

Tamil Nadu Palm Products Development Board Rules, 1998

TAMILNADU

India

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Rule

TAMIL-NADU-PALM-PRODUCTS-DEVELOPMENT-BOARD-RULES-1998 of 1998

- Published on 24 August 1998
- Commenced on 24 August 1998
- [This is the version of this document from 24 August 1998.]
- [Note: The original publication document is not available and this content could not be verified.]

Tamil Nadu Palm Products Development Board Rules, 1998Published vide Notification No. G.O. Ms. No. 229, Handlooms, Handicrafts, Textiles and Khadi (B2), Dated the 24th August 1998 - SRO No. A-55/99G.O. Ms. No. 229. - In exercise of the powers conferred by sub-sections (1) and (2) of section 31 of the Tamil Nadu Palm Products Development Board Act, 1994 (Tamil Nadu Act 15 of 1994), the Governor of Tamil Nadu hereby makes the following Rules: -

1. Short title.

- These rules may be called the Tamil Nadu Palm Products Development Board Rules, 1998.

2. Definitions.

(1)In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Palm Products Development Board Act, 1994 (Tamil Nadu Act 15 of 1994);(b)"Fund" means the Palm Products Industry Fund.

3. Term of office.

- (i) A member shall hold office for a period of one year from the date of publication of this notification of his appointment in the Tamil Nadu Government Gazette.(ii)A Vice-President shall hold office for a period of one year from the date of his election or till the date of expiry of his term of membership whichever is earlier.(iii)The Chief Executive Officer shall be appointed by Government under clause (g) of sub-section (2) of section 3 of the said Act.(iv)A casual vacancy in

the Board shall be fixed by a fresh nomination and the persons so nominated shall hold office only for the remainder of the term for which the member in whose place he was nominated.

4. Disqualification for membership.

- A person shall be disqualified for appointment as a member, if on date of appointment such person - (a) is less than twenty one years of age; or (b) is of unsound mind; or (c) has applied to be or has been, or is adjudicated as an insolvent; or (d) has been sentenced by Criminal Court for an offence involving moral delinquency, such sentence has been reserved; or (e) has, on any previous occasion, been removed from the office of members or has been removed by any competent Court from any position of trust either for mismanagement or corruption; or (f) has any financial interest in any subsisting contract with or in any work being done for the Board except a share holder (other than a director or managing agent) in a company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956), provided that where he is a share holder, he will disclose to the Government the nature and extent of shares held by him in such a company.

5. Payment of allowances to the members of the Board.

(1) The members shall be entitled to payment of travelling allowance from the funds of the Board for the journeys performed by them for the purpose of the Board. (2) The members who are Government servants or paid servants of the Board shall be allowed the travelling allowance admissible to them under the Tamil Nadu Government Travelling Allowance Rules. (3) The Board shall be deemed to be a first class committee constituted by the Government for the purposes of the travelling allowance and other allowances of the member of the Board and the members of the Board shall be paid the allowance accordingly. (4) The Chief Executive Officer shall be the controlling authority in respect of his own travelling allowance as well as those of the other members, unless such member being an official member submits his travelling allowance direct without countersignature under the Rules applicable to him. (5) The travelling allowance bills of the members who are also the members of the Legislative Assembly shall counter-signed by the authorities only after ascertaining from the Legislative Assembly Department as to whether the members concerned have obtained any allowance for the same journeys and period for which travelling allowance is claimed in their bills for attending Government committees.

