

COFFEE RULES, 1955

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SCHEDULE 1 :- THE FIRST SCHEDULE

COFFEE RULES, 1955

S.R.O. 1666, dated 1st August, 1955.-In exercise of the powers conferred by Sec. 48 of the Coffee Act, 1942 (VII of 1942) and in supersession of the Coffee Market Expansion Rules, 1940, the Central Government hereby makes the following rules, namely:

CHAPTER 1

Preliminary

1. Short title :-

These rules may be called the Coffee Rules, 1955.

2. Definitions :-

In these rules, unless the context otherwise requires,-

(1) "the Act" means the Coffee Act, 1942 (VII of 1942)

(2) "Accounts Officer" means the Accounts Officer of the Board,

- (3) "Board" means the Coffee Board constituted under Section 4 ,
- (4) "Chairman" means the Chairman of the Board,
- (5) "Chief Coffee Marketing Officer" means the Chief Coffee Marketing Officer of the Board and includes the Deputy Chief Coffee Marketing Officer,
- (6) "Committee" means any Committee constituted or appointed by the Board under sub-section (2) of Section 7 ,
- (7) "Deputy Chief Coffee Marketing Officer" means the Deputy Chief Coffee Marketing Officer of the Board,
- (8) "Deputy Secretary" means the Deputy Secretary to the Board,
- (9) "Director of Research" means the Director of Research of the Board,
- (10) "Form" means a Form set out in the First Schedule,
- (11) "large grower" means a registered owner owning land planted with arabica coffee, robusta coffee, or both aggregating to ¹[not less than 25 acres], whether such land is comprised in one estate or more than one estate,
- (12) "Member" means a member of the Board,
- (13) "robusta grower" means a registered owner owning land planted with robusta coffee plants aggregating to not less than 5 acres, whether such land is comprised in one estate or more than one estate: Provided that where both robusta and arabica plants are planted, the area under robusta shall not be less than the area under arabica;
- (14) "Schedule" means a Schedule set out in these rules,
- (15) "Secretary" means the Secretary to the Board,
- (16) "Section" means a section of the Act,
- (17) "small grower" means a registered owner who is not a large grower,
- (18) "Vice-Chairman" means the Vice-Chairman of the Board,
- ² [(19) "Year" means the year as defined in the Act: Provided that for the purposes of preparing a budget out of the General Fund of the Board and the Annual Report of the Board, year shall mean the

financial year commencing on the first day of April.]

1. Subs. by G.S.R. 865(E), dated 13th November, 1992 (w.e.f. 13th November, 1992).

2. Subs. by G.S.R. 865(E), dated 13th November, 1992 (w.e.f. 13th November, 1992) .

3. Constitution of the Board and the manner of filling vacancies :-

¹(1) The Board shall consist of a Chairman, three members of Parliament and twenty-nine other members representing the Governments of States and other interests specified in sub-rule (2).

(2) Of the twenty-nine other members,-

(a) three members shall represent the Governments of the principal coffee growing States, one representing each of the States of Kerala, Madras and Mysore, to be appointed in consultation with the respective State Government;

² [(b) ten members shall represent the coffee growing industry of whom three shall represent large growers and seven shall represent the small growers, provided that not less than three of such members shall represent the robusta growers;

(c) three members shall represent the coffee trade interests, two members shall represent the curing establishment, four members shall represent the interests of labour, two members shall represent the interest of consumers, two members shall represent the interest of coffee-growing States other than those mentioned in Cl. (a) of sub-rule (2) of Rule 3, one shall represent the manufacturers of instant coffee and one member shall be an eminent scientist from a research institute or an agricultural university or eminent personality in marketing, management or promotion of coffee.]

(3) The Central Government may make such consultations as it may think fit before appointing the representatives of the interests specified in Cls. (b) and (c) of sub-rule (2)].

1. Subs. by G.S.R. 865(E), dated 13th November, 1992 (w.e.f. 13th November, 1992).

2. Subs. by G.S.R. 865(E), dated 13th November, 1992 (w.e.f. 13th November, 1992) .

4. Term of office :-

["(1) Save as hereinafter provided, a member shall hold office for a

period of three years and shall be eligible for re-appointment: Provided that a member elected under Cl. (b) of sub-section (2) of Sec. 4 by either House of Parliament shall cease to be a member of the Board if he ceases to be a member of the House by which he was elected : : Provided further that the period of appointment of a member would be limited to the period of availability of the officer either on the deputation basis or the period for which he holds the post on ex-officio basis by virtue of which he is appointed as a member."]

(2) A member appointed to fill a casual vacancy shall hold office so long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred.]

(3) A member elected or nominated to fill a casual vacancy, or a member nominated by the Central Government on failure of any authority or body mentioned in sub-section (2) of Section 4 to make a nomination shall hold office so long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred or the nomination had not been made, as the case may be.

5. Membership Roll :-

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

6. Change of Address :-

If a member changes his address, he shall notify his new address to the Secretary who shall thereupon enter his new address in the official records but if he fails to notify his new address, the address in the official records shall for all purposes be deemed to be the member's correct address.

7. Resignation :-

A member of the Board or of a Committee may resign his office by a letter addressed to the Secretary, but the resignation shall not take effect until it is accepted by the Chairman of the Board or of the Committee, as the case may be.

8. Removal from the Board :-

The Central Government may remove any member from his office:

(a) if he becomes bankrupt or insolvent or suspends payment or compounds with his creditors, or

¹ [(b) if he is convicted of any offence which is punishable under the Indian Penal Code (Act XLV of 1860) and such offence is non-bailable under the provisions of the Code of Criminal Procedure Act, 1973 (2 of 1974), or];

(c) if he is of unsound mind and stands so declared by a competent Court, or

(d) if he absents himself from two consecutive meetings of the Board without the leave of the Chairman and in any case from three consecutive meetings, or

(e) if he defaults in payment of any dues to the Board, and is so declared by the Board.

1. Subs. by G.S.R. 865(E), dated 13th November, 1992 (w.e.f. 13th November, 1992).

9. Absence from India :-

(1) Before a member departs from India,-

(a) he shall intimate to the Secretary the date of his departure from and the date of his expected return to India, and

(b) if he intends to be absent from India for a period longer than six months, he shall tender his resignation.

