The Rajasthan Warehouses Act, 1958

31 Oct., 1999

RAJASTHAN STATE WAREHOUSING CORPORATION

(A Government Undertaking)

Head Office: Bhawani Singh Marg, Jaipur 302 015

THE RAJASTHAN WAREHOUSES ACT, 1958

(Act No. 48 of 1958)

CONTENTS

SECTIONS		PAGE
	CHAPTER 1	
	PRELIMINARY	
1.	Short title, extent and commencement	1
2.	Interpretation	2
	CHAPTER II	
	LICENSING OF WAREHOUSES	
3.	Warehouseman	3
4.	Grant of licences	3
5.	Conditions for licence	3
6.	Term and renewal of licence	3
7.	Notice of refusal to grant or renew licence	4
8.	Suspension and cancellation of licence	4
9.	Notice of suspension and cancellation of licence	4
10.	Return of licence	4
11.	Duplicate licence	4
	CHAPTER III	
	DUTIES OF A WAREHOUSEMAN	
12.	Reasonable care of the goods deposited	5
13.	Precautions against damage or injury to goods	5
14.	Preservation of identity of goods	5
15.	Goods deteriorating in warehouse and their disposal	5
16.	Delivery of goods	6
17.	Liability of warehouseman for shortage or excess in goods stored	6
18.	Insurance of goods in warehouses	7
19.	Discrimination prohibited	7
20.	Warehouseman not to deal in or lend against goods in warehouse	7
21.	Accounts etc. to be maintained	7
	CHAPTER IV	
	INSPECTION AND GRADING OF GOODS	

22. Inspection 8
23. Weighers, samplers and graders to obtain licences 8
24. Provisions regarding such licences 8
25. Facilities to be given for weighing goods etc. 9

CHAPTER V

WAREHOUSE RECEIPTS

26. Receipt to be issued 9
27. Receipts for deposits in warehouses 9
28. Duplicate receipt 9

CHAPTER VI

MISCELLANEOUS

29. Appeals against certain orders of prescribed authority 9
30. No compension for suspension or cancellation of licence 10
31. Contracts and agreements inconsistent with Act to be void 10
32. Penalty and procedure 10
33. Facilities for inspection 10
34. Rules 10
35. Power to exempt 12
35 A.Act not to apply to certain warehouses 12
36. Repeal 12

SCHEDULE 12

The Rajasthan Warehouses (Amendment) Act, 1960 14

The Rajasthan Warehouses (Amendement) Act, 1961 15

Cooperative Department Notification 30th May, 1969 16

(First published in Rajasthan Rajparta, Extraordinary, dated 30-12-58 Part IV-A.)

LAW AND JUDICIAL (A) DEPARTMENT NOTIFICATION

Jaipur, December 29, 1958

No.F.4(55) - LJ/A/57.- The following Act of the Rajasthan State Legislature received the assent of the President on the 24th day of December, 1958, and is published for general information :-

THE RAJASTHAN WAREHOUSES ACT, 1958 (ACT No.48 Of 1958)

[Received the assent of the President on the 24th day of December, 1958]

An

Act

To encourage the establishment of independent warehouses and make provision for their proper supervision and control.

Be it enacted by the Rajasthan State Legislature in the Ninth year of the Republic of India as follows:-

CHAPTERII
Preliminary

1. ***Short title, extent and commencement****--[1]*This Act may be called the Rajasthan Warehouses Act, 1958.

(2) It extends to the whole of the State of Rajasthan.

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

2. ***Interpretation*** -- In this Act, unless there is anything repugnant in the subject or context -

(a) “Co-operative Society” means a society registered or deemed to be registered under the Rajasthan Co-operative Societies Act, 1953 (Rajasthan Act IV of 1953);

(b) “Depositor” means a person who tenders his goods to the warehouseman for storing in his warehouse, and includes any person who lawfully holds the receipt issued by the warehouseman in respect of such goods and derives title thereto by a proper endorsement or transfer thereof to him by the depositor or the depositor's lawful transferee;

(c) “Goods" means any of the articles specified in the Schedule to this Act;

Provided that the State Government may, by notification in the Official Gazettee, for reason to be recorded, add any article to, or omit any article from, the Sechedule.

