


MANIPUR GAZETTE
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**GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT**

NOTIFICATION

Imphal, March 4, 2021

No. 2/11/2021-Leg/L: The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on February 26, 2021 is hereby published in the Official Gazette:

**THE MANIPUR OIL PALM (REGULATION OF PRODUCTION AND PROCESSING)
ACT, 2021**

(MANIPUR ACT NO. 14 OF 2021)

AN

ACT

to provide for the Regulation of Cultivation of Oil Palm and for orderly growth and processing thereof and for matters connected therewith.

BE it enacted by the Legislature of Manipur in the Seventy-second Year of the Republic of India as follows:

1. (1) This Act may be called the Manipur Oil Palm (Regulation of Production and Processing) Act, 2021.

**Short title,
extent and
commence-
ment.**

(2) It shall extend to the whole of the State of Manipur.

(3) It shall come into force on such date as the State Government may, by notification, in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires :-

Definitions.

(1) "Advisory Committee" means the Manipur Oil Palm Advisory Committee constituted under section 3;

(2) "Factory" means any premises including the precincts thereof or any part of which any manufacturing process connected with the processing of Oil Palm fresh fruit bunch (FFB) is carried on with the aid of mechanical power;

- (3) "Factory Zone" means an area assigned to a factory under section 11;
- (4) "Government" means the State Government of Manipur;
- (5) "Occupier of the factory" means the person who, or the authority which has the ultimate control over and where the said affairs are entrusted to a Secretary, Manager, Managing Director, Executive Director or Chief Executive Director, such Secretary, Manager, Managing Director, Executive Director or Chief Executive Director shall be deemed to be the occupier of the factory;
- (6) "Oil Palm" means the palm of the genus, *Elaeis* and includes the species, *Elaeis guineensis*, *Corozo oleifera* and hybrids of these species;
- (7) "Oil Palm Commissioner" means the Oil Palm Commissioner appointed under section 9;
- (8) "Oil Palm FFB" means the unprocessed Oil Palm fresh fruit bunch and includes its loose form also;
- (9) "Oil Palm Grower" means a person who cultivates oil palm whether by himself or by his own servants or by hired labour or by members of his family or by his tenants and includes Oil Palm Growers Cooperative Society, but not a member thereof and a Company as defined in section 3 of the Companies Act, 1956;
- (10) "Oil Palm Growers Cooperative Society" means a Society registered under the Manipur Cooperative Societies Act, 1976 which has among its objects and functions the cultivation and sale of oil palm FFB by its members, and includes the Federation of any such Societies;
- (11) "Oil Palm Inspector" means the Oil Palm Inspector appointed under section 10;
- (12) "Oil Palm Product" means any product obtained directly from the oil palm and it includes palm oil, palm kernel, palm kernel cake, palm fatty acids, oil palm seeds and oil palm seedlings;
- (13) "Prescribed" means prescribed by rules made under this Act;
- (14) "Project Management Committee" means a Project Management Committee constituted under section 6; and
- (15) "Zonal Committee" means a Zonal Committee constituted under section 5.

Central Act
1 of 1956

Manipur Act
1976

3. (1) As soon as may be after the commencement of this Act, the Government shall, by notification, constitute a Committee for the State to be called the Manipur Oil Palm Advisory Committee. Constitution of the Advisory Committee.
- (2) The Committee shall consist of the following members, namely: -
- (a) the Minister in-charge of Agriculture who shall be the Chairman;
 - (b) three members of the Legislative Assembly of the State to be nominated by the Government;
 - (c) Secretaries to the Government in-charge of Agriculture, Horticulture, Industries and Finance;
 - (d) Heads of Departments of Agriculture, Horticulture and Industries;
 - (e) Joint Director, ICAR Research Complex for NEH Region Manipur Centre, Lamphel, Imphal West or his representative;
 - (f) the Director, Regional Research Laboratory, Jorhat, Assam;
 - (g) a representative of the Government of India, in the Ministry of Agriculture;
 - (h) four representatives of the oil palm processing Factories, as may be nominated by the Government;
 - (i) four persons from among the oil palm Growers as may be nominated by the Government; and
 - (j) the Oil Palm Commissioner;
- (3) The Oil palm Commissioner shall be the Ex-Officio Member Secretary of the Committee.
- (4) The term of Office of the Committee shall be three years, but the Government may, for reasons to be recorded in writing, re-constitute the Committee at any time before the expiry of the term.
4. It shall be the duty of the Advisory Committee to advise the Government on the following matters namely:- Function of the Advisory Committee.
- (a) extension of the areas under cultivation of oil palm;
 - (b) problems relating to the cultivation of oil palm;
 - (c) problems faced by the oil palm processing industry;
 - (d) co-ordination between the oil palm growers and industry and sorting out of all matters which may arise;
 - (e) to bring to the notice of the Government any measures that will suit the orderly development of the oil palm cultivation and industry; and

