

MINISTRY OF TEXTILES
NOTIFICATION

New Delhi, the 24th December, 2002

G.S.R. 836 (E) – In exercise of the powers conferred by section 25 of the Jute Manufactures Development Council Act, 1983 (23 of 1983), and in supersession of the Jute Manufactures Development Council (Procedural) Rules, 1984 published in the Government of India, Ministry of Commerce, Department of Textiles vide G.S.R. No.658(E) dated the 15th September, 1984, in the Gazette of India, Part II, Section 3, sub-section (i), except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely :-

1. Short title :- These rules may be called the Jute Manufactures Development Council (Procedural) Rules, 2002.
2. Commencement --- They shall come into force on the date of their publication in the Official Gazette.
3. Definitions – In these rules, unless the context otherwise requires --
 - a) “Act” means the Jute Manufactures Development Council Act, 1983 (27 of 1983) ;
 - b) “Jute Fund” means the fund created under sub-section (1) of section 10 of the Act.
 - c) “Secretary” means the Secretary cum Chief Executive Officer of the Council appointed under rule 5 to carry out the functions of the Secretary of the Council ;
 - d) “Vice-Chairman” means the Vice-Chairman of the Council elected in accordance with sub-section (5) of section 3 of the Act ;
 - e) all other words and expressions used but not defined in these rules, but defined in the Act or in the Jute Manufactures Cess Act, 1983 (28 of 1983) shall have the meaning respectively assigned to them in those Acts.
4. Filling up of casual vacancy of Vice-Chairman --- If a casual vacancy occurs in the office of the Vice-Chairman on account of his resignation or his ceasing to be a member or otherwise, the Council shall elect at its next meeting another member as the Vice-Chairman who shall hold office for the unexpired period of the term of office of the previous Vice-Chairman.
5. Powers and duties of Secretary – (1) The Secretary shall be appointed by the Central Government
 - (2) The Secretary shall be the Chief Executive Officer of the Council and shall work under the supervision of the Chairman.

(3) It shall be the duty of the Secretary to :-

- (i) implement all decisions taken by the Council ;
- (ii) co-ordinate and supervise the work of the other officers and the establishments of the Council ;
- (iii) convene under the directions of the Chairperson meetings of the Council ;
- (iv) maintain the minute books containing a record of the business transacted by the Council and get it circulated to the members for confirmation in the next meeting.
- (v) furnish to the Central Government all reports, returns and other necessary documents required to be furnished to it under the Act ;
- (vi) prepare every year the Budget Estimates and Accounts of the Council for its approval ;
- (vii) sanction re-appropriation of grants under such powers as may be delegated by the Council and within such limits as may be specified by it ;
- (viii) administer the Provident Fund of the Council ;
- (ix) undertake such other duties and exercise such other powers, as may, from time to time, be entrusted or delegated to him by the Council or the Chairman.

6. Tenure of appointment of member – (1) Subject to the provisions of sub-rule (2), a member of the Council shall hold office for a period of two years.

(2) It shall be competent for the Central Government to appoint another person in the place of a member appointed under sub-section (4) of section 3 of the Act before the completion of two years if it is of opinion that such member has ceased to represent the interests he was appointed to represent.

7. Resignation of member --- (1) A member of the Council may resign his office by writing a letter under his hand addressed to the Chairman of the Council.

(2) The office of a member shall fall vacant from the date on which his resignation is accepted by the Central Government or on the expiry of 30 (thirty) days from the date of receipt of resignation, whichever is earlier.

8. Absence of members from India --- If a member intends to leave India for more than one month, he shall intimate the Chairman the date of his departure and the date of his expected return to India and if such member intends to be absent from India for a period longer than 6 (six) months he shall tender his resignation.

9. Cessation of membership – (1) A member shall cease to be a member if he fails to attend three consecutive meetings of the Council without leave of the Chairman.

(2) A member shall cease to be a member, if he ---

- (i) becomes of unsound mind and is declared so by a competent Court, or
- (ii) is an un-discharged insolvent, or
- (iii) is convicted of an offence involving moral turpitude.

10. Filling of casual vacancy of members – (1) Any casual vacancy in the membership of the Council by any reason shall be filled by appointment by the Central Government within a period of three months from the date of arising such vacancy.

(2) A member appointed to fill up a casual vacancy shall hold office for so long as the member, whose place he fills up, would have been entitled to hold office if the vacancy had not occurred.

11. Change of address – A member shall keep the Secretary informed of any change in his address and on failure to inform the change of his address, the address given in the first instance shall for all purposes be deemed to be his correct address.

12. Procedure for meetings of the Council -- (1) Not less than one meeting of the Council shall be held in each financial year.

(2) The Chairman may, at any time, convene a meeting of the Council :

Provided that it shall be the duty of the Chairman to convene a meeting of the Council if a requisition for such meeting is presented to him in writing by at least eleven members. :

Provided further that it shall be competent for the Central Government to require the Chairman to convene a meeting at any time :

Provided also that in cases of emergency, a special meeting may be summoned at any time by the Chairman who shall inform in advance the Central Government and members of the subject matter for discussion and the reasons for which he considers it urgent. No other business shall be transacted at such special meeting.

(3) The Secretary shall, with the approval of the Chairperson, or, in the absence of the Chairman the Vice-Chairman, fix the date, time and place of every meeting of the Council and issue notice of the meeting giving at least ten clear days' notice.