(2) If any member departs from India without taking either of the courses mentioned in sub-rule (1), he shall be deemed to have resigned his office with effect from the date of his departure from India.

10. Vice-Chairman :-

(1) The Board shall, in each year out of its own number, elect a person to be the Vice-Chairman for a period of twelve months commencing from the date of his election.

(2) In the event of the Vice-Chairman resigning his office as such or ceasing to be a member of the Board, the Board shall at its next meeting elect a member to be Vice-Chairman for the unexpired portion of the term of office of the Vice-Chairman elected under sub-rule (1).

CHAPTER 2

Procedure-Board Committees

11. Minimum number of meetings of the Board :-

There shall be not less than two ordinary meetings of the Board in a year on dates to be fixed by Chairman, and shall be held at headquarters of the Board. The interval between any two ordinary meetings shall not, in any case, be longer than eight months : Provided that if the meeting is to be held outside the headquarters, the reasons for holding such meetings outside the headquarters shall be recorded in writing.]

12. Power to call Board meetings :-

(1) The Chairman of the Board may at any time call a meeting of the Board and shall do so if a requisition for that purpose is presented to him by at least eight members of the Board.

(2) At least fourteen clear days before any meeting of the Board, notice of the time and place of the intended meeting, signed by the Secretary, shall be sent to the Government of India in the Ministry of Commerce and Industry and left at or posted to the address of every member of the Board: Provided that in cases of urgency, a special meeting may be summoned at any time by the Chairman who shall inform in advance the Government of India in the Ministry of Commerce and Industry and members of the subject-matter for discussion and the reasons for which he considers it urgent No ordinary business shall be transacted at such special meetings.

¹ [(3) The Chairman of the Board may require any officer of the Board or invite any person or persons to attend any meeting of the Board.]

1. Subs. by G.S.R. 865(E), dated 13th November, 1992 (w.e.f. 13th November, 1992).

13. Quorum :-

No business shall be transacted at any meeting of the Board unless there are present at least twelve members.

14. Presiding over Board meetings :-

The Chairman shall preside at every meeting of the Board at which he is present, and in his absence, the Vice-Chairman shall preside, but when both the Chairman and the Vice-Chairman are absent from any meeting, the members present shall elect one of their number to preside at that meeting.

15. Agenda :-

(1) The Chairman of the Board shall cause to be prepared and circulated to the Government of India in the Ministry of Commerce and Industry and among the members at least ten days before an ordinary meeting of the Board a list of business to be considered at that meeting.

(2) No business not set down on the agenda shall be considered without the permission of the Chairman.

16. Business by circulation :-

(1) All questions which the Board is required to take into consideration shall be referred to the members of the Board either at its meetings or by circulation of papers if the Chairman so directs and copies of all papers so placed at the meeting or so circulated to members shall be sent to the Government of India in the Ministry of Commerce and Industry.

(2) Any proposal or resolution so circulated and approved by the majority of members who have recorded their views in writing shall be as effectual and binding as if such proposal or resolution were decided by a majority of votes of members at a meeting : Provided that at least twelve members of the Board have recorded their views on the resolution or proposal: Provided further, that the papers need not be sent to any member who is absent from India: Provided also that when a question is referred by circulation of papers, any four members of the Board may require that the question be referred to a meeting, and thereupon such a reference shall be made to the Board at a meeting.

(3) When any business is referred to members of the Board by circulation, a period of not less than 10 clear days shall be allowed for receipt of replies from members. Such period is to be reckoned from the date on which the notice of business is issued.

(4) If a resolution or proposal is circulated, the results of the circulation shall be communicated to all the members and to the Government of India in the Ministry of Commerce and Industry,

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

17. Voting :-

(1) Except as provided in rule 16 every question brought before any meeting of the Board shall be decided by a majority of the

members present and voting at the meeting before which the matter is brought.

¹ [(2)* * *].

1. Omitted by G.S.R. 865(E), dated 13th November, 1992 (w.e.f. 13th November, 1992).

18. Appointment of Committees :-

(1) The Board may appoint every year the following Standing Committees and may appoint such other Committees as the Board deems necessary to exercise such powers and discharge such functions as may be delegated to it under these rules, namely :-

(a) an Executive Committee consisting of:-

(i) the Chairman who shall be the ex-officio Chairman of the Committee;

(ii) the Vice-Chairman;

(iii) the member representing the Government of Karnataka;

(iv) two of the three members representing the Governments of Tamil Nadu, Kerala and Andhra Pradesh, sitting on the Committee by rotation for each year beginning with the representatives of the Governments of Tamil Nadu and Kerala;

(v) an eminent scientist from a Research Institute or an Agricultural University or an eminent personality in Marketing, Management or Promotion of coffee;

(vi) five other members appointed by the Board by election of whom one shall be a representative of the interests of coffee growing State (other than 4 members from coffee growing States mentioned in rule 3(2)(a), one representative of labour and not more than two being representatives of growers.

(b) a Propaganda Committee consisting of:-

(i) the Chairman who shall be the ex-officio Chairman of the Committee;

(ii) the Vice-Chairman;

(iii) the member representing interests of manufactures of instant coffee; and

(iv) five other members appointed by the Board by election of whom one shall represent the interests of consumers, one represent trade and one represent labour and two members-to represent the growers : Provided that the Director of Propaganda shall attend all meetings of the Propaganda Committee and participate in its proceedings but shall have no right to vote.

(c) a Marketing Committee consisting of:-

(i) the Chairman who shall be the ex-officio Chairman of the Committee;

(ii) the Vice-Chairman;

(iii) the two members representing Curing establishments;

(iv) two members representing the Consumers;

(v) the member representing the manufacturers of instant Coffee;

(vi) one member who shall be an eminent scientist from a Research Institute or an Agricultural University or an eminent personality in Marketing, Management or Promotion of coffee;

(vii) nine other members appointed by the Board by election, of whom six shall be representatives of growers/State Plantation Corporations and two being representatives of coffee trade and one being a representative of labour: Provided that the Chief Coffee Marketing Officer shall attend all meetings of the Marketing Committee but shall have no right to vote.

