

Agricultural and Processed Food Products Export Development Authority Rules, 1986

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Agricultural and Processed Food Products Export Development Authority Rules, 1986

In exercise of the powers conferred by Rule 32, the Central Government hereby makes the following rules, namely:-

CHAPTER 1

Preliminary

1. Short title and commencement :-

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

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

2. Definitions :-

In these rules, unless the context otherwise requires:-

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

{b) "Authority" means the Agricultural and Processed Food Products Export Development Authority established under Section 4 ;

(c) "Certificate" means certificate of registration;

(d) "Committee" means any of the Committees appointed by the Authority under Section 9 ;

{e) "Form" means a form appended to these rules ;

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

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

(h) "Year" means the year commencing on the first day of April ;

(i) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the said Act.

CHAPTER 2

Authority

3. Term of office of members :-

The term of office of the members, other than the member referred to in clause (A) of sub-section (4) of Section 4 , shall be two years.

4. Membership roll :-

The Secretary shall keep a record of the names of members and their addresses.

5. Change of address :-

A member shall keep the Secretary informed of any change in his address. If he fails to inform the change of address, the address in the official record maintained by the Secretary under Rule 4 shall, for all purposes, be deemed to be his address.

CHAPTER 3

Powers and duties of Chairman and Secretary

6. Powers and duties of the Chairman :-

The Chairman shall :-

- (i) grant leave to Secretary, officers and employees of the Authority;
- (ii) prescribe duties of all officers and employees of the Authority and exercise such supervision and disciplinary control as may be necessary;
- (iii) sanction expenditure for contingencies, supplies and services and purchase of articles required for the working of the office of the Authority.

7. Duties of Secretary :-

The Secretary shall :-

- (1) attend all the meetings of the Authority and shall assist Chairman in implementing the decisions of the Authority;
- (2) maintain a proper record of the proceedings of the meetings of the Authority and decisions taken in those meetings;
- (3) maintain proper record of the register of exporters in accordance with the provisions of Chapter III of the Act;
- (4) issue receipts on behalf of the Authority for all moneys received under the Act;
- (5) maintain or cause to be maintained an account of the receipts and expenditure of the Authority ; and
- (6) be responsible for preparation of draft Annual report on the working of the Authority and its submission to Central Government after approval by the Authority on a date not later than the date specified in this behalf by the Central Government.

CHAPTER 4

Powers of the Authority relating to Financial matters

8. Borrowing powers :-

The Authority may exercise its powers under Section 17 , with the previous sanction of the Central Government.

CHAPTER 5
Registration

9. Application for Registration :-

(1) Every application for registration as an exporter of Scheduled products shall be made to the Secretary or any other officer authorised by the Authority in this behalf in Form I which may be obtained from the office of the Authority on payment of rupees five and shall be accompanied by a certificate regarding applicant's financial status from any Scheduled Bank.

¹ "(2) Every application for registration as an exporter shall also be accompanied by a fee of Rs. 5,000 for issue of a registration certificate: Provided that for exporters, having their registered office in the States of Jammu and Kashmir and North Eastern States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Mizoram, Arunachal Pradesh and Sikkim, who are operating from these States, their applications shall be accompanied by a fee of Rs. 1,000 only for issue of the registration certificate, in case such exporters apply within two years from the date of publication of this notification."

1. in Rule 9, sub-rule (2) shall be substituted, by the Agricultural and Processed Food Products Export Development Authority (Amendment) Rules, 2004

10. Grant of a Certificate :-

(1) Upon receipt of an application for the grant of a certificate, the Secretary or any other officer authorised by the Authority in this behalf may make an inquiry in a manner deemed necessary, and either grant or refuse the registration.

(2) Where the registration is refused, the reasons for such refusal shall be recorded in writing and a copy of the same shall be furnished to the applicant and the fees paid by the applicant shall be refunded to him.

(3) Where registration is granted, the Secretary or other officer shall issue a certificate in Form II which shall be subject to such conditions as are mentioned in the certificate.

11. Cancellation of Certificate :-

Where the Secretary or other officer authorised by the Authority in this behalf is satisfied that any person who 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, or any person who has been registered as an exporter fails during the period of twelve consecutive months to export any of the Scheduled products in respect of which he is registered, or if the Secretary or such other officer is satisfied that such person has become disqualified to continue as an exporter, the Secretary or such officer may, after giving the person who holds a certificate a reasonable opportunity of making his objections, by order, cancel the certificate and communicate to him such order.

12. Register :-

The Authority shall maintain a register of exporters of the Scheduled products.

13. Power to call for returns :-

The Chairman or an officer authorised by him may, by general or special order direct the holder of the certificate to maintain such records of his business in such form and manner as may be specified in the order and to submit to the Authority returns relating to his business in such form as may be specified in such order.

CHAPTER 6

CHAPTER VI

14. Transfer of Staff of the Processed Foods Export Promotion Council :-

On the establishment of the Authority, the officers and other employees holding office as such in the Processed Foods Export Promotion Council shall be given an option to express their willingness or otherwise to become employees of the Authority within a period of 3 months from the date of publication of these rules. The option shall be in Form III.

CHAPTER 7

Miscellaneous

15. Payment of fees :-

Any fees or amount payable to the Authority under the Act or these rules shall be paid either by money order or demand draft drawn in favour of the Authority or by Indian Postal Order payable to the

Authority at a post office in New Delhi.