

## **Rubber Rules, 1955**

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## **SCHEDULE 1 :- THE FIRST SCHEDULE**

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## **Rubber Rules, 1955**

S.R.O 1662- In exercise of the powers conferred by Section 25 of the Rubber Act, 1947 (XXIV of 1947), and insupersession of the Rubber (Production and Marketing) Rules, 1947, the Central Government hereby makes the following rules (Published in the Gazette of India (Extraordinary) Part II, Section 3, Page 1613, dated 1st August, 1955), namely

### **CHAPTER 1 PRELIMINARY**

#### **1. Short Title :-**

These rules may be called the Rubber Rules, 1955.

#### **2. Definitions :-**

In these rules, unless the context otherwise requires,

The Act means the Rubber Act, 1947 (XXIV of 1947),

Board means the Rubber Board constituted under Sub-section (1) of Section 4,

Chairman means the Chairman of the Board appointed under clause (a) of Sub-section (3) of Section 4,

Commissioner means the Rubber Production Commissioner appointed under Sub-section (1) of Section 6A,

Committee means any committee appointed by the Board under Sub-section (1) of Section 7,

Form means a form set forth in the First Schedule to these rules.

Large grower means an owner who is not a small grower,

a - Masterbatche means a mother stock of a mix of rubber and any one or more compounding ingredients used for the manufacture of rubber goods, (Amended by Notification GSR2402 dated 20th September, 1975 of the Government of India, Ministry of Commerce)

Member means a member of the Board,

a - "Processing of rubber" means

(a) conversion of field latex of any rubber plant into technically specified rubbers in solid block or centrifuged latex or latex concentrates or pale latex crepe or any other forms of technically specified rubber; and

(b) conversion of various forms of sheet rubber or scrap rubber into technically specified rubbers in solid block or estate brown crepe or any other forms of technically specified rubber.

b - Processor means a person who undertakes processing of rubber,

(Amended by Notification GSR2402 dated 20th September, 1975 of the Government of India, Ministry of Commerce)

Secretary means the Secretary to the Board appointed under Sub-section 2 of Section 6A,

Section means a section of the Act,

Small grower means an owner whose estate does not exceed ten hectares in area,

a - Technically specified rubber means rubber graded according to technical standards specified by the Bureau of Indian Standards from time to time (Amended by Notification GSR2402 dated 20th September, 1975 of the Government of India, Ministry of Commerce),

Vice-Chairman means the Vice-Chairman of the Board elected under Sub-section (6) of Section 4, and

Year means the year commencing on the first day of April.

## **CHAPTER 2 BOARD AND ITS CONSTITUTION**

### **3. Constitution Of The Board And Manner Of Filling Vacancies :-**

The Board shall consist of the Chairman and twenty seven other members representing the different interests and authorities specified in clauses (b) to (f) of Sub-section 3 of Section 4.

Of the two members to represent the State of Tamil Nadu, one shall be nominated by the Government of Tamil Nadu, and the other shall represent the large growers. The person representing the large growers shall be nominated by the Central Government.

Of the eight members to represent the State of Kerala., two persons shall be nominated by the Government of Kerala to represent that State. Two persons shall represent the large growers in the State of Kerala, three persons the small growers and one person the Rubber Producers Societies.

Of the ten persons to be nominated by the Central Government one person shall represent small growers from the State of Tripura, one person shall represent small growers from the State of Kerala in addition to the three already provided for, one person shall represent small growers from other non-traditional states like Karnataka, Orissa etc. on a rotation basis and one person shall represent other stake holders.

### **4. Term Of Office :-**

Save as hereinafter provided, a member shall hold office for such period not exceeding three years as may be specified in the notification in the official Gazette notifying his nomination or election and shall be eligible for re-nomination or re-election, as the case may be (Amended by Notification No. GSR 598 dated 13th May, 1959 of the Government of India, Ministry of Commerce and Industry and further amended as per Notification No. GSR 395 dated the 22nd February, 1968 of the Government of India, Ministry of Commerce, (Published in the Gazette of India, Part II, Section 3(1), dated the 2nd March, 1968).

Provided that a member elected under clause (e) of Sub-section (3) of Section 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 (Amended by Notification No. GSR 598, dated 13th May, 1959 of the Government of India, Ministry of Commerce and Industry and further amended as per Notification No. GSR 395, dated the 22nd February, 1968 of the Government of India, Ministry of Commerce (Gazette of India, Part II, Section 3(1), dated the 2nd March, 1968).

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 (3) of Section 4 to make a nomination, shall hold office as long as the member whose place he fills would be entitled to hold office, if the vacancy had not occurred or the nomination had not been made, as the case may be.

## **5. 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 accepted by the Chairman of the Board or of the Committee, as the case may be or until the expiry of thirty days from the date of receipt of resignation by the Secretary, whichever is earlier. (Amended as per Government of India, Ministry of C & I ., Notification No. SROI(2) Plant (B)/57 dated the 27th June, 1957. (Gazette of India, Part II, Section 3, dated the 6th July, 1957; Amended as per Notification No. SRO 549 dated the 14th February, 1957 Government of India, Ministry of C&I., (Published in the Gazette of India, Part II, Section 3, dated the 23rd February, 1957).

## **6. Removal From The Board :-**

The Central Government may remove any member from his office. if he becomes bankrupt or insolvent or suspends payment or compounds with his creditors, or if he is convicted of any offence which is punishable under the Indian Penal Code (Act XLV of 1860), and is under the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) non-bailable or (Amended as per Notification No. SRO 549 dated the 14th February, 1957, Government of India, Ministry of C. &I., (Published in the Gazette of India, Part II, Section 3, dated 23rd February, 1957) or if he is of unsound mind and stands so declared by a competent court, or 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 if he defaults in payment of any dues to the Board, and is so declared by the Board.