(d) a Research Committee consisting of:-

(i) the Chairman who shall be the ex-officio Chairman of the Committee;

(ii) the Vice-Chairman,

(iii) the member representing the Government of the State of Karnataka;

(iv) the member representing the Government of the State of Tamil Nadu;

(v) the member representing the Government of the State of Kerala;

(vi) the member representing the Government of the State of Andhra Pradesh;

(vii) one of the members representing the interests of coffee-growing States other than the States of Karnataka, Tamil Nadu, Kerala and Andhra Pradesh to be appointed by the Board by election,

(viii) seven other members appointed by the Board by election, of whom three shall be from the State of Karnataka: Provided that the Director of Research shall attend all meetings of the Committee and participate in its proceedings but shall have no right to vote.

(e) a Development Committee consisting of :-

(i) the Chairman who shall be the ex-officio Chairman of the Committee;

(ii) the Vice-Chairman;

(iii) a member representing the interests of coffee-growing States other than Andhra Pradesh, Karnataka, Kerala and Tamil Nadu, to be appointed by the Board by election;

(iv) four members representing small growers to be appointed by the Board by election;

(v) two members representing large growers to be appointed by the Board by election;

(vi) the member representing the Government of Andhra Pradesh: Provided that the Development Officer and Director of Research shall be invited to attend all meetings of Committee and participate in all its proceedings but shall have no right to vote.

(f) a Coffee Quality Committee consisting of:-

(i) the Chairman who shall be the ex-officio Chairman of the Committee;

(ii) the Vice-Chairman;

(iii) five members to be appointed by the Board by election, of whom one shall represent the interest of coffee curing establishments one to represent the interest of coffee trade and three to represent the coffee growers;

(iv) the member representing interest of manufacturers of instant coffee : Provided that the Chief Coffee Marketing Co-opted Officer and Director of Research Members. shall be invited to attend all

meetings of the Coffee Quality Committee and participate in its proceedings but shall have no right to vote.]

(2) Sub-Committee.-A Committee appointed by the Board may appoint a Sub- committee from among its members for enquiring and reporting on any specified subject or any other purpose within the scope of the functions allotted to it by the Board. Such Sub-Committee shall have no statutory powers.

(3) The Chairman of any Committee appointed by the Board may require any officer of the Board or invite any person or persons to attend any meeting of the Committee but such officers or persons shall have no right to vote.

(4) Functions of Committees-

(a) Propaganda Committee.-Subject to such restrictions as may be imposed by the Board, the Propaganda Committee shall discharge all the functions of the Board in regard to such measures as may be undertaken for promoting the sale and increasing the consumption in India and elsewhere of coffee produced in India.

(b) Marketing Committee.-Subject to such restrictions as may be imposed by the Board, the Marketing Committee shall discharge all the functions of the Board in regard to the Coffee Marketing Scheme as set forth in the Act and the Rules.

(c) Research Committee.-Subject to such restrictions as may be imposed by the Board, the Research Committee shall discharge all the functions of the Board in regard to the promotion of agricultural and technological research in the interest of the coffee industry in India.

(d) Executive Committee shall in addition to such functions as have been specifically assigned to it under these rules, discharge any other functions of the Board in regard to matters not specifically assigned to the Propaganda, the Marketing or the Research Committee or any other Committees which may be constituted by the Board.

19. Power to call Committee meetings :-

(1) The Chairman of a Committee may, at any time, call a meeting of his Committee and shall do so, if a requisition for that purpose is presented to him by at least half the total number of members of the Committee.

(2) At least ten clear days before the date of any meeting of a Committee, notice of the time and place of the intended meeting, signed by the Chairman of the Committee or the Secretary to the Board, shall be sent to the Government of India in the Ministry of Commerce and Industry and left at or posted to the address of every member of the Committee: Provided that in cases of an emergency, a special meeting may be summoned, at any time, by the Chairman of the Committee who shall inform, in advance the Government of India in the Ministry of Commerce and Industry and members of the Committee, of the subject-matter for discussion and the reasons for which he considers the matter to be urgent. No ordinary business shall be transacted at such special meeting.

20. Quorum :-

No business shall be transacted at a meeting of a Committee unless there are present more than half the number of members constituting the Committee including the Chairman, if present.

21. Absence from meetings of a Committee :-

Any member of a Committee absents himself from two consecutive meetings without leave of the Chairman and, in any case, from three consecutive meetings shall cease to be a member of the Committee.

22. Filling of casual vacancies :-

¹ [(1) Any casual vacancy on a Committee shall be filled by the remaining members of the Committee from amongst the members of the Board at the next meeting of the Committee.]

(2) A person appointed in a casual vacancy shall hold office so long as the member whose place he fills would have been entitled to hold office, if the vacancy had not occurred: Provided that when a member goes on leave, the person co-opted shall hold office until the member returns from leave.

1. Omitted by G.S.R. 865(E), dated 13th November, 1993 (w.e.f. 13th November, 1993).

23. Presiding over Committee meetings :-

The Chairman of a Committee shall preside at every meeting of the Committee at which he is present; if he is absent, the Vice-Chairman, if he is a member of the Committee, or the member nominated by the Chairman shall preside; but if the Chairman of the Committee or the Vice-Chairman or the member so nominated

is absent, the members present at a meeting shall elect one of their number to preside at that meeting.

24. Agenda :-

(1) The Chairman of a Committee shall cause to be prepared and circulated to the Government of India in the Ministry of Commerce and Industry and among members of the Committee at least seven days before a meeting of a Committee a list of business to be transacted at that meeting.

(2) No business not on the list of business shall be taken up without the permission of the Chairman.

25. Business by circulation :-

(1) Questions which a Committee is required to take into consideration shall be referred to the members of the Committee either at its meeting or by circulation of papers, if the Chairman of the Committee so directs and copies of all papers so placed at the meeting or so circulated to members shall be sent to the Government of India in the Ministry of Commerce and Industry.

(2) Any proposal or resolution so circulated and approved by the majority of members who have recorded their views in writing shall be as effectual and binding as if such proposal or resolution were decided by a majority of votes at a meeting : 1. Subs. by G.S.R. 865(E), dated 13th November, 1992 (w.e.f. 13th November, 1992). Provided that-

(a) at least a majority of the members of the Committee have recorded their views on the resolution or proposal;

(b) the papers need not be sent to any member who is absent from India;

(c) the Chairman of the Committee shall have the power to require any such decision to be placed before the Board for its consideration and the implementation of the Committee's decision shall be deferred till the matter is considered by the Board;

(d) when a question is referred to by circulation of papers any two members of the Committee may require that the question be considered at a meeting of the Committee and thereupon such subject shall be included on the agenda for the next meeting of the Committee.

(3) When any business is so referred to members of a Committee by circulation, a period of not less than seven clear days shall be allowed for receipt of replies from members. Such period is to be reckoned from the date on which notice of business is issued.

(4) If a resolution or proposal is circulated, the result of the circulation shall be communicated to all the members and to the Government of India in the Ministry of Commerce and Industry.

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

26. Voting :-

(1) Every question at a meeting of a Committee shall be decided by a majority of the members present and voting on that question.

¹ [(2) * * *].

1. Omitted by G.S.R. 865(E), dated 13th November, 1993 (w.e.f. 13th November, 1993).

27. Record of business :-

(1) A record shall be maintained by the Secretary to the Board of items of business transacted by the Board or Committees thereof and copies of such records shall be submitted to the Central Government.

(2) The record of business transacted at every meeting of the Board and of the Committees shall be signed by the Chairman or the member presiding at such meeting.

(3) When any business is transacted by circulation of papers, a record of the business so transacted shall be signed by the Chairman of the Board or the Committee, as the case may be, directing the circulation.

28. Travelling and other allowances to members of the Board and its Committees :-

A member of the Board other than a Government servant, shall be entitled to draw, in respect of any journey performed by him for the purpose of attending a meeting of the Board or of a duly constituted Committee thereof or for the purpose of discharging any duty assigned to him by the Board or the Committee concerned, travelling allowances and daily allowances in accordance with the rules and orders issued by the Central Government from

time to time and at the highest rates admissible to Government servants of the first grade.

29. Revision :-

(1) The Central Government may, for reasons to be recorded in writing, review any decision of the Board or its Committees and pass such order in the matter as it thinks fit.

(2) A copy of such order of the Central Government shall thereupon be sent to the Board or the Committee concerned, as the case may be, by the Central Government

(3) On receipt of a copy of the order as aforesaid, the Board or the Committee, as the case may be, may make a representation to the Central Government against the said order and the Central Government may after considering the said representation, either cancel, modify or confirm the order passed by it under sub-rule (1) or take such other action in respect of the matter as may, in the opinion of the Central Government, be just or expedient, having regard to all the circumstances of the case.

CHAPTER 3

The Board and its Establishment

30. Salaries and allowances :-

The salaries, allowances, pension, leave and other contributions, if any, of the Chairman and other officers appointed by the Government under Section 9 shall be met from the Board's funds.

31. Boards establishment :-

¹[(1) The Board shall, from time to time, subject to scrutiny at budget stage, sanction such other establishment as is not covered by Section 8 and may, lay down the method of recruitment, the condition of service, the pay and allowance of all such officers and servants to be employed by it. The Board shall not, without the previous sanction of the Central Government, create any post the maximum salary of which exceeds Rs. 5,000 per mensem in the case of technical posts and Rs. 4,500 per mensem in the case of non-technical posts or make appointments thereto or frame recruitment rules thereof:] ²[Provided that the Board shall not, without the previous sanction of the Central Government, create any post the maximum salary of which exceeds ³[Rs. 1,300 per mensem], ⁴[in the case of technical posts and Rs. 1,700 per

mensem in the case of non- technical posts] or make appointment thereto or frame recruitment rules therefor:] Provided further, that in case of exigencies, temporary posts which would need to be created in the interests of the Board and the maximum salary of which posts does not exceed ³[Rs. 1,300 per mensem], may be created and appointments against them be made by the Chairman.

(2) (a) Filling of posts by direct recruitment.-

(i) All vacancies in the rank of officers to be filled by direct recruitment, shall be advertised and all vacancies in other ranks shall be notified to the Regional Employment Exchange concerned, ⁶[* * *] to be recorded.

(ii) A statement of all applications received from candidates and recommendations from the Employment Exchange shall be made and placed before the authorities competent to make appointments under these Rules.

(iii) In respect of all vacancies in posts of Class IV, appointments shall be made by the Chief Officers of the departments concerned, that is. Chief Coffee Marketing Officer, Director of Propaganda Director of Research or the Secretary, as the case may be, from the statement of applicants placed before them. The Chief Officer of the department concerned may delegate, with the approval of Chairman, to any officer of the department such of his powers under this rule as he may deem fit.

(iv) In respect of all vacancies in Class III, appointments shall be made by the Chairman from the statement of applicants placed before him and he may delegate to the

(v) In respect of posts of all officers, other than those mentioned in Section 9 and those whose maximum salary exceeds ⁷[Rs. 1,300 per mensem], ⁸[in the case of technical posts and Rs. 1,700 per mensem in the case of non-technical posts] appointments shall be made by the Chairman from the statement of applicants placed before him in consultation with the Executive Committee.

(2) (b) Filling of posts by promotion.-

(i) If a vacancy in respect of posts of Class IV in the Board's establishment is to be filled up by promotion, the cases of all the candidates for promotion shall be examined by the Chief Officer of the Department concerned and appointments shall be made by

him.

(ii) If a vacancy in respect of posts of Class III in the Board's establishment is to be filled up by promotion, the cases of all the candidates for promotion shall be examined by the Chairman and appointments shall be made by him.

(iii) If a permanent vacancy in respect of sanctioned posts of officers in the Board's establishment the maximum salary of which does not exceed ³[Rs. -1,300 per mensem] ⁴[in case of technical posts and Rs. 1,700 per mensem in case of non-technical posts] is to be filled up by promotion, the cases of all the candidates eligible for promotion shall be examined by the Chairman and appointment made by him.

