

The Coir Industry (Registration And Licensing) Rules, 1958

1. Short title and commencement:

- 1) These Rules may be called the Coir Industry (Registration and Licensing) Rules 1958.
- 2) Rules 1, 2, 4 to 16 and 18 to 31 shall come into force at once and rules 3 and 17 shall come into force three months thereafter.

2. Definitions: In these rules, unless the context otherwise requires-

- ii) "Act" means the Coir industry Act, 1953;
- ii) "Chairman" means the Chairman of the Board;
- ii) "Coir Spindle" means a mechanical contrivance used or intended to be used for spinning coir fibre into coir yarn;
- ii) "Customs Collector" means a Customs Collector as defined in clause (c) of section 3 of the Sea Customs Act, 1878 (8 of 1878) for the purpose of that Act or of that Act as applied to the import and export of goods by air or a Collector of Land Customs as defined in clause (c) of section 2 of the Land Customs Act, 1924 (19 of 1924)
- ii) "Form" means a Form set forth in the Schedule to these Rules;
- ii) Industrial Establishment: means any premise including any part thereof where rehousing of coir yarn is done with hired labour or any process for the manufacture or finishing of coir products or baling of coir fibre of coir yarn is being carried on or is ordinarily carried on, with or without the aid of power;
- ii) "Notification" means notification in the Gazette of India
- ii) "Officer" means an officer of the Board or of the Central Government;
- ii) "Person" includes a corporation, a firm, an association of individuals and a co-operative society registered under any law relating to co-operative societies;
- ii) "Secretary" means the Secretary of the Board;
- ii) "Year" means the year commencing on the 1st day of April.

S.O. 1898 In exercise of the powers conferred by Sub Sec. (1) of Section 25 of the Coir Industry Act-1953 (45 of 1953) the Central Govt. hereby relaxes the operation on section 12 of that Act to the extent that no licence under the said section 12 shall be necessary for the export of coir fibre, coir yarn or coir products by any person who has been duly registered as an exporter in accordance with the procedure prescribed under the Coir Industry (Registration and Licensing) Rules, 1958.

Provided that nothing in his notification shall apply to coir fibre, coir yarn or coir products to be exported to a country to which export is prohibited by any law for the time being in force.

(Notification in the Gazette of India extra ordinary dated 2nd July 1963)

3. Need for Registration: No person shall work a coir spindle or an industrial establishment unless it has been registered in accordance with these rules.

4. **Application for Registration:** Every application for registration of a coir spindle or an industrial establishment shall be made to the Secretary or other Officer authorized by him, in Form I or Form II, as the case may be, within ninety days of the date of publication of these rules or in the case of a coir spindle or industrial establishment which is established after such commencement, within thirty days of the date when it starts working:

5. * Omitted

* G S R 585 in exercise of the power conferred by section 26 of the Coir Industry Act, 1953 (45 of 1953), the Central Government hereby makes the following rules further to amend the Coir Industry (Registration and Licensing) Rules, 1958, the same having been previously published as required by subject on (1) of that section, namely:

RULES

1. These rules may be called the Coir Industry (Registration and Licensing) Third amendment Rule, 1964.
2. In the Coir Industry (Registration and Licensing) Rules, 1958, rule 5 shall be omitted.

(Notification in the Gazette of India dated 11-4-1964)

6. **Grant of certificate:**

- 1) On receipt of an application, the Secretary or such officer shall, after making such enquiry as he deems necessary, register the coir spindle or the industrial establishment, and issue a certificate in respect thereof in Form III or Form IV, as the case may be. In the case of a spindle, a distinctive number shall be allotted to it in the certificate.

Explanation: For the purpose of this sub-rule, each mechanical contrivance producing one string of coir yarn shall be reckoned as one spindle.