#### **7. Absence From India :-**

Before a member of the Board 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 longer period than six months, he shall tender his resignation.

Where a member departs from India under constraint of circumstance, without complying with the provisions of Sub-rule (1), he shall be deemed to have resigned with effect from the date of his such departure from India, unless he intimates to the Secretary within one month from such departure about the date of his departure from and the expected date of his return to India (Amended as per Notification NO. GSR 1033(E) dated 31-12-1987 of the Government of India, Ministry of Commerce (Published in the Gazette of India), Part II, Section 3(i) dated 31-12-1987).

#### **8. Vice-Chairman :-**

The Board shall, in each year, elect a member to be the Vice-Chairman for a period of twelve months commencing from the date of his election or if the election is held before expiry of the term of office of an existing Vice-Chairman, from the date on which such Vice-Chairman would vacate office (Amended as per Notification No.

SRO 3329 dated the 11th October, 1957, Government of India, Ministry of C&I, (Published in the Gazette of India, PartII, Section 3 dated the 19th October, 1957).

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 another member to be the Vice-Chairman for the un-expired portion of the term of office of the Vice-Chairman elected under Sub-rule (1).

### **CHAPTER3** PROCEDURE OF MEETINGS OF BOARD AND ITS COMMITTEES

#### **9. Meetings Of The Board :-**

There shall be not less than two ordinary meetings of the Board in any one year on such dates as the Chairman may think fit and such meetings shall ordinarily be held at the headquarters, but in case where a meeting is decided to be held elsewhere by the Chairman, the reasons for so deciding shall be recorded in writing. The interval between any two ordinary meetings shall not, in any case, be longer than eight months (Amended as per Notification No. GSR 1033(E) dated 31-12-1987 of the Government of India, Ministry of Commerce (Gazette of India. Part II, Section 3(i)dated 31-12-1987).

#### **10. Quorum :-**

No business shall be transacted, at a meeting of the Board unless there are present at least nine members of the Board and no business shall be transacted at a meeting of a Committee, unless there are present a majority of members constituting the Committee.

#### **10A. Absence From Meeting Of A Committee :- .**

Any member of a Committee who absents himself from two consecutive meetings of the Committee without the leave of the Chairman, and in any case from three consecutive meetings, shall cease to be a member of that Committee, (Amended as per Notification NO.SRO 549 dated the 14thFebruary, 1957 of the Government of India, Ministry of Commerce and Industry (Published in the Gazette of India, Part II, Section 3dated the 23rd February, 1957).

**10B.** Filling Of Casual Vacancies :-

(1) Any casual vacancy on a Committee shall be filled up by the Board.

(2) A person appointed to fill a casual vacancy in a Committee 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.

**10C.** Presiding Over Committee Meetings :-

The Chairman shall preside over every meeting of the Committee at which he is present and in his absence, the Vice-Chairman shall preside, if he is a member of the Committee. In the absence of both the Chairman and the Vice-Chairman, the members of the Committees shall elect one from amongst those present to preside at that meeting (Amended as per Notification No. SRO 549 dated the 14th February, 1957 of the Government of India, Ministry of Commerce and Industry (Published in the Gazette of India, Part II, Section 3 dated the 23rd February, 1957)).

**11.** Power To Call Meetings :-

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

(2) At least fourteen clear days before any meeting of the Board and at least ten clear days before in the case of a meeting of a Committee, notice of time and place of the intended meeting, signed by the Secretary, shall be sent to the Government of India in the appropriate Ministry and left at or posted to the address of every member of the Board or the Committee (Substituted as per Notification No SRO 549 dated the 14th February, 1957 of the Government of India, Ministry of Commerce and Industry (Published in the Gazette of India, Part II, Section 3 dated the 23rd February, 1957)).

Provided that in case 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 appropriate Ministry and the 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.

(3) The Chairman may require any officer of the Board or invite any person or persons to attend any meeting of the Board or the Committee but they shall not have the power to vote.

**11A.** Agenda :-

(1) At least 10 clear days before any ordinary meeting of the Board and at least 7 clear days before any meeting of a Committee, a list of business to be transacted at the meeting, signed by the Secretary, shall be sent to the Government of India and left at or posted to the address of every member of the Board of the Committee.

(2) No business, not included in the list of business, shall be transacted without the permission of the Chairman of the Board or of the committee.

**12.** Presiding Over Meetings :-

The Chairman of the Board shall preside over 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 Vice-Chairman are absent from any meeting, the members present shall elect one of their own members to preside at that meeting.

**13.** Business By Circulation :-

(1) Any business which is to be transacted by the Board or the Committee may, if the Chairman of the Board or of the Committee so directs, be referred to members by circulation of papers and any resolution or proposal 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 resolution or proposal were decided by the majority of members at a meeting;

Provided that at least nine members of the Board or a majority of the members of the Committee, as the case may be, have recorded their view of the resolution or proposal;

Provided further that when a resolution or proposal is referred to members by circulation of papers, any five members of the Board or three members of the Committee, as the case may be, may require that the resolution or proposal be referred to members at a meeting and thereupon such reference shall be made to members

at a meeting of the Board or the Committee, as the case may be.

(2) When any business is referred to members by circulation, a period of not less than 14 clear days in the case of the Board and 10 clear days in the case of a Committee shall be allowed for receipt of replies from members. Such period shall be reckoned from the date on which the notice of business is issued.

