

KERALA LIME SHELLS (CONTROL) ACT

67 ACT 18 OF 1959 THE KERALA LIME SHELLS (CONTROL) ACT, 1957 An Act to provide for the control of the acquisition, sale, supply and distribution of lime shells in the State of Kerala. Preamble.—WHEREAS it is expedient to provide for the control of the acquisition, sale, supply and distribution of lime shells in the State of Kerala, BE It enacted In the Ninth Year of the Republic of India as follows:- 1. Short title, extent and commencement.—• (1) This Act, may be called the Kerala Lime-shells (Control) Act, 1958. (2) It extends to the whole of the State of Kerala (3) This section shall come into force at once, and the Government may, from time to time, by notification in the Gazette, direct that the rest of this Act shall come into force in the whole or any portion of the State with effect from such date as may be specified in the notification 2. Definitions. — (1) In this Act unless the context otherwise requires. — (a) "dealer" means a person carrying on, either personally or through any other person the business of selling lime shells, whether wholesale or retail (b) "Licensing Authority" means an officer appointed by the Government to perform the functions of a Licensing Authority under this Act, (c) "Lime—shells" means the shells of all varieties of shellfish by whatever name called, (d) "offer for sale" includes an intimation by a dealer or producer of the price proposed by him for a sale of lime-shells made by the publication of a price list, by exposing his lime-shells for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever, (e) "prescribed" means prescribed by rules made under this Act, (f) "producer" means person carrying on the business of collecting lime-shells and stocking the same for sale. (2) A dealer or producer shall be deemed to be in possession of lime-shells.. (a) When they are held on behalf by another person; (b) notwithstanding that they are mortgaged to another person. 3e Licensing of dealers and producers.— (1) No person other than a dealer or producer licensed under this section, shall carry on the business of selling lime-shells or of collecting lime-shells and stocking the same for sale. Published in the Gazette Extraordinary dated 26th March 1958 68 (2) Every person, who carries on or wishes to carry on, the business of selling lime-shells or of collecting lime-shells and stocking the same for sale, shall make an application in the prescribed form for a licence to the Licensing Authority. (3) The Licensing Authority may grant a licence in such form and subject to such terms and conditions as may be prescribed, or may refuse to grant a licence, in which case he shall communicate his reasons for such refusal to the applicant. (4) The Licensing Authority may, at any time during the currency of licence, rescind the licence by order writing to the licence holder, for a breach of any of the terms and conditions of the licence. (5) Any person aggrieved by an order of the Licensing Authority under sub section (3) or sub section (4) may appeal to such authority, and within such time, and in such form, as may be prescribed, the appeal shall be heard by the prescribed authority in such manner as may be prescribed, and the decision of that authority on the appeal shall be final. 4 Fixing of maximum prices and maximum quantities which may be held or sold.—(1) The Government may, by notification in the Gazette, fix in respect of lime-shells— (a) the maximum price or rate which may be charged by a dealer or producer, (b) the maximum quantity which may at any one time be possessed by dealer or producer, (c) the maximum quantity which may in any one transaction be sold to any one person. (2) The price rates and the quantities fixed in respect of lime-shells under this section may be different in different localities or for different classes of dealers or producers

5. Restrictions on sale, etc., where maximum is fixed under section 4.— No dealer or producer licensed under this Act shall— (a) sell, agree to sell, offer for sale otherwise dispose of lime-shells for a price or at a rate exceeding the maximum fixed by notification under clause (a) of sub-section (1) of section 4, (b) have in his possession at any one time a quantity of lime-shells exceeding the maximum fixed by notification under clause (b) of sub-section (1) of section 4, or (c) sell or agree to sell or offer for sale to any person in any one transaction a quantity of lime-shells exceeding the maximum fixed by notification under clause (c) of sub-section (1) of section 4 1966. Duly to declare possession of excess stocks —Any dealer or producer licensed under this Act, having in his possession a quantity of lime-shells exceeding that permitted under this Act, shall forthwith report the fact to the Licensing Authority and shall take such action as to the storage, distribution or disposal of the excess quantity as the Licensing Authority may direct, 7. Refusal to sell.—No dealer or producer licensed under this Act shall, unless previously authorised to do so by the Licensing Authority, refuse, without sufficient cause, to sell to any person lime-

shells within the limits as to quantity, if any, 'tupoged under this Act, Bxplanation.—The possibility or expectation of obtaining a higher• price for lime—shells at a later date shall nō6 be deemed to be a sufficeint cause for the purposes of this section