(f) such other matters as may be prescribed.

Constitution
of Zonal
Committee.

5. (1) The Oil Palm Commissioner may, by notification, declare each area Zonal Committee specified therein attached to a processing factory as a Zone (hereinafter referred to as Factory Zone) constitute an Oil Palm Zonal Committee for each such Zone:

Provided that the Oil Palm Commissioner may, with the approval of the Government, constitute one Zonal Committee for more than one factory zone or more than one Zonal Committee for each factory Zone, if it is deemed necessary in the interests of effectively carrying out the purposes of this Act.

(2) The Zonal Committee constituted under sub-section (1) shall consist of the following members, namely:-

- (i) a Chairman nominated by the Oil Palm Commissioner with the approval of the Government from among the persons residing in the factory zone;
- (ii) two persons representing the factory located in the factory zone to be nominated by the Managing Director of the factory concerned;
- (iii) four persons from among the growers to be nominated by the Oil Palm Commissioner;
- (iv) the District Agriculture Officer and Sub-Divisional Agriculture Officer of the area, Executive Engineer (Works), Executive Engineer (PHE) and Executive Engineer (WR) representing the areas; and
- (v) the Oil Palm Inspector concerned who shall be the Member Secretary of the Committee:

Provided that the Members specified in clause (iv) shall have the right to speak and otherwise to take part in the meetings of the Zonal Committee but shall not be entitled to vote at any such meeting.

(3) The Committee constituted under this section shall be a body corporate having perpetual succession and common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name sue and be sued,

(4) The term of the Zonal Committee shall be three years and upon its expiry, the Committee shall be reconstituted in accordance with the provisions of sub-section (1):

Provided that if the Oil Palm Commissioner is satisfied that it is necessary to do so, he may with the approval of the

Government, by order dissolve the Committee before the expiry of its term:

Provided further that the Oil Palm Commissioner shall not pass any such order unless the Committee has had an opportunity of making its representations.

(5) When a Committee is dissolved, the following consequences shall follow:-

- (a) all the members shall vacate their offices on the date specified in the order but without prejudice to their eligibility for re-nomination as members;
- (b) the Committee may be reconstituted within three months of its dissolution by the Oil Palm Commissioner in accordance with the provisions of sub-section (1); and
- (c) the powers and functions of the Committee shall, pending its reconstitution, be exercised and performed by the Secretary subject to such restrictions as may be specified in the order.

(6) The Oil Palm Commissioner may, with the approval of the Government, remove any member of the Committee, including the Chairman, from his office after recording the reasons in writing for such removal:

Provided that the order removing a member shall not be passed by the Oil Palm Commissioner unless such member has had an opportunity of making his representation.

6. (1) As soon as may be after the commencement of this Act the Government shall, by notification, constitute a Committee to be called the Project Management Committee.

Constitution
of Project
Management
Committee.

(2) The Committee shall consist of the following members, namely,-

- (a) Administrative Secretary in charge of Agriculture, Government of Manipur – Chairman;
- (b) Administrative Secretary in charge of Finance, Government of Manipur – Member;
- (c) Administrative Secretary in charge of Agriculture, Government of Manipur – Member;
- (d) Joint Director, ICAR for North Eastern Hill Region (NEHR), Manipur Centre, Lamphel – Member;
- (e) Mission Director, Oil Palm Mission, Manipur – Member;
- (f) Consultant Oil Palm Mission Manipur – Member;
- (g) Director, Agriculture Manipur - Member Secretary.

