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*Separate paging is given to this Part, in order that it may be filed as a separate compilation.*

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## PART IV.

Regulations, Orders, Notifications and Rules, of the Government of India, of the Government of Bihar, and of the High Court. Papers extracted from the *Gazette of India* and Provincial Gazettes. Orders of Commandants of Volunteers Corps.

### LAW AND COMMERCE DEPARTMENT.

#### NOTIFICATION.

*The 17th August 1937.*

No. 6477—III C-34/37-Com.—The following notification of the Government of India in the Department of Commerce is republished for general information.

By order of the Governor,

C. G. NAIR,

*Secretary to Government.*

#### TREATIES (CESS).

*Simla, the 31st July 1937.*

No. 476 (1)-Tr. (I.E.R.).—In exercise of the powers conferred by section 7 of the Indian Tea Cess Act, 1903 (IX of 1903), and in supersession of the rules published with the notification of the Government of

India in the Finance and Commerce Department no. 6479-S.R., dated the 12th October 1904, the Central Government is pleased to make the following Rules, the same having been previously published as required by sub-section (1) of the said section, namely:—

#### *Rules.*

1. These rules may be called the Indian Tea Cess Rules, 1937.

2. For the purpose of promoting the sale and increasing the consumption of tea generally and especially Indian tea in countries other than India the Indian Tea Market Expansion Board may, at their discretion, allot monies from the Indian Tea Cess funds to be expended on projects, approved by the Board, under the direct administration and control of other representative bodies on which the Board are proportionately represented.

3. A member of the Board shall hold office for not more than five years at a time, but shall be eligible for re-appointment.

4. Before a member of the Board leaves India—

- (a) he shall intimate to the Board the date of his departure and the date of his expected return; and
- (b) if he intends to be absent for a longer period than six months, he shall tender his resignation which, unless he be absent on the business of the Board, shall be accepted by the Board.

5. Any member shall be deemed to have vacated his seat on the Board if he—

- (a) becomes bankrupt or insolvent or suspends payment or compounds with his creditors;
- (b) is convicted of any offence which is punishable under the Indian Penal Code and is under the provisions of the Criminal Procedure Code non-bailable;
- (c) is absent from two consecutive meetings of the Board without special leave of absence from the Board; or
- (d) leaves India without complying with the provisions of rule 4.

6. If on the occurrence of a vacancy the body or authority by which the retired or deceased member was recommended for appointment fails within two calendar months after being called upon to do so, to recommend a successor, the Central Government may fill up the vacancy.

7. (1) The Board shall, at a meeting to be held in Calcutta, as soon as may be after the constitution of the Board, appoint an Executive Committee and frame rules for the conduct of business by that Committee. They shall also appoint two of their number to be the first Chairman and Vice-Chairman of the Board.

(2) Thereafter the Board shall hold such meetings in Calcutta, of which one month's notice shall be given, as may be necessary for the despatch of business, and shall in any case hold two such meetings in each year in March and in August, or as nearly at such times as may be convenient.

8. The Chairman of the Board shall call or cause to be called a meeting of the Board if so required by ten members of the Board, for purposes to be stated in the requisition.

9. (1) Not less than one month before the date fixed for the meeting to be held in or about March of each year, the Board shall

cause to be prepared and circulated a draft budget showing the expected receipts and proposed main heads of expenditure for the ensuing financial year.

(2) At the meeting to be held in or about March of each year the Board shall elect a Chairman, a Vice-Chairman, an Executive Committee and such other officers, including a second Vice-Chairman, as the Board may think fit. It shall also be competent for the Board at that meeting to cancel, modify, suspend, or make additions to the rules which they have framed for the guidance of the Executive Committee under rule 7 (1) of these Rules.

(3) At the meeting to be held in or about August of each year the Board shall consider the adoption of the annual report and accounts for the year which ended on the 31st March preceding.

10. (1) The Board shall submit in each year the budget for the ensuing financial year for the sanction of the Central Government as soon as may be after the adoption of budget by the Board.

(2) The budget shall include statements of—

- (i) the estimated opening balance;
- (ii) the estimated receipts from the tea cess and from other sources; and
- (iii) the proposed expenditure classified under such major heads as may be settled at a meeting of the Board.

11. No business shall be transacted at a meeting of the Board unless at least fourteen members of the Board are present, in person or by proxy.

12. All questions which the Board are required to decide shall be referred for decision to the members of the Board either at the meetings of the Board or by circulation of the papers:

Provided that, when a question is referred by circulation of the papers, any ten members of the Board may require that the question be referred to a meeting, and thereupon such a reference shall be made to a meeting of the Board.

13. A record shall be maintained of all business transacted by the Board, copies of which shall be submitted to the Central Government.

14. (1) The Chairman of the Board shall cause to be prepared and circulated among the members at least ten days before a meeting of the Board a list of business to be considered at that meeting.

(2) No business not on the list shall be considered without the permission of the Chairman.



15. (1) Every question at a meeting of the Board shall be decided by a majority of votes.

(2) Voting may be by proxy.

(3) In the case of an equal division of votes the Chairman of the meeting shall have a second or casting vote.

(4) The Chairman shall preside at every meeting at which he is present, and if he is absent one of the Vice-Chairmen shall preside over the meeting. In the absence of the Chairman and both Vice-Chairmen, the members present shall elect one of their number to preside over the meeting.

16. Subject to such conditions as may be prescribed by the Board the actual travelling expenses incurred by members in attending meetings of the Board shall be chargeable to the funds of the Board.

17. The accounts shall relate to the financial year, and shall be made up for each such year and forwarded to the Commerce Department of the Government of India as soon as may be after the end of such year.

18. (1) The receipts shall include all sums received by the Board during the year to which the accounts relate, and shall be shown under the following heads:—

- (i) sums received under sub-section (1) of section 5 of the Indian Tea Cess Act, 1903;
- (ii) other sums received under sub-sections (2) and (3) of the said section;
- (iii) any interest that may have accrued from the investment of such sums; and
- (iv) any receipts resulting from measures taken for promoting the sale or increasing the consumption of tea.

(2) The total receipts only shall be shown under each of the heads referred to in sub-rule (1); and the opening balance (if any) shall also be shown under each head.

19. (1) The expenditure shall be shown under the following heads:—

- (i) office rent and establishment;
- (ii) measures taken for promoting the sale and increasing the consumption of tea in India;

(iii) measures taken for promoting the sale and increasing the consumption of tea in other countries;

(iv) contribution to industrial exhibitions

(v) travelling expenses; and

(vi) miscellaneous.

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

20. (1) In addition to the statements required by rule 19 separate statements under heads (ii), (iii), (iv), and (v) referred to in that rule shall be drawn up, which shall show on one side the amount allotted for the year by the Board under rule 9 and on the other the details of the expenditure, the sums paid to each firm or agent being shown independently, and shall also show the amount of liabilities incurred but not discharged at the close of the financial year to which they relate.

(2) Any unexpected balance, after allowing for such liabilities, shall be transferred to the General Account.

21. The statements of receipts and expenditure required by rules 18 and 19 shall be published annually in the *Gazette of India*.

22. All sums, except petty cash, received by the Board under the Indian Tea Cess Act, 1903, shall be lodged in the Imperial Bank of India.

23. The powers conferred by sub-section (3) of section 5 of the Act shall be subject to the condition that the Board shall not borrow except from the Imperial Bank of India or from such other bank as may be approved by the Central Government in this behalf.

24. Cheques issued against the Board's account, and every document relating to any money borrowed under rule 23, shall be signed by the Chairman or one of the Vice-Chairmen or by such other Member of the Board as may be authorised in this behalf by the Chairman.

H. DOW,

Secy. to Govt. of India.