

Tea Act, 1953

Section 49 - Power of Central Government to Make Rules

- (1) The Central Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--
- (a) the constitution of the Board, the number of persons to be appointed as members from each of the categories specified in sub-section (3) of section 4, the term of office and the other conditions of service of, the procedure to be followed by, and the manner of filling vacancies among, the members of the Board;
 - (b) the circumstances in which, and the authority by which, members may be removed;
 - (c) the holding of a minimum number of meetings of the Board every year;
 - (d) the pay, allowances and other conditions of service of the ¹[Deputy Chairman, Secretary] and other officers appointed by the Central Government;
 - (e) the maintenance of records of all business transacted at meetings of the Board and the submission of copies of such records to the Central Government;
 - (f) the conditions subject to which, and the mode in which, contracts may be made by or on behalf of the Board;
 - (g) the preparation of budget estimate of the receipts and expenditure of the Board and the authority by which such estimates shall be sanctioned;
 - (h) the powers of the Board and the Executive Committee and the Chairman, in regard to the incurring of expenditure and the re appropriation of estimated savings in any budget head to another such head;
 - (i) the conditions subject to which the Board may incur expenditure;
 - (j) the conditions subject to which the Board may borrow;
 - ²[(ja) the amounts for the purposes of the provision to section 28A;]
 - (k) the form and the manner in which accounts should be kept by the Board;
 - (l) the basis on which the export quota of a tea estate or a sub-division of a tea estate shall be determined;
 - (m) the conditions subject to which export quota, export licences and special export licences shall be transferable;
 - (n) the conditions subject to which permits for the planting of tea on land not carrying tea shall be granted;
 - (o) the collection of any information or statistics in respect of the tea industry and the tea trade;
 - (p) the fees to be levied in respect of licences, permits and permissions issued under this Act;

(q) the procedure for the grant or issue of licences, permits and permissions under this Act, the time within which such licences, permits or permissions shall be granted or issued including, in particular, the publication of notices calling for applications and the holding of such inquiry in regard thereto as may be necessary in the circumstances;

(r) the form of application for licences, permits or permissions under this Act;

(s) the manner in which a broker or a dealer in tea waste or a manufacturer shall be licensed under this Act and the levy of fees in respect of such licence;

(t) the matters which may be taken into account in the granting or issuing of any licence, permit or permission under this Act including in particular the previous consultation with the Central Government by the Board in regard to the grant or issue of any such licences, permits or permissions;

(u) the conditions which may be included in any licences, permits or permissions;

(v) the returns to be furnished by owners of tea estates, or sub-divisions thereof, manufacturers, dealers and brokers relating to the production, manufacture, sale and export of tea and tea waste and the form and manner in which such returns are to be furnished;

(w) the fees to be charged for granting certified copies of accounts of quotas;

(x) any other fee that may be necessary for the Board to levy in order to determine or redetermine the basis on which export quota may be fixed;

(y) any other matter which is to be or may be prescribed.

[3](#)[(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or [4](#) [in two or more successive sessions, and if, before the expiry of the session immediately following the sessions or the successive sessions aforesaid] both houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

1. Substituted for the word security, by the Tea (Amendment) Act, 1977 (32 of 1977), Section 3 (w.e.f. 12-8-1977).

2. Inserted by Tax (Amendment) Act (24 of 1986), Section 4 (w.e.f. 15-8-86).

3. Substituted for former sub-section (3) by the Tea (Amendment) Act, 1970 (22 of 1970), Section 4 (w.e.f. 23-5-1970).

4. Substituted for the words in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, by the Tea (Amendment) Act, 1977 (32 of 1977), Section 3 (w.e.f. 12-8-1977).