6. Removal of a non-official member of the Board.

(1) (a) The Government may, by notification, remove any non-official member of the Board, after giving him a reasonable opportunity of making his representation - (i) if he is disqualified to hold office as a member by any provisions under rule 4 of the rules; (ii) if he, being a legal practitioner acts or appears on behalf of any person other than the Board in any civil, official or other legal proceedings in which the Board is interested either as a party or otherwise; or (b) if he, in the opinion of the Government, is unsuitable or has become incapable of acting as a member of the Board or has been guilty of any misconduct or negligent or has so abused in the opinion of the Government his position as a member of the Board as to render his continuance as such a member detrimental to the interest of the Board. (2) (a) A Non-official member of the Board removed under the provisions of

sub-clause (ii) of clause (a) of sub-rule (1) shall, unless otherwise directed by the Government be disqualified for appointment as a member of the Board for a period of three years from the date of such removal; and (b) A non-official member of the Board removed under clause (b) of sub-rule (1) shall not be eligible for appointment until he is declared by an order of the Government to be no longer ineligible. (3) The Board may, suo motu and shall on an application made by any person, consider whether any non-official member of the Board was or has become disqualified to hold office as such under these rules and take a decision. Such a decision shall be communicated to such non-official member and the applicant concerned, if any: Provided that no decision shall be taken unless the non-official member of the Board is given an opportunity of making his representation: Provided further that pending such decision, the non-official member of the Board shall be entitled to continue as such as if he is qualified or is not disqualified. (4) Whenever the Government has come to know that any non-official member of the Board was or has become disqualified under these rules to hold office as such and that the Board, either suo motu or an application made by any person, has failed to give a decision under sub-rule (3) within one month from the date of incurring the disqualification, the Government may, at any time by an order in writing, decide the question and direct the removal of such member from the membership of the Board if he is found disqualified: Provided that no non-official member of the Board shall be removed from such membership under this rule without such member and the Board of which he is a member being given an opportunity of making his or its representation: Provided further that pending such decision of removal, the non-official member of the Board shall be entitled to continue as such as if he is qualified or is not disqualified.

7. Powers and duties to be exercised and discharged by the Chief Executive Officer.

(1)(a) The Chief Executive Officer shall be the Chief Executive authority of the Board and shall be in charge of the day-to-day administration of the Board and shall exercise supervision and control over the employees of the Board. (b) The Chief Executive Officer shall work under the general control of the Board which may delegate to him powers and duties as it may consider necessary including the following: - (i) convening of the meeting of the Board under the direction of the President; (ii) drawing up the agenda for each meeting under the President's directions and communicating it to each other with the notice of the meeting; (iii) attending the meetings of the Board and participating in all discussions; (iv) ensuring recording proper maintenance of the decisions of the meetings of the Board in an appropriate subject to the approval of the President, communicating the minutes to the members of the Board and placing before the Board at its subsequent meeting for confirmation; (v) issue directions as to the method of carrying out the decisions of the Board. (c) Furnishing to the Government all reports including annual reports and returns and necessary communication required under the Act or these rules. (d) Preparation of the annual budget of the Board in consultation with the Standing Finance Committee. (2) The Chief Executive Officer shall cause to be kept a record of the members of the Board and their address. If a member changes his address, he shall notify his new address at the earliest opportunity to the Chief Executive Officer who shall, thereupon, enter the new address in the record. The Chief Executive Officer shall make available, if required, papers connected with the items in the agenda during the meetings of the Board and shall also make available, if the information relating to the affairs of the Board to any of

the members provided that the Chief Executive Officer shall bring this to the notice of the President.(3)Subject to such delegation as may be made, from time to time, under the Act or these rules, the Executive Officer, shall -(a)cause all important papers and matters to be presented to the Board as early as practicable;(b)draw from the funds the pay and allowances of the staff of the office of the Board and travelling expenses of the members of the Board;(c)maintain or cause to be maintained an account of the receipts and expenditure of the Board; and(d)present a draft annual report on the working of the Board to its approval and submit the report so approved by it to the Government.(4)The Chief Executive Officer shall exercise administrative control over all departments and officers of the Board, subject to such restrictions as may be imposed, from time to time, by the President.(5)(a)Subject to such monetary limits as may be prescribed by the Standing Finance Committee, the Executive Officer may sanction expenditure on contingencies, supply and services required for the working of the office of the Board.(b)The Chief Executive Officer shall be competent to settle all bills relating to sanctioned schemes for which there is a provision in the Budget.(c)The Chief Executive Officer shall be competent to accord technical sanction for all estimates.(d)The Chief Executive Officer shall have power to accept tenders not exceeding rupees three lakhs.(e)The Chief Executive Officer may exercise such other powers and discharge such duties as may be delegated, to him from time to time by the Government or by the President.(6)The Chief Executive Officer may under take tours within India for carrying out the work of the Board or whenever, occasioned in the interest of the work of the Board:Provided that he shall keep the President and the Government informed of his tours outside the State of Tamil Nadu.:

8. Budget.

(1)The Standing Finance Committee shall in each year prepare a palm products industry budget for the next ensuring year showing the estimated receipt and expenditure and place it before the Board for adoption.(2)The Budget so prepared shall differentiate between Capital and Revenue and Capital Funds shall not be used for revenue purposes.(3)The palm Products industry budget shall contain particulars of: -(i)Receipts:(a)(i)Receipts from departmental schemes and interest on investment and loans and advances.(ii)Grant from Khadi and Village Industries Commission.(iii)Grant from State Government.(iv)Grant from other bodies.(v)Other miscellaneous receipts.(vi)Deduct-Refunds.(b)Recoveries under loans and advances.(c)Loans raised by the Board -(i)From Khadi and Village Industries Commission.(ii)From State Government.(ii)From others.(d)Deposits: -(i)Security deposit.(ii)Other deposits.(iii)Charges-Charges under -(a)Revenue account.(b)Capital account.(c)Loans and Advances account.(d)Repayments of loan raised by the Board.(e)Deposits and advances.Receipts and expenditure of the Board shall be classified under such major, minor and subordinate heads of accounts and shall be shown under each further detailed heads of account again as the Board may deem necessary for purposes of administration and control.The Board shall consider every budget so laid before it and shall adopt the budget either without modification or with such modification as it may deem fit.The Budget shall be prepared before the 31st December every year. Either the budget or the supplementary budget as approved by the Board shall be submitted to the Government by the 31st January.The Government may, within one month after receipt of the budget, either -(a)approve the budget; or(b)disallow the budget or any portion thereof and return the budget for amendment and, if any, budget is so returned to the Board, it shall forthwith proceed to amend it and shall re-submit the budget so amended to the

Government who may then approve it. The Board may, at any time during the year for which any budget has been sanctioned, cause a revision of the budget to be prepared and laid before it. The Board shall be competent to incur expenditure in excess of one third of the limit provided in the budget by the Government under any head of expenditure or in connection with any particular scheme so long as the amount in the budget approved by the Government is not exceeded. The budget submitted by the Board to the Government shall be approved before the end of March.