(3) Transaction of business by circulation should be resorted to only in special circumstances or reasons to be recorded in writing. If a resolution or proposal is circulated, the result of the circulation shall be communicated to all the members of the Board or of the committee, as the case may be. A copy of the resolution or proposal circulated and the result of the circulation shall also be communicated to the Government of India (Amended as per Notification, No. SRO 549 dated the 14th February, 1957 of the Government of India, Ministry of Commerce and Industry (Gazette of India, Part II, Section 3 dated the 23rd February, 1957) and as per Notification No. GSR 1033 (E) dated 31-12-1987 of the Government of India, Ministry of Commerce (Published in the Gazette of India, Part II, Section 3(i) dated 31-12-1987).

**13(A).** Record Of Business :- .

(Inserted as per Notification No. GSR1033(E) dated 31-12-1987, of the Government of India, Ministry of Commerce (Published in the Gazette of India, Part II, Section 3(i) dated 31-12-1987).

(1) A record of business transacted at the meetings of the Board or its Committees, shall be maintained by the Board and copies of such record shall be Submitted to the Central Government.

(2) The record of business transacted as referred to in Sub-rule shall be signed by the Chairman presiding over such meetings.

**14. Voting** :-

(1) Except as provided in Rule 13, every question brought before any meeting of the Board or its Committee, shall be decided by a majority of the members present and voting at the meeting before which the matter is brought. No member shall vote by proxy.

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

**15. Appointment Of Committees** :-

(1) There shall be an Executive Committee consisting of

- (a) The Chairman who shall be the ex-officio Chairman thereof,
- (b) The Vice-Chairman,
- (c) The Rubber Production Commissioner and
- (d) Two other members to be elected by the members of the Board from among themselves in such manner as may be laid down by the Board

2(i) There shall also be a Research and Development Committee consisting of (Inserted as per Notification GSR No. 553 dated the 18th April, 1978 of the Government of India, Ministry of Commerce (Published in Sub-section (i) of Section 3, Part II, of the Gazette of India, dated 29th April, 1978)

- (a) The Chairman who shall be the ex-officio Chairman thereof,
- (b) Director of Research of the Board,
- (c) The Rubber Production Commissioner,
- (d) Three other members to be elected by the members of the Board from among themselves in such manner as may be laid down by the Board and
- (e) Three scientists or technologists to represent the Council of Scientific and Industrial Research, the Indian Council of Agricultural Research and the rubber manufacturing industry.

(ii) It shall be the duty of the Research and Development Committee

- (a) To examine and recommend scientific and technological research projects, schemes and programmes and undertake periodic evaluation and review thereof
- (b) To examine and recommend development and extension project schemes and programmes, in relation to rubber industry and undertake periodic evaluation and review thereof and
- (c) To carry out any duty which may be delegated by the Board from time to time.

(3) Nothing in this rule shall derogate from the power of the Board to constitute, for such period as may be specified in each individual case, any other Standing Committee or any ad hoc committee for any of the purposes mentioned in Section 8 or Section 8A. The Chairman of the Board shall be ex-officio Chairman of all Committees constituted under this rule.

## **16. Travelling And Other Allowances To Members Of The Board And Its Committees :-**

(Substituted as per Notification No. SRO 549 dated the 14th February, 1957 of the Government of India, Ministry of Commerce

and Industry (Published in the Gazette of India, Part II, Section 3 dated 23rd February, 1957).

(1) A member of the Board or of any Committee 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 allowance and daily allowance at the highest rates admissible to government servants of the first grade under the rules and orders made by the Central Government and for the time being in force.

(2) In the case of any journey performed by an official of the Central or the State Government specially nominated or co-opted by the competent authority to serve on any ad hoc committee or any other committee or to attend to any other business of the Board, the travelling and daily allowances admissible to him shall be payable by the Board at the rates admissible to him under the rules of the government under which he is for the time being employed.

(3) No travelling allowance or daily allowance shall be allowed to a member of the Board or of any Committee unless he certifies that he has not drawn any travelling or daily allowance from any other source in respect of the journey and halt for which the claim is made.

(4) Travelling allowance shall be payable from the usual place of residence of a member of the Board or any Committee to the place of the meeting or the place where he has gone to attend to any business of the Board and back to his place of residence;

Provided that when the journey commences from or the return journey terminates at any place other than his usual place or residence the travelling allowance shall be limited to the amount that would have been payable had the journey commenced from or terminated at the usual place of residence or to the amount payable in respect of the actual journey undertaken, whichever is less;

Provided further that in special circumstances and with the previous approval of the Central Government, the Chairman may grant travelling allowance from places other than the usual place of residence of a member.

(5) Omitted

## **17. 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 every order passed under Sub-rule (1) shall be sent to the Board or the Committee, 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 circumstance of the case.

#### **CHAPTER 4 BOARD AND ITS ESTABLISHMENT**

##### **18. Salaries And Allowances :-**

All expenditure on account of the salaries, allowances, pension, leave and other contributions, if any, of the Chairman and other officers appointed by the Central Government under Section 6 and 6A shall be met from the funds of the Board.