(4) The Secretary shall, with the approval of the Chairman, or in the absence of Chairman, the Vice-Chairman, prepare and circulate amongst the members, at least seven days before a meeting of the Council, a list of the business to be transacted at such meeting. No business, not included in the agenda shall be considered at a meeting of the Council, without permission of the Chairman of the meeting. If any member desires to suggest any subject for discussion by the Council, he shall give at least ten clear days' notice.

(5) The Chairman, or in his absence, the Vice-Chairman, shall preside over the meetings of the Council :

Provided that where both the Chairman and the Vice-Chairman are absent, the members present shall elect a member from among themselves to preside over the meeting.

(6) One-third of the total number of members of the Council but not less than eleven members present shall form a quorum at a meeting of the Council.

(7) In case of difference of opinion amongst the members of the Council present at a meeting, the opinion of the majority shall prevail. Each member of the Council shall have one vote. In case of any equality of votes, the Chairman, or the Vice-Chairman, or in the absence of both, the member presiding over such meeting shall have a second or a casting vote.

(8) Any proposal, which the Council is required to consider, may be referred to all its members either at its meeting or by circulation among all its members and any proposal so circulated and approved by a majority of members shall be as effectual and binding as if such proposal had been passed at a meeting of the Council :

Provided that at least one third of the total number of members of the Council have recorded their views on the proposal.

(9) When business is transacted by circulation of papers, a record of business so transacted shall be signed by the Chairman or the Vice-Chairman of the Council.

(10) A record shall be maintained of all business transacted by the Council. Copies of such record shall be submitted to the Central Government and circulated to the members for confirmation in the next meeting. The record of business transacted at a meeting of the Council shall be signed by the Chairman presiding over such meeting.

13. Validity of the acts and proceedings --- No act or proceedings of the Council shall be invalid or questioned on the ground merely of any vacancy in, or any defect in the constitution of the Council.

14. Powers of the Council : (1) Power of appointment – Subject to the provisions of section 6 of the Act, the Council may create new posts and make appointments thereto as may be necessary for the efficient performance of its functions:

Provided that no posts carrying the maximum salary beyond Rupees 13,500/- per mensem shall be created or filled without the previous approval of the Central Government.

(1) Other Powers : (i) Subject to the provisions of rule 17, the Council may, by resolution, sanction any expenditure or enter into any contract involving expenditure from the Jute Fund in the discharge of its functions under the Act :

Provided that the Council shall not sanction any expenditure or enter into any contract involving expenditure in excess of the budget allotments.

Provided further that the Council shall not enter into any contract involving any expenditures in excess of twenty five lakhs of rupees, or extending over a period of five years, without the previous approval of the Central Government.

(ii) The Council shall have power to write off all the losses arising out of normal wear and tear of assets (in lieu of depreciation) and in other individual cases, losses upto twenty five thousand rupees.

(iii) The Council may incur expenditure outside India upto an amount, as may be permissible under the exchange control regulations or other relevant regulations, and guidelines of the Central Government on each individual item.

15. Register of members --- (1) The Secretary shall maintain a register in which the name and address of each member of the Council shall be entered.

(2) The names and addresses of members of any of the Committees of the Council shall be kept in a separate register.

(3) If a member of the Council or any of its Committees changes his address, he shall notify his new address to the Secretary and the Secretary shall amend the relevant entry in the register accordingly.

16. Annual Budget Estimates -----

(a) Preparation and submission --- The Council shall in each year prepare, in such manner as the Central Government may from time to time direct, budget estimates for the ensuing financial year and revised estimates for the current year and shall submit them for the approval of the Central Government on or before such dates as may be fixed by that Government. The budget as approved by the Central Government shall be the sanctioned budget for the year.

(b) Re-appropriation ---(i) If the Council finds in the course of the year that there is likely to be an excess of expenditure over the sanctioned budget estimate under any head, it shall examine the allotment under each head of the budget estimate with the object of finding probable savings under any other head and effecting a re-appropriation. Where such re-appropriation is feasible, it may sanction the re-appropriation subject to such conditions as may be laid down by the Central Government from time to time.

(ii) The funds shall not be re-appropriated to meet expenditure on a new service not contemplated in the budget estimates except with the prior approval of the Central Government.

17. Maintenance and operation of bank accounts and investment of funds of the Council –

(1) All moneys received by the Council shall, as soon as possible be deposited in the State Bank of India or such other nationalised banks as may be approved by the Council, and shall not be utilized for any purpose other than the purposes of the Act.

(2) All payments by or on behalf of the Council shall be made by cheques except for amounts not exceeding ordinarily Rs.5000/- and extraordinarily Rs.20,000/- under special sanction of the Secretary, which may be paid in cash.

(3) Such cheques and all orders for making deposits or investments or for the withdrawal of the same shall be signed jointly by the Secretary and the Chief Accounts Officer, or by any two officers authorised by the Council, in this behalf.

(4) No payment shall be made out of the funds of the Board unless the expenditure is covered by the sanctioned budget.

(5) All payments by the Council shall be made on bills or other documents duly prepared and passed by the Secretary or other officer authorised by the Council in this behalf. The paid vouchers shall be stamped "Paid" or so cancelled that they cannot be used a second time.

(6) All funds not required for current expenditure may be placed in suitable term deposits with State Bank of India or other Nationalised Banks.

18. Sending persons abroad – The Council shall not send any member of the Council or any of its officers or employees to places outside India without the previous sanction of the Central Government