9. Procedure to be followed for placing the Board in possession of the Palm Products Industry Fund.

(1) The following procedure shall be followed in regard to placing and administration of the Palm Products Industry Fund - (i) All money received or realised by the Board shall be credited to the Fund. (ii) The budget of the Board submitted for approval of the Government may indicate the net revenue under the Palm Products Industry Fund and the gap in resources position in that fund. The Government, while approving the budget may sanction the payment of grant or grants to recover the revenue deficits. Such grants and loans may be disbursed in advance or by instalments or in such a manner the Government may determine. The amount so received shall be credited to the Fund. (2) All expenditure of the Board, in exercise of its powers and the performance of its functions and duties" under the provisions of the Act, shall be made from the Fund. (i) After approval of the budget by the Government, provisions of expenditure made in the budget so approved will be distributed among the District Officers and other according to the details of appropriations shown in the expenditure budget of the Board. (ii) The drawing officers will draw upon the Board's amount kept in the Banks by preparing bills and passing them after due scrutiny. (iii) Monthly accounts will be rendered to the Board to the drawing officers. The central officer of the Board will compile the accounts of the Boards in the accounts form prescribed by the Board. (iv) The branches of the Banks concerned shall render monthly scrolls indicating the withdrawals in receipts during every month to the Board. (3) Sale proceeds of palm products which will be received by the officers authorised in this behalf by cheques/draft shall be sent to the central office of the Board. (4) For cash collections also Bank Drafts shall be obtained and sent to the central office. (5) The central office of the Board will arrange to credit all remittances to the receipt accounts of the Board with the Bank. (6) All moneys belonging to the Fund may be deposited or invested - (a) in any scheduled bank under the meaning of the Reserve Bank of India Act, 1934 (Central Act II of 1934); or (b) in the State banks as defined in the State of Bank India (Subsidiary Banks) Act, 1959 (Central Act 30 of 1959); or (c) in such securities as may be approved by the Government. (7) The accounts of the Board shall be operated upon by such officers jointly or individually as may be authorised by the Board. (8) When the Board sanctions grant-in-aid to a local body, co-operative society or a registered institution or contribution towards the cost of a public exhibition or fair or a loan to such body co-operative society or institution, the payments of such sanction shall not be made without an authorisation by the Accounts wing of the Board which maintains and controls the accounts of the Board. (9) The accounts of money realised or received and of the expenditure made therefrom shall be kept and audit thereof shall be kept. (10) In performing duties connected with the receipts of money, remitting them to Bank, drawing moneys from Bank by preparing and passing the bills and keeping accounts thereof, the Board officers who also perform functions of the Treasury Officers shall follow the rules prescribed in the Tamil Nadu Financial Code, Tamil Nadu Treasury Code and Tamil Nadu Accounts Code.

10. Procedure to be followed and the conditions to be observed in borrowing money and in granting loans.

(1) Subject to the provision of the Act, and if the Board require bank finance to implement any scheme for the purposes the Act and the implementation of schemes under palm-sugar industry require bank finance, and if any loan is duly required for the purposes and functions of the Board, the Board may arrange or obtain loans, subject to fulfillment of loans and conditions governing the grant of such loans by lending authorities -(a) from any scheduled bank or other financing institution, or (b) from any corporations owned or controlled by the Central or State Government: Provided that previous approval of the Government in raising loans shall be obtained except the loans required to be obtained for implementation of schemes linked with bank finance. (c) The Board shall grant loans in accordance with the terms and conditions imposed by the Government under palm products industry and in accordance with, and at the rates and terms governing the sanction of loans by the Khadi and Village Industries Commission, from time to time. (d) The Board shall not be competent to modify, amend or otherwise vary the provisions of the loan rules. (e) The Government may, at its own initiative or on the recommendation of the Board, modify or amend the loan rules. The modification or amendment will have effect from the date on which it is made by the Government.

11. The form and manner in which the Accounts of the Board shall be maintained.

- I. Accounts of the Board. - There shall be an Accounts Wing to the Board exclusively to maintain proper accounts of its receipts and charges. The Accounts Wing shall function under the control of one Financial Controller and Accounts Officer who shall be duly qualified in financial matters and accounts and also shall cause to keep and maintain all accounts. All financial matters of the Board shall be passed through the competent authority of the Accounts Wing. The broad classification of receipts and charges of the Board shall be as indicated below: (a) Receipts: (a) Revenue Account: (i) Receipts from the Palm Products Industry Schemes. (ii) Grant from Khadi and Village Industries Commission. (iii) Grant from State Government. (iv) Grant from other bodies. (v) Interest and other miscellaneous receipts. (vi) Deduct refunds. (b) Loans and advances account: (i) Recoveries of loans and advances from co-operatives, registered institutions, local bodies, etc. (ii) Recovery of loans and advances from Board servants. (c) Board's debt account: (i) Loans and advances from Khadi and Village Industries Commission. (ii) Loans and advances from State Government. (iii) Other loans. (d) Deposit Account: General Provident Fund, Security Deposit, etc. Charges: (a) Revenue Account. (b) Capital Account. (c) Loans and Advances by the Board. (d) Board's Debt Accounts: (i) Repayment of loans and advances to the Khadi and Village Industries Commission. (ii) Repayment of loans and advances to the State Government. (iii) Repayment of other loans. (e) Deposits and advances account. General Provident Fund, Security Deposit, Festival Advance, Permanent Advance, Departmental Advance, etc. (2) The Board shall prepare an annual statement of accounts including the profit and loss accounts and the balance sheets in such form as may be prescribed as required under sub-section (1) of section 2 of the Act within five months after the final and supplemental accounts for the financial year are closed. (3) The Board shall keep at its