- 2) The distinctive number allotted to a spindle in the certificate shall be marked on the spindle.
7. **Period of validity:** Every registration made under these rules shall be valid for a period of these years and may, on application, be renewed for any period not exceeding three years at a time.
8. **Application for renewal:** Every application for renewal of registration shall be in Form V or Form VI, as the case may be made within thirty days before the date of expiry of an be accompanied by the certificate of registration already granted.
9. **Fees:** Every application for the registration or the renewal of registration of an Industrial establishment shall be accompanied, by a fee of Rs.1/-, No fee shall be charged on an application for this registration or the renewal of registration of a coir spindle.

10. **Duplicate certificate:** Where a certificate of registration granted under these rules is lost or destroyed, the Secretary may, after making such enquiry as he deems necessary, issue a duplicate on payment of a fee of Rs.1/-.

11. **Transfer of spindle etc.:**

- 1) Where a coir spindle or an industrial establishment or any plant or equipment installed in such establishment, is transferred by way of sale, mortgage or otherwise the transferee shall, with a period of thirty days from the date of transfer apply to the Secretary or other officer authorized by him for registering the transfer.
- 2) Every such application shall be in Form VI or Form VIII as the case may be.
- 3) The Secretary or other officer shall, after making such inquiry as he deems necessary, register the transfer and record an entry to that effect in the certificate of registration.

12. **Change of Place:**

- 1) If during the period when the registration of a coir spindle or an industrial establishment is in force, the owner thereof desires to change the place where such spindle or establishment is located, he shall apply to the Secretary or other Officer authorized by him at least thirty days in advance.
- 2) Every such application shall specify the new place and be accompanied by the certificate of registration already granted.
- 3) The Secretary or other Officer may, where he agrees to the change, enter the new place in the certificate of registration.

13. **Power to call for additional information:**

- 1) The Secretary or other Officer authorized by him may require an applicant to furnish within a specified period such additional information as he may consider necessary for the purpose of the registration and every such applicant shall be bound to furnish such information within the specified period.
- 2) The Secretary or such Officer may, by order, refuse an application to register a coir spindle or an industrial establishment if the applicant fails to furnish the information or furnishes incorrect information;

Provided that a copy of the order together with the reasons for the refusal shall be communicated to the applicant.

14. **Cancellation of registration:** Where the Secretary or other Officer is satisfied that any person has obtained a certificate by furnishing incorrect information or that he has contravened any of the provisions of these rules or of the conditions mentioned in the certificate, the Secretary or such officer may, without prejudice to any other action that may be taken against such person, by order cancel the certificate;

Provided that before canceling the certificate the person concerned shall be given an opportunity to make his representation.

Provided further that a copy of the order together with the reasons for the cancellation shall be communicated to the person concerned.

15. **Appeal:** Any person aggrieved by an order under rule 13 or 14 may, within thirty days from the date of receipt by him a copy of the order, appeal to the Chairman, whose decision thereon shall be final.
16. **Exemption:** Notwithstanding anything contained in the foregoing rules, the Board may, by notification, exempt coir spindles or industrial establishments located in any specified area from the operation of these rules, either permanently or for a specified period and may from time to time, by like modification such period.
17. **Registration and licensing of exports:** No person shall, after the coming into force of this rule, export coir fibre, coir yarn or coir products unless he—
 - ii) has been registered as an exporter, and
 - ii) has obtained an export license, under these rules;

Provided that this rule shall not apply to the Central Government or the Coir Board or any person authorized by the Central Government to export coir fibre, coir yarn or coir products.

18. **Registration established exports;** Any person who has, in any of the three years immediately preceding the commencement of these rules, exported not less than twenty five tons of coir yarn or coir products other than coir rope, or exported any quantity of coir fibre or coir rope, may be registered as an exporter of coir yarn, coir products others than coir rope or coir fibre or coir rope, as other person the case may be.
19. **Other persons who may be registered:** Any may be registered as an exporter—
 - i) of coir yarn if, during the period of twelve months immediately preceding the date of application.
 - a. a minimum quantity of 100 tons of coir yarn has been rehandled or baled in a factory owned or otherwise possessed by him and registered under the Indian Factories Act, 1948; or
 - b. he has had a total purchase turnover of five hundred tons of coir yarn;
 - ii) of coir products other than coir rope, if during the period of twelve months immediately preceding the date of application,
 - a. a minimum quantity of 150 tons of coir products other than coir rope has been actually manufactured in a factory owned or otherwise possessed by him and registered under the Indian Factories Act, 1948; or
 - b. he has had a total purchase turnover of one hundred tons of coir products other than coir rope;