(iv) If a permanent vacancy in respect of sanctioned posts of officers in the Board's establishment, not covered by Section 9 or the maximum salary of which exceeds ¹¹[Rs. 1,300 per mensem] ¹²[in case of technical posts and Rs. 1,700 per mensem in case of non- technical posts] is to be filled by promotion, the cases of all the candidates eligible for promotion shall be examined by the Board and appointments shall be made by it, subject to the approval of the Central Government.

13 [(2) (c) Filling of temporary vacancies in sanctioned posts.- Temporary vacancies in respect of sanctioned posts which are not covered by Section 9 shall be filled by the Chairman in respect of Officers and Class III Staff, and by other officers to whom the powers have been delegated in respect of Class IV Staff and the pay of the incumbents in such temporary vacancies shall be regulated in accordance with the Fundamental Rules and Supplementary Rules applicable to Government servants of the Central Government.]

(3) Postings and Transfers.- Postings and transfers of all officers and servants of the Board shall be made by the Chairman who may delegate this power subject to such conditions as he thinks fit to the Chief Coffee Marketing Officer, the Director of Propaganda, the Director of Research or the Secretary.

(4) Pay, leave and allowances including Travelling Allowance.-

(i) The pay, leave and allowances of all officers and servants appointed by the Board, shall so far as may be, be regulated in accordance with the Fundamental Rules and Supplementary Rules

applicable to Government servants of the Central Government. The Chairman may grant leave to all such officers and servants and may also delegate this power to the Chief Officers of the Departments subject to such conditions as he thinks fit.

(ii) The pay, leave and allowances including travelling allowances of officers mentioned in Sec. 9 and also permanent Government officers lent or transferred to the Board shall be regulated by the Central Government.

(iii) In the case of officers engaged on contract by the Board, leave rules shall be framed by the Board with due regard to the provisions of Model Leave terms framed by the Central Government for officers engaged on contract under their control.

(5) Penalties.-

(i) The following penalties may for good and sufficient reasons be imposed on the officers and servants of the Board, namely,-

(a) Warning.

(b) Censure.

(c) Suspension.

(d) Recovery of the pay of the whole or part of pecuniary loss caused to Board by negligence or breach of trust.

(e) Withholding of increment or promotion including stoppage at efficiency bar.

(f) Reduction to a lower post of the time scale or to a lower stage in the time scale.

(g) Removal.'

(h) Dismissal.

(ii) The Chairman may impose any of the said penalties in respect of all officers and servants whom he is empowered to appoint and may delegate the powers under this rule to officers under him to such extent as he deems fit.

(iii) The Chairman may impose any of the penalties specified in sub-clauses (a) and (b) of Cl. (i) on other officers and servants of the Board and also on officers mentioned in Sec. 9 but shall intimate the action taken by him in this regard in respect of the

latter to the Government of India in the Ministry of Commerce and Industry.

(iv) The Board may impose the penalties specified in sub-clauses (c) to (h) of Cl. (i) in respect of the officers and servants appointed by it and may delegate these powers to the Executive Committee to such extent as it deems fit subject to the conditions, namely,-

(a) that no person shall be removed or dismissed from or reduced in the office, the maximum salary of which exceeds Rs. 500/- per mensem without the sanction of the Central Government;

(b) that no person shall be removed or dismissed or reduced by an authority lower in rank than the authority empowered to appoint him substantively to the post he holds;

(c) that no person shall be removed, dismissed or reduced without giving him reasonable opportunity to show cause against such action;

(d) that these powers shall not be exercised in respect of officers mentioned in Section 9 and permanent Government officers transferred to the Board : Provided that no punishment shall be inflicted on Government Officers lent to the Board except by the Governments concerned.

(6) The Board may delegate its powers under this rule to the Executive Committee.

1. Subs. by G.S.R. 317(E), dated 18th June, 1992 (w.e.f. 18th June, 1992).

2. Subs. by G.S.R. 1888, dated 11th December, 1967.

3. Subs. by G.S.R. 1192, dated 26th July, 1976 (w.e.f. 14th August, 1976).

4. Ins. by G.S.R. 36, dated 5th January, 1987 (w.e.f. 17th January, 1987).

6. Omitted by G.S.R. 1835, dated 7th December, 1965.

7. Subs. by G.S.R. 1192, dated 26th July, 1976 (w.e.f. 14th August, 1976).

8. Ins. by G.S.R. 36, dated 5th January, 1987 (w.e.f. 17th January, 1987).

11. Subs. by G.S.R. 1192. dated 26th July, 1976 (w.e.f. 14th August, 1976).

12. Ins. by G.S.R. 36, dated 5th January, 1987 (w.e.f. 17th January, 1987).

13. Subs. by G.S.R. 517, dated 4th April, 1967.

CHAPTER 4

Finances and Accounts of the Board

32. Power to incur expenditure :-

(1) Subject to the provisions of the Act and these Rules, the Board may incur such expenditure as it may think fit and write off losses or waive recoveries up to ¹[upto Rs. 10,000 for losses due to theft, fraud and negligence and Rs. 20,000 for other cases in any single case] : Provided that, save with the previous sanction for the Central Government, no expenditure shall be incurred which is in excess of the allotments under any head in the budget sanctioned by the Government : Provided further that the Central Government may by standing instructions permit such expenditure generally within limits that may be laid down by it.-

(1) (a) The Board may delegate the powers under sub-rule (1) to the Chairman or any of its Committees or its officers.

² [(2)

(a) Reappropriations within and between the heads of expenditure specified in sub-clauses (i) to (vi) of Cl. (g) of sub-rule (2) of Rule 33 may be made by the Board and the Board may delegate its powers in this behalf to the Chairman or to any of the Committees to such extent as it may think fit.

(b) Reappropriations within and between the other heads of expenditure shall not be made save with the previous sanction of the Central Government or within such limits as may be laid down by it in this behalf.]

(3) Subject to such restrictions as may be imposed by the Board, the Executive Committee shall exercise all powers of the Board in regard to the control and disposal of the General Fund, and the Marketing Committee shall exercise all powers of the Board in regard to the control and disposal, of the Pool Fund; other Committees shall also exercise all the powers of the Board in regard to the control and disposal of such funds as are placed by the Board at their disposal.