Powers and
functions of
the Zonal
Committee:

7. (1) The functions of the Zonal Committee shall be to: -
- (a) consider the Programme of development of Oil Cultivation in the Factory Zone;
 - (b) deliberate on the problems faced by the factory or the growers in cultivation and transport of Oil Palm;
 - (c) devise plans for removal of such problems with the funds as may be available with the Committee and to recommend to the Government such action as is necessary for solving the problems;
 - (d) recommend to the local bodies; Public Works Department of the Government for proper improvement and upkeep of roads leading to the Factory Zone from the cultivating centers including feeder roads;
 - (e) take steps for prevention and control of Oil Palm diseases and pests affecting Oil Palm and render all possible help for the development of Oil Palm cultivation;
 - (f) draw up, plans for training of the cultivators and for extension work in respect of Oil Palm with the funds as may be available with the Committee;
 - (g) consider complaints of the grower regarding transportation, purchase of Oil Palm FFB and payment of price by the factory to the Oil Palm cultivators; and
 - (h) administer the funds as may be available.
- (2) The Government or the Oil Palm Commissioner may call a joint meeting of the Chairman and Members of all the Zonal Committees for deliberating on the issues common to all the Factory Zones.

Zonal
Committee
Funds.

8. (1) There shall be a fund at the disposal of the Zonal Committee for the performance of the various functions entrusted to it.
- (2) The funds of the Committee shall consist of: -
- (a) grants made by the State Government either for a general purpose or for any specific purpose for the performance of the functions of the Committee; and
 - (b) such contributions as may be made by the factories, Oil Palm Grower, Oil Palm Growers Cooperative Societies or such other organizations interested in the development of Oil Palm Cultivation and processing.

9. Subject to such rules as may be made in this behalf, the Government shall appoint an Officer of the Government as Oil Palm Commissioner or may designate an Officer of the Government as Oil Palm Commissioner to exercise the powers and perform the functions of the Commissioner under this Act.

Appointment of Oil Palm Commissioner.

10. (1) Subject to such rules as may be made in this behalf, the Government may appoint such number of officers of the Government as Oil Palm Inspectors for such areas as may be specified under this Act to exercise the powers and perform the functions vested in the Oil Palm Inspectors under this Act.

Oil Palm Inspector.

(2) Notwithstanding anything contained in sub-section (1), the Government may designate any officer of the Department of Agriculture to exercise the powers and perform the functions of the Oil Palm Inspector under this Act.

11. The occupier of the factory, in every Factory Zone, shall maintain in such form and in such manner as may be prescribed a register of Oil Palm Growers in the zone attached to the factory in accordance with the provisions of section 11. The register shall be updated every year and shall always be available in the office of the factory for inspection by the Oil Palm Inspector or any other authority authorized by the Government or Oil Palm Growers Cooperative Societies in the concerned zone as in the register shall also be made available by the said occupier to the Zonal Committee. It shall be competent for the Oil Palm Commissioner, on the report submitted by the inspecting authority, to order such corrections as he deems fit in the registers maintained under this section.

Register of Oil Palm Growers and Oil Palm Growers Cooperative Societies.

12. (1) The Government shall have the power to declare by notification, any area as Factory Zone for the purpose of supply of fresh oil fruit bunches to the factory specified for the purpose or purchase of Oil Palm FFB and any other Oil Palm product by the factory.

Declaration of Factory Zone.

(2) Where a particular area is declared as Factory Zone under sub-section (1), the Oil Palm growers in that area shall supply the fresh fruit bunches from the Oil Palm plantations grown in that area only to the factory to whom the Factory Zone is attached and to none else.

(3) Where a particular Factory Zone is declared under this section, the occupier of the factory in the concerned factory and for which the zone is declared, shall buy all the Oil Palm FFB produced by all the Oil Palm growers or their cooperative Societies in that Factory

Zone as are offered for sale by them at a price which shall not be less than the price fixed by the authority empowered to fix the price under this Act.

Failure to buy.