office proper books of accounts in respect of-(a)all sums of money received and expended by the Board;(b)all loans and grants received and paid by the Board including repayments and refunds;(c)all sales and purchases of goods by the Board; and(d)assets and Liabilities of the Board.II. Audit. - (1) The accounts of the Board shall be audited by an auditor duly qualified to act as an auditor under sub-section (1) of section 226 of the Companies Act, 1956 (Central Act 1 of 1956) who shall be appointed by the Board with the approval of the Government and shall receive such remuneration as the Board may fix.(2)The audit shall be extended back to the last date of the previous audit and shall be carried upto the last date of the financial year immediately proceeding the audit.(3)The auditor shall be supplied a copy of the annual accounts of the Board and it shall be his duty to examine it together with the books and vouchers relating hereto and he shall have a list delivered to him of all books kept by the Board.(4)The auditor shall, at all reasonable times, have access to the books accounts, vouchers and other document of the Board.(5)The auditor may, in relation to such accounts, examine any past or present member, officers or other employees of the Board and shall be entitled to enquire from the Board, such member, officer or other employees and obtain information and explanation as he may think necessary for the performance of his duties.(6)(i)The auditor shall make a report to the Board and certify the correctness of statements and accounts prepared in respect of -(a)all sums of money received and expended by the Board;(b)all loans and grants received and paid by the Board including repayments and refunds;(c)all sales and purchases of goods by the Board; and(d)valuation and verification of assets and liabilities of the Board.(ii)He shall also furnish to the Board along with his report the following, viz., whether in his opinion and to the best of his information and according to the explanation given to him the said accounts give a true and fair picture, -(a)in the case of the balance sheet as at the end of the financial year, and(b)in the case of profit and loss account, of the profit or loss for the financial year.(iii)The auditor who does the audit also state in his report -(a)whether he has obtained all the informations and explanations which in the best of his knowledge and were necessary for the purpose of his audit;(b)whether, in his opinion, proper accounts and books as required by the Act and these rules have been kept and regularly maintained by the Board so far it appears from the examinations of those books; and(c)whether the Board's balance sheet and profit and loss account are in agreement with the accounts, books returns.(7)Where any of the matters referred to in the above sub-rule is answered in negative or with a qualification, the person who does the audit shall specify the reasons for such answer in his report.(8)The audit report shall contain schedules with full particulars of -(i)all transactions which appear to be contrary to the provisions of the Act and these rules;(ii)all sums which ought to have been but have not been brought into account by the Board;(iii)any material impropriety or irregularity in the expenditure or in the realisation of moneys due to the Board; and(iv)any money or property belonging to the Board which appears to be bad or doubtful debts.(9)Any other information as may be required by the Board in this behalf.(10)Such certified accounts and audit report furnished by the auditor to the Board shall, as soon as possible after they are so furnished, be forwarded to Government for being placed on the table of the State Legislature.(11)On receipt of the report from the auditor, the Board shall forthwith remedy the defect or irregularity that may be pointed out by the auditor and shall report to the Government the action taken by it thereon within a reasonable time from the date of receipt of the report of the auditor:Provided that if there is any difference of opinion between the Board and the auditor or if the Board does not remedy any defect, irregularity within a reasonable period or render satisfactory information in regard to the defect or irregularity, the Government, on a reference

specifically made therefor by the auditor, pass such orders thereon as they may deem fit and the Board shall, thereafter, take action in accordance therewith in such time as may be specified by the Government.(12)Without prejudice to anything contained in the proceeding rules, the Government may, at any time, appoint an auditor to examine and report upon the accounts of the Board and any expenditure incurred by such auditor in connection with such examination and report shall be payable by the Board.(13)The accounts of the Board as certified by the auditor and the audit report thereon shall be forwarded by the Board annually to the Government and Khadi and Village Industries Commission before the 31st October of the following year:Provided the Government may give such further extension of time as they may consider necessary for any reason.

