

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

NOTIFICATION

New Delhi, the 25th August, 2010

G.S.R. 704(E).—In exercise of the powers conferred by section 25 of the Rubber Act, 1947(XXIV of 1947), the Central Government hereby makes the following rules further to amend the Rubber Rules, 1955, namely:-

1. (1) These rules may be called the Rubber (Amendment) Rules, 2010.
- (2) These rules shall come into force on the date of the Publication of this notification in the Official Gazette.
2. In the Rubber Rules, 1955, (hereinafter called the said rules), in rule 2, relating to definition, -
 - (i) for sub-rule (viii-a), the following shall be substituted, namely,-

“Processing of rubber” means,-

 - (a) conversion of field latex of any rubber plant into technically specified rubbers in solid block or latex concentrates or pale latex crepe or any other form of technically specified rubber; and
 - (b) conversion of various forms of scrap rubber, sheet rubber or crepe rubber into technically specified rubbers in solid block or any other form of technically specified rubber.”;
 - (ii) in sub rule (xi), for the words “fifty acres” the words “ten hectares”, shall be substituted;
 - (iii) in sub rule(xi-a) for the words “Indian Standards Institution” the words “Bureau of Indian Standards”, shall be substituted. -
3. In rule 3 of the said rules, 1955, relating to “Constitution of the Board and manner of filling vacancies”, for the existing rules the following shall be substituted, namely,-

“Constitution of the Board and manner of filling vacancies”

 - (1) The Board shall consist of the Chairman and twenty seven other members representing the different interests and authorities specified in clauses (b) to (f) of Sub-section 3 of Section 4.

(2) Of the two members to represent the State of Tamil Nadu, one shall be nominated by the Government of Tamil Nadu, and the other shall represent *the large growers*. The person representing large growers shall be nominated by the Central Government.

(3) Of the eight members to represent the State of Kerala., two persons shall be nominated by the Government of Kerala to represent that State. Two persons shall represent the large growers in the State of Kerala, three persons the small growers and one person the Rubber Producers Societies.

(4) Of the ten persons to be nominated by the Central Government one person shall represent small growers from the State of Tripura, one person shall represent small grower from the state of Kerala in addition to three already provided for, one person shall represent small grower from other non traditional states like Karnataka, Orissa, etc. on a rotation basis and one person shall represent the other stake holders.

4. In the said rules, in rules 10, 11 and 13 on "Quorum", "Power to call meetings" and "Business by circulation" respectively for the word "eight", wherever it occur the word "nine" shall be substituted.

5. In the said rules, in rule 16 relating to Travelling and other allowances to members of the Board and its Committees, sub-rule (5) shall be omitted.

6. In the said rules, in rule 19, relating to the Board's Establishment, for the existing provisions, the following shall be substituted, namely,-

"Board's Establishment

The Board may from time to time subject to the availability of specific provision in the budget estimate of the Board as sanctioned by the Central Government, sanction such establishment as may in its opinion, be necessary for the efficient performance of its functions.

Provided that no post shall be created without the previous sanction of the Central Government, if the maximum pay of the post exceeds Rs.39, 100/- in the Pay Band 3 with the grade pay Rs.5400/- per month in the case of technical post and Rs.39, 100/- in the Pay Band 3 with the grade pay R.s.6,600/- per month in the case of non-technical posts, subject to observance of the ban orders for creation of posts issued by the Government from time to time:

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Provided further that in case of exigencies, temporary posts which would need to be created in the interest of the Board and the maximum pay of which does not exceed *Rs.39,100/- in the Pay Band 3 with the grade pay Rs.5400/-* per man sum in the case of technical posts and *Rs.39100/- in the Pay Band 3 with the grade pay Rs.6,600/-* per month in the case of non-technical posts, subject to observance of the ban orders for creation of posts issued by the Government from time to time, may be created by the Chairman, subject to certification by the Board, subsequently:

Provided also further that the confirmation to a key post of a direct recruitee who has been identified to that particular post shall be made only with the prior approval of the Central Government.

7. In the said rules, in rule 24A, relating to Grant of advances for building etc., of houses, sub-rule (iv) shall be omitted.

8. In the said rules, in rule 27, relating to Powers of the Chairman, in sub-rule (3), in clause (e) relating to powers of the Chairman, for the words "a half yearly" the words "an annual", shall be substituted.

9. In the said rules, in rule 27, relating to Powers of the Chairman, clauses (i) and (iii) of sub rule (4) shall be omitted.

10. In the said rules,-

(i) in sub-rule (1) of rule 30, in rule 31 and in rule 34 respectively for the words "General Fund", the words "Rubber Development Fund", wherever they occur shall be substituted.

(ii) rule 30 A, relating to Assistance from Pool Fund shall be omitted.

11. In the said rules, in rule 33, -

(i) the words "By Post" shall be omitted ;

(ii) in clause (e) after the words each financial year, the words "Not later than 30 days after the expiry of the period to which the return relates to" shall be added;

(iii) in clause (f), at the end, the words "not later than six months from the end of the financial year" shall be added.

12. In the said rules, in rule 33A, for sub- rules (1) and (2) the following shall be substituted, namely,-

“(1).If any owner of an estate fails to furnish in due time the return referred to in sub-section (4) of section 12 or furnishes a return which the Board has reason to believe is incorrect or defective, the Board may serve a notice on the owner calling upon him to produce all or any of his accounts relating to production of rubber on his estates and to prove

(a) if no return has been submitted, that there was no production

(b) if a return has been submitted, the correctness and completeness of the return.

The Board shall, after checking the accounts and after making such further enquiry as it deems fit, assess the amount payable under Sub-section (2) of Section 12,

(2) The same procedure shall be followed if for any reason the whole or any part of the production in an estate has escaped assessment in any year.

(3) The Board may delegate its powers under this rule to the Director (Licensing and Excise Duty) and to such other officers of the Board as it deems fit.”

13. In the said rules, in rule 33B for sub- rules (2) and (3), the following shall be substituted, namely,-

“(2)The Board shall, after checking the accounts and after making such further enquiry as it deems fit, either through its own officers or through officers of the State Government or Central Government or such other authorities, assess the amount of excise duty payable by such manufacturer.

(3) The same procedure shall be followed if for any reason the whole or any part of the rubber acquired by a manufacturer has escaped assessment during the period specified in rule 33(e).

(4)The Board may delegate its powers under this rule to the Director (Licensing and Excise Duty) and such other officers of the Board as it deems fit.”

14. In the said rules, in rule 33D, for sub rules (1) and (2) the following shall be substituted, namely,-

“(1) Every manufacturer shall pay to the Board the duty of excise at such rate, as may be notified from time to time, on the quantity of the rubber acquired by him during the periods specified in rule 33(e) along with the return, not later than thirty days after the period to which the return relates to, either in cash at the Board’s office at Kottayam or by money order or by bank draft or by any mode of payment through bank, payable at Kottayam to the Director (Licensing and Excise Duty), Rubber Board, evidenced by proof of payment.

(2) If any manufacturer fails to pay the amount due under sub-rule(1) above within the time prescribed, he shall pay interest at such rate as may be fixed by the Board not exceeding two percent per month from the date of default till the date of remittance either in cash at the Board’s office at Kottayam or by money order or by bank draft or through any mode of payment through bank payable at Kottayam to the Director (Licensing and Excise Duty) Rubber Board.

(3) If any manufacturer fails to pay the amount within the date prescribed in sub-rule (1), the Board may report the fact to the Central Government or the State Government concerned for recovery of the outstanding amount with interest and cost of collection, as an arrear of land revenue.”

15. In the said rules, in rule 35 relating to Accounts of the Board,-

“(i) for the words “General and Pool Funds” the words “the Rubber Development Fund”, shall be substituted;

(ii) in sub-rule (1) for the words “General Fund” the words “the Rubber Development Fund”, shall be substituted:

(iii) in sub-rule (3) of rule 35, the existing rule, “After the close of each year the statement shall be placed before the Board”, shall be substituted.

16. In the said rules, rule 36 shall be omitted.

17. In the said rules, in rule 37 relating to Deposit of funds of the Board in banks and the investment of such funds, for sub-rule (5), the following shall be substituted, namely,-

“Such cheques and all orders for making deposits or investments or withdrawals of deposits of investments or for the disposal in any other manner of the funds of the Board shall be signed by the Director of Finance or any

other Officer of the Board, duly authorized by the Board in this behalf and countersigned by the Chairman or any other officer authorized by the Chairman”.

18. In the said rules, rule 38 shall be omitted.

19. In the said rules, rule 41 shall be omitted.

20. In the said rules, in rule 42 relating to “Power to revoke and cancel licence”, for the words at the end, “if he fails to submit the necessary returns or if he contravenes any of the conditions of the licence”, the following shall be substituted, namely,-

“if he contravenes any of the provisions of the Act or rule made under the Act or conditions of the licence”.

21. In the said rules, in rule 43B relating to “Declaration regarding Inter State transport of rubber”, -

(i) in sub- rule (1), for the words “from one State to another State” the words from one state or Union Territory to another State or Union Territory”, shall be substituted;

(ii) for sub- rule (2), -

“On demand by any officer of the Board authorized in that behalf by the Chairman of the Board, or any officer of the Central or State Governments authorized in that behalf by that Government, the consignor, the person transporting rubber and the consignee shall produce the declaration”, shall be substituted.

22 In the said rules, for rule 45 relating to Licence Fees, the following shall be substituted, namely,-

“The Board shall levy fees at the following rates for a year or part of a year for issuing licences under these rules to:-

(a) manufacturer for purchase of rubber exceeding 100 kilograms, but not exceeding 4 tonnes - Rs.100/- per licence;

(b) manufacturer for purchase of rubber exceeding 4 tonnes, Rs.250/- per licence;

c) dealer Rs. 250/- per licence;

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- d) processor for acquisition of rubber for processing and sale of rubber so acquired, Rs.250/- per licence; and
- e) manufacturer holding a valid licence in form E for selling rubber to another manufacturer holding a valid licence in Form E in emergencies, Rs.100/- per licence.”

23 In the said rules, in rule 48 relating to Grading and marketing of rubber, for the existing rule the following may be substituted,-

(1) Every processor and every person referred to in Rule 39A shall grade and market his products in conformity with such standards as are specified by the Bureau of Indian Standards from time to time.

(2) Technically Specified Rubber purchased, sold or otherwise acquired or disposed of or possessed by any owner of estate or dealer or processor or manufacturer or importer or exporter shall be in conformity with such standards as are specified by the Bureau of Indian Standards from time to time.

(3) Any officer of the Board authorized by the Chairman may at any reasonable time inspect the rubber sold or otherwise acquired or disposed of or possessed by any owner of estate, dealer, processor, manufacturer, importer and exporter for the purpose of ensuring strict compliance with the quality standards laid down under sub-rule(1)”

24 In the said rules, Rule 46 shall be omitted.

25 In the said rules, in the First Schedule, Forms A, Form F, Form G and Form I shall be omitted.

26 In the said rules, The Second Schedule shall also be omitted.

[F. No. 2/1/2007-Plant (C)]

A. K. MANGOTRA, Addl. Secy.

Foot Note: The principal rules were published in the Gazette of India (Extraordinary), Part II, Section 3, Sub-section (i); page 1613, dated the 1st August, 1955, and subsequently amended *vide* the following numbers, namely:—

- (i) No. G.S.R. 1497, dated the 27th September, 1976.
- (ii) No. G.S.R. 553, dated the 18th April, 1978.
- (iii) No. G.S.R. 163, dated the 21st January 1982,
- (iv) No. G.S.R. 1033(E), dated the 31st December, 1987.
- (v) No. G.S.R. 716(E), dated the 20th June, 1988.
- (vi) No. G.S.R. 561 (E), dated the 5th July, 1994.
- (vii) No. G.S.R. 897(E), dated the 12th December, 2001.
- (viii) No. G.S.R. 760(E), dated 15th October, 2009.