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PART II – Section 3 – Sub-Section (ii)

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MINISTRY OF COMMERCE

New Delhi, the 3RD September, 1986

NOTIFICATION

S.O. 652(E)-In exercise of the powers conferred by section 32 of the Agricultural and Processed Food Products Export Development Authority Act, 1985 (2 of 1986), the Central Government hereby makes the following rules, namely:-

CHAPTER-1

Preliminary

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

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

2. Definitions – In these rules, unless, the context otherwise requires:-

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

(b) "Authority" means the Agricultural and Processed Food Products Export Development Authority established under section 4;
(c) "Certificate" means certificate of registration;
(d) "Committee" means any of the Committees appointed by the Authority under Section 9;
(e) "Form" means a form appended to these rules;
(f) "Secretary" means the secretary to the Authority appointed under section 7;
(g) "section" means a section of the Act;
(h) "Year" means the year commencing on the first day of April;
(i) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the said Act.

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CHAPTER II

The Authority

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

4. Membership roll. – The Secretary shall keep a record of the names of members and their addresses.

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

CHAPTER III

Powers and duties of Chairman and Secretary

6. Powers and duties of the Chairman.-The Chairman shall :-

(i) grant leave to Secretary, officers and employees of the Authority

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

7. Duties of Secretary – The Secretary shall:-

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

CHAPTER IV

Powers of the Authority relating to Financial matters

8. Borrowing powers-The Authority may exercise its powers under section 17, with the previous sanction of the Central Government.

CHAPTER V

Registration

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

(2) Every application for registration as an exporter shall also be accompanied by a fee of rupees twenty five.

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

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

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

11. Cancellation of Certificate – Where the Secretary or other officer authorized by the Authority in this behalf is satisfied that any person who has obtained a certificate by furnishing incorrect information or that he has contravened any of the provisions of these rules or if the conditions mentioned in the certificate, or any person who has been registered as an exporter fails during the period of twelve consecutive months to export any of the Scheduled products in respect of which he is registered, or if the Secretary or such other officer is satisfied that such person has become disqualified to continue as an exporter, the Secretary or such officer may, after giving the person who holds a certificate a reasonable opportunity of making his objections, by order, cancel the certificate and communicate to him such order.

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

13. Power to call for returns. – The Chairman or an officer authorized by him may, by general or special order direct the holder of the certificate to maintain such records of his business in such form and manner as may be specified in the order and to submit to the authority returns relating to his business in such form as may be specified in such order.

CHAPTER VI

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

CHAPTER VII

Miscellaneous

15. Payment of fees - Any fees or amount payable to the Authority under the Act or these rules shall be paid either by money order or demand draft drawn in favour of the Authority or by Indian Postal order payable to the Authority at a post office in New Delhi.

[F.No.11/5/86-EP-Agri.(IV)]
D.P. BAGCHI, Jt. Secy.

Rs.5/-

FORM I

(See rule 9)

Form of Application for registration of Exporters

1. (a) Name and address (with telegraphic address and telephone No.) of the registered office, head office and branches)

   (b) Whether Proprietary/Partnership Concern or Private/Public Limited Co, or Co-operative Marketing Society, etc., (Names of Partners/Directors/Managing Directors/Proprietor should be furnished with their Permanent address).

   (c) Names of the associate firms for whom the applicants act as agents in export business.

2. (i) Name and address of the applicant's banker.

   (ii) Attach banker's certificate certifying financial position.

3. (i) Date of establishment of business/factory in India

4. Whether licensed under the Industries (Development and Regulation) Act/registered with DGTD/State Director of Industries or any other sponsoring authority. If so, indicate numbers, and date of license/registration certificate.

5. Export products in respect of which registration is sought (As listed against Sl. No. 5 of Part.I of Form II)

6. If merchant exporter please indicate the arrangements made with manufacturers whose products are to be exported.

7. If registered with anyother Export Promotion Council/Commodity Board, give name of the registering authority and registration number and also the export product for which registered.