(d) “Licensed warehouse” means a warehouse licensed under this Act;

form issued by a warehouseman to a person depositing goods in the warehouse;

(f) "Warehouse" means any building structure or other protected enclosure which is or may be used for the purpose of storing goods on behalf of depositors, but does not includecloak rooms attached to hotels, railway stations, the premises of other public carriers, and the like or the premises of an Aaritya or of a commission agent;

(g) "Warehouseman" means a person who has obtained a licence under this Act in respect of his warehouse.

CHAPTER II

Licensing of Warehouses

3. ***Warehouseman*** -- No person shall carry on the business of a warehouseman except under a licence granted under this Act and in accordance with such terms and conditions thereof as may, from, time to time, be prescribed.

4. ***Grant of licence*** -- (1)Application for a licence shall be made in the prescribed form to the prescribed authority.

(2) The prescribed authority may, on receiving such application and on payment of such fees as may be prescribed, grant a licence.

5. ***Conditions for licence*** -- (1) Before granting a licence the prescribed authority shall satisfy itself,

(a) That the warehouse is suitable for proper storage of the class or classes of goods in respect of which the licence has been applied for;

(b) That the applicant is competent to conduct such a warehouse;

(c) That the applicant has paid the fee prescribed for the licence and has also paid the presciribed security, if any; and

(d) That there is no other cause or reason for which the applicant for the licence may, in the opinion of the prescribed authority, be deemed to be disqualified. alter the conditions under which a licence is granted to a warehouseman under this section.

6. ***Term and renewal of licence***--Every licence granted under section 5 shall be valid for the prescribed period, and may, on application and payment of the prescribed fee, be renewed from time to time by the prescribed authority and for the prescribed period, provided the other conditions referred to in Section 5 continue to be fulfilled.

7. ***Notice of refusal to grant or renew licence***--If the prescribed authority refuses to grant or renew a licence under the foregoing provisions, it shall record its reasons for such refusal in writing and furnish a copy of the order to the applicant.

8. ***Suspension and cancellation of licence***--(1) Every licence granted under Section 5 or renewed under Section 6 shall be liable to be suspended or cancelled by the prescribed authority if in its opinion the warehouseman--

(a) Has applied to be adjudicated, or been adjudicated, an insolvent, or

(b) Has parted, in whole or in part, with his control over the warehouse, or

(c) Has ceased to conduct such warehouse,

(d) Has made unreasonable charges for the services rendered by him, or

(e) Has in any other manner become incompetent to conduct such warehouse, or

(f) Has contravened, or failed to comply with, any of the terms of the licence or any of the provisions of this Act and the rules.

(2) If a licence is suspended or cancelled, the prescribed authority shall make an entry to that effect in the licence.

9. ***Notice of suspension and cancellation of licence***--(1) Before passing an order for cancellation or suspension under Section 8, the prescribed authority shall give notice to the warehouseman stating the grounds on which it is proposed to cancel or suspend his licence and calling upon him to show cause why it should not be cancelled or suspended, as the case may be.

(2) After considering the explanation, if any, of the warehouseman, the prescribed authority may pass such orders as it deems just.

10. ***Return of licence***-- When a licence expires, or is suspended or cancelled, the warehouseman shall cease to work as such and shall return the licence to the prescribed authority, who shall givereasonable time to the warehouseman to enable him to wind up the business.

11. ***Duplicate licence*** -- (1) Where a licence granted to a warehouseman is lost, destroyed, torn, defaced or otherwise becomes illegible the prescribed authority shall issue a duplicate licence on the application of the warehouseman and on payment of the prescribed fee.

(2) When duplicate licence is issued, it shall be clearly stamped “Duplicate" and shall be marked with the date of issue of duplicate and that of the original from the record of the office issuing the licence.

CHAPTER III

Duties of a Warehouseman

12. ***Reasonable care of the goods deposited*** -- Every warehouseman shall take such care of the goods deposited with him as a man of ordinary prudence wouldtake of his own goods under similar circumstances and conditions.

13. ***Precaution against damage or injury to goods*** -- (1) Every warehouseman shall keep his warehouse clean and free from damp, take all necessary precautions against rats and other pests, and fulfil such other conditions as may be prescribed.