13. (1) In the event of failure on the part of the occupier of a factory to buy all the fresh fruit bunches from the growers in the Factory Zone declared in relation to a factory, without any valid reason, the occupier of factory shall be liable to compensate the loss that may have been caused to the grower on account of non-purchase of the Oil Palm FFBs by the factory in addition to the penalty specified in section 16.

(2) Where an occupier of a factory refuses to buy particular consignment or consignment of Oil Palm FFBs from a grower, he shall assign reasons thereof in writing:

Provided that damage, inefficient running, breakdown of plant machinery, failure to use capacities and any other operational problems shall not be valid reasons for refusal of the consignment of Oil Palm FFBs and shall be treated as the failure on the part of the factory to buy the oil palm FFBs for the purposes of sub-section (1):

Provided further that the Oil Palm Commissioner shall be the authority to decide whether there are valid reasons for the failure to buy oil palm FFBs and his decision thereon shall be final.

Power to fix prices.

14. (1) The Government may constitute a Committee to fix the minimum price of Oil Palm, subject to such guidelines as they may give in that regard from time to time.

(2) Where the Price Fixation Committee is authorized to fix the prices of Oil Palm FFBs to be purchased by the factory, shall declare at such intervals as may be directed by the Government, the minimum price at which the Oil Palm FFBs be purchased by the factories.

Maintenance of Records and inspection.

15. (1) Every occupier of the factory shall maintain such records as are prescribed or as required by the Oil Palm Commissioner with the approval of the Government.

(2) An Oil Palm Inspector may at any time inspect a factory and verify such records, reports, statements and registers as may be required to be maintained in connection with due implementation of the provisions of this Act and may also direct the occupier of a factory to produce them for his verification.

(3) The powers under sub-section (2) may be exercised by any Officer authorized in this behalf by the Oil Palm Commissioner by a general or specific order.

(4) An occupier of the factory who fails to maintain the record as required under this section or fails or refuses to produce the same when called for by the authority under this Act shall be punishable under section 16.

16. (1) Every person or occupier of a factory who contravenes the provisions of section 11 shall be punishable with a fine which may extend to rupees one lakh and in the case of a continuing contravention of the provisions of the said section, with a further fine not exceeding rupees five thousand for each day during which the contravention continues. Penalties.

(2) Any person or occupier of a factory contravening any of the provisions of this Act or of any rule or order made under this Act for which no penalty is provided in sub-section (1) shall be punishable with fine which may extend to rupees ten thousand.

17. (1) No court shall take cognizance of an offence punishable under this Act, or any rule or order, made thereunder except upon a complaint in writing made by the Oil Palm Commissioner or any authority or Officer authorized by him in this behalf. Institution of Proceedings.

(2) No court inferior to the court of a Magistrate of the First Class shall take cognizance of, or try, an offence under those Act or any rule or order made thereunder.

18. On the application of a person accused of an offence under this Act or any rule or order made thereunder, the Oil Palm Commissioner or any authority or Officer authorized by him in this behalf may, at any stage, compound such offence by levying a compounding fee nor exceeding rupees one lakh. Compounding of Offences.

19. (1) No suit, prosecution or other legal proceeding shall lie against any person or anything which is in good faith done or intended to be done in pursuance of any provision of this Act or any rule or order made thereunder. Protection of acts done in good faith.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any provision of this Act or of any rule or order made thereunder.

20. (1) Where the occupier of an Oil Palm factory is a firm or other association of individuals, anyone or more of the partners or members thereof may be prosecuted and punished under this Act for any offence for which the occupier of the factory or owner thereof is punishable: Determination on occupier of factory for the purposes of this Act.

Provided that the firm or association may give notice to the Oil Palm Commissioner that it has nominated one of its partners or members to be occupier of the factory for the purpose of this Act, and such individuals shall be deemed to be the occupier of factory for the purpose of this Act, until further notice cancelling his nomination is received by the Oil Palm commissioner or until he ceases to be a partner or member of the firm or association as the case may be.