8. We hereby solemnly declare the above stated information to be true and correct and undertake without any reservation to:

(i) abide by the terms of the registration certificate granted to us on all our exports.

(ii) use the import licenses for the purposes for which they are issued and under terms and conditions under which they are issued.

(iii) agree to abide by any code of conduct that may be specified by the registering Authority,

(iv) furnish without fail monthly returns of exports including Nil returns to the registering Authority by the 15th day of the month following the month of export.

9. We further understand that our registration is liable to be cancelled in the event of breach of any of the under-takings mentioned above.

Yours faithfully,

(Signature)

Name in Block Letters: _____
Designation: _____
Residential Address: _____

Place : _____
Date : _____

Form II Rs.25/-

(See Rule 10)

THE AGRICULTURAL AND PROCESSED FOOD PRODUCTS EXPORT DEVELOPMENT AUTHORITY RULES 1986

FORM OF CERTIFICATE OF REGISTRATION

PART 1

(To be filed in by the applicant)

1. Name of the applicant:

2. Address of the applicant :
   (i) Postal Address:
   (ii) Telegraphic Address:
   (iii) Address of Factory, if any

3. Indicate whether registration is required in respect of:
   (a) Head Office
   (b) Registered Office
   (c) Branch Office

4. Description of the products manufactured (if any)

5. Description of the goods exported from out of the following: (tick off whichever applicable)

   1. Fruits, vegetables and their products,
   2. Meat and meat products,
   3. Poultry and poultry products
   4. Dairy products,
   5. Confectionary, biscuits and bakery products,
   6. Honey, jaggery and sugar products.
   7. Cocoa and its products, chocolates of all kinds.
   8. Alcoholic and non-alcoholic beverages,
   9. Cereal products,
   10. Groundnuts, peanuts and walnuts,
   11. Pickles, chutneys and papads
   12. Guar Gum
   13. Floriculture and floriculture products
   14. Herbal and medicinal plants.
   15. Non Basmati Rice.

6. Are you seeking registration as :

(a) Manufacturer-exporter
(b) Merchant exporter,

7. Year of establishment of the applicant.

8. Name of the partners/Directors/Managing Directors/ Proprietor.

I/We hereby declare that the above information is correct to the best of my/our knowledge and belief. I/We also undertake to abide by the conditions subject to which registration/membership is granted.

Signature.....
Name in block letters.....
Designation :.....
Residential Address.....

Date :

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PART II

1. Registration No./Factory No. Allotted by the Sponsoring Authority.
(to be filed in by the applicant)

Signature of the applicant.

2. Description of goods manufactured**
(To be filled in by the Registering Authority in the case of DGTD units, and sponsoring Authority in the case of other units)

**Please indicate the goods manufactured as per the description given in Sl.No.5 of Part I.

Signature of the Registering/Sponsoring Authority

Name in Block Letters :.....
Designation : .....
Seal :.....

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PART III

(To be signed by the concerned Registering Authority) This

is to certify that the above firm is registered under the Agricultural and Processed Food Products Export Development Act:

(i) Description of goods for which registered:
(ii) Date of application for registration:
(iii) Registration No. :
(iv) Manufacturer-Exporter or Merchant-Exporter:

This certificate is issued subject to the conditions laid down in the relevant scheme of Registration.

Signature of Registering Authority :.....
Name in Block Letters :.....
Designation :.....
Seal :.....

Date :

Form III

(See Rule 14)

Form of option to be exercised by the Officers and other employees of the Processed Foods Export Promotion council.

I,.....(Name of the Officer or other employee) hitherto functioning as ..... (Designation) in the Processed Food ExportsPromotion Council, New Delhi, herebyindicate my willingness/unwillingness to become an Officer/employee of the APEDA.

2. I elect/do not elect to be governed by the pension-cum-gratuity scheme of the Authority.

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Signature of the Officer/Employee of PFEPC

Place :

Date :

Note : Strike out whichever is not Applicable.

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