##### **19. Boards Establishment :-**

The Board may from time to time Subject to the availability of specific provision in the budget estimate of the Board as sanctioned by the Central Government, sanction such establishment as may, in its opinion, be necessary for the efficient performance of its functions. (Amended as per Notification GSR No.716 (E) dated 20th June, 1988 of the Govt. of India, Ministry of Commerce);

Provided that no post shall be created without the previous sanction of the Central Government, if the maximum salary of the post exceeds Rs.39,100/-/- in the Pay Band 3 with the grade pay Rs.5400/- per month in the case of technical posts and Rs.39,100/-/- in the Pay Band 3 with the grade pay Rs.6,600/- per month in the case of non-technical posts, Subject to observance of the ban orders for creation of posts issued by the Government from time to time (Amended as per Notification No. GSR 241 dated 31st January, 1976 of Government of India, Ministry of Commerce, Published in the Gazette of India, dated 21st February, 1976);

Provided further that in case of exigencies, temporary posts which would need to be created in the interest of the Board and the maximum salary of which does not exceed Rs.39,100/-/- in the Pay Band 3 with the grade pay Rs.5400/- per month in the case of technical posts and Rs.39,100/-/- in the Pay Band 3 with the grade pay Rs.6,600/- per month in the case of non-technical posts, subject to observance of the ban orders for creation of posts issued by the Government from time to time, may be created by the Chairman, Subject to certification by the Board, Subsequently; Provided also that the confirmation of a direct recruit in a key post identified in prior consultation with the Central Government shall be made with the prior approval of the Central Government.

**20. Omitted :-**

**21. Omitted :-**

**22. Filling Up Of Temporary Vacancies In Sanctioned Posts :-**

Temporary vacancies in respect of sanctioned posts, which are not covered by Section 6A shall be filled up by the Chairman.

**23. Posting And Transfer :-**

Posting and transfers of all officers and other members of the staff of the Board shall be made by the Chairman who may delegate this power to such extent as he deems fit, to the Commissioner.

**24. Pay And Allowances Of Borrowed Officers :-**

The pay and allowances including travelling allowances of government officers lent to the Board, other than the officers lent for appointment under Section 6A, shall be such as may be determined by the Central Government.

**24A. Grant Of Advances For Building Etc., Of Houses :-**

(Inserted as per Notification No. GSR 797 dated the 13th September, 1958 of the Government of India, Ministry of Commerce and Industry (Published in the Gazette of India, Part II, Section 3(1), Page 731 dated the 13th September, 1958)

(i) An advance for building a new house (including purchase of land for the purpose) or for purchase of ready built house or for enlarging living accommodation of an existing house owned by an officer (other than one appointed by the Central Government) or

other employee of the Board may be granted to such officer or employee at such rates and on such conditions as may be determined by the Board in conformity with the rules of the Central Government for the time being in force, regulating the grant of advances for building etc., of houses to Central Government Servants.

(ii) The advance specified in (i) above may be granted for the same purpose to an officer of the Board appointed by the Central Government also, at such rates and on such conditions as may be admissible to officers holding comparable posts under the Central Government in accordance with the rules of the Central government for the time being in force.

(iii) The grant of advance is Subject to the availability of funds under the head Advance recoverable bearing interest.

(iv) Omitted

**24B.** Grant Of Advances For The Purchase Of Motor Car, Motor Cycle Or Bicycle :-

An advance for the purchase of motor car, motor cycle or bicycle may be granted to an officer or employee who is in permanent employment of the Board at such rates and conditions as may be admissible to an officer or employee holding a comparable post under the Central Government in accordance with the rules of the Central Government for the time being in force. Subject to the concurrence of the Central Government, permanent government servants on deputation to the Board will also be eligible to the grant of such advances from the Board in accordance with the aforesaid rules. The grant of advances is Subject to the availability of funds under the head Advances recoverable bearing interest.

**25.** Omitted :-

**26.** Sending Persons Abroad :-

The Board shall not send any officer of the Board or any member of the Board to places outside India without the previous sanction of the Central Government.

**CHAPTER 5** POWERS OF THE BOARD AND THE CHAIRMAN

**27.** Powers Of The Chairman :-

(1) The Chairman shall be responsible for the proper functioning of the Board and the implementation of its decisions and the discharge of its duties 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 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 resolution by the Board, authorise some other person to grant, receipts on behalf of the Board for all moneys received under the Act

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

(e) present annual draft report of 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) The Chairman shall have power

(i) Omitted

(ii) to issue general or special licences under Section 14 and extend the period of validity of such special licences suspend or revoke such licences or restore any licences so suspended (Amended as per Notification No. GSR 1000 dated the 18th June, 1966 of the Government of India, Ministry of Commerce (Published in the Gazette of India dated the 25th June, 1966, Part II, Section 3(1)).

(iii) Omitted

(iv) to call for information, documents and returns and to inspect or cause to be inspected, accounts and places of storage or of business, as required or provided by the Act or these rules.

(v) to require the Board or any Committee to defer taking action, pending a reference to the Central Government on any decision taken by the Board or the Committee.

(5) The Chairman may sanction an 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 object of the Act, Subject to the necessary provisions in the budget.

(6) The Chairman may, by order in writing, delegate any of his

powers under clauses(i) to (iv) of Sub-rule 4 and Sub-rule 5 to any other officers of the Board (Amended as per Notification No. GSR698, dated the 3rd May, 1965, Government of India, Ministry of Commerce (Published in the Gazette of India, Part II, Section 3(1) dated the 8th May, 1965)).

(7) Where a matter has to be disposed of by the Board or a Committee and a 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.

### **28. Delegation Of Powers :-**

(1) The Board shall have power to delegate to a Committee such power as it deems fit.

(2) Every Committee appointed by the Board shall exercise the powers conferred on it by or under the Act or these rules, Subject to such instructions, direction or limitations, if any, as may be defined by resolution of the Board and all acts of all Committees shall be Subject to the control of the Board which may cancel, suspend or modify, as it thinks fit, any such act.

### **29. Restriction On Delegation Of Powers :-**

(1) The Board shall not delegate any administrative or financial power to any Committee, other than the Executive Committee

(2) The Board shall not delegate any of the following powers to the Executive Committee

(a) the power to sanction expenditure in excess of Rs.10,000/- in respect of any single item

(b) the power to adopt the Budget Estimates of the Board on its behalf

(c) the power to sanction expenditure incurred outside India in excess of Rs.5,000/- in respect of any single item

(d) the power to re-appropriate estimated savings in excess of Rs.2,500/- in the case of any single item

(e) the power to write off losses in excess of Rs.500/- in any single case.

### **30. Rule 30 :-**

(1) Subject to the provisions of the Act and these rules, the Board may incur such expenditure from the Rubber Development Fund, as it may think fit, and write off losses up to a maximum of Rs.10,000/- for losses due to theft, fraud and negligence and Rs.20,000/- for other cases in any single case and may delegate such powers to the Chairman and other officers of the Board to such extent as it deems fit; (Amended as per Notification GSR No.716 (E) dated 20th June 1988 of the Government of India, Ministry of Commerce).

Provided that, save with the sanction of the Central Government, no expenditure shall be incurred which is in excess of the sanctioned budget allotment (Amended as per Notification, No. GSR 1756 dated the 20th November, 1967 of the Government of India, Ministry of Commerce (Published in the Gazette of India, Part II, Section (3) dated the 2nd December, 1967)).

(2) Re-appropriation within a head of expenditure be made by the Board and, Subject to clause (d) of Sub-rule (2) of Rule 29, the Board may delegate its powers in this behalf to the Chairman or Secretary. (Amended as per Notification No. SRO 549 dated the 14th February 1956 of the Government of India, Ministry of Commerce and Industry (Published in the Gazette of India, dated the 23rd February 1957)).

(3) Re-appropriations between heads of expenditure (other than those relating to Administration, Research and Development) shall not be made, save with the previous sanction of the Central Government. (Amended as per Notification, No. GSR 1756 dated the 20th November, 1967 of the Government of India , Ministry of Commerce (Published in the Gazette of India, Part II, Section (3) dated the 2nd December, 1967)).

(4) The Board shall not incur expenditure outside India in excess of Rs.10,000/- on any single item without the previous sanction of the Central Government

30A0mmitted

### **31. Borrowing Powers :-**

The Board may with the previous sanction of the Central Government borrow, on the security of the Rubber Development Fund or any other of its assets, for meeting its expenses or for any other purposes referred to in Section 8 of the Act;

Provided that no loan shall be taken which is repayable later than six months from the date of the loan.

### **32. Contracts :-**

(1) The Board may enter into contracts provided that every contract which involves an expenditure in excess of 20 lakh rupees, shall require the previous sanction of the Central Government (Amended as per Notification GSR No. 716(E) dated 20th June, 1988 of the Government of India, Ministry of Commerce).

(2) Subject to the provision of Sub-rule (1), the Board may delegate to the Chairman such power for entering into contracts on its behalf as it may think fit.

(3) Contracts shall not be binding on the Board, unless they are executed by the Chairman, or an officer of the Board duly authorised by the Chairman.

(4) Neither the Chairman nor any officer of the Board nor any member of the Board shall be liable for any assurance or contract made by the Board but any liability arising out of such assurance or contract shall be discharged from the moneys at the disposal of the Board (Amended as per Notification No. SRO 549 dated the 14th February, 1957 of the Government of India, Ministry of Commerce and Industry (Published in the Gazette of India, Part II, Section 3 dated the 23rd February, 1957)).

### **33. Power To Call Information And Documents :-**

The Board may serve a notice upon

(a) the owner of any estate requiring him to furnish within such period, not being less than 30 days as may be specified in the notice, such information and documents relating to the area planted with rubber or to the production including the cost of production and sale of rubber produced on the estate or to the ownership of the estate or to any other matter as it may deem necessary to enable it to discharge its duties under the Act.

(b) any licenced dealer or any manufacturer or any processor or any other person, if the Board has reason to believe that such person has any rubber in his possession, requiring him to furnish within such period, not being less than 30 days as may be specified in the notice, such information and documents relating to the stocks of rubber held and sale of rubber or to any other matter as it may deem necessary to enable it to discharge its duties under the Act (Amended as per Notification No. GSR 2402 dated the 2nd September, 1975 of the Government of India, Ministry of Commerce (Published in the Gazette of India, Part II, Section 3

Sub-section (1) dated the 20th September, 1975).

(c) any person required to furnish any information or to produce a document under clause (a) or (b) shall furnish such information or produce such document, or show cause why it could not be furnished or produced within the time specified in the notice (Amended as per Notification No SRO 549 dated the 14th February, 1975 of the Government of India, Ministry of Commerce and Industry (Published in the Gazette of India, Part II, Section 3 dated the 23rd February, 1957).

(d) the Board may authorise any officer to call for production of information and records from an owner of an estate, or any licensed dealer or any manufacturer or any processor or any other person if he has reason to believe that such person has any rubber in his possession (Amended as per Notification No. GSR 2402 dated the 2nd September, 1975 of the Government of India, Ministry of Commerce (Published in the Gazette of India, Part II, Section 3 Sub-section (1) dated the 20th September, 1975).

(e) all manufacturers, whether they hold valid licences issued under Rule 40 or not, shall Submit half-yearly returns in Form M for the periods 1st April to 30th September and 1st October to 31st March of each financial year not later than 30 days after the expiry of the period to which the return relates to showing the total quantity in kilograms of all rubber (a) purchased or otherwise acquired during such periods (separately for indigenous and imported rubber, and (b) consumed or used in the process of manufacture during the same period (Published in the Gazette of India Notification No. SRO 165 dated 13-01-1961).

(f) all manufacturers, whether they hold valid licences issued under Rule 40 or not, shall after the close of each financial year also Submit report from a Registered Auditor or any other authority previously approved by the Board, certifying the correctness of the returns Submitted under clause (e) not later than six months from the end of the financial year.

**33A.** Section 33A :-

(1) If any owner of an estate fails to furnish in due time the return referred to in Sub-section (4) of Section 12 or furnishes a return which the Board has reason to believe is incorrect or defective, the Board may serve a notice on the owner calling upon him to produce all or any of his accounting relating to production of rubber on his estates and to prove

(a) if no return has been submitted, that there was no production

(b) if a return has been submitted, the correctness and completeness of the return.

The Board shall, after checking the accounts and after making such further enquiry as it deems fit, assess the amount payable under Sub-section (2) of Section 12,

(2) The same procedure shall be followed if for any reason the whole or any part of the production in an estate has escaped assessment in any year.

The Board may delegate its powers under this rule to the Director (Licensing and Excise Duty) and to such other officers of the Board as it deems fit.

**33B.** Section 33B :-

(1) If any manufacturer fails to furnish in due time the returns prescribed by the Board in pursuance of clause (b) (ii) of Sub-section, (4) of Section 12 of the Act and Rule 33(e) or furnishes a return which the Board has reason to believe to be incorrect or defective, the Board may serve a notice on the manufacturer calling upon him to produce all or any of his accounts relating to the purchase, acquisition or use of rubber and to prove

(a) if no return has been Submitted, that there has been no purchase or acquisition of rubber or that no rubber has been used in the manufacture

(b) if a return has been Submitted, the correctness of the return.

(2) The Board shall, after checking the accounts and after making such further enquiry as it deems fit, either through its own officers or through officers of the State Government or Central Government or such other authorities, assess the amount of excise duty payable by such manufacturer.

(3) The same procedure shall be followed if for any reason the whole or any part of the rubber acquired by a manufacturer has escaped assessment during the period specified in rule 33(e).

(4)The Board may delegate its powers under this rule to the Director(Licensing and Excise Duty) and such other officers of the Board as it deems fit.

**33C.** Section 33C :-

The manufacturer, who has purchased or otherwise acquired rubber from another manufacturer under a licence issued by the Board under Rule 40A, shall not be liable to pay any excise duty on the

quantity of rubber so purchased or otherwise acquired, if it had been assessed and collected.

**33D.** Section 33D :-

(1) Every manufacture shall pay to the Board the duty of excise at such rate, as may be notified from time to time, on the quantity of the rubber acquired by him during the period specified in rule 33(e) along with the return, not later than thirty days after the period to which the return relates to either in cash at the Boards office at Kottayam or by money order or by bank draft or by any mode of payment through bank, payable at Kottayam to the Director (Licensing and Excise Duty) Rubber Board evidenced by proof of payment.

(2) If any manufacturer fails to pay the amount due under sub-rule(1) above within the time prescribed he shall pay interest at such rate as may be fixed by the Board not exceeding two percent per month from the date of default till the date of remittance either in cash at the Boards office at Kottayam or by money order or by the bank draft or through any mode payment though bank payable at Kottayam to the Director (Licensing and Excise Duty) Rubber Board.

(3) If a manufacturer fails to pay the amount within the date prescribed in sub-rule (1), the Board may take steps to report the fact to the Central Government or the State Government concerned for recovery of the outstanding amount with interest as an arrear of land revenue

**33E.** Powers Of Board To Remit Or Abandon Claims To Excise Duty :-

(Amended as per Notification No. GSR 26, dated the 27th December, 1968, of the Government of India, Ministry of Commerce (Published in the Gazette of India, Sub-section (1) of Part II, Section 3 dated the 26th December, 1968)).

(1) It shall be lawful for the Board to remit or abandon claims to excise duty on rubber up to one thousand rupees in any single case of assessment;

Provided that the arrears of excise duty, pending more than a year, have been certified to be irrecoverable by the revenue authorities of the State concerned; Provided further that

(a) petty amounts up to fifty rupees in any single case of

assessment, may be written off without any certificate of irrecoverability as mentioned in the preceding provision Subject to the condition that such amount is certified to be irrecoverable by the Secretary or any other officer of the Board, to whom the powers under Rule 33B have been delegated

(b) where petty amounts up to fifty rupees cannot be certified as irrecoverable under clause (a), a certificate of recovery shall be issued by the Board to the revenue authorities of the State concerned and the recovery may be written off by the Board if the amounts are not recovered by the revenue authorities within a reasonable time.

(2) The Boards powers under Sub-rule (1) to remit to abandon claims to excise duty, shall be Subject to the provisions of Rule 10 of the Delegation of Financial Powers Rules, 1958.

(3) The Board may delegate its powers under this rule to the Chairman to such extent as it deems fit.

## **CHAPTER 6 FINANCE AND ACCOUNTS OF THE BOARD**

### **34. Budget Estimate :-**

(1) The Board shall in each year prepare a budget for the Rubber Development Fund for the ensuing financial year and shall Submit it for the sanction of the Central Government on or before such date as may 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

(i) estimated opening balance

(ii) estimated receipts by way of grant from the Central Government under Sub-section (7) of Section 12

(iii) Proposed expenditure classified under the following heads or such other heads as the Central Government may direct (Amended as per Notification No. GSR 1756, dated the 20th November, 1967, of the Government of India, Ministry of Commerce, (Published in the Gazette of India, Part II, Section 3, Sub-section (1), dated the 2nd December, 1967)).

