

GOVERNMENT OF INDIA

MINISTRY OF AGRICULTURE & FARMERS WELFARE

DEPARTMENT OF AGRICULTURE, COOPERATION AND FARMERS WELFARE

Subordinate Legislation under

The Coconut Development Board Act, 1979

(5 of 1979)

(As amended up to 31.12.2010)

THE COCONUT DEVELOPMENT BOARD RULES, 1981

1* G.S.R.34(E) dated the 28th January 1981- In exercise of the powers conferred by Section 19 of the Coconut Development Board Act, 1979 (5 of 1979), the Central Government hereby makes the following Rules, namely:-

CHAPTER I

Preliminary

Short title and commencement:- (1) These Rules may be called the Coconut Development Board Rules, 1981.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions:- In these Rules, unless the context otherwise requires-

- (a) "Act" means the Coconut Development Board Act, 1979 (5 of 1979);
- (b) "Committee" means any of the Committees appointed by the Board under Section 9;
- (c) "Secretary" means the Secretary to the Board;
- (d) "Section" means a Section of the Act;
- (e) "Vice Chairman" means the Vice Chairman of the Board;
- (f) "Chief Coconut Development Officer" means the Chief Coconut Development Officer appointed under sub-section (2) of Section 7;

(g) The words and expressions used and not defined, but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II

The Board and its Committees

3. Manner of filling vacancies among members:-

(1) The Central Government may make such consultations as it may think fit, before appointing the representatives of the interests specified in clauses (f), (i), (j) and (k) of sub-section (4) of Section 4.

(2) When a member of the Board dies or resigns or is deemed to have resigned or is removed from office or becomes incapable of acting, the Central Government may by notification in Official Gazette appoint a person to fill that vacancy:

Provided that where the vacancy is one which was held by the outgoing member by virtue of his membership of Parliament under clause (e) of sub-section (4) of Section 4, the appointment of the next incumbent of that vacancy shall be on the basis of fresh election by that House of Parliament to which the outgoing member belonged.

4. Term of office of members:- (1) Save as hereinafter provided -

1* Published in the Gazette of India, Extraordinary, 1981; Part II, Section 3(i), Sl.No.27

- (i) a member shall hold office for a period not exceeding three years from the date of his appointment.
- (ii) a member appointed under sub-section (4) of Section 4 shall cease to be a member of the Board if he ceases to be a member of the House of Parliament by which he was so elected, or cease to represent the category/interest from which he was so appointed:

Provided that a member shall be eligible for re-appointment.

(2) A person appointed to fill a casual vacancy under sub-rule (2) of Rule 3 shall hold office so long as the member whose place he fills would have been entitled to hold office, if the vacancy had not occurred.

5. Resignation:- (1) The office of a member shall fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt of intimation of resignation, whichever is earlier.

(2) The power to accept the resignation of a member shall vest in the Chairman, who on accepting the resignation, shall report that to the Board at its next meeting.

6. Removal from the Board:- The Central Government may remove any member from the office-

- (a) if he is of unsound mind and stands so declared by a competent court; or
- (b) if he is an undischarged insolvent; or
- (c) if he is convicted of an offence involving moral turpitude; or
- (d) if without the leave of the Chairman, he fails to attend three consecutive meetings of the Board.

7. Absence from India:- (1) Before a member of the Board goes out of India -

- (a) he shall intimate the Secretary the date of his departure from and the date of his expected return to India;
- (b) if he intends to be absent from India for a period longer than six months, he shall tender his resignation.

8. Membership Roll:- The Secretary shall keep a record of the names of members and their address.

9. Change of address:- A member shall keep the Secretary informed of any change in his address and if he fails to inform the change of address, the address in the official records shall for all purposes be deemed to be his correct address.

***10. Chairman:-** The post of Chairman shall be filled in accordance with the following method and qualifications, namely:

- (i) Method of recruitment:- On deputation (including short-term contract).
- (ii) Qualifications, experience, etc.:- From amongst officers of the Central Government or State Governments or Union Territories or recognized research Institutions or Agriculture Universities or Public Sector Undertakings –

(a) holding post on regular basis in the grade of Joint Secretary to the Government of India; or

(b) with five years regular service in a post in the pay band or pay scale of ₹37,400-67,000 (PB-4) and grade pay of ₹8,700 or equivalent and possessing educational qualifications and experience as under:

Ph.D in Horticulture or life sciences from a recognized University with at least 15 years experience in horticulture development/research/production/extension including five years experience in the field of coconut development; or

*Amended vide G.S.R.457(E) dated 28.05.2010 published in the Gazette of India: Extraordinary, Part II – Section 3 - Sub Section (i) - No.298 dated 1.06.2010.

Master's degree in management with at least twenty years managerial experience including ten years in horticulture development of which five years experience should be in the field of coconut development.

Note: The period of deputation shall ordinarily not exceed five years or till the candidate attains the age of sixty years, whichever is earlier.

11. Vice-Chairman:- (1) The Board shall elect, in each year from amongst its members, a Vice-Chairman for a period of twelve months commencing from the date of his election, or if the election is held before the expiry of the term of office of an existing Vice-Chairman, from the date on which such Vice-Chairman, would vacate the office.

***(2)** If a casual vacancy occurs in the office of the Vice-Chairman on account of resignation or his ceasing to be a member or otherwise, the Board shall, at its next meeting, elect another member to be the Vice-Chairman from amongst its members who shall hold office for the full term of twelve months or till the expiry of his term as member of the Board, whichever is earlier.

CHAPTER III

Travelling and other Allowances to members of the Board/Committee under the Board and persons Associated by the Board

12. Travelling and other allowances to members of the Board and its committees and persons associated with the Board under Section 4(8) or co-opted as member of its committees under Section 9(2):- (1) A member of the Board or its committee or a person associated with the Board under Section 4(8) or a person co-opted as a member of a committee under Section 9(2), other than a Government servant, shall be entitled to draw in respect of any journey performed by him for the purpose of attending a meeting of the Board

or of a duly constituted committee thereof, or for the purpose of discharging any duty assigned to him by the Board or the committee concerned, travelling allowance and daily allowance at the highest rates admissible to Government servants of the first grade under the rules and orders made by the Central Government and for the time being in force:

Provided that, the payment of travelling allowance and daily allowance to the Members of the Parliament shall be regulated in accordance with the Salary, Allowances and Pension of Members of Parliament Act, 1954.

(2) In the case of any journey performed by an official of the Central or the State Government specially nominated by the Board to serve on any ad-hoc committee or any other committee or to attend to any other business of the Board, the travelling and daily allowances admissible to him shall be payable by the Board, at the rates admissible to him under the rules of the Government under which he is for the time being employed.

(3) No travelling allowance or daily allowance, shall be allowed to a member of the Board or its committee or any other person associated by the Board or co-opted by its committee unless he certifies that he has not drawn any travelling or daily allowance from any other source in respect of the journey and halt for which the claim is made.

(4) Travelling allowance shall be payable from the usual place of residence of a member or the person entitled under these Rules, to the place of the meeting or the place where he has gone to attend to any business of the Board or any of its committees and back to his place of residence:

Provided that, when the journey commences from or the return journey terminates at any place other than his usual place of residence, the travelling allowance shall be limited to the amount

*Amended vide S.O.136 dated 31.12.2010 published in the Gazette of India, Part II – Section 3 – Sub-section (ii) dated 15.01.2011.

that would have been payable had the journey commenced from or terminated at the usual place of residence; or to the amount payable in respect of the actual journey undertaken whichever is less:

Provided further that, in special circumstances and with previous approval of the Central Government, the Chairman may grant travelling allowance from places other than the usual place of residence of a member.

(5) The Chairman shall be the controlling officer for the purpose of travelling and daily allowance of the members of the Board or of any committee or the persons associated with the Board or co-opted as member of any committee.

13. Conveyance Allowance:- No conveyance allowance for attending meetings of the Board or any of the committees of the Board or for attending to any other business of the Board, shall be paid to those members or persons who draw travelling or daily allowance:

Provided that, a member or a person who is resident at a place where the meeting of the Board or any of the committees is held or where any other business of the Board is transacted, may be paid the actual expenditure incurred on conveyance by him subject to a maximum of rupees ten per day.

14. Payment of fees:- Fees may be paid up to a limit of ₹1000/- to a person associated by the Board or to a person co-opted as a member of a committee of the Board for special work of occasional or intermittent character, in furtherance of the objectives of the Board and in compliance with any of the provisions of the Act:

Provided that, the admissibility of fees and its quantum in each case will be decided in accordance with the relevant rules and orders framed by the Central Government.

Provided further that, fees beyond the limit of ₹1000/- to one person during a year can be sanctioned only with the prior approval of the

Central Government.

15. Travelling and daily allowances etc. for the journey undertaken outside India:- No travelling allowance for any journey undertaken outside India shall be paid to any member of the Board or any Committee or any person associated with the Board or co-opted as member of any Committee:

Provided that, if any member of the Board or any Committee with the previous consent of the Central Government, travels outside India in the interest of the Board, he shall be entitled to receive travelling and other allowances at such rates as may be sanctioned by the Central Government from time to time for non-official members of a delegation sent by it outside India.

CHAPTER IV

The Board and its Establishment

16. Board's Establishment:- (1) The Board may subject to availability of funds either by inclusion of a specific budget provision for the purpose or by savings under an appropriate head or by valid re-appropriation, sanction posts as provided for under Section 7(6) and in accordance with the Staff Regulations framed for the purpose with the approval of the Central Government, if in its opinion such creation of posts is considered necessary for the efficient performance of its functions:

Provided that no post carrying a pay or a scale of pay the maximum of which is above ₹1300/- per mensem shall be created and appointments made thereto without the previous sanction of the Central Government:

(2) Subject to the conditions specified in sub-rule (1) -

- *(a) the Chairman may make appointments to Group "C" posts;
- (b) the Chairman may make appointments to Group "D" posts also.

*Amended vide S.O.136 dated 31.12.2010 published in the Gazette of India, Part II – Section 3 – Sub-section (ii) dated 15.01.2011.

17. Abolition of posts:- The Board may abolish any post which it is competent to create.

18. Filling of posts by direct recruitment:- All vacancies in the rank of officers carrying a pay, or a scale of pay, the maximum of which is above ₹1200/- per mensem or in any other posts, classified as technical posts, to be filled by direct recruitment, shall be advertised, and all vacancies in other ranks shall be notified to the local Employment Exchange concerned, and other agencies, in accordance with rules and regulations in force in respect of vacancies under the Central Government and appointments shall be made from among the persons making application in pursuance of the advertisement or the candidates recommended by the Employment Exchange, as the case may be.

19. Filling of posts by promotion:- In filling vacancies by promotion in respect of the categories of posts referred to in sub-rule (2) of Rule 16, the Chairman shall consider the claims of all candidates eligible for promotion to such posts.

20. Pay, leave, allowance, etc.:- The pay, leave, allowances, pension and retirement benefits, and other conditions of service and other facilities and concessions such as advances of pay, advances for purchase of conveyances, construction of houses and the like, in respect of all employees appointed by the Board, shall be regulated in accordance with such rules and regulations as are for the time being applicable to officers and employees of the Central Government of the corresponding grades or status stationed at those places, till separate regulations are made by the Board.

21. Posting and transfers:- Posting and transfers of all officers and employees of the Board shall be made by the Chairman in accordance with the staff Regulations framed with the approval of the Central Government but the Chairman may delegate this power to the other officers of the Board subject to such conditions as he thinks fit.

22. Sending persons abroad:- The Board shall not send any officer of the Board or any member of the Board to places outside India without the previous sanction of the Central Government.

CHAPTER V

Powers of the Board, the Chairman and the Secretary

23. Power to incur expenditure:- (1) Subject to the provisions of the Act and their rules and the rules made and orders issued by the Central Government relating to revenue and expenditure for the time being in force, the Board may incur such expenditure as it may think fit on items provided for and within amounts sanctioned by the Central Government, in the budget.

(2) The re-appropriations between sub-heads and heads of expenditure may be made by the Board.

(3) The Board shall not incur expenditure outside India on any item without the previous sanction of the Central Government.

24. Contracts:- (1) The Board may enter into any contract for the discharge of the functions entrusted to it under the Act:

Provided that -

(a) every contract which extends over a period of more than three years or involves an expenditure in excess of rupees one lakh; and

(b) every agreement or contract for technical collaboration or consultation services with firms or foreign Governments shall require the previous sanction of the Central Government.

(2) Contracts shall not be binding on the Board unless they are executed by the Chairman or any officer authorized by the Board.

(3) Neither the Chairman nor any officer of the Board nor any member thereof shall be personally liable under any assurances or contracts made by the Board and any liability

arising under such assurances or contract shall be discharged from the moneys at the disposal of the Board.

25. Delegation of powers:- (1) The Board shall have power to delegate to a committee such powers as it deems fit.

(2) Every committee appointed by the Board shall exercise the powers conferred on it by or under the Act, subject to such instructions, directions or limitations, if any, as may be defined by resolution of the Board and all acts of every committee shall be subject to the control of the Board which may cancel, suspend or modify, as it thinks fit, any such act.

26. Restrictions on delegation of powers:- The Board shall not delegate any of the following powers to any committee:-

- (a) The powers to sanction non-recurring expenditure in excess of ₹20000 in respect of any single item and recurring expenditure which involves an outlay of more than ₹20000 in a year on any single item;
- (b) the power to adopt the budget estimates of the Board on its behalf;
- (c) the power to reappropriate estimated savings in excess of ₹2500 in the case of any single item; and
- (d) the power to create posts under Section 7.

27. Financial transactions in general:- Except as otherwise provided in these rules, the provisions of the Central Treasury Rules, the Delegation of Financial Power Rules, 1978 and the General Financial Rules, 1963 of the Central Government, for the time being in force, shall, subject to such modifications or adaptations as may be made by the Board therein with the previous approval of the Central Government apply to all financial transactions of the Board.

28. Powers and duties of Chairman:- (1) The Chairman shall, as the Chief Executive of the Board, be responsible for the proper functioning of the Board implementing the Board's policies

and the discharge of its functions as provided under the Act and the duties under these rules and the regulations framed by the Board.

(2) It shall be the responsibility of the Chairman to ensure that in carrying out the functions and duties under sub-rule (1), the Board works in close liaison with the State Governments, Union and other Agencies institutions and authorities such as the Indian Council of Agricultural Research, Directorate of Marketing and Inspection, Coir Board, the Agricultural Universities in the coconut growing States, the Kerala State Coconut Development Corporation and other institutions and organizations concerned with the coconut industry and avoids duplication of efforts. It shall also be the responsibility of the Chairman to ensure that in carrying out the functions and duties under sub-rule (1), appropriate measures are taken to protect the interests of small farmers and producers so that they may become participants in and beneficiaries of the development and growth of coconut industry.

(3) Subject to the provision of these Rules, the Chairman may delegate his powers under this rule to any other officer of the Board.

(4) The Chairman shall have the power to grant leave to all officers and employees of the Board and may delegate this power to any other officer of the Board subject to such conditions as he thinks fit.

(5) The Chairman shall exercise administrative control over all departments and officers of the Board including the Chief Coconut Development Officer and the Secretary.

(6) The Chairman shall have powers:

- (i) to call for documents and records and to inspect or cause to be inspected, accounts and places of storage or of business as required under the Act of these rules or as may be considered necessary for discharging properly any of the functions of the Board.

- (ii) to sanction expenditure, subject to the provisions of Rule 26, for contingencies, supplies and services and purchase of articles required for the maintenance and working of the office of the Board, and
- (iii) to carry out the measures in furtherance of the objects of the Act, as provided for under Section 10.

(7) The Chairman may by order, in writing, delegate any of his powers under sub-rule (6) to any other officer of the Board.

(8) The Chairman shall have power to require the Board or any committee thereof to defer taking action in pursuance of any decision taken by the Board or the committee, as the case may be, pending a reference to the Central Government on such decision.

(9) Where a matter has to be disposed of by the Board or a committee thereof and decision in respect of that matter cannot wait till a meeting of the Board or the committee, as the case may be, is held or till completion of circulation of the relevant papers among the members of the Board or the committee, the Chairman may take required decision himself.

(10) Where the Chairman takes such decision, he shall submit the same for ratification by the Board or the committee, as the case may be, at its next meeting.

Provided that, if the Board or the committee modifies or annuls the decision taken by the Chairman, such modification or annulment shall be without prejudice to the validity of any action taken before such modification or cancellation.

29. Powers and duties of Vice Chairman:- The Vice Chairman shall preside over the meetings of the Board and its committees in the absence of Chairman and shall exercise such powers and perform such functions of the Chairman as may be delegated to him by the Chairman.

30. Powers and duties of Chief Coconut Development Officer:- The Chief Coconut Development Officer shall function as the Head of the technical wing of the Board under the Chairman and shall exercise such powers and perform such duties as may be delegated to him by the Chairman.

31. Powers and duties of Secretary:- (1) The Secretary shall be responsible for the implementation of the decisions arrived at by the Board or by its committees and the discharge of the duties imposed on him under the Act or by these Rules.

(2) Subject to such powers and duties as may be delegated by the Chairman, the Secretary shall -

- (a) cause all important papers and matters to be presented to the Board as early as practicable;
- (b) issue directions, as to the method of carrying out the decisions of the Board;
- (c) grant receipt on behalf of the Board for all moneys received under the Act;
- (d) maintain or cause to be maintained an account of the receipt and expenditure of the Board and also the various registers that may be prescribed for the Board under the Act or these Rules;
- (e) present an annual draft report on the working of the Board to the Board for approval and submit the report in the form approved by the Board to the Central Government not later than the dates specified from time to time in this behalf by the Central Government for being laid on the table of both Houses of Parliament; and
- (f) assist the Chairman in all administrative matters and in discharge of such other functions as the Chairman may direct.

CHAPTER VI

Finance, Budget and Accounts of the Board

32. Budget Estimates:- (1) The Board shall in each year, prepare budget estimates for the ensuing financial year and revised estimates for the current year and shall submit it for sanction to the Central Government on or before such date as may be fixed by the Government. The revised budget when sanctioned shall supersede the original budget and shall be deemed to be the sanctioned budget for the year.

(2) No expenditure shall be incurred until the budget is sanctioned by the Central Government and the expenditure has received the sanction of the competent authorities.

(3) The budget shall be prepared in accordance with such instructions as may be issued from time to time and be in such form as the Central Government may direct. It shall include a statement of -

- (i) the estimated opening balance;
- (ii) the estimated receipts referred to in sub section (1) of Section 13 of the Act; and
- (iii) the estimated expenditure classified under the following heads and sub-heads or such other heads and sub-heads as the Central Government may direct namely:-

Heads:

- (a) Administration;
- (b) Development of coconut production including promotion of co-operative efforts among coconut growers and assistance for improved methods of cultivation;
- (c) Improvement of marketing facilities for coconut and its products including grading;
- (d) Research on coconut and its products;
- (e) Extension activities including propaganda and publicity;
- (f) Statistics;
- (g) Works; and
- (h) Miscellaneous

Sub-heads:

- (a) Salaries;
- (b) Wages;
- (c) Travel expenses;
- (d) Office expenses;
- (e) Machinery and equipment;
- (f) Materials and supply;
- (g) Rent, rates and taxes;
- (h) Publications; and
- (i) Other charges;
- (iv) Programme of activities for the ensuing financial year.

(4) Supplementary estimates of expenditure, if any, shall be submitted for the sanction of the Central Government in such form and on such dates as may be directed by it in this behalf.

33. Accounts of the Board:- (1) The Board shall maintain accounts of all receipts and expenditure relating to each year and maintain records in such a manner as to prepare annually the receipts and payment account and income and expenditure account and a balance sheet. These accounts shall be approved by the Board and submitted to Auditors.

(2) The annual accounts of the Board as mentioned in sub-rule (1), together with Auditor's Report thereon, as provided under Section 15(4) of the Act, shall be submitted annually to the Central Government as soon as possible after the close of the year and in any case, not later than the dates specified in this behalf by the Central Government for being laid on the tables of both Houses of Parliament.

(3) Without prejudice to anything contained in this rule the Board shall, after the end of each financial year, submit to the Central Government a report in a form to be decided by the Central Government giving a true and full account of its activities, policy and programmes during the previous financial year latest by the 30th June.

34. Deposit of funds of the Board in Banks and investment of such funds:- (1) Money required for the current expenditure of the Board with the exception of petty cash and surplus moneys shall be kept in current account in the State Bank of India or any of the nationalized banks and operated as per requirements and expenditure shall be incurred only after sanction thereof by withdrawing money from this Account.

(2) Funds in the Board's Pension Fund or Provident Fund, not required for current expenditure, may be invested in Trustee Securities or Ten-Year Treasury Savings Deposit Certificates or National Savings Certificates or National Defence Certificates to the extent permissible or in fixed deposit with the State Bank of India or any of its subsidiaries or, if approved by the Central Government, with any other scheduled bank.

(3) Payment by or on behalf of the Board shall be made in cash or by cheque drawn against the current account of the Board.

(4) Such cheques and all orders for making deposit or investments or withdrawal of the same, or for the disposal in any other manner, of the funds of the Board shall be signed by the Secretary and countersigned by the Chairman or in the absence of the Chairman, any other officer of the Board duly authorized by him.

CHAPTER VII MISCELLANEOUS

35. Reports and returns:- (1) The Chairman or any other officer authorized by the Chairman shall have power to call for any information on statistics in respect of coconut or any other product of coconut from:-

- (i) growers of coconut;
- (ii) dealers in coconut or copra including copra milling industry;
- (iii) manufacturers of coconut product; and
- (iv) any person or firm or company or any other institution dealing in, or having any connection with coconut industry or coconut products.

(2) The Board shall furnish a programme of its activities including developmental programmes for each financial year in advance and not later than 31st December of the current financial year.

(No.F.12(16)/78-CA.I)
R.C. SOOD, Addl. Secy.