mode of payment Demand Draft No. Rs. Cash Demand Draft Name of the Bank 21 (5) If for new auctioneer licence, indicate . Place of auction Day of auction Time of auction Frequency Infrastructure available at the proposed place of auction (Please tick where appropriate) Godown Yes If so, location, address and capacity of the godown Auction hall Area of auction hall Grading facility Weighing machine Lot sample display board Tables/Chairs Auction details display board Computer facilities Total floor area for storage Transportation facility Parking facility for vehicles Road facility for movement of vehicles to the godown Floor surface — cement, tiles, etc. Packing facility Pallets facility Sieving facility Lighting facility (k) Working capital available Rs. (l) Capital structure Authorised capital Rs. Paid up capital Rs. 22 [PART 11—SEC. 3(i)] 1/We THE GAZETTE OF INDIA : EXTRAORDINARY DECLARATION declare that the information given above are true to the best of my/our knowledge and belief and that I/We shall abide by the Cardamom (Licensing and Marketing) Rules, 1987, and any instructions given by the Board from time to time regarding the conduct of business. Place: Date: Signature Name Designation Note: Application not accompanied with prescribed shall not be entertained. FORM-A1 [See rules 1) and 5(4)] (Application for issue/ renewal of licence as dealer) (6) Name of the Person/Firm (in block letters) Affix passport size photograph of Chief Executive Officer or the designated officer of the firm 2. Address of principal / registered office Building Number Building Name Street State Tel. Mobile Fax E-mail 23 3. 4. 5. 6. a) Status (Please tick where appropriate) Proprietorship Hindu Joint Family Partnership Co-operative Others Society Private Limited Company Public Limited Company Public Sector (Central Government) Public Sector (State Government) specify Type of licence applied for Dealership (Please tick where appropriate) New / Renewal Full name and permanent address of the Proprietor/partners/directors (Attach additional sheets wherever required) Name Building Number Building name PIN State Tel. Mobile Fax E-mail Permanent Account Number (PAN) Sales tax registration (Attach self attested copy) General Sales Tax rate of issue Place of issue Central Sales Tax rate of issue Place of issue 24 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] (b) (c) (d) (e) (f) i) Indicate whether the application is for renewal of the existing licence or for a new licence (Please tick where appropriate) If for renewal, indicate licence number Date of issue Renewal Quantity and value of cardamom purchased and sold during the last three years Year Details of fee remitted Amount Mode of payment Demand Draft No. Quantity (MT) Value (in Lakhs) Cash Bank Source of purchase of cardamom (Please tick where appropriate) Auctioneer Storage facilities Address of godown Capacity of godown (MT) Grower DECLARATION Demand Draft Dealer declare that the information given above are true to the best of my/our knowledge and belief and that I/We shall abide by the Cardamom (Licensing and Marketing) Rules, 1987, and any instructions given by the Board from time to time regarding the conduct of business. Place: Date: Signature Name Designation Note: Application not accompanied with prescribed fee shall not be entertained." 6) for FORM-B and FORM-B 1, the following forms shall be substituted, namely 25 Licence No.... Smt/Shri/Messrs FORM-B [See rule 4 (3)] Licence as auctioneer (Manual) (Not transferable) . is / are hereby authorised to carry on business in cardamom as auctioneer at subject to the terms and conditions specified in the rules. The licence is valid upto the 31st day of August . Place: Date: Licence No.... Smt/Shri/Messrs Signature of authorised officer FORM-B1 [See 4(3)] Licence as auctioneer (e-auction) (Not transferable) . is / are hereby authorised to carry on business in

cardamom as auctioneer at . subject to the ten-ns and conditions specified in the rules. The licence is valid upto the 31st day of August . Place: Date: Signature of authorised officer FORM-B3 [See rule 4 (3)]
Licence as dealer (Not transferable) Licence No..... Smt/Shri/Messers .. is / are hereby authorised to purchase carda_nwm in auction/purchase carda_nwm directly from growers subject to the terms and conditions specified in the rules. The licence is valid upto the 31st day of August Place: Date: Signature of authorised officer 26 THE GAZETTE OF INDIA : EXTRAORDINARY [PART 11—SEC. 3(i)] 7) for