(2) No warehouseman shall accept goods for deposit which are likely to cause damage to other goods which are, or may be deposited, in the warehouse.

14. ***Preservation of indentity of goods***--Everywarehouseman shall keep the goods of one depositor separate from the goods of other depositors and from other goods of the same depositor for which a separate receipt has been issued, in such a manner as to permit at all times of the indentification and delivery of the goods deposited.

Provided that where standardised and graded goods are stored in a warehouse, then, subject to any agreement between the warehouseman and a depositor, the same variety of goods belonging to different depositors may be pooled together and each depositor shall be entitled only to his portion of the goods according to weight or quantity, as the case may be, as shown in his receipt.

15. ***Goods deteriorating in warehouse and their disposal***--

(1) Whenever goods deposited in a warehouse deteriotate from

6

causes beyond the control of the warehouseman, he shall forthwith give notice of such deterioration to the depositor, requiring him to take delivery of the goods immediately; after surrendering the receipt duly discharged and paying all charges due to the warehouseman.

Explantion:-Loss of weight or bulk by shrinkage or dryage or gain of weight or bulk by absorption of moisture, shall be deemed to amount to deterioration within the meaning of this sub-section, if theloss or gain exceeds such limits as may be prescribed.

(2) If the depositor does not, within a reasonalbe time, comply with a notice given to him under sub-section (1), the warehouseman may cause the goods to be removed from the warehouse and sold by public auction at the cost and risk of the depositor.

(3) Any person having an interest in any goods deposited in a warehouse or in the receipt for such goods may inform the warehouseman in writing of the fact and nature of his interest, and the warehouseman shall keep a record thereof; and if such person requests in writing that intimation be given to him regarding the condition of the goods and agrees to pay the charges for giving such intimation, the warehouseman shall give him intimation accordingly.

16. ***Delivery of goods***--(1) Every warehouseman in the absence of reasonable excuse shall, without unnecessary delay, deliver the goods deposited in his warehouse to the depositor on demand made by him and surrender of the receipt duly discharged and payment of all charges due to the warehouseman.

(2) Subject to any agreement between the warehouseman and the depositor, the depositor may take partial delivery of the goods deposited in a warehouse.

17. ***Liability of warehouseman for shortage or excessin goods stored***-- (1) For the purpose of sub-section (1) and (2) of section 16 and sub-section(1) of section 15, loss of weight or bulk by dryage or shrinkage within the prescribed limits and gain in weight by absorption of moisture within such limits shall not be deemed to amount to daterioration.

(2) If there is any excess in the goods stored in a warehouse by absorption of moisture or other causes, the warehouseman shall not be entitled thereto.

(3) If there is any shortage in the goods stored in a warehouse by dryage or other causes beyond the control of the warehouseman, the warehouseman shall not be responsible therefor.

(4) In the event of a dispute arising as to whether such shortage or excess is due to dryage or absorption of moisture oris due to other causes beyond the control of the warehouseman, the matter shall be referred to the prescribed authority.

18. ***Insurance of goods in Warehouses***--(1) Every warehouseman shall insure such class of goods stored in his warehouse, in such manner and against such events as may be prescribed.

Provided that nothing in this section shall apply to the goods deposited in a warehouse belonging to a Warehousing Corporation established under the Agricultural Produce (Development & Warehousing) Corporations Act, 1956 (Central Act, 28 of 1956) such Warehouseing Corporation has agreed in the prescribed manner, to compensate the depositor against loss or damage arising from the prescribed events.

19. ***Discrimination prohibited***—Every warehouseman shallreceive for storage therein so far as its capacity permits any goods of the kind customarily stored by him therein, which may be tendered to him in a suitable condition for storing in the usual manner in the ordinary and usual course of business without making any discrimination between persons desiring to avail themselves of the facilities of his warehouse:

Provided that a warehouseman shall grant such concessions to a co-operative society as may be prescribed.

20. ***Warehouseman not to deal in or lend against goods in warehouse***--(2) Notwithstanding anything contained in any other law, no warehouseman other than a co-operative society shall either on his own account or that of others, deal in or lend money on goods received by him for deposit in his warehouse.

21. ***Accounts etc. to be maintained***--A Warehouseman shall maintain accounts, books and records in such form and manner as may be prescribed.

