

AGRICULTURAL AND PROCESSED FOOD PRODUCTS EXPORT DEVELOPMENT AUTHORITY REGULATIONS, 1986

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STATEMENT OF OBJECTS AND REASONS 1. Agricultural sector of the economy contributes significantly to our exports and would have to continue to do so. Increasing reliance shall, however, have to be placed on exports of agricultural and processed food products which lead to higher realisation through added value. Value addition would also generate economic activity and employment in the country. 2. Although the potential for exports of processed food products is good, there have been several constraints inhibiting its growth. The food processing industry is by and large in the small scale sector using technology of processing and packaging which is outdated. In order to have a stable market, it is necessary to guarantee the strict standards of quality expected by importing countries and to maintain consistency. This would require inputs of research technology and a considerable degree of organisational effort. 3. At present the Processed Food Exports Promotion Council looks after exports of these products. The Council does not have any statutory backing to undertake quality control. It is also not equipped to generate production of value added products or to

effectively promote their exports. It has, therefore, been considered necessary to replace the Council by a statutory authority to be designated as the Agricultural and Processed Food Products Export Development Authority. It will co-ordinate its activities with the national bodies like Horticulture Board and State Governments for generating production for export and with research Institutes for development of value added products. It would also be able to undertake quality certification and unify the existing Inspection and quality control for products such as meat and meat products. 4. In order to enable the authority to discharge its functions effectively it is proposed, by a separate Bill, to provide for the levy by way of a cess of the duty of the customs on all the scheduled products which are exported. The intention is to make over, after due appropriation by Parliament by law, the proceeds of the cess to the Authority. 5. The Authority is proposed to be constituted, among others, with representatives of the Central and State Governments, Parliament, Trade, Export Promotion Councils and specialists in the field. The main functions proposed to be assigned to this Authority are to develop processed food industry by way of providing financial assistance for undertaking surveys and feasibility studies, participation in the equity capital through joint venture and other relief and subsidy schemes, registration of exporters of the scheduled products, fixing of standards and specifications for scheduled products for purposes of exports, carrying out inspection of meat and meat products in any slaughter house, processing plant, etc., improvement in packaging of scheduled products and marketing of the products outside India and promotion of export-oriented production and product development of scheduled products. The Bill contains a provision that it shall be the duty of the Authority to provide, by such measures as it thinks fit, the development and promotion under the control of the Central Government, of export of agricultural and processed food products included in the schedule thereof mainly with a view to enabling It to undertake the activities mentioned above. Power has also been taken for the Central Government to prohibit or control the imports and exports of the scheduled products. 6. The Bill seeks to achieve the above objects.

CHAPTER 1

PRELIMINARY

1. Short title and commencement :-

(1) These regulations may be called the Agricultural and Processed Food Products Export Development Authority Regulations, 1986.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these regulations, unless the context otherwise requires.

(i) "Act" means the Agricultural and Processed Food Products Export Development Authority Act 1985 (2 of 1986) ;

(ii) "Chairman" means the Chairman of the Authority :

(iii) "Secretary" means the Secretary to the Authority, appointed under Section 7 ;

(iv) "Section" means a section of the Act ;

(v) "Year" means the financial year commencing on the first day of April and ending with the 31st day of March next following.

CHAPTER 2

PROCEDURE FOR MEETING OF THE AUTHORITY

3. Meetings of the Authority :-

(1)

(a) Ordinary meetings.- There shall be not less than two ordinary meetings of the Authority in a year on such dates and at such places as the Chairman may think fit and interval between any two ordinary meetings shall not in any case, be longer than eight months.

(b) Special meetings.-The Chairman in case of urgency, at any time may call a special meeting of the Authority and may do so if a requisition for a meeting is presented to him in writing by at least ten members.

(2) The Chairman may require any officer of the Authority or invite any person to attend any meeting of the Authority, but such officer or person shall not be entitled to vote.

(3) Notwithstanding anything contained in this regulation, the Central Government, may, at any time, call a meeting of the Authority.

4. Notice for the meetings :-

At least 14 clear days before any ordinary meeting of the Authority, notice of the time and place of the intended meeting signed by the Secretary shall be sent to the Central Government and left at or posted to the address of every member.

5. Quorum :-

(1) No business shall be transacted at a meeting of the Authority unless there are present at such meeting at least ten members.

(2) If at any time the number of members at a meeting is less than the number of members specified in sub-regulation (1), the person presiding shall adjourn the meeting to a date not later than three days from the date of such meeting after informing the members of the date, time and place of the adjourned meeting and it shall thereupon be lawful for the person presiding as such adjourned meeting to dispose of the business intended to be transacted at the original meeting, irrespective of the number of members present.

6. Chairman of meetings :-

The Chairman shall preside every meeting of the Authority and in his absence, the members present at the meeting shall elect one from among themselves to preside over such meeting.

7. Agenda :-

(1) The Chairman shall cause to be prepared and circulated to the Central Government and among the members of the Authority at least ten days before a meeting of the Authority in case of ordinary meeting a list of business to be transacted at such meetings.

(2) No business not included in the Agenda shall be transacted at a meeting of the Authority without the permission of the Chairman.

8. Voting :-

(1) Every question brought before a meeting of the Authority shall be decided by a majority of the members present and voting.

(2) In the case of an equality of Votes, the Chairman or the member presiding over such meeting shall have a second or casting vote.

9. Business by circulation :-

(1) Any business which is to be transacted by Authority may, if the Chairman so directs, be referred to members (other than members

who are not in India) by circulation of paper and copies of papers so circulated shall also be sent to the Central Government.

(2) Any proposal or resolution circulated under sub-regulation (1) and approved by the majority of the members who have recorded their views in writing shall be as effectual and binding as if such proposal or resolution were decided by the majority of the members of meeting. Provided that at least ten members of the Board have approved the proposal or resolution. Provided further that when a proposal or resolution is referred to the members by circulation, any ten members may require that the proposal or resolution be referred to members at a meeting of the Authority.

(3) Where any business is referred to members under sub-regulation (1), a period of not less than ten clear days shall be allowed for the receipt of replies from members and such period shall be reckoned from the date on which the notice of business is issued.

(4) If a proposal or resolution is circulated under this regulation the result of the circulation shall be communicated to all members and to the Central Government.

(5) All decisions on questions arrived at circulation of papers shall be placed at the next meeting of the Authority for record.

10. Record of business :-

(1) A record of proceedings shall be maintained by the Secretary of all items of business transacted by the Authority and copies of such record shall be forwarded to the Central Government.

(2) When a business is transacted by circulation of papers under regulation (9), a record of business so transacted shall be signed by the Chairman.

(3) The record of business transacted at every meeting of the Authority shall be signed by the Chairman, or the member presiding over such meeting as the case may be.