12. Conditions subject to which and the mode in which contracts may be entered into by, or on behalf of, the Board.

(1)The Board shall follow the provisions of Article 51 of the Tamil Nadu Financial Code when entering into contract for, and on behalf of, the Board. - The form of contract and tenders used by the Government Departments may be accepted with suitable modifications as may be considered necessary by the Board.(2)The Board may delegate to the President, Vice President, Chief Executive Officer or any officer of the Board any power as it may think fit for entering into contract subject to such power contracts may be entered into and made on its behalf.(3)The President, Vice-President, Chief Executive Officer or any officer of the Board or any officer shall not be liable for any bona fide assurance or contract and it shall discharge only from the moneys at the disposal of the Board.

13. Return, Reports, Statements, etc., to be submitted.

(1)The programme for the promotion of palm products industry in the form of a note in Annexure-I and the stand required therefore in the forms specified in Annexure-II to be submitted to the Government along with the budget on or before the 31st January.(2)If the programme includes a number of proposals, an abstract of all the proposals shall be prepared and submitted to the Government together with notes on individual proposals.(3)The form of the supplementary programme shall be in the same form as prescribed in the sub-rule (1) and shall be submitted to the Government along with the supplementary budget on or before the 31st January of each year.(4)(a)The annual report specified in sub-section (2) of section 26 of the Act should be submitted by the Board to the Government not later than the 1st October of the following year and it shall be in such form as the Government may, from time to time, direct and contain particulars, among others, in respect of the following, viz. -(1)Budget provision and actuals of expenditure.(2)Production and sale of palm products.(3)Export of edible products such as Nungu, Jaggery, etc. and non-edible products, such as Palm Stalks Leaf articles, etc.(4)Employment statistics, and(5)Training of personnel.(b)The Board shall submit to the Government and to such other authority as they may specify, -(i)monthly statement of accounts relating to disbursements made by the Board;(ii)monthly statement of accounts relating to withdrawals from Palm Products Industry Fund; and(iii)quarterly progress report on production and sale of palm products specified or deemed to be specified under the Act.(c)The monthly reports and statements shall be submitted to the Government not later than the 20th of the following months and the quarterly reports not later than the 20th of the month following quarter. Annexure I (See rule 13) Subject

Head of account	Summary of cost		
Ultimate cost	Cost in (Net.)		
Recurring	Non-Recurring		
(1)	(2)	(3)	(4)
	Rs.	Rs.	Rs.

Expenditure heads

Total Gross Cost

Receipts heads, if any

Departmental Receipts

Grant from Khadi and Village Industries Commission

Total Net Cost

Annexure II(See rule 13)Form IStatement of Sanctioned Post in Each Permanent and Temporary Establishment (Both Gazetted and Non-Gazetted)Class or Category of establishments:Details of appointment in each class or category:Scale of pay:Number of persons at each rate of pay:Pay that will be drawn on 1st April next:Provisions to be made in the budget estimates with ensuring financial year on account of each class or category of officers or subordinates:Authority for change in the strength or scale of pay as compared with the current year's budget estimates:Remarks:Annexure II(See rule 13)Form IIStatement Affixed Allowances

1. Name of office and designation of the Department:

2. Station:

3. Pay of the appointment:

4. Nature of allowance attached (whether local, presidency, house rent allowance, fixed travelling allowances, etc.):

5. Amount of fixed allowance:

6. Provision to be made in the budget estimates of the ensuring financial year for each class or category:

7. Authority for change in the number of amount as compared with the current year's budget estimates, board's order number and date

8. Remarks: