TOBACCO BOARD RULES

In exercise of the powers conferred by Section 32 of The Tobacco Board Act, 1975 (4 of 1975), the Central Government hereby makes the following rules, namely :-

CHAPTER – I

PRELIMINARY

1. Short Title and Commencement:- (1) These rules may be called the Tobacco Board, Rules, 1976.

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

2. Definitions :- In these rules unless the context otherwise requires:
   (a) "Act" means the Tobacco Board Act, 1975 (4 of 1975);
   (b) "Board" Means the Tobacco Board established under section 4;
   (c) the terms "Chairman", "curing", "dealer", "Executive Director", "export", "member", "registered" and "registered grower" shall have the meanings respectively assigned to them in the Act.
   (d) "Committee" means any of the Committees appointed by the Board appointed under Section 7;
   (e)"Secretary" means the Secretary of the Board appointed under Section 6;
   (f) "Section" means a section of the Act;
   (g) "From" means a Form appended to these rules;
   (h) "Vice-Chairman" means the Vice-Chairman of the Board.

Tobacco Board Rules, 1976, were Published in the Gazette of India extraordinary Part-II, Section-3(i), Dt. 1-1-1976.

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

* (j) "approved variety", means the variety of tobacco seeds recommended and released for general cultivation by the State or Central Government and supplied by such agencies as the Board may, from time to time, approve;

* (k) "nursery grower" means a person who has obtained a certificate of registration under section 10-A for growing Virginia tobacco seedling for commercial purposes;

* (l) "commercial grader" means a person who undertakes grading of Virginia flue cured tobacco for others for consideration and does not include a person engaged in grading for himself alone;

* (m) "processor" means a person undertaking any of the manufacturing process to which Virginia leaf tobacco is subjected from the movement it is delivered to the factory up to the state of cut blend, for example removal of wrapping material, dampening, loosening, dust extraction, toasting, blending, easing, cutting etc.

* (n) "manufacturer" means a person who undertakes manufacturing of cigarettes or any other tobacco products in which Virginia tobacco is used wholly or partly;

* (o) "regulations" means by regulations made by the Board.

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*clauses (j) to (o) were inserted vide Tobacco Board (Amendment) Rules 1988 published in the Gazette of India (Extra-ordinary_ Part-II, Section-3 (i), Dt.16-5-1988.

CHAPTER – II

THE BOARD AND ITS COMMITTEES

3. Manner of Filling Vacancies Among members :-

(1) The Central Government may make such consultations as it thinks fir before appointing members to be appointed under the provisions contained in clauses (c), (d) and (e) of Sub-Section (4) of Section 4.

*Provided that while appointing members to represent growers of tobacco under clause (e) of Sub-section (4) of section 4; the Government shall appoint only registered growers as members.

Provided further that at least two such members shall be from small or marginal growers.

Note:- For the purpose of the second proviso, a small grower is one whose holding does not exceed two hectares of wet land or four hectares., of dry land and a marginal grower is one whose holding does not exceed one hectare of wet land or two hectares of dry land.

(2) When a member of the Board dies or resigns or is deemed to have resigned or is removed from office or becomes incapable of acting, the Central Government may by notification in the Official Gazette appoint a person to fill that vacancy;

Provided that where the vacancy is one which was held by the outgoing member by virtue of his membership of Parliament under clause (b) of Sub_Section (4) of Section 4 the appointment of the next incumbent of that vacancy shall be on the basis of fresh election by that House of Parliament to which the outgoing member belonged.

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*Provisos to sub-rule (1) of rule 3 was inserted vide Tobacco Board (Amendment) Rules 1988 published in the (Extraordinary) Part-II, Section-3 (i), Dt.16-5-1988.

4. Term of office of Members :-

(1) A member appointed under clauses (a), (b), (c) and (e) of Sub-section (4) of Section 4 shall hold office for a period of three years from the date of his appointment, and a member appointed under clause (d) shall hold office for a period of two years from the date of his appointment :

*Provided that a member appointed under clauses (a), (b), (c) and (d) of sub-section (4) of section 4 shall eligible for reappointment for more that two terms and a member appointed under clause (e) shall not be eligible for re-appointment for more than one term.

Provided further that such member shall cease to be a member if he ceases-

(i) to be a member of the House of Parliament by which he was elected; or

(ii) to represent the category from which he was appointed.

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(2) A person appointed to fill a casual vacancy under sub-rule (2) of rule 3 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.

5. Resignation :- (1) A member may resign his office by Writing under his hand addressed to the Chairman.

(2) The office of a member shall fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt intimation of resignation, whichever is earlier.

(3) The power to accept the resignation of a member shall vest in the Chairman, who on accepting the resignation, shall report that fact to the Board at its next meeting.

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* substituted vide Tobacco Board (Amendment) Rules, 1997 Published in Gazette of India, Part – II, Section 3 (i) dt.13-1-1998.

6. Removal from the Board :-

The Central Government may remove any member from office :-

(a) if he is of unsound mind and stands so declared by a competent court; or

(b) if he is an undischarged insolvent; or

© if he is convicted of an offence involving moral turpitude; or

(d) if without the leave of the Chairman, he fails to attend three consecutive meetings of the Board.

(e) with the leave of the Chairman, he fails to attend for consecutive meetings of the Board; provided that the number of meetings held during his/her absence from India, as intimated under sub-rule (1) (a) of rule 7, are not counted for the purpose.

7. Absence from India :-

(1) Before a member of the Board goes out of India.

(a) he shall intimate 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 shall tender his resignation.

(2) If a member leaves India without observing the provisions of sub-rule (1) he shall be deemed to have resigned with effect from the date of his departure from India.

8. Membership Roll :-

The secretary shall keep a record of the names of members and their address.

9. Change of Address :-

A member shall keep the secretary informed of any change in his address and if he fails to inform the change of address, the address in the official records shall for all purposes be deemed to be his correct address.

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*Inserted vide Tobacco Board (Amendment) Rules, 1997 published in Gazette of India, Part-II, Section 3 (i) dt.13-1-1998.

10. Vice-Chairman :-

(1) The Board shall elect, in each year, from amongst its members, a Vice-Chairman for a period of twelve months commencing from the date of his election, or if the election is held before the expiry of the term of office of an existing Vice-Chairman, from the date on which such Vice-Chairman would vacate office.

(2) If a casual vacancy occurs in the office of the Vice-Chairman on account of resignation or his ceasing to be a member or otherwise the Board shall, at its next meeting, elect another member to be the Vice-Chairman who shall hold office for the unexpired portion of the term of office of the Vice-Chairman elected under sub-rule (1).

*10-A. Association of Persons by Board:-

(1) The Board may associate with itself any person, either on its own or on the basis of recommendations from the Central Government, the State Governments Public Sector Undertakings, any other body or on the basis of representations from individuals or associations interested in the promotion of tobacco industry in complying with any of the provisions of the Act.

(2) The tenure of such associated persons shall be the period upto which the Board is reconstituted or the period as decided by the Board, which ever is earlier.

11. Committees of the Board :-

(1) The Committees appointed by the Board under Section7 may be of either advisory or executive character and shall exercise such powers and discharge such functions of the Board as may be decided by the Board in conformity with the provisions contained in the Act and these rules and also the directions if any that may be given to the Board by the Central Government.

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* Rule 10-A was inserted vide Tobacco Board (Second Amendment) Rules 1980 Published in the Gazette of India, Part-II, Section-3 (1), Dt.5-9-1980.

(2)All important decisions taken by the Committees shall be placed before the Board at its next meeting for its information and for such review as it may consider necessary.

CHAPTER – III

PROCEDURE FOR MEETINGS OF THE BOARD

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

13. Power to call Meetings :

(1) The Chairman may, at any time call a meeting of the Board and may do so if a requisition for a meeting is presented to him in writing by at least Seven members.

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

(3) 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 Central Government and left at or posted to the address of every member;

Provided that in case of urgency, a special meeting of the Board may be summoned at any time by the Chairman, who shall inform, in advance, the Central Government and the members, of the subject matter for discussion and the reasons for which he considers the matter urgent.

(4) Not with standing anything contained in this rule, the Central Government may, at any time, call a meeting of the Board.

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*The Words eight members were substituted for the words seven members vide Tobacco Board (Amendment) Rules 1988 published in Gazette of India (Extraordinary) Part-II, Section-3 (i), Dt.16-5-1988.

14. Quorum :

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

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

15. Chairman of Meetings :-

The Chairman shall preside over every meeting of the Board and in his absence the Vice-Chairman shall preside if both the Chairman and Vice-Chairman are absent the members present at the meeting shall elect one from amongst themselves to preside over such meeting.

16. Agenda : (1) The Chairman shall cause to be prepared and circulated to the Central Government and among the members, at least ten days before a meeting of the Board, a list of business to be transacted at such meeting.

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

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

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

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* The words eight members were substituted for the words Six members vide Tobacco Board (Amendment) Rules 1988 Published in Gazette of India (Extraordinary) Part-II, Section-3 (i), Dt.16-5-1988.

18. Transaction of business by circulation :

(1) Any business which is to be transacted by the Board may, if the Chairman so directs, be referred to members (other than members who are not in India) by circulation of papers and copies of papers so circulated shall also be sent to the Central Government.

(2)Any proposal or resolution circulated under sub-rule (1) and approved by the majority of the members who have record their views in writing shall be as effectual and binding as if such proposal or resolution was decided by the majority of the members at a meeting of the Board.

Provided that at least * eight members of the Board have recorded their views on the proposal or resolution;

Provided further that when a proposal or resolution is referred to the members by circulation, any five members may require that the proposal or resolution be referred to members at a meeting and there upon such reference shall be made to members at a meeting of the Board.

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

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

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

19. Record of business:

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

(2) The record of business transacted at every meeting of the Board shall be signed by the Chairman, the Vice-Chairman or, as the case may be, 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.

20. Review: (1) The Central Government may, for reasons to be recorded in writing, review any decision of the Board 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 by the Central Government.

(3) On receipt of a copy of the order under sub-rule (2), the Board may make a representation to the Central Government, against the said order and the Central Government may, after considering much representation, either cancel modify or confirm the order passed by it under sub-rule (1) or take such other action as may in its opinion be just or expedient.

CHAPTER – IV

21. Budget Estimates :

(1) The Board shall in each year, prepare budget estimates for the ensuing year and revised estimates for the current year and shall submit them for the sanction of the Central Government on or before such dates as may be fixed by the Government. The revised budget when sanctioned shall supersede the original budget and shall be deemed to be the sanctioned budget for the year.

(2) No expenditure shall be incurred until the budget is sanctioned by the Central Government and the expenditure has received the sanction of the competent authorities.

(3) The budget shall be prepared in accordance with such instructions as may be issued from time to time and be in such form as the Central Government may direct. It shall include a statement of –

(i) the estimated opening balance;

(ii) the estimated receipts under the different heads referred to in sub-section (17) of Section 17;

(iii) the estimated expenditure classified under the following heads and subheads or such other heads and sub-heads as the Central Government may from time to time direct-

Heads :

(a) Administration;

(b) Development of tobacco production and curing;

(c) Internal marketing facilities including grading;

(d) Research;

(e) Price Support Operations;

(f) Market Survey;

(g) Trade delegations;

(h) Exhibitioners and fairs;

(i) Statistic;

(j) Works;

(k) Propaganda and publicity;

(l) Others;

Sub Heads :

(i) Pay of officers;

(ii) Pay of establishment;

(iii) Allowance, honoraria and the like, and

(iv) Other charges, contingencies and the like

(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.

22. Accounts of the Board :-

(1) The Board shall maintain accounts of all receipts and expenditure relating to each year.

(2) The expenditure incurred in a particular year shall be shown under separate heads and sub-heads.

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

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

(5) An annual proforma account on accrual basis shall also be prepared for bringing out assets and liabilities as well as the details of reserves and investments.

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

(1) Money required for the current expenditure of the Board with the exception of the petty cash, and surplus moneys shall be kept in the personal ledger Account in the District Treasury or sub-treasury or in current account with the State Bank of India * (or any other Nationalised Bank) or any of its subsidiaries.

(2) Any funds not required for current expenditure may be placed in deposit account with the Central Government in the Public Account. # or in the fixed deposits in the State Bank of India or any other Nationalised Bank of any of its subsidiaries.

Provided that the funds in the Board's pension fund or provident fund, not required for current expenditure, may be invested in Trustee Securities or Ten-Year Treasury Savings Deposit Certificates or National Defence Certificates to the extent permissible or in fixed deposit with the State Bank of India + (or any other Nationalised Bank or any of its subsidiaries).

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*Inserted vide the Tobacco Board (Second Amendment) Rules 1976 Published in Gazette of India, Part-II, Section 3(1), Dt.1-11-1976.

Inserted vide the Tobacco Board (Amendment) Rules 1988 Published in the Gazette of India (Extraordinary) Part-II, Section-3(i), Dt.16-5-1988.

+ Substituted vide the Tobacco Board (Second Amendment) Rules 1976 Published in Gazette of India, Part-II, Section – 3(i), Dt.1-11-1976.

* ("Explanation: for the purposes of sub-rule (1) and this sub-rule, "Nationalised Bank" means a Corresponding new bank as defined in the Banking Companies (Acquisition and transfer of undertakings) Act, 1970 (5 of 1970)".

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

CHAPTER - V

POWERS OF THE BOARD, THE CHAIRMAN, THE EXECUTIVE DIRECTOR AND THE SECRETARY

24. Power to Incur Expenditure and to write off Losses :-

(1) Subject to the provisions of the Act these rules and the rules made by the Central Government relating to revenue and expenditure for the time being in force the Board may incur such expenditure as it may think fit or items provided for the within the amounts sanctioned by the Central Government in the budget.

+ (2) The Board may write off losses incurred by it upto rupees ten thousand, if the loss is due to theft, fraud and negligence in any single case, and upto rupees twenty thousand in any single case, where such loss relates to public money, departmental revenue or receipts, stamps, stores or other property held by or on behalf of Board, subject to observance of general conditions on the subject issued by the Central Government from time to time. The total amount in writing off losses in any year shall not exceed rupees one lakh. Write off losses beyond this amount shall be done with the prior approval of the Central Government.

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* Inserted vide Tobacco Board (Second Amendment) Rules 1976 vide Gazette of India, Part-II, Section-3(i), Dt. 1-11-1976.

+ Amended vide Tobacco Board (Second Amendment) Rules 1988 published in the Gazette of India Extraordinary Dt.21-12-1988

(2-A) While writing off losses under sub-rule (2), the Board shall have regard to the following factors namely :-

(i) the loss does not disclose a defect in the rules made by the Central Government or the regulations made by the Board under section 33 or the procedures followed by the Board;

(ii) the rule does not disclose any defect in complying with the rules, regulations or procedures referred to in (i) above;

(iii) the loss is not attributable to any serious lapse or negligence or dereliction of duty on the part of any employee of the Board and in cases where the loss is attributable to such lapse, negligence or dereliction of duty on the part of any employee of the Board there are good and sufficient reasons for not releasing the amount of such loss from the employee;

(iv) if the loss of nay property is due to fire, flood, earth-quake, cyclone or any other natural cause, it has been ensured that the facts were promptly reported, and proved to the entire satisfaction of the Board that the loss was unavoidable in the aforesaid circumstances.

(3) Re-appropriations between sub heads under heads of expenditure may be made by the board.

(4) The Board shall not incur expenditure outside India in excess of fifteen thousand rupees on any single item without the previous sanction of the Central Government.

25. Borrowing Powers :-

The Board may with the previous sanction of the Central Government borrow, on the security of the Tobacco Fund or any of its other assets, for meeting its expenses or for carrying out the measures referred to in Section 8.

26. Contracts :-

(1) The Board may enter into any contracts for the discharge of its functions under the Act –

Provided that –

* (a) every contract other than a contract for, or the actual purchase or sale of Virginia tobacco under the provisions of rule 32, which involves an expenditure in excess of rupees twenty lakh; and

(b) every agreement or contract for technical collaboration or consultation services with firms or foreign Governments shall require the previous approval of the appropriate authority concerned.

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

(3) Neither the Chairman nor any officer of the Board nor any member thereof shall be personally liable under any assurances of contracts made by the Board and any liability arising under such assurances or contracts shall be discharged from the moneys at the disposal of the Board.

27. Financial Transactions in General :-

Except as otherwise provided in these rules, the provisions of the Central Treasury Rules, the Delegation of Financial Power Rules 1958, and the General Financial Rules 1962, of the Central Government, for the time being in force, shall subject to such modifications or adaptations as may be made by the Board therein with the previous approval of the Central Government, apply to all financial transactions of the Board.

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* Amended vide Tobacco Board (Second Amendment) Rules 1988 Published in the Gazette of India Extraordinary Dt.21-12-1988.

28. Powers and Duties of Chairman:-

(1) The Chairman shall be responsible for the proper functioning of the Board and for the discharge of its functions under the Act and these rules.

(2) The Chairman shall have the following powers, namely;

(i) to grant leave to officers and employees of the Board including the Executive Director and the Secretary;

(ii) to exercise administrative control over all departments and offices of the Board including the Executive Director and the Secretary;

(iii) to call for documents and records and to inspect or cause to be inspected any land or premises including places of business or sorting, curing, processing, grading, manufacture, packing, storage or auction as required under the Act or these rules or as may be considered necessary for discharging properly any of the functions of the Board;

(iv) to sanction expenditure for contingencies, supplies and services and purchase of articles required for the working of the office of the Board and

(v) to carry out measures referred to in Section 8.

(3) The Chairman shall have power to required the Board or any committee thereof to defer taking action in pursuance of any decision taken by the Board or the Committee, as the case may be, pending a reference to the Central Government on such precision.

(4) Where a matter has to be disposed of by the Board or a Committee and a decision in respect of that matter cannot wait till a meeting of the Board or the Committee as the case may be, is held or till the circulation of the resolution relating to that matter among the members of the Board of Committee, as the case may be the Chairman may take the decision himself.

