

5. Rules, regulations, instructions, manuals and records held or under its control used by employees for discharge of functions.

The Board has its own approved Staff Rules which have been approved by the Govt. of India and adopted by the Managing Committee. In addition to these Rules, the Board is following the Rules and Regulation of Govt. of India in all other matters. Employees of the Board discharge their duties in accordance with the said rules. A copy of the Rules & Regulations is annexed herewith.

Rule & Regulations

In exercise of the powers conferred by the Clause 4(xxxii) and clause 5 of the Memorandum of Association of the National Horticulture Board the Central Government hereby enacts the following Rules to replace the existing Rules and Regulations of the National Horticulture Board :-

(2) **SHORT TITLE** : These Rules may be called 'Rules of the National Horticulture Board'.

(3) **DEFINITION** : Subject to the context :

- (i) 'Board' means the National Horticulture Board.
- (ii) 'Board of Directors' means the Board of Directors.
- (iii) 'Managing Committee' means the Managing Committee of the Board.
- (iv) 'Managing Director' means the Managing Director of the Board.
- (v) 'Member' means a Member of the Board of Directors.

(4) **CONSTITUTION OF THE BOARD OF DIRECTORS:**

There shall be a Board of Directors which will consist of the following :-

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| 1 :- Union Minister for Agriculture
(Ex-Officio) | President |
| 2 :- Minister of State In-charge of Horticulture in the Department of Agriculture & Cooperation
(Ex-Officio) | Vice
President |
| 3 :- Secretary, Deptt. of Agri. & Coopn.,
(Ex-Officio) | Member |
| 4 :- Director General, Indian Council of Agri. Research
(Ex-Officio) | Member |
| 5 :- Addl. Secretary/Special Secretary, In-charge of Horticulture, DAC
(Ex-Officio) | Member |
| 6 :- Mission Director, National Horticulture Mission
(Ex-Officio) | Member |
| 7 :- Horticulture Commissioner, in the Deptt. of Agri. & Coopn.
(Ex-Officio) | Member |
| 8 :- Financial Adviser, in the Deptt. of Agri. & Coopn | Member |

(Ex-Officio)

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| 9 :- Adviser (Agriculture), in Planning Commission
(Ex-Officio) | Member |
| 10 : Chairman, Agricultural & Processed Food Products Export Development Authority
(APEDA)
(Ex-Officio) | Member |
| 11 Eleven representatives of Horticulture industry representing the interests of cooperative
:- societies, leading horticulturists and leading exporters of horticulture produce. (to be
nominated by Central Govt.) | Members |
| 12 Representatives of Ministry of Food Processing Industry, Ministry of Shipping Transport,
:- Ministry of Railways, Ministry of Civil Aviation & Tourism, or any other Ministry who
may be invited specially with the consent of the President.
(Ex-Officio) | Members |
| 13
:- Managing Director, National Horticulture Board
(Ex-Officio) | Member
Secretary |

(5) **ROLL OF MEMBERS :**

The Board shall keep a roll of members, giving their occupations and addresses and every member shall sign in the same. If a member change his address, he may notify to the Board his new address, but if he fails to notify such address, his address as recorded on the roll of members shall be deemed to be his address, provided that no such notification will be required in case of an ex-officio member.

Explanation :

Where a member is a Company, a Society or a Body Corporate, the roll may be signed by an authorise representative of such Company, Society or Body Corporate as the case may be.

(6) **TERM OF OFFICE OF MEMBERS :**

- (i) A member shall cease to be such member if he dies or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude or if he resigns from such membership by a letter addressed to the Board. Such a resignation shall, however, take effect only on acceptance of the resignation by the Managing Committee.
- (ii) Unless the membership of member is other-wise determined, all members shall cease to be members on the expiry of three years, from the date on which they become members of the Board of Directors but shall be eligible for re-appointment.

- (iii) Any casual vacancy in the Board of Directors shall be filled by the appointment or nomination of a member by the appropriate authority entitled to make such appointment or nomination and the member appointed or nominated to fill such casual vacancy shall hold office for the remainder of the term, if any, of the member in whose place he has been appointed or nominated. Provided that, the foregoing sub-rules in this rule 6 shall have no application in the case of an ex-officio member nominated by the Central Government who shall continue to be such ex-officio member during the pleasure of the Government.

(7) MEETINGS OF THE BOARD OF DIRECTORS :

- (i) The President shall preside at all meetings of the Board of Directors. In the absence of the President at any meeting of the Board, the Vice-Chairman shall preside over the meeting. The Board of Directors shall meet at least once in every year which shall be called the Annual General Meeting of the Board of Directors. However, the President may convene an emergency meeting of the Board of Directors at a shorter notice to discuss any matter of emergent nature provided that such notice shall not be less than 15 days. All meetings of the Board of Directors shall be held at the time and place to be determined by the President of the Board of Directors.
- (ii) The President may convene a special meeting of the Board of Directors on the written requisition of not less than one third of the members. Such special meeting shall be called extra-ordinary General Meeting of the Board of Directors. Every requisition so made by the members shall express the object for which the extra-ordinary General Meeting is proposed to be called and shall be left at the address of the Managing Director of the Board or posted to his address. Upon receiving such requisition, the President shall convene a meeting of the Board of Directors within 31 days from the date of such receipt.
- (iii) Every notice calling the Annual and Extra-ordinary general Meeting of the Board shall state the date, time and place at which such meeting will be held and shall be served upon every member not less than 21 clear days before the date appointed for the meeting.
- (iv) The accidental omission to give notice or the non-receipt of the notice by any member or other person to whom it should be given shall not invalidate the proceedings at the meeting.
- (v) Five Members present in person shall form a quorum for any General Meeting of the Board of Directors. However, in the case of an Extra-ordinary General Meeting, one-half of the requisitionists must be present to constitute a quorum.
- (vi) Every matter discussed in a meeting of the Board of Directors shall be decided by a majority of those present and entitled to Vote. Each member shall have one Vote. In case of equality of Votes, the President shall have the casting Vote. The Members, shall not authorise any other person to represent them at the meetings of the Board.
- (vii) The President may invite any other person, who is not a member to attend a meeting of the Board of Directors. Such invitees shall not be entitled to vote at the meeting.
- (viii) The Board of Directors shall function notwithstanding any vacancy therein and no act or proceedings of the Board of Directors shall be invalidated or nullified merely by reasons only of the existence of any vacancy therein or any defect in the appointment/nomination of any members.
- (ix) The members of the Board of Directors, Managing Committee or any Committee appointed by the Board shall not be entitled to any remuneration from the Board. However, non-official members of the Board of Directors or the Managing Committee or any other Committee appointed by it shall be paid by the Board such travelling and daily allowances as may be provided for in the Rules to be made in this behalf in respect of any Journeys undertaken by them for attending the meeting of the Board, the Managing Committee or the Committee or in connection with any other business of the Board, the Managing Committee or the Committee as the case may be.

(8) FUNCTIONS AND POWERS OF THE BOARD OF DIRECTORS :

The Board of Directors shall have the powers and duties to :

- (i) Consider and decide on the programmes of activities of the Board and to add new schemes to ongoing activities of the Board.
- (ii) Appoint auditors for the Board.
- (iii) Consider the Annual Report, Audited accounts and balance sheet of the Board for the outgoing years.
- (iv) Add to and amend, with the prior approval of the Government of India, the rules of the Board.
- (v) Supervise generally the functions of the Managing Committee and to provide guidance thereto.
- (vi) Delegate any of its powers by resolution to the Managing Committee/Committee or Committees constituted by it/Managing Director or any other officer of the Board.

(9) MANAGING COMMITTEE :

There shall be a Managing Committee of the Board which shall consist of the following :

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| 1 :- Secretary Deptt. of Agri. & Coopn.
(Ex-Officio) | Chairman |
| 2 :- Additional Secretary In-charge of Horticulture Division in Deptt. of Agri. & Coopn.
(Ex-Officio) | Member |
| 3 :- Financial Adviser Deptt. of Agri. & Coopn.,
(Ex-Officio) | Member |
| 4 :- Horticulture Commissioner Deptt. of Agri. & Coopn.
(Ex-Officio) | Member |
| 5 :- Mission Director, National Horticulture Mission Deptt. of Agri. & Coopn.
(Ex-Officio) | Member |
| 6 :- Chairman Agricultural & Processed Food Products Export Development Authority
(APEDA)
(Ex-Officio) | Member |
| 7 :- General Manager NABARD
(Ex-Officio) | Member |
| 8 :- Shri Sopan Kanchan | Member |
| 9 :- Managing Director National Horticulture Board
(Ex-Officio) | Member
Secretary |

(10) MEETINGS OF THE MANAGING COMMITTEE :

- (i) The Managing Committee shall meet at least once in every three months and otherwise at such times and at such places as may be determined by the Chairman or the Managing Committee.
- (ii) Three members of the Committee present in person shall constitute the quorum at any meeting of the Committee.
- (iii) A resolution in writing, signed by a majority of the members of the Managing Committee shall be deemed to be the resolution passed by the Managing Committee and shall be deemed to have been passed on the date on which the last signatory affixes his signatures to it. Provided that any resolution passed as aforementioned shall be placed before the next meeting of the Managing Committee.
- (iv) In the event of the absence of the Chairman in a meeting of the Committee, the Additional Secretary (Horti.) as Member of the Managing Committee shall provide over the meeting.
- (v) Each member of the Managing Committee excluding the Chairman thereof shall have one vote and in case there be an equality of votes on any question to be decided by the Managing Committee, its Chairman shall have a casting vote.

