TOBACCO BOARD (AUCTION) RULES 1984

G.S.R. 620 (E.) In exercise of the powers conferred by Section 32 of the Tobacco Board Act, 1975 4 of 1975) the Central Government here by makes the following rules namely :-

1. Short title and commencement :- (a) These rules may be called the Tobacco Board (Auction) Rules, 1984.
   *(b) They shall come into force on the date of their publication in the Official Gazette.
2. Definitions :- In these rules unless the context other wise requires:

   (a) 'Act' means the Tobacco Board Act. 1975 (4 of 1975)
   (b) 'buyer' means a dealer, exporter or packer who has obtained the relevant certificate of registration under Section 12 of the Act and the rules made thereunder and who is authorized by the Board, or any officer specified by the Board in this regard to purchase tobacco on an auction platform.
   (c) 'grower' means a person who has obtained a certificate of registration under Section 10 of the Act for growing # Virginia tobacco.
   (d) 'platform' means an auction platform established for the sale of tobacco under clause (cc) of subsection (2) of Section 8 of the Act.
   (e) 'tobacco' means # Virginia tobacco.
   (f) All other terms and expressions shall have the same meaning as assigned to them in the Act.

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* Published in the Gazette of India – Extraordinary, Part-II Section 3, Sub-Section (i) Dt.22-8-84.

The words 'Virginia flue cured Tobacco' in clauses © and (e) of rule 2 were amended as Virginia Tobacco vide Tobacco Board Auction (Amendment) Rules 1988 Published in the Gazette of India, Extraordinary Part-II, Section 3(i), Dt.16-5-88.

3. Growers to deliver tobacco at specified platforms :- As soon as a platform has been established in any place, the Board or any officer of the Board authorized by it in this behalf, shall cause to be published in the local newspapers and in such other manner as may be deemed necessary, a notice requiring the growers in any local area to deliver their tobacco at the specified platform for sale and such growers shall deliver their tobacco only at such specified platform.

4. Returns to be submitted by growers :- For the purpose of allotting a registered grower to a platform and for purposes of regulating the proper conduct of auctions at the platforms, the Board may require a grower to submit such returns as may be specified by it in this regard.

5. Buyers to be authorized :- No buyer shall purchase tobacco at a platform unless he has obtained an authorization in writing from the Board or from an officer of the Board authorized by it in this behalf.

6. Malpractices by growers :- A grower committing any of the following acts, shall be guilty of a malpractice :-

(i) Delivering or trying to deliver, for sale tobacco in excess of the quantity allotted to him by the Board or an officer authorized by the Board in this behalf.

(ii) Delivering or trying to deliver for sale, as his own, tobacco not grown by the grown.

(iii) Delivering or trying to deliver, for sale, tobacco which is nested, namely tobacco packed in such a manner as to deceive the buyer about the nature or quality of the contents as a whole.

(iv) Not submitting any returns which the grower is required to submit under these rules or under any regulations made by the Board.

(v) Obstructing the proceedings at a platform.

7. Penalties and procedure for imposing penalties for malpractices by growers :-

The chairman or any other Officer authorized by the Board in this behalf may, after giving the grower an opportunity of being heard and for reasons to be recorded in writing, impose any one or both of the following penalties on a grower found guilty of a malpractice.

(i) Refusal to receive or put up for sale any tobacco delivered by the grower.

(ii) Cancellation of the grower's registration.

Provided that the penalty of cancellation of registration shall be imposed only by the Chairman.

8. Malpractices by buyers : A buyer committing any of the following acts shall be guilty of a malpractice :

(i) Failure or refusal to take delivery, at the time specified by the Board or any officer of the Board in charge of a platform, of the tobacco purchased by him.

(ii) Failure or refusal to make payment at the time and in the manner specified by the Board, for the tobacco purchased by him.

(iii) Obstructing the proceedings at a platform.

(iv) Failure or refusal to submit such returns as may be provided under these rules or under any regulation made by the Board.

9. Penalties and procedure for imposing penalties for malpractices by buyers : The Chairman or any other officer authorized by the Board in this behalf may, after giving the buyer an opportunity of being heard and for reasons to be recorded in writing, impost any one or both of the following penalties on a buyer found guilty of a malpractice.

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(i) Refusal to permit him to be present at and make purchase on the platform.

(ii) Cancellation of his registration.

Provided that the penalty of Cancellation of registration shall be imposed only by the Chairman.

10. Appeals :- (1) An appeal against any order made under rule 7 or rule 9 shall lie to the Board if the order is made by the Chairman and to the Chairman if made by any other officer of the Board.

(2) The appeal, which shall be in writing, shall be accompanied by a copy of the order appealed against, and shall be made within seven days of the passing of such order.

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