1. Subs. by G.S.R. 36, daled 5th January, 1987 (w.e.f. 17lh January, 1987).

2. Subs. by G.S.R. 1888, dated 11th December, 1967.

33. Budget Estimates :-

(1) The Board shall in each year prepare a budget for the General Fund for the ensuing financial year and shall submit it for the

sanction of the Central Government on or before such date as may in this behalf be appointed by that Government.

(2) The budget shall be in such form as the Central Government may direct and shall include a statement of,-

(a) the estimated opening balance:

(b) the estimated receipt from the customs duty on all coffee levied under Sec. 11 and the duty of excise levied under Section 12 ;

(c) the estimated receipts from issue of licences and from other sources;

(d) the proposed expenditure classified under the following head or such other heads as the Central Government may direct;

(i) administration:

(ii) measures for promoting the sale and increasing the consumption of coffee (a) in India and (b) out-side:

(iii) research:

(iv) statistics:

(v) others.

(3) The proposed expenditure under each head shall be further classified under the following sub-heads,-

(i) Pay of officers.

(ii) Pay of establishment.

(iii) Allowances, honoraria, etc.

(iv) Other charges, contingencies, etc.

(4) Supplementary estimates of expenditure, if any, shall be submitted for the sanction of the Central Government in such form and on such dates as may be directed by it in this behalf.

(5) The High Commissioner for India may function as Agent of the Board for promotion of sale of coffee in the United Kingdom, and may be authorised by the Board to incur such expenditure as he deems fit subject to the budget provision for the purpose. He shall be supplied with funds by the Secretary by remittances from the General Fund account. Before the close of each year, he shall prepare budget estimates for the ensuing year showing the opening

balance, receipts, expenditure and closing balance and send them to the Secretary for adoption by the Board and submission to the Central Government for approval.

34. Accounts of the Board :-

The Board shall maintain separate accounts for the General and Pool Funds.

(1) General Fund.-

(i) In respect of General Fund relating to each year for which budget estimates are prepared, the Board shall maintain accounts of receipts and expenditure in such form as may be prescribed.

(ii) The audited statement of receipts and expenditure for each period together with the auditor's report thereon shall be submitted of the Central Government.

(iii) After the close of each year, the High Commissioner shall send to the Secretary an audited account of his receipts and expenditure. The Secretary shall place the statement before the Board and afterwards transmit it to the Central Government

¹ [(iv)* * *].

(v) The accounts of the receipts shall be shown under the following heads :

(a) Moneys received under Sec. 13 (1);

(b) Moncys received under proviso to Section 32(2).

(vi) The opening balance, if any, shall also be stated as such separately.

(vii) Accounts of expenditure shall be shown under the following heads,-

(a) Administration of the Board;

(b) Measures taken for promoting the cultivation and curing and/or processing of Indian coffee;

(c) Measures taken for promoting the sale and increasing flue consumption in India and elsewhere of Indian coffee;

(d) Measures taken for promoting agricultural and technological research in the interest of coffee industry in India;

(e) Statistics;

(f) Grants under Section 31(2)(c) , Section 31(2)(e).

(g) Miscellaneous.

(viii). The closing balance of the year shall be shown at the foot of the accounts of the expenditure side.

(2) Pool Fund.-

(i) The accounts of the Pool Fund shall be maintained separately for each season and in such form as the Board may direct and shall show inter alia,-

(a) the amount realised on account of the sale of coffee from the surplus pool,

(b) the total sum distributed to registered owners,

(c) the expenditure on account of curing coffee received in the surplus pool,

(d) the amount spent in purchasing coffee from registered owners,

(e) amount of the duty of excise paid on coffee that may be released by the Board from the surplus pool for sale in the Indian market,

(f) expenditure on account of the administration of the surplus pool for which budget estimates are prepared and got approved by the Board, and

(g) expenditure on account of the marketing of coffee deposited in the surplus pool-

(ii) The audit report on the accounts of the Pool Fund together with the explanatory notes shall be put up to the Board for approval.

1. Omitted by G.S.R. 1312, dated 1st August, 1966.

35. Deposit of funds of the Board in Banks and the investment of such funds :-

(1) Money required for current expenditure of the Board with the exception of petty cash and surplus moneys shall be kept in a current account in such banks as the Central Government may approve.

¹[(2) Any funds not required for current expenditure of the Board

may be placed in deposit with the- Central Government in Public Account of India or invested ² [* * *] with the State Bank of India, its subsidiaries or any other nationalised bank and such funds of the Board as are not derived from the Central Government grants or from the collection of Duty of Customs and Duty of Excise referred to in Secs. 11 and 12 of the act may also be deposited with such other banks as may be approved by the Central Government for this purpose. Provided that the moneys in the Board's Provident Fund and Pension Fund not required for current expenditure may be invested in any of the Government Securities or kept in deposit with the State Bank, its subsidiaries or any other nationalised bank. Explanation.-For the purposes of this sub-rule, a 'nationalised bank' means a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970).

(3) The placing of money in deposit with the Central Government or in any of the banks referred to in sub-rule (2) shall require the sanction of the Chairman.]

(4) Payments by or on behalf of the Board shall be made in cash or by cheque drawn against a current account of the Board.

(5) The cheque referred to in sub-rule (4) and all orders for making deposits or investments or for the withdrawal of the same or for the disposal in any other manner of the General and Pool Funds of the Board shall be signed,-

(i) in respect of the General Fund by the Accounts Officer or any other officer duly authorised by the Board in this behalf and countersigned by the Chairman or any other officer duly authorised by him;

(ii) in respect of the Pool Fund by the Accounts Officer or any other officer duly authorised by the Board in this behalf and countersigned by the Chairman or any other officer duly authorised by him.

(6) The Chairman may also authorise withdrawal from the General or Pool Fund account for opening subsidiary current accounts in banks approved by the Central Government in the official designation of the Director of Research or any other officer authorised by the Director of Research or other Marketing Officers to enable them to make payments.

1. Subs. by G.S.R. 701, dated 10th April, 1978(w.e.f. 3rd June, 1978).
2. The words "in short term deposits" omitted by G.S.R. 96, dated 21st January, 1987 (w.e.f. 14th February, 1987).