Explanation: The total purchase turnover of a person shall be certified by a chartered accountant and be supported by a statement certified by the applicant showing the individual purchase transactions during the period, the date of and the

value of the goods covered by each transaction and the name and address of the seller;

iii) of coir fibre coir rope if he produces

- a. a certificate regarding his financial status from a scheduled bank, or a registered bank of ten years standing, and
- b. a clearance certificate from the Income-tax authorities or an attested copy of the Income-tax Verification Certificate obtained from the Export-Import Department of the Central Government:

Provided that the Chairman may, by notification, exempt from the operation of this rule any co-operative society the members of which are owners of industrial establishments or any Central Marketing Society.

19 A) * Notwithstanding anything contained in Rule 18 or Rule 19 the Chairman may register any person as an exporter of coir yarn, coir products or coir fibre if he is satisfied about the financial standing and soundness of the applicant, genuineness of the contracts for export, export price, quality of goods to be exported and other like matters.

* Notification No. 22/7/62 – J & C dt. 13-3-1963

20. Application for registration:

- 1) Every application for registration as an Exporter shall be made in Form IX to the Chairman or other Officer authorized by him and be accompanied by –
 - a) a certificate regarding financial status from a scheduled bank, or a registered bank of ten years standing, and
 - b) a clearance certificate from the Income-tax authorities or an attested copy of the Income-tax Verification Certificate from the Export-Import Department of the Central Government;
 - ii) a certificate from a recognized trade association or Chamber of Commerce that the applicant satisfies the requirements of rule 18; or
 - iii) copies of bills of lading attested by steamer agents or other shipping documents attested by Customs authorities in respect of the minimum quantity of twenty five tons referred to in rule 18.

Explanation: In lieu of the certificate mentioned at item (b) above the Income-tax Verification Certificate Registration / Exemption No. if any allotted by the Export – Import Department of the Central Government may be quoted in the application;

- 2) The applicant shall also be bound to furnish within the period specified in this behalf such additional information in respect of the application as the Chairman or other Officer authorized by him in this behalf may require.

21. * **Cancellation of registration:** If any person who has been registered as an exporter fails during a period of twelve consecutive months to export any quantity of the goods in respect of which he is registered or fails to comply with any of the provisions of these rules or if the Chairman is satisfied that such person has become disqualified to continue as an exporter, or for any other reason to be recorded in writing the Chairman may, after giving him a reasonable opportunity of making his objections, by order, cancel the registration and communicate to him a copy of such order.

* Notification issued from the Ministry of Commerce F. No.21(i)/65 TEX (E) dated 27th June 1966.

22. **Application for license:** Every application for a license to export shall be made in Form X to the Chairman or other Officer authorized by him and be accompanied by –
- ii) the shipping bill showing the particulars of the quantity, description and value of the goods sought to be exported and the name and address of the consignee.
 - ii) A certificate from an officer authorized by the Chairman in this behalf or from a recognized Chamber of Commerce or trade association to the effect that the goods sought to be exported conform to the contract, and
 - ii) A clearance certificate from the income-tax authorities or an attested copy of the Income-tax Verification Certificate from the Export-Import Department of the Central Government:

Provided that the certificate referred to in item (b) above shall not except in cases where the Chairman or the Secretary has received a request in writing from the buyer concerned to arrange for inspection of quality before shipment and for this issue of such a certificate, be required till the Board has fixed standards of specification under section 10(2) (e) of the Act and has laid down rules of procedure for implementing them and the sales transactions relating to the exports covered by the shipping bill referred to in item (a) above take place on the basis of those specification.

Explanation: In lieu of the certificate mentioned at item (c) above, the Income-tax Verification Certification Registration/Exemption No. if any allotted by the Export-Import Department of the Central Government may be quoted in the application.

23. * **Fee for license:** In respect of every license, fee shall be levied at the rate of 5 paise per 50 Kilogram subject to a maximum of Rs.100/- of the goods covered by the license:

Provided that no fee shall be leviable in respect of a license for export genuine trade sample or ship stores;

Provided further that the Chairman may, by notification, exempt from the operation of this rule any co-operative society the members of which are owners of industrial establishment or any Central Co-operative Marketing Society.

Explanation:

- i) Fees may be remitted either by cash, postal order, money order, or demand draft on the State Bank of India, Cochin, or on such other Bank as the Chairman or other Officer authorized by him may direct;
- ii) In calculating the fee for a license under this rule, any fraction of 50 Kilogram shall be taken as 50 Kilogram.

* Amendments regarding metric tonnes Notification No.58/5/60 J & C dated 30-1-1963

1. These rules may be called the Coir Industry (Registration and Licensing) Amendment Rules, 1963
2. In the Coir industry (Registration and Licensing) Rules, 1958 (hereinafter referred to as the said rules) for the word 'tone' wherever it occurs, the words 'tonne (s)' shall be substituted.
3. In rule of the said rules
 - I. for the figure, words and abbreviation '5' paise per "Cwt" the following figures and words shall be substituted, namely: -
 - II. for clause (ii) of the explanation, the following clause shall be substituted namely: -
 - III. "In calculating the fee for a licence under this rule, any weight below 50 Kilograms shall be taken as 50 Kilograms".
4. In Form II of the said Rules for the abbreviation "Cwt" wherever it occurs the word "Kilograms" shall be substituted.
5. In forms XI, XII and XIII of the said rules, for the abbreviation "CWts" wherever it occurs the word "Kilograms" shall be substituted.

Notification issued from File No.58/5/60 – J & C dated 30-1-1963.

24. **Grand of license:** Every export license shall be granted by the Chairman or other Officer authorized by him in this behalf and be subject to such conditions, not inconsistent with these rules, as may be imposed by him.
25. **Period of validity of license:** A license granted under these rules shall be valid for a period of thirty days from the date of its grant:

Provided that the Chairman or such other Officer may extend the period if he is satisfied that the failure to ship the goods was for reasons beyond the control of the exporter.
26. **Returns by licensees:** Every person who has been granted an export license shall furnish in Form XI, XII or XIII, as the case may be, a statement showing the goods exported and the date of export so as to reach the Chairman or other Officer authorized by him on or before the 30th of the month following the month in which the export was made.
27. **License not transferable:** A license granted under these rules shall not be transferable.

28. **Cancellation of license:** The Chairman may, by order cancel a license granted under these rules if –

- ii) the license has been obtained by fraud or misrepresentation;
- ii) the license has committed a breach of any law relating to export of coir or coir products or of any of these rules or the conditions of license:

Provided that no license shall be cancelled unless the license has been given an opportunity of making his representation;

Provided further that a copy of the order shall be communicated to the person concerned.

29. **Appeal:** Any person aggrieved by an order under rule 21 or rule 28 may, within thirty days of the date of receipt by him of a copy of the order, appeal to the Central Government whose decision thereon shall be final.

30. **Refund of fee:** The Chairman may allow a refund of fee levied under these rules in the following cases, namely:

- ii) where the fee has been paid in excess of the prescribed scale;
- ii) where the fee has been paid but no application has been made;
- ii) where the application is exempt from payment of fee; and
- ii) where the applicant is not eligible for registration or grant of license under these rules.

31. **Power to call for returns, etc**

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1. The Board may, by general or special order, direct the holder of a certificate of registration or license to maintain such records of his business in such form and manner as may be specified and to submit to the Board returns relating to his business in such form as may be specified in such order;
2. The Chairman or an Officer authorized by him in writing may with a view to secure compliance with these rules –
 - ii) require any holder of a certificate of registration or a licensee to give any information in respect of his business and
 - ii) inspect any books, accounts or other documents relating to his business.