(a) Administration

(b) Works

(c) Research

(d) Labour welfare

(e) Development department

(f) Replanting Subsidy

(g) Advances to employees.

(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 shall be Submitted for the sanction of the Central Government in such form and on such dates as may be directed by it.

### **35. Accounts Of The Board :-**

The Board shall maintain separate accounts for the Rubber Development Fund.

(1) Rubber development Fund- In respect of Rubber Development Fund for which budget estimates are prepared, the Board shall maintain accounts of receipts and expenditure relating to each financial year.

(2) The audited statement of receipts and expenditure for each period together with the auditors reports thereon shall be Submitted to the Central Government.

(3) After the close of each year the statement shall be placed before the Board.

(4) Omitted

(5) The grants received from the Central Government under Sub-section (7) of Section 12 shall be deemed as receipts of the Board.

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

(7) Expenditure incurred in the year shall be shown under separate heads and Sub-heads.

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

### **36. Omitted :-**

### **37. Deposit Of Funds Of The Board In Banks And The Investments 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 the State Bank of India or such other bank as the Central Government may approve.

(2) Any funds not required for current expenditure may be placed in deposit account with the Central Government in the Public Account or invested in short-term deposits with such banks as may be approved by the Central Government for the purpose. (Substituted as per Notification No. GSR 1804 dated the 11th November, 1963 of the Government of India, Ministry of International Trade (Published in the Gazette of India, Part II, Section 3(1) dated the 23rd November, 1963)).

(3) The placing of money in deposit with the Central Government require the sanction of the Chairman or any officer authorized by the Chairman.

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

(5) Such cheques and all orders for making deposits or investments or withdrawals of deposits or investments or for the disposal in any other manner of the funds of the Board shall be signed by the Director Finance or any other officer of the Board, duly authorised by the Board in this behalf, and countersigned by the Chairman (Amended as per Notification No. GSR 245 dated the 27th January, 1969 of the Government of India, Ministry of Commerce, (Gazette of India, Part II, Section 3, Sub-section (1) dated the 8th February, 1969) or the Commissioner of the Board (Amended as per Notification No. S.O. 897(E), (Gazette of India, Part II, Section 3, Sub-section (ii) dated 12th December, 2001).

Provided that where the amount covered by any such cheque or order does not exceed Rs.5000/- such cheque or order may be countersigned by the Secretary or in his absence by any other officer of the Board duly authorised by the Chairman.

## **CHAPTER 7 MISCELLANEOUS**

### **38. Omitted :-**

### **39. Licence To Deal In Rubber :-**

(1) Every person other than processor who wants a special license to purchase, sell or otherwise deal in rubber (including imported natural rubber) shall apply for a license in Form B. (Amended as per Notification No G.S.R. 897 (E) published in the Gazette of India, Part II- Section 3, Sub-section (i) dated 12th December, 2001).

The Board, if it is satisfied with regard to the suitability of the applicant, may issue a licence in Form C.

(2) The licences shall be numbered and shall not be transferable.

**39A.** Licence To Acquire Rubber For Processing And For Selling Rubber So Acquired :-

(Amended as per Notification No. GSR 2402 dated the 2nd September, 1975, of the Government of India, Ministry of Commerce (Published in the Gazette of India, Part II, Section 3, Sub-section (1) dated 20-09-1975)).

(1) Every person who wants a special licence to acquire rubber (including imported natural rubber) for processing or to sell the rubber so acquired after processing or otherwise shall apply to the Board for a licence in Form B1. (Amended as per Notification No. G.S.R. 897(E) published in the Gazette of India, Part II- Section 3, Sub-section (i) dated 12th December, 2001.).

(2) Every such application shall be accompanied by a project report in cases where processing units are yet to be established.

(3) The Board may issue a special licence under this rule in Form C1, if it is satisfied with regard to the following matter, namely

(i) suitability of the applicant

(ii) suitability of the site selected

(iii) availability of raw materials

(iv) availability of technical know-how

(v) arrangements made for technical specification

(vi) economic feasibility.

(4) The special licence issued under this rule shall be numbered and shall not be transferable.

(5) No application for a special licence under this rule made by a person who was processing rubber before the commencement of the Rubber (Amendment) Rule 1974 shall be rejected by the Board except for special reason to be recorded in writing.

**40. Licence To Acquire Rubber :-**

Any manufacturer desiring a special licence to purchase or otherwise acquire rubber (including imported natural rubber) shall apply to the Board in Form D. If the Board approves, a licence may be issued in Form E. (Amended as per Notification No. G.S.R. 897(E) published in the Gazette of India, Part II- Section 3, Sub-section (i) dated 12th December, 2001).

**40A.** Section 40A :-

Any manufacturer holding a special licence in Form E and desiring

in an emergency to sell rubber acquired by him under that licence to another manufacturer holding a special licence in Form E, shall apply to the Board in Form D1. If the Board approves, a licence may be issued in Form E1 for each such transaction. (Amended as per Notification No. SRO 2824 dated 30th August, 1957 of the Government of India, Ministry of Commerce and Industry (Published in the Gazette of India Part II, Section 3 dated 14th September, 1957)).

**41. Omitted :-**

**42. Power To Revoke Or Cancel Licence :-**

The Board may, at any time, after affording a reasonable opportunity to the licensee to be heard, revoke or cancel any licence if it is satisfied that the licensee obtained the licence by misrepresentation of facts or fraud or if he contravenes any of the provisions of the Act or rule made under the Act or conditions of the licence.

(Amended as per Notification No. 549 dated the 14th February, 1957 of the Government of India, Ministry of Commerce and Industry (Published in the Gazette of India, Part II, Section 3 dated the 23rd February, 1957)).

**43. Monthly And Annual Returns :-**

(Amended as per Notification No. GSR 2402 dated the 2nd September, 1975 of the Government of India, Ministry of Commerce (Published in the Gazette of India, Part II, Section 3 Sub-section (1) dated 20th September, 1975).

(1) Every small grower, when required to do so, and every large grower shall Submit to the Board a true and correct monthly return in Forms H&L, giving the particulars of rubber stock held, produced or disposed of by him, and an annual return in Form H1, giving the particulars of total area, area under production of rubber, manuring, plant protection and labour employed as required therein.

(2) Every licenced dealer shall submit to the Board, a true and correct monthly return in Forms H2 and L, giving the particulars of rubber stock held, acquired or disposed of by him.

(3) Every manufacturer shall Submit to the Board, a true and correct monthly return in Forms K and L, giving the particulars of

rubber stock acquired, consumed or disposed of by him, and an annual return in Form K1, giving the particulars of consumption of various kinds of rubber in relation to end products, as required therein.

(4) Every processor whether he holds a valid licence issued under rule 39A or not, shall Submit to the Board, a true and correct monthly return in Forms H3 and L1, giving the particulars of rubber stock held, used out of own production or acquired for processing and disposed of by him as required therein.

**43A.** Section 43A :-

Where the Act or these rules required any person to Submit any statement or return, that person shall submit a nil statement or return for any period for which there are no particulars to be furnished in the statement or return.

**43B.** Declaration Regarding Inter State Transport Of Rubber :-

(Amended as per Notification No. GSR 1497, dated the 27th September, 1976 of the Government of India, Ministry of Commerce (Published in the Gazette of India, Part II, Section 3, Sub-section (1) dated 23-10-1976)).

(1) No person shall transport or cause to be transported, rubber from one state or union territory to another state or union territory without a valid declaration in the prescribed form issued by the Board to such person. The prescribed declaration form so issued by the Board to a person shall not be used in the name of any person other than the person to whom it is issued. The form to be used for the said declaration by a registered owner of an estate shall be Form N1, that to be used by a dealer licensed under rule 39A shall be Form N2, that to be used by a processor licenced under rule 39A shall be Form N3 and that to be used by a manufacturer licensed under rule 40 shall be Form N4. The person to whom a declaration in the prescribed form is issued by the Board shall adhere strictly to the instructions given in the notes specified in the said forms.

(2) On demand by any officer of the Board authorized in that behalf by the Chairman of the Board, or any officer of the Central or State Governments authorized in that behalf by that Government, the consignor, the person transporting rubber and the consignee shall produce the declaration.

**44.** Registers :-

The Board shall maintain the following registers, namely,

- (a) a register of estates
- (b) a register of dealers licensed
- (c) a register of manufactures to whom licences for purchase of rubber have been issued
- (d) a register of licenced processors and other processors. (Inserted as per Notification No. GSR2402 dated 2nd September, 1975 of the Government of India, Ministry of Commerce (Published in the Gazette of India, Part II, Section 3(1)dated 20th September, 1975)).

#### **45. Licencefees :-**

The Board shall levy fees at the following rates for a year or part of a year for issuing licences under these rules to :

- (a) manufacturer for purchase of rubber exceeding 100 kilograms, but not exceeding 4 tonnes - Rs.100/- per licence.
- (b) on manufacturer for purchase of rubber exceeding 4 tonnes, Rs.250/- per licence.
- c) dealer Rs. 250/- per licence.. .
- d ) processor for acquisition of rubber for processing and sale of rubber so acquired Rs.250/- per licence.
- e) manufacturer holding a valid licence in form E for selling rubber to another manufacturer holding a valid licence in Form E in emergencies, Rs.100/- per licence.

#### **46. Omitted :-**

#### **47. Powers And Duties Of The Commissioner :-**

(Amended as per Notification No. GSR 27 dated the 27th December, 1968 of the Government of India, Ministry of Commerce (Published in the Gazette of India, Part II, Section 3, Sub-section (i) dated the 27th December, 1968) and amended as per Notification No. GSR 716(E) dated 20-06-88 of the Government of India, Ministry of Commerce).

The Commissioner shall be in charge of development programmes of the Board. Besides advising the Chairman in technical and development matters and exercising powers that may be delegated to him by the Chairman, he shall make technical advice available to the rubber growers.

#### **48. Grading And Marketing Of Rubber :-**

(1) Every processor and every person referred to in Rule 39A shall grade and market his products in conformity with such standards as are specified by the Bureau of Indian Standards from time to time.

(2) Technically specified rubber purchased, sold or otherwise acquired or disposed of or possessed by any owner of estate, dealer, processor, manufacturer, importer and exporter shall be in conformity with such standards as are specified by the Bureau of Indian Standards from time to time.

(3) Any officer of the Board authorized by the Chairman may at any reasonable time inspect the rubber sold or otherwise acquired or disposed of or possessed by any owner of estate, dealer, processor, manufacturer, importer and exporter for the purpose of ensuring the strict compliance of the quality standards laid down by the Board under sub-rule(1)

### **SCHEDULE 1**

#### THE FIRST SCHEDULE

Sub Topics

FORM A

FORM B

FORM B1

FORM C

FORM C1

FORM D

FORM D1

FORM E

FORM E1

FORM F

FORM G

FORM H

FORM H1

FORM H2

FORM H3

FORM I

FORM J

FORM K

FORM K1

FORM L

FORM L1

FORM M

FORM N1

FORM N2

FORM N3

FORM N4

### **SCHEDULE 2**

#### THE SECOND SCHEDULE

Omitted

