

The Rajasthan State Warehousing Corporation Rules, 1975

RAJASTHAN

India

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Rule

THE-RAJASTHAN-STATE-WAREHOUSING-CORPORATION-RULES-1975 of 1975

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The Rajasthan State Warehousing Corporation Rules, 1975 Published vide Notification No. GSR 258 (35)/F. 5(6) Co-op./1/70, dated 2-12-1975, Published in Rajasthan Gazette, Part 4-C (1), Extraordinary, dated 4-3-1976 In exercise of the powers conferred by Section 41 of the Warehousing Corporation Act, 1962 (Central Act 58 of 1962) the Government of Rajasthan hereby makes the following rules, namely:-

Chapter I Preliminary

1. Short title and commencement.

- These rules may be called the Rajasthan State Warehousing Corporation Rules, 1975 and shall come into force from the date of publication in the Rajasthan Rajpatra.

2. Definitions.

- On these rules unless the context otherwise requires: (a) 'Act' means the Warehousing Corporation Act, 1962 (Central Act 58 of 1962); (b) 'General Fund' means the General Fund referred to in sections 15 and 17 of the Act; (c) 'Board' means the Board of Directors of the Rajasthan State Warehousing Corporation constituted under Section 20 of the Act; (d) 'Chairman' means the Chairman of the Board appointed under sub-section (2) of section 20 of the Act; (e) 'Corporation' means the Rajasthan State Warehousing Corporation established under section 18(1) of the Act; (f) 'Director' means a Director of the Board; (g) 'Executive Committee' means the Executive Committee of the

Rajasthan State Warehousing Corporation constituted under subsection (1) of section 25 of the Act;(h)'Forms' means Form appended to these Rules;(i)'Government' means the Government of Rajasthan;(j)'Section' means the section of the Act;(k)'Managing Director' means the Managing Director of the Rajasthan State Warehousing Corporation appointed under clause (c) of sub-section (1) of section 20 of the Act;(l)'Warehousing Fund' means the Central Warehousing Fund referred to in section 15 of the Act.

Chapter II

Nomination of directors of State Warehousing Corporation

3. Nomination of Directors.

(a)Five Directors shall be nominated by the Central Warehousing Corporation out of whom one shall be in consultation with the State Bank and one at least shall be a non-official.(b)Five Directors shall be nominated by the State Government from amongst the following-(i)[the Secretary to Government, Agriculture Department, Rajasthan] [Amended by Order No. P. 5(84) Agri.-1/56, dated 14-11-1995, Published in Rajasthan Gazette, Extraordinary, Part I-B, dated 7-12-1995, page 179, w.e.f. 8-8-1995.];(ii)a representative of Finance Department, Government of Rajasthan, at least of the status of Deputy Secretary;(iii)the Registrar or Additional Registrar, Co-operative Societies, Rajasthan;(iv)a representative of Food Department, Government of Rajasthan;(v)the Director of Agriculture;(vi)the Chairman, Rajasthan State Co-operative Bank;(vii)a representative of the Traders;(viii)a representative of the producers;(c)The Chairman of the Board of Directors shall be appointed by the State Government from amongst the Directors of the State Warehousing Corporation [under intimation to] [Substituted by Notification No. F. 8(2) Agri./I/2002, dated 3-5-2002, Published in Rajasthan Gazette, Extraordinary, Part 4-C(I), dated 4-5-2002, page 24 for the words 'with the previous approval of'.] the Central Warehousing Corporation.(d)The Managing Director shall be appointed by the Government in consultation with the Directors referred to in sub-rules (a) and (b) and [under intimation to] [Substituted by Notification No. F. 8(2) Agri./I/2002, dated 3-5-2002, Published in Rajasthan Gazette, Extraordinary, Part 4-C(I), dated 4-5-2002, page 24 for the words 'with the previous approval of'.] the Central Warehousing Corporation.

4. Term of office and filling up of casual vacancies among the members of the Board of Directors of the State Warehousing Corporation.

- (i) The term of office of every Director nominated under sub-sections (a) and (b) of section 20(1) of the Act shall, in the case of an Official Director, be for a period for which he continues to hold office, and shall in other cases, be 3 years from the date of his appointment:Provided that it shall be open to the authority competent to nominate the Directors (Official and Non-Official) to rescind or modify the nominations at any time or re-nominate a Director for a further period of 3 years or till a successor is nominated in his place, whichever is later.(ii)Vacancies of the Office of Director shall be filled up by nomination by the authority competent to nominate.(iii)A Non-Official member on the Board or the Executive Committee may resign his office as such member by writing under his hand

addressed to the Chairman of the Corporation and such resignation shall be effective from the date on which it is accepted by the Board.