1. Substituted vide Law Department Notification jaipur, November 6, 1961.

2. 20, Deleted the word "Or the Central Warehousing Corporation or any StateWarehousing Corporation established under the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 (Central Act 28 of 1956)" vide Law and Judicial (A) Department Notification Jaipur,May 10, 1960- Published in the Rajasthan Rajpatra Extraordinary Part IV (A) dt. 11-5-60.

CHAPTERIV

Inspection and grading of goods

22. ***Inspection*** - The prescribed authority may, at any time during business hours, inspect or examine or cause to be inspected or examined, any licensed warehouse, its machinery and equipment, goods deposited therein and the account books and records relating thereto for the purpose of satisfying itself that the requirements of this Act and the rules are being complied with.

23. ***Weighers, samplers and graders to obtain licences***--(1) The Prescribed authority may, on application made in the prescribed manner and on payment of the prescribed fee, issue licences to persons possessing the prescribed qualifications, entitlingthem to act as weighers, samplers and graders of any goods deposited or to be deposited in a licensed warehouse; and to issue certificates as to the weight, bulk, quality or grade of the goods which they have examined.

(2) The certificates issued by weighers, samplers and graders as to weight, bulk, quality or grade of the goods stored in the warehouse shall subject to any decision of the Board of Arbitrators under sub-section (3) and further subject to the provisions of section 24 be binding on the warehouseman and depositor.

(3) The prescribed authority may, in the manner prescribed, constitute a Board of Arbitrators to decide in the prescribed manner complaints against weighers, samplers and graders or warehouseman relating to weight, bulk, quality orgrade of the goods stored in the warehouses. The decision of the Board of Arbitrators shall be final and shall not be liable to be questioned in a court of law.

(4) No person who is not licensed under this section shall act, or hold himself out, as a weigher, sampler or grader of the said goods.

24. ***Provisions regarding such licences*** -- (1) Every licence granted to a weigher, sampler or grader under section 23 shall be valid for the prescribed period and may, on application and payment of the prescribed fee, be renewal from time to time for the prescribed period by the prescribed authority.

(2) The prescribed authority may cancel or suspend any such licence, after communicating to the licensee the grounds on which it is proposed to take action and giving him a reasonable opportunity of showing cause against it.

(3) The holder of any such licence shall, on the expiry thereof or the receipt of an order suspending or cancelling it, return the licence to the prescribed authority.

25. ***Facilities tobe given for weighing goods etc.***--Every warehouseman shall provide reasonable facilities for weighing, sampling and grading any goods deposited in the warehouse.

CHAPTER V

Warehouse Receipts

26. ***Receipt to be issued***--For the goods deposited in his warehouse by each depositor, the warehouseman shall issue a receipt which shall contain full particulars of the goods and be in the prescribed form.

27. ***Receipts for deposits in warehouses*** — The receipts issued by a warehouseman shall, unless it is otherwise specified thereon, be transferable by endorsement and shall entitle the lawful holder thereof to receive the goods specified in it on the same terms and conditions as the original depositor.

Explanation:- The provisions of this section shall not apply to any receipt issued by a person who has not obtained a licence under this Act.

28. ***Duplicate receipt***:--If a receipt is lost, destroyed ordamaged the warehouseman shall, on application by the depositor and payment by him of the prescribed fee, issue a duplicate receipt on such conditions as he may think fit to impose, being conditions included in rules for the purpose.

CHAPTER VI

Miscellaneous

29. ***Appeals against certain orders of prescribed authority***--(1) An appeal against any order of the prescribed authority refusing to grant or renew a licence or suspending or cancelling any

such licence in respect of a warehouseman or any orders passed under section 17 shall be made to such authority and within such time as may be prescribed.

(2) The decision of such appellate authority shall be final.

30. ***No compensation for suspension or cancellation of licence***--Where any licence is suspended or cancelled under this Act, the licence shall not be entitled to any compenstaion therefor, nor shall he be entitled tothe refund of any fee paid by him for the licence.

31. ***Contracts and agreements inconsistent with Act to be void***—Every contract or agreement which is inconsistent with the provisions of this Act, or the rules shall to the extent of such inconsistency, be void.

32. ***Penalty and procedure*** -- (1)Whoever --

(a) Acts, or holds himself out, as a licensed warehouseman without having obtained a licence under this Act, or

(b) Knowingly, contravenes or fails to comply with any of the provisions or requirements of this Act or the rules,

Shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

(2) Where a person committing an offence under sub-section (1) is a company or an association or a body of persons, whether in-corporated or not, the Manager, Secretary, agent or other principal officer,managing the affairs of such company, association or body, shall be deemed to be guilty of such offence.

33. ***Facilities for inspection*** -- Every warehouseman shall allow necessary facilities for the depositor to inspect and satisfy himself that his goods are properly cared for. rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for —

(a) The matters expressly required or allowed by this Act to be prescribed;

(b) The conditions to be inserted in licences to be granted to warehouseman and the form of such licences;

(c) The publication of the grant, suspension or cancellation of licence to warehouseman and of consolidated lists of warehouseman and licensed warehouse;

(d) The charges to be levied by warehousemen for their services;

(e) The books, accounts and records to be maintained by warehouseman;

(f) The conduct of public auctions for the sale of goods deteriorating or about to deteriorate in licensed warehouses and the manner inwhich the proceeds of such sales shall be accounted for;

(g) The scales of losses and gains of weight or bulk which may be sustained by goods owing to shrinkage or dryage in the one case and owing to absorption of moisture in the other;

(h) The disinfection of licensed warehouses and the disinfection of goods stored therein;

(i) The circumstances in which any security or bond furnished by a warehouseman may be forfeited, and the manner in which any sum falling due as a result of such forfeiture may be recovered;

(j) The efficient conduct generally of the business of warehousemen;

(k) The qualifications to be possessed by persons applying for the grant of licences as weighers, samplers or graders, the conditions to be inserted in their licences; the form of the certificates to be issued by them and the grounds for which the licences may be suspended or cancelled;

(l) Thestandard weights, measures, and gradation of goods to be used in licensed warehouses;

(m) The authority to which and the time within which an appeal under section 29 should be made;

(n) The manner of giving notices under this Act.

(3) The power to make rules under this section shall be subject to the condition of previous publication.

35. ***Power to exempt***--The State Government may, by notification in the Official provisions of this Act.

*35 A. ***Act not to apply to certain warehouses***--Nothing contained in this Act shall apply to warehouses licenced under the provisions of the Sea Customs Act, 1878 (Central Act 8 of 1878): the Inland Bonded Warehouses Act, 1896 (Central Act 8 of 1896) or the Central Excise and Salt Act, 1944 (Central Act 1 of 1944) or the rules made thereunder.

36. ***Repeal***— The Jaipur Warehouses Act, 1948 (Jaipur Act XXVVIII of 1948) in force in the area of the former Jaipur State, the Bombay Warehouses Act, 1947 (Bombay Act LVI of 1947) in force in the Abu area and all other corresponding laws in force in any area now forming part of the State of Rajasthan are hereby repealed.

SCHEDULE

[See Section 2 (C)]

(Goods to which the Act applies)

I. Fibres :-

(1) Cotton ginned and(2) San (hemp).

II. Cereals :-

(1) Wheat (2) Jowar (3) Bajra (4) Barley (5) Gram

(6) Maize (7) Paddy (husked and unhusked.)

* Inserted vide Law and Judicial (A) Department Notification Jaipur, May 10, 1960

III. Pulses :-

(1) Urad (2) Mung (3) Moth (4) Massor (5) Tur

(6) Gram (7) Chola.

IV. Oil seeds :-

(1) Groundnut (shelled and unshelled) (2) Linseed (3) Sesame (4) Mustard

(5) Cotton-seed (6) Castor-seed.

V. Varcotics

Tobacco.

VI. Gur, Sugar and Sugarcane.

VII. Fruits :--

(1) Mango (2) Mosambi (3) Santra (4) Lemon (5) Melons.

VIII. Vegetables :-

(1) Potato (2) Onion (3) Tomato (4) Leafy and fresh vegetables (5) Sweet potatoes.

IX. Animal Husbandry Products :-

(1) Wool (2) Butter (3) Ghee (4) Milk.

X. Condiments, spices and other :-

(1) Corriander (2) Chillies (3) Turmeric (4) Garlic (5) Ginger (6) Cummin (Zira)

(7) Rai (8) Methi.

XI. Grass and fodder.

PRABHU DAYAL LOIWAL

Secretary to the Government.

(First published in the Rajasthan Rajpatra, Extraordinary Part IV (A), Dated 11.5.60)

LAW AND JUDICIAL (A) DEPARTMENT NOTIFICATION JAIPUR, MAY 10,1960

No. F.4 (9) LJ/A/59— The following Act of the Rajasthan State Legislature received the assent of the President on the 6th day of May, 1960, and is published for genereal information :-

THE RAJASTHAN WAREHOUSES (AMENDMENT) ACT, 1960.

(Act No. 19 of 1960)

(Reveived the assent of the President on the 6th day of May, 1960) An

Act

to amend the Rajasthan Warehouses Act, 1958.

Be it enacted by the Rajasthan State Legislature in the Eleventh year of the Republic of India as follows :-

1. Short title--This act may be called the Rajasthan Warehouses (Amendment) Act, 1960.

2. Amendment of section 20, Rajasthan Act 48 of 1958.- In section 20 of the Rajasthan Warehouses Act,1958 (Rajasthan Act 48 of 1958), herein after referred to as the principal Act, the words, brackets and figures "or the Central Warehousing Corporation or any State Warehousing Corporation established under the Agricultural Produce (Development and Warehousing Corporation Act, 1956) (Central Act 28 of 1956)" shall be omitted.

3. Insertion of new section 35 A in Rajasthan Act 48 of 1958--After section 35 of the principal Act, the follwing new section shall be inserted, namely :-

"35A Act not to apply to certain warehouses—Nothing contained in this Act shall apply to any warehouses licenced under the provisions of the Sea Customs Act, 1878 (Central Act 8 of 1878), the Inland Bonded Warehouses Act, 1896 (Central Act, 8 of 1896) or the Central Excises and Salt Act, 1944, (Central Act 1 of 1944) or the rules made thereunder".

D. C. SHARMA
Secretary to the Government

LAW DEPARTMENT
Notification
Jaipur, November 6, 1961

No. F. 7 (45) L (A) 61— The following Act of the Rajasthan State Legislature received the assent of the Governor on the 31st day of October, 1961 and is published for general information :-

THE RAJASTHAN WAREHOUSES (AMENDMENT) ACT, 1961

(Act No. 33 of 1961)

(Received the assent of the Governor on the 31st day of October, 1961)

An

Act

Further amend the Rajasthan Warehouses Act, 1958.

Be it enacted by the Rajasthan State Legislature in the Twelth year of the Republic of India as follows :

1. Short title :-This Act may be called the Rajasthan Warehouses (Amendment) Act, 1961.

2. Substitution of new section for section 18 of Rajasthan Act 48 of 1958:-For section 18 of the Rajasthan Warehouses Act, 1958 (Rajasthan Act 48 of 1958), the following section shall be substituted, namely :-

18. Insurance of goods in Warehouses :-Every Warehouseman shall insure such class of goods stored in his Warehouse, in such manner and against such events as may be prescribed.

"Provided that nothing in this section shall apply to the goods deposited in a Warehouse belonging to a Warehousing Corporarion established under The Agricultural Produce (Development & Warehousing) Corporations Act, 1956 (Central Act, 28 of 1956) such Warehousing Corporation has agreed in the prescribed manner, to compensate the depositor against loss or damage arising from the prescribed events".

D .C. SHARMA
Secretary to the Government

CO-OPERATIVE DEPARTMENT

NOTIFICATION

(Published in Rajasthan Rajparta in Part 1 (Gha) on 12-6-1969)

Jaipur, May 30, 1969

No.F. 14 (69) GA 61-In Exercise of the powers conferred bySection 35 of the Rajasthan Warehouses Act, 1958 (Rajasthan Act 48 of 1958) and in supersession of this Department Notifications of even No. dated the 27 December, 1966 and 13th April, 1967, the State Government hereby exempts the Central Warehousing Corporation and the Rajasthan Warehousing Corporation from the provisions of Section 3 and the explanation in section 37 with effect from the date of commencement of the said act.

By Order of the Governor
Sd/ Anand Mohan Lal
Special Secretary to Government