THE TOBACCO BOARD (GENERAL) REGULATIONS 1984

No.F8/8/80-EP(Agri.VI) - In exercise of the powers conferred by section 33 read with section 7 of the Tobacco Board Act, 1975 (4 of 1975) the Tobacco Board here by makes the following regulations, the same having been approved by the Central Government as required by sub-section (3) of section 33 of the said Act, namely :

CHAPTER I

1. (1) Short title and commencement : These regulations may be called the Tobacco Board (General) Regulations 1984.

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

2. Definitions : In these regulations unless the context otherwise requires.

(a) "Act" means the Tobacco Board Act, 1975 (4 of 1975)

(b) "Associated member" means any person associated with the Board under sub-section (8) of section 4 of the Act;

(c) "Board" means the Tobacco Board established under section 4 of the Act;

(d) "Committee" means any of the Committees appointed by the Board under section 7 of the Act;

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* Published in the Gazette of India as F8/8/80-EP (Agri-VI) Dt. 31-12-1984.

(e) "Co-opted member" means any person co-opted by the Board for any committee under section 7 of the Act and who is not member of the Board;

(f) "Government" means the Central Government;

(g) "Rules" means the Tobacco Board Rules, 1976;

(h) "Vice-Chairman" means Vice-Chairman of the Board

(i) "Year" means the year commencing on the first day of the April.

(j) the terms "Chairman", "Executive Director" "Secretary" and "Member" shall have the meaning respectively assigned to them in the Act.

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CHAPTER II

COMMITTEES

3. Appointment of Committees : The Board may appoint the following Committees, namely :

(1) Executive Committee : The Executive Committee shall consist of :-

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

(ii) the Vice-Chairman;

(iii) five members elected by the Board from amongst its member;

(iv) the Executive Director (ex officio).

(2) Committee for production and production control : The committees for production and production control shall consist of :-

(i) the chairman, who shall be the ex-officio Chairman of the Committee;
(ii) the Vice-Chairman;
(iii) five members elected by the Board from amongst its member;
(iv) the Executive Director (ex officio).

(3) Marketing Committee : The Marketing Committee shall consist of :

(i) the chairman, who shall be the ex-officio Chairman of the Committee;
(ii) the Vice-Chairman;
(iii) five members elected by the Board from amongst its member;
(iv) the Executive Director (ex officio).

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4. Functions of the Committees : (1) Executive Committee: Subject to such restrictions as may be imposed by the Board, the Executive Committee, shall, in addition to such functions as may be specifically assigned to it under these regulations, discharge functions relating to financial, establishment, accounts and other functions relating to financial, establishment, accounts and other functions not specifically assigned to the Marketing Committee or Committee for production and production control.

(2) Committee for production and production control : Subject to such restrictions as may be imposed by the Board, the Committee for production and production control shall discharge all function in regard to matters relating to regulation of production of tobacco and advisory and extension support to the growers on cultivation, curing and grading of tobacco.

(3) Marketing Committee : Subject to such restrictions as may be imposed by the Board, the Marketing Committee shall discharge all functions of the Board in regard to such measures as may be undertaken for promoting activities connected with internal and external marketing and publicity, recommendation of minimum export prices, auctions, regulation of marketing etc.

5. Rules of procedure for conducting meetings of the committees :-

(1) Members elected to Committees shall function for a period of one or until such time the Committees are reconstituted.

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

(3) The notice indicating the time and place of the intended meeting signed by the Secretary shall be sent to the members of the Committee at least ten clear days before the date of any such meeting of the Committee.

Provided that in case of urgency, special meeting of the Committee may be summoned at any time by the Chairman, who shall inform in advance the concerned Ministry of Government of India and the members of the Committee in respect of the subject matter for discussion and the reason therefore. No ordinary business shall be transacted at such a special meeting.

(4) The Chairman may co-opt or associate on any Committee a specialist or any person whose assistance or advice he considers desirable, in the discharge of the functions of the Committee.

6. Quorum : (1) No business shall be transacted at the meeting of the Committee unless there are present a majority of the Members constituting the Committee.

(2) If at any meeting the number of members present is less than the required quorum referred to in sub-regulation (1) person presiding may adjourn the meeting to a date not later than seven days from the date of the meeting after informing the members of the Committee (including the members who are absent) of the date; time and place of the adjourned meeting and it shall there upon be lawful for the member presiding at such adjourned meeting to dispose of the business to be transacted in respect of the original meeting irrespective of the number of members present.

7. Filling of casual vacancies : (1) * Any casual vacancy on a Committee shall be filled up by the Board at its immediate next meeting.

(2) A person 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.

8. Presiding over Committee Meetings : The Chairman of the committee shall preside over every meeting of the Committee at which he is present and if he is absent, the Vice-Chairman shall preside; if both the Chairman and the Vice-Chairman are absent the members present at the meeting shall elect one of the members to preside over that meeting.

9. Preparation of agenda : The Chairman of the Committee shall prepare and circular to the members of the Committees at least five days before the meeting of the Committee a list of business to be transacted at the meeting. Any member can suggest items for inclusion in the agenda if the request for such inclusion is presented to the Chairman in writing at least seven days in advance of the meeting.

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* Substituted vide Tobacco Board (General) Amendment Regulations, 2000 published in Gazette of India, Part-III, Section 4 dt.8-8-2000.