(2) Where the occupier of a factory is a company or a Co-operative Society, anyone or more of the Directors thereof, or, in the case of a private company, anyone or more of the shareholders thereof, may be prosecuted and punished under this Act, for any offence for which the occupier of the factory is punishable:

Provided that the company or co-operative society may give notice to the Oil Palm Commissioner that it has nominated a Director, and a private company may give notice to the said officer that it has nominated a shareholder, to be the occupier of the factory for the purpose of this Act, until further notice cancelling his nomination is received by the Oil Palm Commissioner or until he ceases to be a Director or shareholder, as the case may be.

Payment of
Oil Palm
price.

21. (1) The occupier or owner of an Oil Palm factory shall make provision to the satisfaction of the Oil Palm Commissioner for the payment of the price palm FFB supplied to the factory.

(2) Upon the delivery of oil palm FFB, the occupier or owner of a factory shall be liable to pay within fourteen days from the date of such delivery the price of the oil palm FFB so supplied.

(3) The price of the oil palm FFB remaining un-paid on the expiration of the period specified in sub-section (2) shall carry interest at fifteen per cent per annum from the date of delivery of oil palm FFB and it shall be recovered as if it were an arrear of land revenue.

(4) Without prejudice to the provisions of the foregoing sub-sections, where the owner or occupier of a factory or any other

person competent in that behalf, enters into an agreement with a bank under which the bank agrees to give advance to him on the security of palm oil produced or to be produced in the factory, the said occupier, owner or other person, as the case may be, shall provide in such agreement that such percentage, which shall not be less than fifty percent of the total amount of advance as may be prescribed, shall be set apart and be available only for payment to oil palm growers or other co-operative societies on account of the quantity of oil palm FFB purchased or to be purchased for the factory from those oil palm growers upfront or through those societies.

(5) Every such occupier, owner or other person as aforesaid shall send a copy of every such agreement to the Oil Palm Commissioner within one week from the date on which it is entered into.

22. (1) The Government may, by notification, levy a tax with a rate not exceeding rupees one hundred per Metric Ton on the purchase of FFBs required for use, consumption or sale in factory.

Levy of Tax on purchase of oil palm FFBs.

(2) The Government may, by notification, remit in whole or in part such tax in respect of FFBs used or intended to be used in a factory for any purpose specified in such notification.

(3) The tax payable under sub-section (1) shall be levied and collected from the occupier of the factory or from the person receiving oil palm FFBs or the oil palm processing factory in such manner and by such authority as may be prescribed.

23. The tax on oil palm levied and collected under section 21 shall be used for the following purposes, namely, –

Purposes for which tax levied and collected.

- (i) for the overall development of oil palm plantations;
- (ii) to bring more areas under oil palm cultivation;
- (iii) to monitor the schemes benefitting oil palm growers;
- (iv) to develop the feeder roads to facilitate movement of oil palm FFBs; and
- (v) any other purposes in the interests of oil palm growers in particular or in the interests of general public residing in oil palm growing zones.

24. The Government may, subject to other provisions of this Act, by order, direct the Oil Palm Commissioner or any other officer to make an enquiry or to take appropriate proceeding under this Act, in respect of any matter specified in this order, and the Oil Palm

Power of Government to give direction.

Commissioner or the other officer, as the case may be, shall report to the Government in due course, the result of the enquiry made or the proceeding taken by him.

Delegation of powers of Government.

25. The Government may, by notification, delegate all or any of their powers under this Act, except section 26 to any person or authority subordinate to them subject to such conditions and to such control and revision as may be specified in the notification and they may in the like manner withdraw any power(s) so delegated.

Power to make rules.

26. (1) The Government may, by notification in the Official Gazette, make rules for carrying out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -

- (a) as to the conditions governing the declaration of a factory zone and as to the alteration or cancellation thereof; and
- (b) as to the plucking, collection and delivery of the oil palm FFBs by the growers or as the case may be, by the companies and the prescription of collection centers by the Oil Palm Commissioner.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of the State, while it is in session and if it is not in session, immediately following for a total period of fourteen days which may be comprised in one session, or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which modification or annulment is notified, have effect only in such modified form or shall stand annulled, 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.

Power to remove difficulties.

27. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislature.

NUNGSHTOMBI ATHOKPAM,
Secretary (Law),
Government of Manipur.