5. [Election of Directors to Executive Committee of State Warehousing Corporation. [Substituted by Notification No. F. 5(9) Coop/76-Pt-III, dated 24-5-1980, Published in Rajasthan Gazette, Part 4-C, dated 21-8-1980, page 133.]

- Out of the three directors to be chosen by the Board under clause (c) of sub-section (1) of Section 25 of the Act two shall be from amongst the directors referred to in rule 3(b)(i) to (v) and one shall be from amongst the directors referred to in rule 3(a).]

6. Sub-committees.

- The Board may appoint as many Sub-Committees as it may deem necessary from amongst the Directors, for the efficient performance of its functions.

Chapter III

Shares of the State Warehousing Corporation

7. Shares movable property.

- The shares of the State Warehousing Corporation shall be movable property.

8. [Authorised capital. [Substituted by Notification No. GSR 139/F. 1(16) Co-op./76, dated 13-9-1978, Published in Rajasthan Gazette, Part 4(C)(I), Extraordinary, dated 30-11-1978.]

- The authorised capital of the State Warehousing Corporation shall be 3 crores of rupees made up of 3,00,000 shares of Rs. 100/- each or such as may be notified by the Central Government in the Official Gazette from time to time.]

9. Conditions of first allotment of shares.

- (i) Subject to the provisions of the Act and these Rules, of the Corporation shall be under the control of the Board.(ii)The allotment of the shares shall be made by the Board in accordance with the provisions of sub-section (1) of Section 19 of the Act.(iii)The Board may make allotment of shares either in full or in part depending on the number of shares to be issued by the Corporation.(iv)The decision of the Board as to whether on a particular application for shares, there shall be full, partial or no allotment shall be final.

10. Share Register.

- The Corporation shall maintain at the Head Office, a register of shares issued and shall maintain therein such particulars as may be deemed necessary by the Board.

11. Share certificate.

(1) Every share certificate shall be issued under the common seal of the Corporation. (2) Every share certificate shall specify its number and denote the distinctive numbers of shares in respect of which it is issued and shall be issued within three months from the date of application for shares.

12. Share holders entitled to one share certificate.

- The Central Warehousing Corporation and the State Government shall each be entitled free of charge to one certificate for all shares issued from time to time.

13. Renewal of share certificate.

- If any share certificate is torn out or defaced, it shall be presented at the Head Office of the Corporation and the Corporation may order the same to be cancelled and may issue a new certificate in lieu thereof. If any share certificate is alleged to be lost or destroyed, then on receipt of intimation of the loss or destruction, the Corporation may issue free of charge, a new certificate in lieu thereof.

14. Installments on shares to be duly paid.

- If, by the conditions of allotment of any share, the whole or part of the amount or issue price thereof is payable in installments, every such installment shall when due, be paid to the Corporation by the allottee who, for the time being shall be registered holder of the share.

15. Calls.

- The Board may, from time to time, make such calls, as it thinks fit, upon the share-holders in respect of all moneys unpaid on shares held by them and not by the conditions of allotment thereof made payable at fixed times and each share-holder shall pay the amount of every call so made on such share-holder to the person and at the time and places appointed by the Board of Directors.

16. When the calls deemed to have been made.

- A call shall be deemed to have been made at the time when the resolution of the Board authorising such call was passed and the sanction of the State Government for the issue of share capital, after approval of the Central Warehousing Corporation, is issued.

17. Payment of calls in advance.

- The Board may, if it thinks fit, receive from any share-holder willing to advance the same, all or any part of the capital due upon the shares held by such member beyond the same actually called for, and upon the, amount so paid in advance, or so much thereof as from time to time, exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Corporation may pay interest at such rate as the share-holder paying such sum in advance and the Board agreed upon.

18. If call or installment not paid, notice may be given.

- If any share-holder fails to pay any call or installment on or before the day appointed for the payment of the same the Board may at any time thereafter, during such time as the call or installment remains unpaid serve a notice on such share-holder requiring such share-holder to pay the same.

19. Form of notice.

- The notice shall name a day and a place or places on and at which such a call or installment is to be paid. The notice shall also state that in the event of non-payment at or before the time and at the place appointed, the shares in respect of which the call was made or installment is payable shall be liable to be forfeited.

20. If notice not complied with shares may be forfeited.

- If the requisitions of any such notice as aforesaid are not complied with, any shares in respect of which such notice has been given may, at any time thereafter, before payment of all calls or installments, interest and expenses due in respect thereof be forfeited by a resolution of the Board to that effect. Such forfeiture shall include all dividends declared in respect of the forfeited shares and not actually paid before the forfeiture.