10. Business to be transacted by circulation : (1) Any business which is to be transacted by the Committee may, if the Chairman so directs, he referred to members of the Committee [other than members who are not in India] by circulation of papers.

(2) Any proposal or resolution circulated under sub-regulation(1) and approved by the majority of the committee members who have recorded their views in writing shall be as effectual and binding as if such proposal or resolution was decided by a majority of the members at a meeting of the Committee. Provided that when a proposal or resolution is referred to the members by circulation and majority of the members at a meeting of the Committee, such reference shall be made to members at a meeting the Committee.

(3) Where any business is referred to members under sub regulation (1) a period of not less than seven days shall be allowed for the receipt of replied from members and such period shall be reckoned from the date on which such business is circulated.

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

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

(6) Copies of any proposal or resolution and the result of circulation of papers shall also be sent to the Central Government at that time of its circulation or communication, as the case may be, to the members of the Committee.

11. Voting : (1) Every question brought before a meeting of the Committee shall be decided by a majority of members present and voting and in the event of equality of votes, the Chairman or member presiding over such meeting shall have a second or casting vote.

(2) All votes at a meeting shall be taken by show of hands unless the person presiding over such meeting decides that the voting shall be taken by ballot.

12. Record of business : (1) A record of items of business transacted by the Committee shall be maintained by the Secretary and copies of such record shall be forwarded to the Central Government and the members.

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

(3) When any business is transacted by circulation of papers the record of business so transacted shall be signed by the Chairman of the Committee.

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CHAPTER III
THE BOARD AND ITS ESTABLISHMENT

13. Condition of service of officers and employees of the Tobacco Board : (1) The pay and allowance, leave, pension and retirement benefits, provident fund, disciplinary proceedings and imposition of penalty other conditions of service including age of superannuation and other facilities such as advances of pay advances for the purchase of conveyances, construction of house and the like in respect of officers employed in or appointed by the Board shall, if no provision is made in this regulation separately, be regulated in accordance with such rules and regulations as are for the time being applicable to the officers and employees of the Central Government of the corresponding grades or status stationed at these places.

(2) No extension of service beyond the age of superannuation shall be granted by the Board to any officer or employee and in cases where exceptional circumstances exist justifying such

extension, except with the previous sanction of the Central Government.

14. Salaries and allowances : All expenditure on account of salaries, allowances pension, leave and other contributions, if any of the Chairman and other officers appointed by the Government under sections 4 and 6 of the Act shall be met from the Board's fund.

*15. Creation of Posts : The Board may subject to availability of funds either by inclusion of a specific budget provision for the purpose or by savings under an appropriate head or by valid reappropriation, create such posts under intimation to Government, subject to scrutiny at the budget stage and also subject to observance of barn order for creation of posts issued by the Government from time to time, if units of opinion creation of such posts is considered necessary for the efficient performance of its functions.

Provided that no post the maximum of scale of pay of which exceeds Rs.13,500 per mensem in the case of non technical and Rs.13,125 per mensem in the case of technical shall be created without the previous sanction of the Central Government.:

Provided further that in case of exigencies, temporary posts which would need to be created in the interest of the Board and the maximum of scale of pay which does not exceed Rs.13,500 per mensum in the case of non-technical and Rs.13,125 per mensem in the case of technical may be created by the Chairman subject to post facto approval of the Board.

16. Postings and transfers : Postings and transfers of all officers and employees of the Board shall be made by the Chairman who may delegate his power, subject to such conditions as he thinks fit, to the other officers of the Board.

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* Substituted vide Tobacco Board (General) Amendment Regulations 2000 Published in the Gazette of India Extraordinary Part-III, Section 4, Dt.8-8-2000.

CHAPTER IV

17. Travelling and other allowances to associated members and co-opted members of the Board :

(1) An associated member of the Board or co-opted member of the Board or co-opted member 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 there of 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 for the time being in force under the rules and orders made by the Central Government.

(2) In the case of any journey performed by an official of the central or State Government in his capacity as associated member of the Board or co-opted member of any Committee, either for the purpose of attending the meeting of the Board or of the Committee as the case may be or for the purpose of discharging any duty assigned to him by the Board or the Committee as the case may be the travelling and daily allowance at the highest rates 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 an associated or a co-opted member unless he certifies that he has not drawn any travelling or duly 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 an associated or co-opted member to the place of the meeting or the place where he has gone to attend to any business of the Board or any of its Committees and back to his place of residence.

Provided that when the journey commence from or the return journey terminates at any place other than usual place other than usual place of 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 place other than the usual place of residence of an associated or co-opted members.

(5) The Chairman shall be controlling officer for the purposes of travelling and daily allowances of either the associated member of the Board or co-opted member of the Committee.

18. * Conveyance allowances to associated members and co-opted members : No conveyance allowance for attending meetings of the Board or any of its Committees or for attending to any other business of the Board or of the Committee, shall be paid to the associated or co-opted members who draw travelling or daily allowance :

Provided that an associated or a co-opted member who is residing at a place where the meeting of the Board or any of the Committee is held or where any other business of the Board or the Committee is transacted may be paid the actual expenditure incurred on conveyance on production of vouchers and subject to the same being approved by the Chairman of the Board/Committee, provided that such a member has not availed of any transport arranged by the Board :

Submitted vide Tobacco Board (General) Amendment Regulations 2000 published in the Gazette of India Extraordinary Part-III, Section Dt.8-8-2000.