(5) Where the Chairman takes a decision under sub-rule (4) he shall submit the same for ratification to the Board or the Committee, as the case may be, at its next meeting.

Provided that where the Board or the Committee modifies or cancels the action taken by the Chairman, such modification or cancellation shall be without prejudice to the validity of any action taken before such modification or cancellation.

29. Powers and Duties of Executive Director :-

(1) The Executive Director shall be responsible subject to the overall responsibility of the Chairman for implementing the Board's policies in regard to regulation of production and internal marketing of Virginia tobacco, ensuring a fair and remunerative price to growers purchasing of Virginia tobacco from the growers when considered necessary by the Board, the disposal of the tobacco so purchased, promoting the grading of Virginia tobacco at the level of growers, sponsoring, assisting, co-ordinating or encouraging scientific, technological and economic research for the promotion of the tobacco industry. Is shall also be his responsibility to ensure that in carrying cut these functions, the Board works in close liaison with union agencies, institutions and authorities such as the Directorate of Tobacco Development, the Directorate of Marketing and Inspection, the Indian Council of Agricultural Research etc, which may be concerned with these aspects of the tobacco industry and avoids duplication of effort.

(2) Besides carrying out, such other functions as may be assigned to him by the Chairman or such directions as the Chairman may give to him in regard to the performance of the functions stated in sub-rule (1) the Executive Director shall present to the Board such periodical reports in respect of the work under his charge, as may be specified by the Chairman.

30. Powers and Duties of Secretary :-

(1) The Secretary shall be responsible for the implementation of the decisions arrived at by the Board or by its committees and the discharge of the duties imposed on him under the Act or by these rules.

(2) Subject to such powers and duties as may be delegated by the Chairman, the Secretary shall –

(a) cause all important papers and matters 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 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 also the various registers that may be prescribed for the Board under the Act or these rules;

(e) receive applications from growers, curers, exporters, packers, auctioneers, dealers, owners/leasers of auction platforms, for registration with the Board under Section 10 to 13, examine them in accordance with the policy of Board, the provisions of the Act and these rules and issuing necessary certificates of registration or otherwise communicating the decision on such supplications to the applicants;

(f) receive appeals written or oral, against the decisions of the Board and taking appropriate action thereon in accordance with the provisions contained in the Act, these rules and the guidelines that may be laid down by the Board of the Chairman;

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(g) 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 not later than the dates specified from time to time in this behalf by the Central Government for being laid before each House of Parliament;

(h) assist the Chairman in all administrative matters and in the discharge of such other functions as the Chairman by desire.

* CHAPTER V-A

TRAVELLING AND OTHER ALLOWANCES TO MEMBERS OF THE BOARD

30-a. Travelling and other Allowances to Members of the Board and its Committees :-

(1) A member of the Board or 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) (Deleted vide Tobacco Board (Second Amendment) Rules 1980. Published in the Gazette of India, Part-II, Section.3(1), Dt. 12.1.1985).

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* Chapter V-A was inserted vide Tobacco Board (Second Amendment) Rules 1980. Published in the Gazette of India, Part-II, Sec.3 (1) Dt. 6-9-1980.

(3) No travelling allowance or daily allowance shall be allowed to a member 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 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 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 place other than the usual place of residence of a member.

(5) The Chairman shall be the controlling officer for the purposes of travelling and daily allowances of the members of the Board or of any Committee thereof.

30-B. Conveyance Allowance :-

No conveyance allowance for attending meetings of the Board or any of its Committees or for attending to any other business of the Board, shall be paid to those members who draw travelling or daily allowance;

Provided that a member who is resident at a place where the meeting of the Board or any of the Committees is held or where any other business of the Board is transacted, may be paid the actual expenditure incurred on conveyance by him subject to a maximum of rupees ten per day.

CHAPTER – VI

MINIMUM EXPORT PRICES AND PURCHASE, SALE AND EXPORT OF VIRGINIA TOBACCO

31. Minimum Export Prices :-

(1) By 31st December every year, the Board shall recommend for the consideration of the Central Government the minimum prices which in its view should be fixed for the next year for the export of Virginia tobacco as well as for such other varieties of tobacco which have an export prospect.

(2) In recommending the said minimum export prices, besides such other matters as may be considered relevant the Board shall take into consideration the following matters, namely –

(i) surplus available from the previous crops and the size of the new crop;

(ii) total assessed demand for home consumption and for exports;

(iii) average FOB unit value realisation, quality-wise during the last twelve months and the trend of prices during the last three months;

(iv) change in the cost of cultivation;

(v) desirability of ensuring a fair and remunerative return to the growers consistent with the need to make the minimum export prices attractive enough to take care of the entire exportable surplus.

(3) The recommendations of the Board shall be accompanied by a detailed analysis of the data taken into consideration in arriving at those recommendations indicating also the manner in which the said recommended prices have been worked out.

(4) If and when, in the opinion of the Board a situation develops warranting the revision of the said minimum export prices during the course of the year, or when so desired by the Central Government the Board shall make special recommendation to the Government for its consideration, over and above the annual recommendation referred to in sub-rule (1).

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32. Purchase of Virginia Tobacco :-

(1) The Board may and if so, directed by the Central Government shall, purchase Virginia tobacco from the growers of such tobacco in India when the Board or as the case may be the Central Government is satisfied that such a step is necessary or expedient to protect the interests of the growers.

(2) The tobacco so purchased by the Board shall be disposed of by it in India or abroad as and when considered appropriate and in such manner as the Board may think fit or as may be directed by the Central Government.

(3) The Board shall make maximum possible utilization of the agency of the State Trading Corporation of India Ltd., in exporting the Virginia tobacco purchased by the Board.

(4) The Board shall keep the Central Government fully informed of the tobacco purchase operations that may be undertaken by it and shall comply with such instructions, guidelines or restrictions etc., that may be issued or imposed by the Central Government in regard to such purchases and also the sales, including exports, to be made out of the stocks so purchased by the Board.

(5) The prices at which Virginia tobacco shall be purchased or sold by the Board shall be such as considered appropriate by it subject to such guidelines if any which the Central Government may lay down specifically for the purpose from time to time through directions to the Board.

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CHAPTER - VII

REGISTRATION OF GROWERS, CURERS, EXPORTERS PACKERS AND AUCTIONEERS AND DEALERS OF TOBACCO

* 33. Registration of growers of Virginia tobacco :-

(1) Every person intending to grow Virginia tobacco shall apply to the Secretary or such other officer of the Board as may be authorized by the Chairman in this behalf for a certificate of registration or for renewal of certificate of registration, five months before the commencement of operations for growing Virginia tobacco in any State in any year, but not later than –

(a) the 31st January in the case of growers of Virginia tobacco in the States of Karnataka, Orissa** and Tamil Nadu.**

(b) the 31st March in the case of growers of Virginia tobacco in the states of Gujarat and Uttar Pradesh; and

(c) the 31st May in the case of growers of Virginia tobacco in the States of Andhra Pradesh, Maharashtra and West Bengal.

(2) The Board may, taking into consideration the conditions of marketing, past year's production, expected production of Virginia tobacco in the ensuing year and other related factors, extend the last date for receiving applications for certificate of registration or for renewal of certificate of registration under sub-rule (1), from time to time, in all the states or in any State or States.

(3) Every application for certificate of registration and renewal of such certificate shall be in Form 1 and shall contain the particulars specified therein.

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* Rules 33 to 40 were amended vide Tobacco Board (Amendment) Rules 1988 published in the Gazette of India (Extraordinary) Part II, Section 3(i), Dt.16-5-1988 and came into force with effect from 16-5-1988.

* The word "Orissa" inserted vide Notification, F.No.8/11, 189-EP(Agm VI) published vide Gazette of India (Extra-ordinary) Part II, Sec. 3(i), Dt. 22-12-89 and came into force w.e.f.22-12-89.

(4) Every application for certificate of registration and renewal of such certificate shall be accompanied by a fee of rupee one for every 0.4 hectare of the land of part thereof in relation to which such application is made.

(5) Every certificate of registration granted under section 10 shall be in Form 2 and shall be valid for a period of one year specified in such certificate.

(6) The renewal of certificate of registration shall be for a period of one year, at a time, endorsed on such certificate.

(7) Every certificate of registration or renewal of registration shall be valid only for the year for which it was granted.

33-A. Procedure and principles for grant of registration or renewal of registration as grower of Virginia tobacco :

(1) The Board shall, in each year, lay down the policy with a view to regulating the production and curing a Virginia tobacco having regard to the factors specified in clause (a) of sub-section (2) of section 8 and such policy shall be published in all or any of the following manners, namely, in the form of book or pamphlet or by notification in widely circulated news papers.

(2) The Board shall constitute a Committee (herein after in this rule and rule 33B referred to as the Committee) consisting of five members of the Board to lay down criteria for registration or renewal of registration as grower of Virginia tobacco.

(3) While laying down the criteria the Committee shall have regard to.