21. Dividend.

- (i) Dividend may be declared at the discretion of the Board out of the net profits of the Corporation.(ii)The dividends shall be payable in proportion to the amount paid up by each share-holder before the expiry of the year for which the dividend is declared:Provided that in case shares have been allotted or calls made in the course of the year for which the dividend is declared, the dividend shall be payable only in proportion to the period of the year remaining after the date of receipt of the share money.(iii)Dividends shall not bear any interest.

Chapter IV

Miscellaneous

22. Maintenance and operation of Banks Accounts and investment.

- (i) Subject to the provisions of this rule, all moneys belonging to the Corporation shall be deposited to the Account of the Corporation in the Reserve Bank of India or the State Bank of India or any subsidiary of the State Bank of India or, subject to the sub-rule below, in such Schedule Nationalised Bank or Co-operative Bank, as may be approved for the purpose by the State Government: Provided that Current Saving Account may be opened with the Reserve Bank of India or State Bank of India or its subsidiaries, the Nationalised Banks or Co-operative Banks but the cash in such accounts should not exceed such amount as may be fixed from time to time by the Executive Committee. (ii) [All payment except those made to the employees of the Corporation in respect of their salaries and allowances, by or on behalf of the Corporation shall be made by cheques or demand drafts except for amounts not exceeding Rs. 500/- which may be made in cash from the amount of imprest sanctioned for such purpose.] [Substituted by Notification No. F. 5(9) Agri./Gr. IV/Coop/Part III/76, dated 10-4-1987, Published in Rajasthan Gazette, Part 4-C(I), dated 13-8-1987, page 162.] (iii) [Such cheques and all orders for making deposits or investment or for the withdrawal of the amounts from the Banks and P.D. Accounts, the officers of the Corporation may be authorised to operate the accounts as below:- [Substituted by Notification No. F. 5(9) Coop/Part III/76, dated 7-2-1985, Published in Rajasthan Gazette, Part 4-C(I), dated 28-2-1985, page 413.]

- | | | |
|------|-----------------------|---|
| (i) | Upto Rs.
10,000/- | Sr. Accounts Officer (Accounts officer or Assistant Accounts Officer in absence of Sr. Accounts Officer)

And

Secretary Deputy Director Administration.

Or

Deputy Director (Plan & Business) |
| (ii) | Above Rs.
10,000/- | Managing Director (Secretary in absence of Managing Director and in absence of both Managing Director and Secretary, Deputy Director Plan & Business)

And

Sr. Accounts Officer (Accounts Officer in absence of Sr. Accounts Officer)] |

(iv) No payment shall be made out of the accounts of the Corporation unless the expenditure is covered by the financial estimates referred to in section 26 of the Act, provided, however, that the Executive Committee of the Corporation may, in its discretion, authorise expenditure in anticipation of such estimates. The statement of expenditure so incurred shall be submitted to the Board at its next meeting: Provided further that re-appropriation from one head of expenditure to another or from a provision made for one scheme to that of another may be made as under:-

Chairman	Managing Director
From one group head to another group head noted below:-	Within group heads noted below:-

(a)	Headquarter	(a) Headquarter
	(i) Capital	(i) Capital
	(ii) Non-recurring	(ii) Non-recurring
	(iii) Recurring	(iii) Recurring
(b)	Field Staff	(b) Field Staff
	(i) Non-recurring	(i) Non-recurring
	(ii) Recurring	(ii) Recurring

The re-appropriation will be subject to the condition that re-appropriation from Capital or non-recurring to recurring will require the sanction of the Executive Committee.(v)All monetary transactions shall be entered in the Cash Book as soon as they occur and shall be attested by an officer of the Corporation duly authorised in this behalf. The Cash Book shall be closed daily and completely checked by the Managing Director or the officer authorised by him in this behalf. At the end of each month, the Managing Director or the officer so authorised, shall verify the cash in hand and record a signed and dated certificate to that effect.(vi)All payments by the Corporation shall be made on bills or other documents duly prepared and passed by the Managing Director or other officer authorised in this behalf. The paid vouchers shall be stamped "Paid" or so cancelled that they cannot be used a second time. They should then be kept serially numbered and produced at the time of audit.

23. Deposit in Bank or investment in securities of surplus funds.

- (i) Any funds of the Corporation not required for current expenditure may, subject to such general or special directions, if any, given by the State Government, in this behalf, be placed in fixed deposits with the Reserve Bank of India or State Bank of India or any scheduled or Co-operative Bank approved in this behalf by the State Government or invested in the name of the Corporation in interest bearing deposits or securities of the Central or State Government keeping in view the twin objectives of safety and return on investment.(ii)The placing of money in fixed deposit and the investment thereof and the disposal of money so placed or invested shall require the sanction of the Executive Committee of the Corporation:Provided that short-term call deposits and fixed deposits for a period of less than one year may be made by the Managing Director.(iii)The Managing Director may raise loan against fixed deposit receipts from the Banks as and when necessary.

24. Annual statement of accounts and balance sheet.

- The Board shall cause the books of the Corporation to be balanced on the last working day of the month of March in every year and the annual Accounts shall be set out as follows:-(a)Balance-Sheet in Form "A".(b)Profit and Loss Account in Form "B".(c)[Profit & Loss Appropriation Account in Form "C".] [Inserted by Notification No. P. 8(6) Agri/I/96, dated 15-4-1999, Published in Rajasthan Gazette, Part 4-C(I), dated 4-11-1999, page 33.]

25. Additional functions of the State Warehousing Corporation.

- (i) Disinfestation Service. - The Corporation may in its discretion and on the request of the parties concerned, undertake disinfestation service outside its Warehouse, in respect of agricultural produce or notified commodities as defined in section 2 of the Act.(ii)Service as agent. - The Corporation may, in its discretion act as agent on behalf of the Government or private company defined in section 617 of the Companies Act, 1956 (Central Act 1 of 1956) or a body corporate established by an Act of Parliament or of a State Legislature or a Co-operative Society, for the purpose of purchases, sales, storage and distribution of agricultural produce, seeds, fertilisers, manures, agricultural implements and notified commodities as defined in section 2 of the Act.

26. Repeal.

(1)The Rajasthan State Warehousing Corporation Rules, 1967, and the Rajasthan State Warehousing Corporation (General) Regulations, 1962, to the extent covered by these Rules, are hereby repealed.(2)Such repeal shall not however, in any way affect anything previously done or action previously taken under or in pursuance of the existing rules so repealed.[Form 'A'] [Form A & Form B substituted by Notification No. P. 8(6) Agri/I/96, dated 15-4-1999, Published in Rajasthan Gazette, Part 4-C(I), dated 4-11-1999, page 33.]Rajasthan State Warehousing Corporation, JaipurBalance Sheet as at 31st March

Figures for the previous year	Capital & Liabilities	Schedule	Figures for the current year	Figures for the previous year	Properties and Assets	Schedule	Figures for the current year
Rs. P.	Rs. P.	Rs. P.	Rs. P.				
	Share Capital Reserve & surplus				Fixed Assets Gross Block		
	Loans				Less: Depreciation		
	Current liabilities & provisions				Net Block		
					Add: Capital Work in progress Investment Current assents, loans and advances		

	Notes on accounts				Notes on accounts		
Sr. Accounts Officer	Managing Director	Chartered Accounts	Chairman	Directors			
[Form 'B'] [Form A & Form B substituted by Notification No. P. 8(6) Agri/I/96, dated 15-4-1999, Published in Rajasthan Gazette, Part IV-C(I), dated 4-11-1999, page 33.]Rajasthan State Warehousing Corporation, JaipurProfit and Loss Account for the Year Ended 31st March							
Figures for the previous year	Particulars	Schedule	Figures for the current year	Figures for the previous year	Particulars	Schedule	Figures for the current year
Rs. P.	Rs. P.	Rs. P.	Rs. P.				
1	2	3	4	5	6	7	8
	Pay, Allowances, Bonus and other amenities to staff.				Warehousing Charges		
	Misc. Office & other expenses				Income from D.E.S.		
	Financial & Service				Other Income		
	Charges, Rent, Rates & Taxes				Interest		
	Chemical consumed				(i) On deposits		
	Business Loss				(ii) On loan to Staff		
	Bad Debts						
	Provision for Bad & Doubtful Debts						
	Loss on Sale of Assets				Supervision Charges		
	Depreciation				Misc. Income		
	Profit of Appropriation A/c				Profit on sale of Assets		
Sr. Accounts Officer	Managing Director	Chairman		Directors	1.2.		
		Chartered Accounts					

[Form 'C'] [Inserted by Notification No. P. 8(6) Agri/I/96, dated 15-4-1999, Published in Rajasthan Gazette, Part 4-C(I), dated 4-11-1999, page 33.] Rajasthan State Warehousing Corporation, Jaipur Profit and Loss Appropriation Account for the Year Ended 31st March

Figures for the previous year	Particulars	Figures for the current year	Figures for the previous year	Particulars	Figures for the current year
Rs. P.	Rs. P.	Rs. P.	Rs. P.		
1	2	3	4	5	6
	Adjustment pertaining to previous year			Balance as per last Balance Sheet	
	Proposed dividend for the year			Profit for the year	
	Self-Indemnification Reserve Fund			Adjustment pertaining to previous year	
	Reserve under Section 30(1)			Excess provision written back	
	Balance carried to Balance Sheet			Excess liability written back	
Sr. Accounts Officer	Managing Director	Chairman		Directors	(1)(2)
		Chartered Accounts			