36. Contracts :-

(1) The Board may enter into contracts for the discharge of the duties entrusted to it under the Act provided that every contract which '[involves an expenditure in excess of twenty lakh rupees] shall require the previous sanction of the Central Government.

(2) The Board may delegate to the Chairman or any Committee the power to enter into contracts to such extent as it deems fit

(3) The Board may issue subsidiary orders authorising the officers of the Board or its agents to execute contracts specifying the clauses of contracts and the conditions subject to which they may be executed.

(4) Contracts shall not be binding on the Board unless they are executed by the Chairman ,or any officer or agent authorised by the Board with the previous approval of the appropriate authority concerned.

(5) Neither the Chairman nor any officer of the Board nor any member or agent of the Board shall be liable for any assurances or contracts made by the Board but any liability arising under such assurances or contracts shall be discharged from the monies at the disposal of the Board.

36A. Financial transactions in general :-

¹ Except as otherwise provided in these rules, the provisions of the Central Treasury Rules and the General Financial Rules of the Central Government shall, as far as may be and subject to such modifications or adaptations as may be made by the Board therein, apply to all Financial transactions of the Board.]

1. Ins. by G.S.R. 557, published in the Gazette of India, Pt. II, Sec. 3 (i), dated 4th April, 1964.

CHAPTER 5

Powers of the Board and its Chairman

37. Restriction on Delegation of Powers :-

¹ The Board shall not delegate any of the following powers to the Committees :

(a) the power to sanction non-recurring expenditure in excess of Rs. 2,00,000 in respect of any single item and recurring expenditure which involves an outlay of more than Rs. 2,00,000 in a year on any single item;

(b) the power to adopt the budget estimates of the Board on his behalf;

(c) the power to sanction expenditure to be incurred outside India in excess of Rs. 10,000 in respect of any single item;

(d) the power to re-appropriate estimated savings in excess of Rs. 20,000 in the case of any single item; and

(e) the power to write off or waive recoveries in excess of Rs. 10,000 in any one case.]

1. Subs. by G.S.R. 317(E), dated 18th June, 1992 (w.e.f. 18th June, 1992).

38. Borrowing powers :-

The Board shall have power to take money on loan from a bank or banks approved by the Central Government against the securities held by such banks on behalf of the Board or against the security of the Pool Fund or on the security of the coffee delivered or treated as delivered for inclusion in the surplus pool for purposes for which it is authorised to expend money from the General Fund or the Pool Fund upon the following conditions, namely,-

(a) no such loan for the General Fund or the Pool Fund shall be taken without the matter being placed before the Executive Committee of the Board in respect of a loan obtained for the General Fund and before the Marketing Committee of the Board in respect of a loan obtained for the Pool Fund;

(b) every such loan shall be repaid within one year from the date on which it was taken; and

(c) the total of such loans outstanding at any one time shall not exceed rupees ¹ [two hundred and seventy-five crores].

1. Subs. by G.S.R. 851, dated 18th October, 1988 (w.e.f. 29th October, 1988).

39. Powers of the Chairman :-

(1) The Chairman shall be responsible for the proper functioning of the Board and the Committees thereof and the implementation of

the decisions arrived at by the Board or by the Committees and the discharge of the duties imposed on him by these rules or under the Act.

(2) The Chairman shall be the principal executive officer of the Board and shall exercise administrative control over all departments and officers of the Board.

(3) Subject to such delegations as may be made by the Chairman to such other officer or officers as may be appointed for the purpose of this rule, the Chairman shall,-

(a) cause all important papers and matters to be presented to the Board as early as practicable;

(b) issue directions as to the method of carrying out the decisions of the Board:

(c) grant or subject to a resolution by the Board, authorise some other person to grant receipts on behalf of the Board for all monies received under the Act;

(d) maintain or cause to be maintained an account of the receipts and expenditure of the Board, and

(e) present an annual draft report on the working of the Board to the Board for approval and submit the report in the form approved by the Board to the Central Government.

(4) Subject to the budget provision, the Chairman may sanction expenditure on contingencies, supplies and services and purchase of articles required for the working of the office of the Board and required for the execution of measures in furtherance of the objects of the Act : Provided that the Chairman may be order in writing delegate any of his powers under this sub-rule to any other officer or officers of the Board.

¹(4A) The Chairman shall have the powers of the Board under Sec.38B and sub-section (2) of Sec-40 of the Act.

(5) The Chairman shall have, in addition to such powers as may be delegated to him by the Central Government or the Board in accordance with the provisions of the Act,-

(i)

(a) power to inspect by himself or by any officer of the Board

authorised by him in this behalf or to appoint agents for the purpose of inspecting any registered estate or licensed curing establishment or any place where coffee is stored or exposed for sale and to examine the books of any such estate or establishment or place:

(b) power to check the composition of blends manufactured by different roasters and to issue certificates to them indicating the composition and to inspect

(ii) power to issue a permit for the re-importation of Indian coffee into India;

(iii) power to issue licences for sale of uncured coffee or in respect of curing establishment,

(iv) power to require the Board or any Committee to defer taking action pending a reference to the Central Government, on any decision on any of the following matters:

(a) division of the crop of a registered estate on the basis of percentage to be allotted to each estate,

(b) administration and marketing of the surplus pool,

(c) issue of licences to registered owners for the sale on the Indian market of uncured coffee,

(d) licensing of coffee curing establishments,

(e) fixing of a differential scale for valuing coffee,

(f) modification or cancellation of contracts,

(g) borrowing of any money by the Board, and

(h) any other matter which in his opinion is not in the public interest or against the declared policy or intention of the Central Government,

(v) such other powers as may be delegated to him by the Board: Provided that all or any of the powers specified in Cls. (i), (ii) and (iii) and sub-clauses (a), (b), (c) and (d) of Cl. (iv) may be delegated by the Chairman to the Chief Coffee Marketing Officer by an order in writing either generally or within a prescribed jurisdiction: Provided further that where a matter has to be disposed of by the Board or a Committee and the decision cannot wait till a meeting of the Board or the appropriate Committee as

the case may be is held, or till completion of circulation of papers the Chairman may take a decision himself and after taking decision thereon, keep the members of the Board or the Committee informed of the decision so taken.