(a) the production policy laid down by the Board under sub-rule (1);

(b) the previous experience of the applicant in growing Virginia tobacco;

(c) the facilities the applicant possesses for cultivating and flue curing of tobacco;

(d) improved cultural practices being followed by the grower;

(e) whether the grower is also a nursery grower;

(f) the conduct of the grower in complying with the provisions of the Act and the rules and regulations made thereunder and the terms and conditions of certificate of registration or licence, directions issued and stipulations laid down by the Board; and

(g) such other related factors as the Committee may consider necessary.

(4) On receipt of applications for registration or renewal of registration as grower, the Secretary or other officer authorized under sub rule (1) of rule 33 shall scrutinize the applications and may make such inquiry as he deems fit and if after such enquiry he is satisfied that the applicants satisfy the criteria laid down by the Committee, constituted under sub-rule (2), he shall grant registration, or renewal of registration, as the case may be.

(5) For the purpose of any enquiry under sub-rule (4) the Secretary or other officer referred to in the said-rule may call for such further information as he deems fit from any applicant and the applicant shall furnish such further information within the period specified by the Secretary or other officer, and, if the information so called for is not furnished, the Secretary or other officer shall place the application along with other particulars before the Committee for consideration.

(6) If for any reason the Secretary or other officer considers that registration or renewal of registration should not be granted to an applicant, the matter shall be placed before the Committee which, after making such inquiry as it deems fit, may either grant or refuse such registration or renewal of registration.

(7) The decision of the Committee shall be communicated to the applicant within fifteen days from the date of such decision.

(8) Where the registration or its renewals refused by the Committee the reasons for such decision shall also be communicated to the applicant within fifteen days from the date of the decision and the fee paid by the applicant shall, subject to the orders passed on the representation, if any, made under sub-rule (9), be refunded to the applicant, after deducting there from the cost, if any, of remitting such amount to the applicant as soon as may be after thrity days of the date of decision, but not later than fifteen days after the limitation for making the said representation expires or, as the case may be, the Board passes the order on the representation.

(9) Any person, whose application for registration or its renewal as grower has been refused by the Committee may represent to the Board for revision of the decision of the Committee within thirty days of the communication of the decision to such person and the Board shall, after giving the person concerned a reasonable opportunity to explain, pass such orders thereon as it deems fit.

33-B. Procedure and principles for cancellation of certificate of registration or renewal of certificate of registration :-

(1) The certificate of registration or its renewal granted to a grower of Virginia tobacco may be cancelled by the Committee, if it is satisfied that –

(a) the certificate of registration or its renewal was obtained by furnishing incorrect information; or

(b) the grower concerned has contravened any of the provisions of the Act or of these rules or any regulations or stipulations of the Board as far as they are applicable to him or any condition subject to which the certificate of registration or its renewal was granted.

(2) No certificate of registration or its renewal shall be cancelled under these rules unless the grower concerned has been given a reasonable opportunity to explain.

(3) Where a certificate of registration or its renewal is cancelled, the decision of the Committee together with the reasons therefor shall be communicated by the Secretary, as soon as may be, after the decision is taken, to the person concerned and the cancellation shall be effectively only from the date of such communication.

(4) Any person, whose certificate of registration or its renewal is cancelled by the Committee, may represent to the Board for revision of the decision of the Committee within thirty days of the communication of the decision to such person and the Board shall, after giving the person concerned a reasonable opportunity to explain, pass such orders as it deems fit.

(5) Cancellation of registration or its renewal under this rule shall be without prejudice to any other action that may be taken under the provisions of the Act or these rules including prosecution.

33-C. Registration of nursery grower :

(1) Every nursery grower shall apply to the Secretary or such other officer of the Board as may be authorized by the Chairman in this behalf for registration as nursery grower, three months before the commencement of operations in any State in any year, but not later than -

(a) the 31st January in the case of Karnataka, Orissa* and Tamil Nadu.

(b) the 31st March in the case of nursery growers in the States of Gujarat and Uttar Pradesh and

(c) the 31st May in the case of nursery growers in the States of Andhra Pradesh, Maharashtra and West Bengal.

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* The word "Orissa" inserted wide Notification F.No.8/11/89-E.P.(Ari-VI) published wide Gazette of India (Extra-ordinary) Part-II, Sec.3(i) Dt.21.12.89 and came into force w.e.f. 22-12-89.

(2) The registration as a nursery grower has to be renewed every year and unless so renewed, shall cease to have effect on the expiry of the year for which it is granted. The application or such renewal shall be made in the same manner as provided under sub-rule (1).

(3) The Board may, taking into consideration the weather conditions and other related factors, extend the date of receiving applications for registration as nursery growers or for renewal of such registration from time to time in all the states or in any State or States.

(4) Every application for registration or renewal of registration as nursery grower shall be Form 3 and shall contain the particulars specified therein.

(5) Every application for registration or renewal of registration as nursery grower shall be accompanied by a fee of rupee fifty for every 01. hectare or part thereof.

(6) Every person registered with the Board as a nursery grower shall be given a certificate of registration in Form 4 which may be issued subject to such conditions as may be imposed by the Board from time to time.

33-D. Procedure and principles for grant of registration or renewal of registration as nursery grower :-

(1) The Board shall constitute a Committee (hereinafter in this rule and rule 38F referred to as the Committee) consisting of five members of the Board to lay down criteria for registration or renewal of registration as nursery growers of Virginia tobacco.

(2) While laying down the criteria and Committee may have regard to-

(a) the expected demand for Virginia tobacco seedlings during the ensuing year;

(b) the variety of seeds which may be considered suitable;

(c) the suitability of the soil and site for raising nursery;

(d) the availability of assured water supply;

(e) the previous experience of the applicant in raising tobacco nursery;

(f) the conduct of the applicant in complying with the provision of the Act, these rules and regulations, conditions and stipulations of the Board; and

(g) such other necessary conditions as it may deem fit.

(3) On receipt of applications for registration or renewal of registration as nursery grower, the Secretary or other officer authorized under sub-rule (1) of rule 3C shall scrutinize the applications and may make such inquiry as he deems fit and if, after such enquiry, he is satisfied that the applicants satisfy the criteria laid down by the committee, he shall grant registration or renewal of registration, as the case may be.

(4) For the purpose of any inquiry under sub-rule (3), the Secretary or other officer referred to in the said-rule may call for such further information as he deems fit from any applicant and the applicant shall furnish such further information so called for within the period specified by the Secretary or other officer, and if the information so called for is not furnished, the Secretary or other officer shall place the application along with other particulars before the Committee for consideration.

(5) If for any reason the Secretary or other officer considers that registration or renewal of registration should not be granted to an applicant the matter shall be placed before the Committee which, after making such inquiry as it deems fit, may either grant or refuse such registrations or renewal of registration.

(6) The decision of the Committee shall be communicated to the applicant within fifteen days from the date of the decision.

(7) Where the registration or its renewal is refused by the Committee, the reasons for such decision shall also be communicated to the applicant along with the decision within fifteen days from the date of the decision and the fee paid by applicant shall, subject to the orders passed on the representation, if any, made under subrule (8), be refunded to the applicant after deducting there from the cost, if any, of remitting such amount to the applicant as soon as may be after thirty days of the decision but not later than fifteen days after the limitation for making the said representation expires on, as the case may be, the Board passes the order on the representation.

(8) Any person, whose application for registration or its renewal as nursery grower has been refused by the Committee may represent to the Board for revision of the decision of the Committee within thirty days of the communication of the decision to such person and the Board shall, after giving the person concerned a reasonable opportunity to explain, pass such orders thereon as it deems fit.

33-E. Registers to be maintained and returns to be submitted by nursery grower :-

(1) Every nursery grower shall maintain Registers in Form 5 and 6 and shall produce them for inspection of any officer of the Board.

(2) Every nursery grower shall submit to the Secretary or any other officer of the Board authorized by the Chairman, returns in Forms 7 and 8 at the time specified therein.

33-F. Procedure and principles for cancellation of registration or renewal of registration as nursery grower :-

(1) Every registration or its renewal granted to a nursery grower may be cancelled by the Committee if it is satisfied that –

(a) such registration or its renewal was obtained by furnishing incorrect information; or

(b) the nursery grower concerned has contravened any of the provisions of the Act or of these rules or any regulations made thereunder or any conditions subject to which registration or its renewal was granted.

(2) No registration or its renewal shall be cancelled under these rules unless the person concerned has been given a reasonable opportunity to explain.

(3) Where a registration or its renewal is cancelled, the decision of the Committee together with reasons therefor shall be communicated by the Secretary, as soon as may be after the decision is taken, to the person concerned and the cancellation shall be effective only from the date of such communication.

(4) Any person, whose registration or its renewal is cancelled by the Committee, may represent to the Board for the revision of the decision of the committee within thirty days of the communication of the decision to such person and the Board shall, after giving the person concerned a reasonable opportunity to explain, pass such orders on the representation as it deems fit.

(5) Cancellation of registration or its renewal under this rule shall be without prejudice to any other action that may be taken under the provision of the Act or these rules including prosecution.

34. Registration of curers of Virginia tobacco :-

(1) Every person intending to cure Virginia tobacco by a process other than flue curing shall apply to the Secretary of such other officer of the Board as may be authorized by the Chairman in this behalf, for registration as a curer with the Board, three months before the commencement of curing of such tobacco. If the curer is also seeking a certificate or registration as grower under section 10, the application for registration as a curer shall be made at the same time as the application for registration or renewal of registration as a grower.

(2) (a) The registration as a curer has to be renewed every year and, unless so renewed, the registration shall cease to be effective on the expiry of the year for which it was granted.

(b) The application for such renewal shall be made to the Secretary or such other officer of the Board as may be authorized by the Chairman in this behalf.

(3) Every application for registration including every application for renewal of such registration shall be in Form 9.

(4) Every application for registration or renewal of registration as curer shall be accompanied by a fee of five rupees.

Provided that any grower of Virginia tobacco to whom a certificate or registration has been granted by the Board and who intends to grow Virginia tobacco shall not be required to pay any separate fee as such curer.

(5) Every certificate of registration, where granted shall be in Form 10.

34-A. Procedure and principles for grant of registration as curer :-

(1) The Board shall constitute a Committee (hereinafter in this rule and rule 34B referred to as the Committee) consisting of five members of the Board to scrutinize the applications for registration or renewal of registration under rule 34.

(2) On receipt of applications for registration or renewal of registration under rule 34 the Secretary or other officer authorized under sub-rule (1) of the said rule shall make such inquiry as he deems necessary and shall submit the applications with his recommendations to the Committee constituted under sub rule (1).

(3) For the purpose of any inquiry under sub-rule (2) the Secretary or other officer referred to in the said sub-rule may call for such further information as he deems fit from any applicant and such applicant shall furnish such further information within the period specified by the Secretary or other officer, and if the information so called for is not furnished by the applicant, the Committee may reject the application.

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(4) Subject to the provisions of sub-rule (3) the Committee shall consider the applications for registration or its renewal in accordance with subrule (8) and take such decision there on either granting or renewing registration or refusing to grant or renew such registration as it deems fit.

(5) Where the Committee rejects the grant of registration or its renewal under sub-rule (3) or refuses to grant registration or renewal under sub-rule (4) it shall record the reasons for such decision.

(6) The decision of the Committee refusing registration or its renewal along with the reasons for such decision shall be communicated by the Secretary or other officer authorized under sub-rule (2) to the applicant within fifteen days from the date of the decision.

(7) Where the application for registration or its renewal is refused by the Committee the fee paid by the applicant along with the application, shall, subject to the orders passed on the representation, if any, made under sub-rule (9) be refunded to the applicant after deducting there from the cost, if any, of remitting such amount to the applicant, as soon as may be after thirty days of the date of the decision, but not later than fifteen days after the limitation for making the said representation expires or, as the case may be, the Board passes the order on the representation.

(8) (a) In registering or renewing the registration or refusing to register or renew the registration of a person as a curer of Virginia tobacco, regard shall be had to –

(i) the equipment and other facilities which the applicant has and the experience of the applicant in curing Virginia tobacco;

(ii) the production policy of the Board regulating production;

(iii) the total quantity of tobacco expected to be cured in a particular region;

(iv) the total number of persons seeking registration as curers; and

(v) such other factors as the Committee may deem fit.

(b) In renewing or refusing to renew registration as a curer, in addition to the matter mentioned in clause (a) regard shall be had also to whether the registers required to be submitted by the curer are being maintained and submitted or not, and his past conduct in complying with the provisions of the Act, these rules, any regulations of the Board, conditions of registration and stipulations that may be made by the Board from time to time.

(9) Any person, whose application for registration or its renewal as a curer has been refused by the Committee, may represent to the Board for a revision of the decision of the Committee within thirty days of the communication of the decision to such person and the Board shall, after giving the person concerned a reasonable opportunity to explain, pass such order thereon as it deems fit.

34-B. Registers to be maintained and returns to be submitted by the curer:-

(1) Every curer registered under rule 34 shall submit the following returns to the Secretary or any other officer of the Board authorized by the Chairman in this behalf, namely;

(a) a return in Form 11 within fifteen days of completion of curing;

(b) a return in Form 12 within fifteen days of the disposal of the cured tobacco.

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34-C. Procedure and principles for cancellation of registration of curer :-

(a) the registration or its renewal was obtained by furnishing incorrect information ; or

(b) the person registered has contravened any of the provisions of the Act or these rules, or any of the regulations made there under or the terms and conditions of the licence or any directions issued by the Board in pursuance of the provisions of the Act or these rules.

(2) No registration granted as curer shall be cancelled under this rule unless the person concerned has been given a reasonable opportunity to explain.

(3) Where a registration is cancelled, the decision of the Committee, together with the reason therefor shall be communicated by the Secretary, as soon as may be after the decision is taken, to the person concerned and the cancellation shall be effective only from the date of such communication.

(4) Any person, whose registration is cancelled by the committee, may represent to the Board for the revision of the decision of the Committee within thirty days of the communication of the decision to such personable opportunity to explain, pass such orders on the representation as it deems fit.

(5) Cancellation of registration under this rule shall be without prejudice to any action that can be taken under the provisions of the Act or these rules including prosecution.

34-D. Registration as processor or manufacture of Virginia tobacco :-

(1) Every application for registration as processor or manufacturer of Virginia tobacco shall be made to the Secretary or such other officer of the Board as may be authorized by the Chairman in this behalf and shall reach the Secretary or other officer, as the case may be, before the 1st November of the year preceding the calendar year for which the registration is applied for.

(2) (a) The registration under sub-rule (1) as processor or manufacturer has to be renewed every year and, unless so renewed, shall cease to be effective on the expiry of the year for which it is granted.

(b) The application for such renewal must reach the Head Office of the Board before the 30th November of the year proceeding the Year for which renewal is applied for;

(3) Every application for registration or renewal of registration as processor or manufacturer shall be in Form 13 and shall contain the particulars specified therein.

(4) * Every application for registration or its renewal shall be accompanied by the fees specified in the Table below :-

TABLE

	Category Applicant	Quantity of tobacco	Fee payable Rs.
(i)	Processors		
	'A' Class	If the average quantity of tobacco processed during the proceeding three years exceeds ten thousands metric tonnes	20,000/-
	'B' Class	Above 5,000 metric tonnes upto 10,000 metric tonnes	16,000/-
	'C' Class	Above 1,000 metric tonnes upto 5,000 metric tonnes	10,000/-
	'D' Class	1,000 metric tonnes or below	4,000/-
(ii)	Manufactures		
	'A' Class	If the average value of the products manufactured during previous three years is above 30 crores	30,000/-

* Substituted vide Tobacco Board (Amendment) Rules, 1998 published in Gazette of India, Part-II, Section 3(i) dt.9-10-1998.

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'B' Class	Above one crore and upto 30 crores	20,000/-
'C' Class	Above Rs.20 lakhs and below Rs. 1 crores	10,000/ -
'D' Class	Rs. 20 lakhs or below	2,000/-

(5) Every person registered with the Board as a processor or manufacturer or whose registration as such has been renewed shall be given certificate of registration in Form 14 which may be issued subject to such condition as may be imposed by the Board from time to time.

34-E. Procedure and principles for grant of registration as processor or manufacturer of Virginia tobacco :-

(1) The Board shall constitute a Committee (hereinafter referred to in this rule and rule 34G as the Committee) consisting of five members of the Board to scrutinize the applications for registration as processor or manufacturer of Virginia tobacco.

(2) On receipt of applications for registration as processor or manufacturer, the Secretary or other officer authorized under sub-rule (1) of rule 34D shall make such inquiry as he deems necessary and shall submit the applications with his recommendations to the Committee.

(3) For the purpose of any inquiry under sub-rule (2) the Secretary or other officer referred to in the said sub-rule may call for such further information as he deems fit from any applicant and such applicant shall furnish such further information within the period specified by the Secretary or other officer, and if such information is not furnished by the applicant, the Committee may reject the application.

(4) Subject to the provisions of sub-rule (3), the Committee shall consider the applications in accordance with sub-rule (7) for registration or its renewal as a processor or manufacturer and take such decision thereon either granting or renewing the registration or refusing to grant or renew the registration, as deemed fit.

(5) Where the Committee reject any application under sub-rule (3) or refuses to grant a registration or renewal there of under sub-rule (4) it shall record the reasons for its decision. The decision of the Committee along with the reasons for such decisions shall be communicated by the Secretary to the applicant within fifteen days from the date of the decision.

(6) Where the application for registration or its renewal is refused by the Committee the fee paid by the applicant along with the application shall, subject to the orders passed on the representation, if any, made under sub-rule (8) be refunded to the applicant after deducting therefrom the cost, if any, of remitting such amount, as soon as may be after thirty days from the date of the decision, but not later than fifteen days after the limitation for making the said representation expires or, as the case may be, Board passes the order on that representation.

(7) (a) In registering or renewing the registration or refusing to register or renew the registration of any persons as a processor or manufacturer regard shall be had to the experience and conduct of the person in matters relating to processing or manufacturing of Virginia tobacco.

(b) In renewing or refusing to renew the registration as processor or manufacturer, in addition to the matters referred to in clause (a), regard shall also be had to whether the applicant has been complying with the provisions of the Act, these rules and regulations made under the Act, conditions of registration and whether he has been complying with the directions issued by the Board from time to time in pursuance of the Act, these rules and regulations made under the Act and also whether the processor or manufacturer has been maintaining the registers required to be maintained by him and submitting the returns required to be submitted by him and whether the processor or manufacturer

has been issuing a leaf purchase voucher to the registered dealers and others from whom tobacco has been purchase, indicating there in the quantity, the grade variety and the rate per quintal and the total amount due by way of price of tobacco as stipulated or decided by the Board.

(8) Any per, whose application for registration on its renewal as a processor or manufacturer has been refused by the Committee, may represent to the Board for revision of the decision of the committee, within thirty days of the communication of the decision to such person and the Board shall, after giving the person concerned a reasonable opportunity of being heard, pass such orders thereon as it deems fit.

34-F. Registers to be maintained and returns to be submitted by the processors or manufacturers of Virginia tobacco :-

(1) Every processor or manufacturer of Virginia tobacco shall maintain a register in Form 15 and every manufacturer, who is also an exporter of tobacco products, shall maintain a register in Form 16. The registers maintained by processors and manufacturers shall be produced before the officers of the Board for inspection at any time on demand.

(2) (a) Every processor or manufacturer shall submit to the Secretary or any other officer of the Board authorised by the Chairman in this behalf a monthly return in Form 17, on or before the fifteenth day of the succeeding month.

(b) Every manufacturer who is also an exporter of tobacco products shall submit to the Secretary or other officer authorized under clause (a) a monthly return in Form 18, on or before the fifteenth day of the succeeding month.

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34-G. Procedure and principles for cancellation of registration as a processor or manufacturer of Virginia tobacco :-

(1) The registration of any person as processor or manufacturer of Virginia tobacco may be cancelled by the committee if it is satisfied that :-

(a) the registration or its renewal was obtained by furnishing incorrect information; or

(b) the person registered has contravened any of the provisions of the Act, or these rules or regulations made there under; or

(c) the person registered had contravened any of the regulations, terms, conditions and stipulations laid down or introduced by the Board in pursuance of any provisions of the Act, particularly of section 8, these rules and any regulations, terms, conditions and stipulations laid down or introduced by the Board from time to time.

(2) No registration shall be cancelled under this rule unless the person concerned has been given a reasonable opportunity to explain.

(3) Where the registration is cancelled, the decision of the Committee together with the reasons therefore shall be communicated by the Secretary within fifteen days of the decision to the persons concerned and the cancellation shall be effective only from the date of such communication.

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(4) Any person whose registration is cancelled by the Committee, may represent to the Board for revision of the decision of the Committee within thirty days from the receipt of the decision and the Board shall, after giving the person concerned a reasonable opportunity of being heard, pass such orders on the representation as it deems fit.

(5) Cancellation of registration under this rule shall be without prejudice to any other action that can be taken under the provisions of the Act or these rules including prosecution.

34-H. Licensing of Commercial grader :-

(1) Every person intending to operate as a commercial grader of Virginia tobacco shall apply to the Secretary or such other officer of the Board as may be authorized by the Chairman in this behalf for a licence as a commercial grader before the 1st November of the year preceding the calendar year for which the licence is sought.

(2) The licence as commercial grader under sub rule (1) has to be renewed every year and unless so renewed, shall cease to be renewed every year and unless so renewed, shall cease to be effective on the expiry of the year for which it is granted. An application for renewal of licence shall be made before the 30th November of the year preceding the year for which renewal of licence is sought.

(3) Every application for licence and every application for renewal of licence shall be in Form 19 and shall contain the particulars specified therein and shall be accompanied by a fee of rupees two hundred and fifty.

(4) Every person licenced with the Board shall be given a licence in Form 20 which may be issued subject to such conditions as may be imposed by the Board from time to time.

34-I. Procedure and principles for grant of licence as commercial grader :-

(1) The Board may constitute a Committee (hereinafter in this rule and rule 34K referred to as the Committee) consisting of five members of the Board to scrutinize the applications for licence or renewal of licence as commercial graders.

(2) On receipt of applications for licence of renewal of licence a commercial grader, the Secretary or other officer authorized under sub rule (1) of the 34-H shall make such inquiry as he deems necessary and shall submit the applications with his recommendations to the Committee.

(3) For the purpose of any inquiry under sub-rule (2) the Secretary or other officer referred to in the said sub-rule may call for such further information as he deems fit from the applicant and such applicant shall furnish the further information so called for within the period specified by the Secretary or other officer and if the information so called for is not furnished by the applicant, the Committee may reject the application.

(4) Subject to the provisions of sub-rule (3) the committee shall consider the applications for licence as commercial graders in accordance with sub-rule (7) and take such decision either granting or renewing the licence of refusing to grant or renew the licence as deemed fit.

(5) Where the Committee rejects any application under sub-rule (3) or refuses to grant or renew a licence under sub-rule (4), it shall record the reasons for its decision. The decision of the Committee shall be communicated by the Secretary to the applicant alongwith the reasons therefor within fifteen days from the date of the decision.

(6) Where the application for grant of licence or renewal of licence is refused by the Committee, the fee paid by the applicant along with the application shall, subject to the orders passed in the representation, if any, made under sub-rule (8), be refunded to the applicant after deducting therefrom the cost of remitting such amount to the applicant, as soon as may be, after thirty days of the date of the decision. But not later than fifteen days after the limitation, for making he said representation expires or, as the case may be, the Board passes the order on that representation.

(7) (a) In granting or renewing a licence or refusing to grant or renew a licence as a commercial grader; regard shall be had to the equipment and other facilities which the applicant has for taking up commercial grading and also the experience of the person in grading of Virginia tobacco.

(b) In renewing or refusing to renew the licence of any person as commercial grader, in addition to the matters mentioned in clause (a), regard shall be had also to whether the commercial grader has been complying with the provisions of the Act, these rules and any regulations made under the Act, terms and conditions of licence and directions of the Board issued from time to time and whether the commercial grader has been maintaining the registers required to be maintained and submitting the returns required to be submitted by him, as the case may be, under rule 34J.

(8) Any person, whose application for licence or its renewal as commercial grader has been refused by the Committee, may represent to the Board for revision of the decision of the Committee within thirty days of the communication of the decision to such person and the Board shall, after giving the person concerned a reasonable opportunity of being heard, pass such order; thereon as it deems fit.

34-J. Register to be maintained and return to be submitted by the commercial graders :-

(1) Every commercial grader shall maintain a register in Form 21 which shall be kept at the place or grading and made available to any officer of the Board for purpose of verification.

(2) Every commercial grader shall submit to the Secretary or such other officer of the Board as may be authorized by the Chairman, a return in Form 22.

34-K. Procedure and principle for cancellation of licence as commercial graders :-

(1) The licence of any person as a Commercial grader may be cancelled by the Committee if it is satisfied that –

(a) the licence or its renewal was obtained by furnishing incorrect information; or

(b) the person has contravened any of the provisions of the Act, these rules, or any of the regulations or terms and conditions of licence or directions of the Board issued in pursuance of the Act or these rules.

(2) No licence or its renewal shall be cancelled under this rule unless the person concerned has been given a reasonable opportunity to explain.

(3) Where a licence has been cancelled the decision of the Committee together with the reasons therefor shall be communicated by the Secretary as soon as may be after the decision is taken to the person concerned and the cancellation shall be effective only from the date of such communication.

(4) Any person whose licence has been cancelled by the Committee may represent to the Board for the revision of the decision of the Committee within thirty days of the communication of the decision to such person and the Board shall, after giving the person concerned a reasonable opportunity to explain, pass such orders on the representation as it deems fit.

(5) Cancellation of licence under this rule shall be without prejudice to any other action that can be taken under the provisions of the Act or these rules including prosecution.

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34-L. Licence for construction of a barn :-

(1) Every person intending to construct a barn for flue curing of Virginia tobacco shall apply to the Secretary or such other officer as may be authorized by the Chairman in this behalf for a licence for construction of a barn, nine months before the commencement of curing in the area in which barn is to be constructed.

(2) The application for licence for construction of a barn shall be in form 23 and shall be in form 23 and shall contain all the particulars specified therein. The application shall be accompanied by a fee of rupees twenty five.

(3) Where any person is licenced to construct a barn for curing of Virginia tobacco, he shall be given a licence in Form 24. The construction of the barn shall be completed within six months from the date of licence for such construction and the fact of completion shall be reported to the Secretary or other officer referred to in sub-rule (1) within one month.

Provided that the Committee constituted for grant of licence for construction of barn under rule 34-M may, at the request of the applicant, extend the period for completion of construction by such period as the Committee may deem fit.

(4) If any person who has constructed a barn with licence from the Board wants to modify the structure for some other use or wants to demolish it, he can do so with the prior intimation to the Board. The licence granted for construction shall stand cancelled from the date of such intimation.

34-M. Procedure and principles for grant of licence for construction of a barn :-

(1) The Board may constitute a Committee (hereinafter in this rule referred to as the Committee) consisting of five members of the Board to scrutinize the applications for licence for construction of a barn.

(2) On receipt of applications for licence for construction of a barn the Secretary or other officer authorized under sub-rule (1) of rule 34-L may make such inquiry as he deems necessary and shall submit the application with his recommendations to the Committee.

(3) For the purpose of any inquiry under sub-rule (2), the Secretary or other officer referred to in the said sub-rule may call for such further information as he deems fit from the applicant and the applicant shall furnish such further information within the period specified by the Secretary or other officer, and if the information so called for is not furnished by the applicant the Committee may reject the application.

(4) Subject to the provisions of sub-rule (3), the Committee shall consider the applications in accordance with sub-rule (5) and take a decision either granting or refusing the licence, as deemed fit.

(5) In licencing a person to construct a barn, regard shall be had to the following matters, namely:

(i) the total number of barns available in the state or region ;

(ii) the place where the barn is proposed to be constructed; the demand for Virginia tobacco both internal and external;

(iii) present and anticipated demand in future of that particular area or region;

(iv) where the barn is proposed to be constructed, the past experience of the person in operating a barn;

(v) the occupation and the number of barns already possessed by the person who intends to construct the barn.

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(6) Where the Committee rejects any application under sub-rule (3) or refuses to grant a licence under sub-rule (4) it shall record the reasons for its decision and the decision shall be communicated by the Secretary to the applicant along with the reasons for such decision within fifteen days from the date of the decision.

(7) Where the application for licence is refused by the Committee the fee paid by the applicant along with the application shall, subject to the orders passed on the representation, if any, made under sub-rule(1), be refunded to the applicant after deducting the cost of remitting such amount to the applicant, as soon as may be after thirty days of the date of the decision, but not later than fifteen days of the date of the decision, but not later than fifteen days after the limitation for making the said representation expires or, as the case may be, the Board passes the order on that representation.

(8) Any person, whose application for licence for construction of a barn under 34-L has been refused by the Committee, may represent to the Board for revision of the decision of the Committee within thirty days of the communication of the decision to such person and the Board shall, after giving the applicant a reasonable opportunity of being heard, pass such order thereon as it deems fit.

34-N. Licence for operation of a barn :-

(1) Every person intending to operate a barn for flue curing of Virginia tobacco shall apply to the Secretary or such other officer as may be authorized by the Chairman in this behalf for a licence for the ensuing year, five months before the commencement of operation of the barn, in any area, but not later than :

(a) the 31st January in the States of Karnataka, Orissa* and Tamil Nadu.

(b) the 31st May in the states of Andhra Pradesh, Maharashtra and West Bengal; and

(c) the 31st March in the states of Gujarat and Uttar Pradesh.

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* The word "Orissa" inserted vide notification F.No.8-11-89 E.P.(Agri VI) published vide Gazette of India (Extraordinary) Part-II, sec.3(i) Dt.22-12-89 and came into force W.E.F.22-12-89.

(2) The licence obtained for operation of a barn has to be renewed every year and unless so renewed, shall cease to be effective on the expiry of the year for which it is granted. The application for such renewal shall be made in the same manner as that for fresh application.

(3) Every application for licence or for renewal for licence for operation of a barn shall be in Form 25 and shall contain all the particulars specified therein and shall also be accompanied by a fee of rupees ten for every barn.

(4) Where any person is licenced by the Board for operation of a barn he shall be given a licence in Form 26.

34-O. Procedure and principles for grant of licence for operation of a barn :-

(1) The Board may constitute a Committee (hereinafter in this rule and rule 34-Q referred to as the Committee) consisting of five members of the Board to lay down criteria for grant of licences or renewal of licences for operation of barns.

(2) While laying down the criteria the Committee shall have regard to –

(a) the production policy framed by the Board under sub-rule (1) of rule 33-A for the year for which licences are to be accorded for operation of barn.

(b) the number of barns available for operation for curing of tobacco;

(c) the number of barns for which licence is sought for operation by an applicant;

(d) the experience of the applicant in flue curing of Virginia tobacco;

(e) the conditions of a barn for which registration is sought ;

(f) in case of renewal of a licence the conduct of the licence in complying with Act, these rules and regulations made under the Act and terms and conditions of licence or certificates of registration issued to the applicant, directions issued and stipulations laid down by the Board ;

(g) such other related factors as the Committee may consider relevant for the purpose.

(3) On receipt of applications for licences or renewal of licences for operation of barns the Secretary or other officer authorized under sub-rule (1) of rule 34-N shall scrutinizes the applications and may make such inquiry as he deems fit. If after such inquiry he is satisfied that the applicant satisfies the criteria laid down by the Committee constituted under sub-rule (1) he shall grant the licence or renewal of licence, as the case may be.

(4) For the purpose of any inquiry under sub-rule (3) the Secretary or other officer referred to in the said sub-rule may call for such further information as he deems fit from the applicant and the applicant shall furnish such further information within the period specified by the Secretary or other officer. If the information so called for is not furnished the Secretary or other officer shall place the application along with other particulars before the Committee for consideration.

(5) If, for any reason, the Secretary or other officer referred to in sub-rule (3) considers that licence or renewal of licence should not be granted to an applicant, he shall place the matter before the Committee which after making such inquiry as if deems fit, may either grant or refuse such licence or renewal of licence.

(6) The decision of the Committee shall be communicated to the applicant within fifteen days of the date of the decision.

(7) Where the licence or its renewal is refused by the Committee, the reasons for such decision shall also be communicated to the applicant within fifteen days from the date of the decision and the fee paid by the applicant shall, subject to the orders passed on the representation, if any, made under sub-rule (8), be refunded to the applicant after deducting the cost of such refund, as soon as may be after thirty days of the date of the decision but not later than fifteen days after the limitation for making the said representation expires or, as the case may be, the Board passes the order on the representation.

(8) Any person, whose application for licence or its renewal for operation of barn has been refused by the Committee, may represent to the Board for revision of the decision of the Committee within thirty days of the communication of the decision to such person and the Board shall after giving the person concerned a reasonable opportunity to explain, pass such orders thereon as it deems fit.

34-P. Registers to be maintained and returns to be submitted by the licences for operation of barn :-

Every person licenced to operate a barn shall submit a return in Form 27 to the Secretary or such other officer authorized in this behalf by the Chairman.

34-Q. Procedure and principles for cancellation of licence or renewal of licence granted for operation of a barn :-

(1) A licence or renewal of licence granted for operation of a barn may be cancelled by the Committee if it is satisfied that :-

(a) the licence was obtained by furnishing incorrect information, or

(b the licence has contravened any of the provisions of the Act, these rule of any regulations made under the Act or conditions of licence or any directions or stipulations laid down by the Board from time to time.

(2) No licence shall be cancelled under this rule unless the person concerned has been given a reasonable opportunity to explain.

(3) Where a licence is cancelled the decision of the Committee together with the reasons thereafter shall be communicated by the Secretary, as soon as may be after the decision is taken, to the person concerned and the cancellation shall be effective only from the date of such communication.

(4) Any person whose licence is cancelled by the committee may represent to the Board for the revision of the decision of the Committee within thirty days of the communication of the decision to such person and the Board shall, after giving the person concerned a reasonable opportunity to explain pass such orders on the representations as it deems fit.

(5) Cancellation of licence under this rule shall be without prejudice to any other action that can be taken under the provisions of the Act or these rules including prosecution.

35. Registration as exporter or packer or auctioneer of, or dealer in tobacco :-

(1) Every application of registration as an exporter to tobacco or tobacco products or as a packer or auctioneer of or dealer in, tobacco shall be made so as to reach the Secretary or such other officer as may be authorized by the Board in this behalf before the 1st November of the year proceeding the calendar year for which the registration is applied.

(2) (a) The registration under sub-rule (1) as exporter, packer, auctioneer or dealer has to be renewed every year and unless so renewed, shall cease to be effective on the expiry of the year for which it is made.

(b) The application for such renewal should reach the Head Office of the Board before the 30th November of the year preceding the year for which the renewal is applied for.

(3) Every application for registration with the Board as exporter of tobacco or tobacco products or packer or auctioneer or dealer in, tobacco, including every application for renewal of such registration, shall be in form 13 and shall contain the particulars specified therein.

(4) * Every application for registration or its renewal shall be accompanied by the fees specified in the Table below, namely :-

TABLE

Category of Applicant	
A. **EXPORTERS** **(i)** Exporter of un-manufactured tobacco :-	Rs.6000/- if the average annual value of the export of unmanufactured tobacco by the applicant during the preceding three years exceeds rupees fifty lakhs, Rs.4000/- such average annual value of export of unmanufactured tobacco exceeds rupees ten lakhs and does not exceed rupees fifty lakhs and Rs.1000/- where such average value of export of unmanufactured tobacco does not exceed rupees ten lakhs.
(ii) Exporter of un-manufactured tobacco :-	Rs.1000/-

* Substituted vide Tobacco Board (Amendment) Rules, 1998 published in Gazette of India, Part-II, Section 3(i) dt.9-10-1998.

B. Packers of, and dealers in tobacco :-	Rs.1000/- if the average annual turn-over of the applicant during the preceding three years exceeds rupees ten lakh, Rs.500/- if such average annual turnover does not exceed rupees ten lakhs.

Explanation :- In this Table, the expressions "manufactured tobacco" and "unmanufactured tobacco" shall have the same meaning as in the Central Excise and Salt act, 1944 (1 of 1944).

(5) Every person registered with the Board as an exporter, packer, auctioneer or dealer under sub-rule (1) shall be given a certificate of registration in Form 14, which may be issued subject to such condition ? as may be, imposed by the Board from time to time.

36. Procedure and principles for grant of registration as exporter, packer, auctioneer or dealer in tobacco :-

(1) The Board may constitute a Committee (hereinafter referred to in this rule and rule 38 as the Committee) consisting of five members of the Board to scrutinize the applications for registration or renewal of registration under rule 35.

(2) On receipt of the applications for registration or renewal of registration under rule 35, the Secretary or such other officer authorized by the Chairman in this behalf shall make such inquiry as he deems necessary and shall submit the applications with his recommendations to the Committee constituted under sub-rule (1).

(3) For the purpose of any inquiry under sub-rule (2) the Secretary or other officer referred to in sub-rule (2) may call for such further information as he deems fit from the applicant for registration and such applicant shall furnish such further information within the period specified by the Secretary or other officer and if the information so called for is not furnished by the applicant, the Committee may reject the application.

(4) Subject to the provisions of subrule (3), the Committee shall consider the applications in accordance with sub-rule (7) for registration or its renewal and take such decision thereon either granting or renewing the registration or refusing to grant or renew the registration, as the case may be.

(5) Where the Committee rejects any application under sub-rule (3) or refuses to register or renew registration under sub-rule (4) it shall record the reasons for such decision. The decision of the Committee shall be communicated to the applicant by the Secretary within fifteen days from the date of the decision.

(6) Where the application for registration is refused by the Committee, the fee paid by the applicant along with the application shall, subject to the orders passed on the representation, if any, made under sub-rule (8), be refunded to the applicant after deducting therefrom the cost of remitting such amount to the applicant, as soon as may be after thirty days of the date of the decision, but not later than fifteen days after the limitation for making the said representation expires or, as the case may be, the Board passes the order on that representation.

(7) (a) In registering or renewing the registration or refusing to register or renew the registration of any person, regard shall be had to the experience of the applicant in matters relating to the export of tobacco or tobacco products or in packing or auctioning or dealing in tobacco, as the case may be, and the

Conduct of the person in complying with the provisions of the Act, these rules and any regulations made under the Act and conditions of certificate of registration and direction issued by the Board from time to time and whether the person concerned has been issuing to other dealers from whom tobacco is purchased a purchase voucher stipulated or decided by the Board indicating therein the quantity, the grade, the rate per quintal and the total amount due by way of price of tobacco or tobacco products purchased.

(b) In renewing or refusing to renew the registration of any person as exporter of tobacco or tobacco products or as packer or auctioneer of or dealer in tobacco, in addition to the matters referred to in clause (a) regard shall also be had to whether the returns required to be submitted and the registers required to be maintained by applicant under rule 37 have been submitted or maintained by him within the period specified.

(8) Any person whose application for registration or its renewal has been refused by the committee, may represent to the Board for revision of the decision of the Committee within thirty days of the receipt of the decision by such person and the Board shall, after giving the person concerned a reasonable opportunity of being heard, pass such orders thereon as it deems fit.

37. Returns to be submitted and registers to be maintained by exporters, packers, auctioneers of and dealers in tobacco and exporters of tobacco products :-

(1) (a) Every exporter and dealer in tobacco shall maintain a register in Form 28.

(b) Every packer of tobacco and exporter and dealer in tobacco who is also a packer of tobacco shall maintain a register in Form 29.

(c) Every exporter of tobacco products shall maintain a register in Form 30.

(d) All the above mentioned registers shall be produced before the officers of the Board for inspection on demand.

(2) (a) Every exporter, packer and dealer in tobacco shall submit to the Secretary or such other officer authorized by the Chairman monthly returns in Forms 31 and 32 on or before the fifteenth day of the succeeding month.

(b) Every packer of tobacco shall also submit a monthly return in Form 34 in the same manner as stated in clause (a).

(c) Every packer of tobacco and exporter and dealer who is also a packer of tobacco shall submit a monthly return in Form 33 in the same manner as stated in clause (a).

(d) Every exporter of tobacco product shall submit a monthly return in Form 18 in the same manner as stated in clause (a).

38. Procedure and principles for cancellation of registration or renewal of registration of exporters, packers, auctioneers and dealers in tobacco :-

(1) The registration of any person as exporter, packer, auctioneer or dealer may be cancelled by the Committee if it is satisfied that -

(a) the registration or its renewal was obtained by furnishing incorrect information; or

(b) the person registered has contravened any of the provisions of the Act, these rules or any regulations made under the Act, or

(c) the person registered has contravened any of the regulations, terms conditions and stipulations laid down by the Board, in respect of measures laid down or introduced by the Board in pursuance of down or introduced by the Act and these rules and in particular, section 8, and such regulations, terms, conditions and stipulations as may be made, laid down or introduced by the Board from time to time.

(2) No registration or renewal of registration shall be cancelled under this rule unless the person concerned has been given a reasonable opportunity of being heard.

(3) Where a registration or its renewal cancelled, the decision of the Committee together with the reasons therefor shall be communicated by the Secretary within fifteen days after the decision is taken to the person concerned and the cancellation shall be effective only from the date of such communication.

(4) Any person whose registration is cancelled by the Committee may represent to the Board for the revision of the decision of the Committee within thirty days of the communication of the decision to such person, and the Board shall, after giving the person concerned a reasonable opportunity of being heard, pass such orders on the representation as it deems fit.

(5) Cancellation of registration under this rule shall be without prejudice to any other action that can be taken under the provisions of the Act or these rules including prosecution.

39. Manner of payment of fees :

Fees payable under rules 33, 33C, 34, 34H, 34L, 34N and 35 shall be paid to the Board either by Money Order or by crossed cheque or draft drawn in favour of the Board or in cash to the Board.

39A. Issue of duplicate certificate in certain cases :-

Where the Secretary or any other officer of the Board authorized by the Chairman in that behalf is satisfied that a certificate of registration licence granted under rules 33, 33C, 34, 34D, 34H, 34L, 34N or 35 has been lost, destroyed or mutilated for no fault of the holder of the certificate, the Secretary or such other officer, as the case may be, may, on an application made in that behalf by the holder of the certificate, issue a duplicate certificate of registration or licence, as the case may be.

40. Registers to be maintained by the Board :-

The Board shall maintain the following registers, namely :-

(a) a Register of growers of Virginia tobacco :

(b) a Register of Nursery growers of Virginia tobacco :

(c) a Register of curers of Virginia tobacco :

(d) a Register of processors of Virginia tobacco :

(e) a Register of manufacturers of Virginia tobacco :

(f) a Register of commercial graders of Virginia tobacco :

(g) a Register of barn holders of Virginia tobacco :

(h) a Register of operators of barns of Virginia tobacco :

(i) a Register of exporters of tobacco and tobacco products :

(j) a Register of auctioneers of tobacco :

(k) a Register of auctioneers of tobacco :

(l) a Register of dealers in tobacco :

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CHAPTER VIII
INSPECTION OF LANDS FOR PREMISES

41. Inspection of any land or premises :-

(1) Before any land or premises is inspected under Section 15 By any member, officer, or other employees of the Board reasonable notice (which shall in no case be less than twenty four hours) in such form as may be specified by the Board shall be given to the person who owns or is in possession of such land or premises.

(2) Inspection of any land or premises under Section 15 be made after sunrise before sunset.

CHAPTER IX

***42.** Fees leviable on the seller under Section 14 A :-

The fee leviable by the Board under Section 14A of the Act on a seller shall be one percent of the value of the tobacco sold by him an auction platform.

43. Mode of recovery fees from seller :-

The Board or any officer of the Board authorized by it in this behalf, may recover the fees under Section 14A by deducting the same from the sale proceeds of the tobacco delivered by the seller.

44. Fees leviable on purchaser under Section 14A :-

The fees leviable by the Board under Section 14A of the Act on a purchaser shall be one percent of the value of the tobacco purchased by him at an auction platform.

45. Mode of recovery of fees from purchaser :-

The Board, or any officer authorized by it in this behalf, may recover the fees under Section 14A of the Act by adding the same to the price of the tobacco purchased by him.

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* Rules 42 to 45 were added vide Tobacco Board (Amendment) Rules 1984 published in the Gazette of India Extraordinary, Part II, Section – (i), Dt.22-8-1984.