8. Cash memorandum to be Every dealer or producer licensed under this Act, selling lime-shells for cash shall, if the amount Of the purchase IS five rupees or more.in all cases, and If the amount of the

purchase is less than five rupees, when so reqmred by the purchaser, give to the purchaser a cash memorandum containmg such •particulars of the transaction as may be prescribed. (2) The Government may, by notification jn the Gazette, exempt specified areas or classes of dealers or producers licensed under this Act from the operation of this section 9. Prohibition Of sale, etc —If. In the optruon of the Government, It is necessary or expedient so to do, they may by order m writing— (a) prohibit the disposal of lme-shells except m such circum- Btances and under such conditions as may be specified jn the order (b) drrect the sale of lime-shells to any such dealer or class of dealers licensed under this Act and In such quantities ag may be specifi- ed m the order, and may make such further orders as appear to them to be necessary or expedient in connection With any order issued under thi8 section. IO. Penalties Whoever contravenes any of the provisions of this Act or any of the terms and conditions of a licence Issued under this Aet or any directions made under authority conferred by this Act, 8ball be punishable With unprisonment for a term With may extend to six months, or With fine, or With both. (2) A court convactmg any person of any offence pumshable under this Act may order that the stock of lime-shells -Jn respect of which the offence was committed and any property involved m or utilis- ed for the commission of such offence shall be forfeited to the Govern- m enti. 70 11. Offences by If the person contraventing the provigtions of tins Act a company, every person, who, at, the time the contravention was committed was m charge of and to thc company 'for the conduct of the bustness of the company as as the company, shall be deemed to be guilty of the contravention and shall be lla ble to be proceeded agan.nst. and punished accordingly: Provided that nothing contained jn this sub-section shall render any such person hable to any punishment if he proves that the con- travention took place lthout lus knowledge or that he exercised all due diligence to prevent such contravention. (2) Notwithstandig anything contained in sub—secūon (I), where an offence under this Act has been committed by a company and it IS proved that the offence ha8 been committed With the consent or connvance of. or attributable to any neglect on the part of any director, manager, secretary or other offcer of the company, such dreector, manager, secretary or Other offcer shall also be deemed to be gutlt,y of that offence and shall be hable to be proceeded agamst and pumshed accordingly. Explanatton.—For the purposes of this section— (a) "company" means any body corporate, and Includes a firm or other association of individdalB, and (b) -"ditector", jn relation to a firm, means a partner the firm 12 Offences under the Act to be cognisable.— Notmth standing anything contamed in the Code of Crimnal Procedure, 1898 (Central Act V Of 1898) all offences under this Act shall be cognisable. 13, Pröcedure.—No person other than a polce officer Ofor above the rank of an Inspector of Poltce shall Investigate any offence under this Act

14. Powers of search and setzure.—Äny person competent to investigate any offence under this Act may search any place m which he has reason to believe that an offence under this Aet has been, or ts beung, or 18 about to be, committed and take possessron Of any stock of lime-shells in respect of hlCh the offence has been, or is bemg, or as about to be, committed and any property mvolved in or utilised for the eommision of such offence 15. Protection of action taken good faith.—No Suit, prose. -cutton or other legal proceedings shall he agamet any person for anyth- ang which as m good faith done or intended to be done under th18 Act

16. The provtswns ot this Act shall not apply to the collection, stocking or selling of hme-shellB by any person as curios or for making ornaments.(2) SubJect to such conditions and restrictions as the Govern- ment may thmk fit to ampose, they may, 'by general or special order 1 71 notified in the Gazette.

exempt from all or any of the provisions of this Act. any person or class of persons who..— (i) collet lune-shell and stock them for conversion into lime for use as an mgredient in chewmg matenål, or (li) collect and sell lime-shells for the edible content thereof* 17. Power to mmke The Government may make rules to carry out the purposes of this Aet (2) Jn particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the followtng matters, namely, — (a) all matters expressly teqtured or allowed by this Act, to be prescri bed , (b) the charging of fees for licenses Issued under this Act, (e) the mamtenance by lteensed dealers and producers generally or by any licensed dealer and

producer in particular, of records of all sale and purchase transactions or disposals made by him, and the production of such records to the Licensing Authority. (d) the furnishing of such information as may be required by the Licensing Authority with respect to the business earned on by any dealer or producer, (e) the furnishing of returns to the Licensing Authority by licensed dealers and producers and the particulars which such returns shall contain. (3) All rules made under this Act shall be published in the Gazette

18. Repeal.—The Travancore-Cochin Lime-Bhe118 (Control) Act, 1956. 18 hereby repealed.