²[(6) The Chairman shall also have the power to sanction honorarium upto ³ [Rs. 5,000/- per annum] per assessor for the sole purpose of visual assessment of coffee in accordance with the rates approved by the Marketing Committee of the Board from time to time.]

1. Inserted vide " COFFEE RULES, 1955" Dt.25thOctober, 1995 Published in the Gazette of India, Extraordinary, Part II, Sec.3(i) dated 25th October, 1995 (w.e.f. 25th October, 1995).

2. Subs. by G.S.R. 1182, dated 30th October, 1980 (w.e.f. 15th November, 1980).

3. Subs. by G.S.R. 427(E), dated 5th April, 1989 (w.e.f. 5th April, 1989).

CHAPTER 6

Marketing and Licensing

40. Purchasing and selling coffee by the Board in the internal market :-

(1) The Board may, and if so directed by the Central Government shall, purchase coffee from the Indian market, when the Board, or as the case may be, the Central Government is satisfied,-

(i) that the amount of coffee available for sale in the Indian market exceeds or is likely to exceed the estimated demands of the Indian market to such an extent as to cause or threaten a serious fall in prices; or

(ii) that there is not enough coffee of the kind or quality in the surplus pool to enable the Board to fulfil the demands for the export of coffee.

(2) The Board may release coffee from the surplus pool for sale in the Indian market in its discretion and shall do so,-

(i) when it is satisfied that the amount of coffee available in the internal market according to its kind and quality falls short of the requirements of the Indian market; or

(ii) when necessary directions are issued by the Central Government.

41. Appointment of agents :-

The Board may appoint any person or body of persons to act as its agents for all or any of the following purposes, namely,-

- (a) marketing of coffee in the Indian market or for export:
- (b) storing of coffee which is in the custody of the surplus pool:
- (c) supervising the curing of coffee by licensed curing establishments and the deliveries of cured coffee by such curing establishments to the surplus pool;
- (d) collecting of coffee from planters for delivery to the surplus pool; and
- (e) making payments from the funds received from the Board to planters on coffee delivered.

42. Remuneration to agents :-

The Board shall fix the remuneration to be granted to the agents for the services rendered by them.

43. Licence for sale of uncured coffee from an estate :-

- (1) An application for a licence for the sale from an estate of uncured coffee under Section 24 shall be in Form A.
- (2) Any licence issued by the Board under the said section may be for the whole amount of coffee covered by internal sale quota of the estate, or for any lower amount and shall be as in Form B.
- (3) No fee shall be payable for any licences issued under sub-rule (2).

44. Export of coffee :-

(1) The Board may authorise the export of coffee under Section 20 under such terms and conditions as it may deem fit in any of the following cases, namely:

- (i) coffee sold by the Board in pursuance of its functions under Section 26 ;
- (ii) roasted or prepared coffee.

(2) The Board shall issue orders for the export of coffee and permits for re-importation of exported coffee in Forms C and D, respectively.

45. Licensing of curing establishments :-

(1) An application by a curing establishment for a licence under Section 28 shall be accompanied by a fee of rupees five : Provided that the Board may exempt from payment of licence fee any estate which hulls its own coffee on the estate.

(2)

(i) A licence to operate as a curing establishment shall be in Form E and subject to such conditions as may be specified therein.

¹ [(ii) The Board may, at any time, after giving a reasonable opportunity to the curing establishment to be heard, cancel a licence, if it is satisfied that the curing establishment has committed a breach of the provisions of the Act or of these rules or of the conditions of licence issued.

(3) Licences issued by the Board under Section 24 or Sec. 28 shall be in numbered forms of which counterfoils shall be maintained by the Board. Such licences shall not be transferable.

(4) Every curing establishment shall at such times or at such intervals as may be required by the Board send by registered post to the Board statements showing the amount of cured coffee sold by it on behalf of each estate with which it was dealing for the year as defined in Cl. (n) of Section 3 and such other particulars as may be prescribed.

1. Subs. by S.O. 436(E), dated 8th June, 1984 (w.e.f. 8th June, 1984).

CHAPTER 7

Miscellaneous

46. Return from Registered Estates :-

(1) Every person subject to the provisions of sub-section (1) of Section 14 shall, in respect of each estate owned by him, send by registered post to the Board,-

(i) within one month of the date he became so subject a statement showing the amount of coffee produced in each of the three preceding years,

(ii) a return in Form F,-

(a) on the 1st of October for estates situated in the Madurai and

Tirunelveli districts of the State of Madras, or

(b) on the 1st of November for estates situated elsewhere,

(iii) a return in Form G before the seventh day and twenty-first day of every month until the entire crop has been picked, the first return being submitted,-

(a) in October for estates situated in the Madurai and Tirunelveli districts of the State of Madras, and

(b) in January for estates situated elsewhere.

(2) The Board may require the owner to furnish any additional information as it may consider necessary.

(3) The Board may delegate its powers under this rule to the Chairman.

(4) The Chairman, or the Chief Coffee Marketing Officer or any other officer authorised by the Chairman shall have power to call for any information or statistics in respect of coffee or any product of coffee from,-

(a) any licensed curing establishment; and

(b) any person or firm or company dealing in or having any connection with coffee or any product of coffee.

47. Inspection of records by growers :-

(1) A registered owner shall be entitled on application to the Board at any time during business hours to inspect entries in so far as they relate to the estate of which he is the owner and in respect of which application is made in all or any of the following books :

(a) Register of growers,

(b) Register of estates,

(c) Pool Fund account.

(2) On payment of such copying charge as may be fixed by the Board, any registered owner shall be entitled to obtain copies of any entries which he is entitled to inspect under sub-rule (1). Such entries shall be certified as correct by an official of the Board authorised in this behalf.

48. Redelegation of powers :-

The powers delegated to the Chairman, and Committee or any of its officers may, with the previous approval of the Board, be further delegated by the Chairman or such Committee or officers to any other officers.

SCHEDULE 1

THE FIRST SCHEDULE