(11) POWERS AND FUNCTIONS OF THE MANAGING COMMITTEE :

- (i) The general superintendence, direction and control of the affairs and functions of the Board shall be vested in the Managing Committee, in accordance with these rules and the bye-laws made therein for the furtherance of its objects, which may exercise all the powers necessary or expedient for the purpose.
- (ii) Without prejudice to the generality of the foregoing sub-rule, the Managing Committee shall have the powers :
 - A :- To prepare and execute detailed plans and programmes for the Board and to consider and approve adjustments and re-appropriations of outlays for different components/programmes within the overall outlay approved by the Central Government for the plan projects of the Board, so as to carry on the administration and management of the Board efficiently and effectively.
 - B :- To receive grants, gifts, donations and contributions and to have custody of the funds of the Board.
 - C :- To prepare, revise and amend the budget estimates of the Board each year, and to sanction the expenditure.
 - D :- To institute and award fellowships, scholarships, prizes and medals.
 - E :- To collaborate with any other organization in the matter of horticultural development and to enter into arrangements or contracts for and on behalf of the Board.
 - F :- To sue and defend all legal proceedings on behalf of the Board.
 - G :- To create such posts, appoint, control, remove suspend and dismiss staff as may be required for the efficient management of the affairs of the Board and to regulate the recruitment and conditions of their service.
 - H :- To appoint Committees or Sub-Committees as and when required.
 - I :- To delegate any of its powers by resolution to the Managing Director or any other officer of the Board.
- (iii) All matters to be placed before the Board of Directors shall, in the first instance, be placed before the Managing Committee for examination.
- (iv) The Chairman of Managing Committee may, in extra, ordinary and emergency circumstances, act for and in the name of the Managing Committee subject to ratification of such action by the Managing Committee within three months from the date of such a decision provided that if any action so taken by the Chairman in the interests of the Board has the written concurrence of the Central Government, no ratification by the Managing Committee shall be required.

(12) MANAGING DIRECTOR OF THE BOARD :

- (i) The Managing Director shall be the Principal Executive Officer of the Board. he shall be appointed by the President of the Board with the previous approval of the Central Government and shall hold officio for such period and on such conditions as may be specified by that Government.
- (ii) It shall be the duty of the Managing Director to coordinate and exercise general supervision over all the activities of the Board. In this regard, the Managing Director shall be accountable to the Board of Directors, the Managing Committee and the Central Government.
- (iii) He shall prescribe the duties of all officers and staff of the Board and shall exercise such supervision and disciplinary control as may be necessary in accordance with these rules.

(13) ACCOUNTS AND AUDIT :

- (i) The funds of the Board will inter-alia, consist of the following:
 - A. :- Grants made by the Central Government.
 - B :- Donations and contributions from other sources.
 - C :- Income from investments and other sources.
 - D :- Receipts of the Board from other sources.
- (ii) The Bankers of the Board shall be Nationalised Banks selected by the Managing Committee and approved by the Board by Directors. All funds shall be paid into the Board's Accounts with its Bankers and shall not be withdrawn except on a cheque signed by such officer or officers as may be duly empowered in this behalf by the Managing Committee with the approval of the Governing Council.
- (iii)
 - A :- The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Board of Directors.
 - B :- The accounts of the Board shall be audited annually by the auditors of the Board appointed by the Board of Directors with the prior approval of the Central Government. Any expenditure incurred in connection with the audit of accounts shall be payable by the Board.
 - C :- The Board shall submit the audited statement of Accounts together with the audit report to the Central Government and the Central Government will be entitled to call for any formulation or explanation in this connection.
 - D :- The Comptroller and Auditor General of India shall, however, have the right to demand the production of books, accounts , connected vouchers and other documents and papers in respect of grants loans made by the Central Government to the Board.
- (iv) A draft of Annual Report and the Annual Accounts of the Board shall be prepared by Managing Committee and placed before the Board of Directors at its Annual General Meeting for consideration and approval. Copies thereof as finally approved by the Board shall be supplied to the members of the Board of Directors. The proceedings of the Annual General Meeting of the Board of Directors together with the Annual Report shall be sent to the Central Government.

(14) SERVICE OF NOTICE :

- (i) A notice may be served upon any member of the Board of Directors either personally or by post at the address mentioned the roll of members.
- (ii) Any notice so served by post shall be deemed to have been served on the day following that on which it is posted.

(15) AUTHORITY AND COMMON SEAL :

1. The Managing Director or any other officer of the Board as may be determined by the Managing Committee be authorized to execute documents, plaints, written statements and affidavits etc. on behalf of the Board.
2. The Board shall have a common seal which shall be kept in safe custody by the Managing Director and shall be used by and under the authority of the Managing Committee. One member of the Managing Committee shall sign every instrument to which the common seal is affixed and be countersigned by the Managing Director.

(16) AMENDMENT OF RULES :

The Rules may be amended, with previous permission of Government of India, by a resolution at a meeting of the Board of Directors convened solely for this purpose in accordance with rules of the Board.

(17) DISSOLUTION :

- (i) Subject to the consent of the Central Government, any number not less than three-fifths of the member of the Board of Directors may determine that the Board shall be dissolved forthwith, or at the time then agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the Board, its claims and liabilities, provided that in the event of any dispute arising among the members of the Board of Directors adjustments of its affairs shall be referred to the Principal Court of original Jurisdiction in Haryana and the Court shall make such order in the matter as it shall deem fit.
Provided that Board shall not be dissolved unless three-fifths of the members shall have expressed a wish for such dissolution by their votes delivered in person at a General Meeting convened for the purpose.
- (ii) On dissolution of the Board, the Central Government shall be entitled to take over all the assets and liabilities of the Board.