FORM-C. FORM-D, FORM-E and FORM-F, the following forms shall be substituted, FORM-C [See rules 5(2) and 10(1) (Auction Report) [Separate report should be furnished for auctioning of cardamom received from (1) Planter (2) Dealer] Spices Board licence number: Season: Maximum Price : Rs. Minimum Price Average Price . Rs. . Rs. full address of the planter/ dealer 2 Auction No.: Date of auction . Registration Number/ Board licence number 3 Value Commission Name and for auction (kg) 4 sold 5 (Rs./kg) 6 7 8 full address of bidder 9 Spices Board licence number 10 Remarks 11 I/We confirm that no discount or commission other than the one per cent commission permitted to me/us by the rules has been accepted by me/us or received from the owners of cardamom sold in the auction and nor have I/We passed on any cardamom nor commission to the purchasers. Signature of the auctioneer Place: Date : FORM - D [See rule (Advance Auction Report) Name and address of the auctioneer: Spices Board's licence number: (s) (t) (u) (v) (x) (y) (z) Season . Auction number : Date of auction . Place of auction: Quantity carried over from previous auction (kgs.): Fresh arrivals (kgs.): Total quantity put for auction (kgs.) [Total of Sl.No. 5 and 6]: Total quantity sold (kgs.): Quantity withdrawn [(kgs.) (Sl.No.(7) 27 (bb) (dd) Place: Date: Quantity returned to planters (kgs): Balance with the auctioneer (kgs) [(Sl.No.(9) Total value of the sales (Rs.) : Maximum price (Rs./kg) : Minimum price (Rs./kg) • Average price (Rs./kg): - (10)] : FORM-E Signature of the auctioneer [See (Form of the Register to be maintained by licensed dealer) Name and address of the dealer: Licence number: PURCHASES Date of purchase Registration number of the estate/licence number of auctioneer 4 INTERNAL SALES Date of sale EXPORTS* Quantity (kgs.) Name and address of the person from whom purchase is made Quantity (kgs) 5 Name and address of the person to whom cardamom is sold Month: Category of the person from whom purchase is made (viz. planter/auctioneer) Value (Rs.) 6 Category of person to whom cardamom is sold (viz. exporters/consumers, others) Value (Rs.) Quantity (Kgs.) Free on Board (FOB) (Value) *Applicable only to dealers who are having certificate of registration as exporter. 28 [PART 11—SEC. 3(i)] THE GAZETTE OF INDIA : EXTRAORDINARY FORM-F [See rule (Monthly statement to be sent to the Board by licensed dealer) Name and address of the dealer: Spices Board's licence number: Purchases Quantity Purchases from 1. Planters 2. Dealers 3. Auctioneers 4. Others Total Value Internal sales Quantity Sold to 1. Exporters 2. Dealers 3. Consumers 4. Others Total Value Quantity Total Export (*) FOB Value 2. 3. 4

5. Carry over stock from last month (Kgs.) Total quantity purchased during the month(Kgs.) Total quantity of internal sales during the month(Kgs.) Total quantity during the month(Kgs.) Closing stock at the end of the month(Kgs.) *Applicable only to dealers who are having certificate of registration as exporter. I/We confirm that I/We have not accepted any commission or discount from any producer of cardamom directly or through the auctioneer. Place : Date . (Signature of the dealer) ". [F. No. D] RAJANI RANJAN RASHMI. Addl. secy. Note: The principal rules were published in the Gazette of India, Extraordinary. Part 11. section 3, sub-section (i). vide number G.S.R. 116(E), dated the 26th February, 1987 and subsequently amended vide numbers G.S.R. 645(E). dated the 13th September, 2002. and G.S.R. 312(E). dated the 25th May, 2006. Printed by the Manager, Government of India Press. Ring Road, Mayapuri, New Delhi-110064 and Published by the Controller of Publications, Delhi-110054.