

## **(Department of Industrial Policy and Promotion)**

### **The Central Advisory Council (Procedural) Rules, 1952**

(As amended up to 29<sup>th</sup> May, 1997)

<sup>1</sup>\*S.R.O. 813, dated the 8<sup>th</sup> May, 1952:- In exercise of the powers conferred by section 30 read with sub-section (3) of section 5 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby makes the following Rules, the same having been previously published as required under sub-section (1) of section 30 of the Act, namely:-

#### **1. Short title and commencement**

- (1) These rules may be called the Central Advisory Council (Procedural) Rules.
- (2) They shall come into force immediately after the commencement of the Act.

#### **2. Definitions.**

In these rules, unless there is anything repugnant in the subject or context:

- (a) 'the Act' means the Industries (Development and Regulation) Act, 1951 (65 of 1951).
- (b) 'Council' means the Central Advisory Council constituted under section 5 of the Act.
- (c) 'Chairman' means the Chairman appointed under sub-section (2) of section 5 of the Act.
- (d) 'Secretary' means the officer appointed by the Central government to carry on the functions of Secretary to the Council.

#### **3. Chairman.**

<sup>2</sup>\*[The Minister of Industry shall be the Chairman of the Council.]

#### <sup>3</sup>\*[**4. Tenure of appointment of chairman and members**

A member of the Council other than the Chairman shall hold office for such period not exceeding two years from the date of his appointment as may be specified in the order of appointment, and shall be eligible for re-appointment.]

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1 .Published in the Gazette of India, Extraordinary, Part II, Section 3, p. 540.

2 Substituted by G.S.R. 298(E), dated 29.5. 1997.

3 Substituted by S.O. 876, dated 14.4.1961.

## **5. Resignation of members**

A member of the Council may resign his office by letter addressed to the Secretary to the Government of India in the Ministry of Commerce and Industry.

## **6. Absence of members out of India**

- (1) If a member intends to leave India for more than one month he shall intimate the Secretary the date of his departure from and the date of his expected return to India, and
- (2) If he intends to be absent from India for a period longer than six months, he shall tender his resignation.

## **7. Cessation of membership under certain circumstances**

A member of the Council shall cease to be member on the happening of any of the following events, namely, if he resigns, becomes of unsound mind, becomes insolvent or be convicted of a criminal offence involving moral turpitude.

## **8. Filling of vacancies**

- (1) Any vacancy in the membership of the Council caused by any reason mentioned in rule 7 shall be filled by appointment by the Central Government.
- (2) A member appointed to fill a casual vacancy shall hold office for so long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred.

## **9. Appointment of substitutes**

Should a person appointed as member of the Council be prevented from attending a meeting of the Council, a substitute to take his place may be appointed by the Central Government. Such substitute shall have the rights and privileges of a member for that meeting only.

## **10. Meetings**

- (1) The Central Government may at any time call a meeting of the Council and shall fix the date, time and place of every meeting of the council.
- (2) At least one meeting of the Council shall be held in every year.
- (3) Not less than nine members of the Council may by requisition in writing signed by them require the Central Government to call a meeting of the Council at any time and a receipt of such a requisition the Central Government shall call such a meeting at an early date.

**11. Proposals to be considered at meetings or by circulation.**

Any proposal which the Council is required to consider may be referred to all its members either at its meetings or by circulation among all its members and any question so circulated and approved by a majority of members by signing it shall be as effectual and binding as if such had been passed at a meeting of the Council, provided that at least nine members have recorded their views on the proposal.

**12. List of business**

- (1) The Secretary shall cause to be prepared and circulated among the members at least 7 days before the meeting of the Council the list of business to be considered at that meeting.
- (2) If any member desires to suggest any subject for discussion by the Council, he shall give at least 15 days clear notice.

**13. Procedure at meetings**

- (1) The Chairman shall preside over meetings of the Council. If the Chairman is not present at any meeting of the Council, the Council shall elect a chairman from amongst the members present to preside at such a meeting.
- (2) Nine members of the Council present in person shall form a quorum at a meeting of the Council.
- (3) In the case of a difference of opinion amongst the members of the Council present at a meeting, the opinion of the majority shall prevail.
- (4) Each member of the Council shall have one vote, and if there shall be an equality of votes on any question to be decided by the Council, the Chairman or the member presiding shall have a casting vote.

**14. Duties of Secretary**

The Secretary shall maintain a record of all business transacted by the Council.

**15. Change in addresses of members**

All members shall keep the Secretary informed of any change in their addresses. If they fail to notify their new address, the address in the roll or members maintained by the Secretary shall be deemed to be their address.

**16. Validation of acts and proceedings**

No act or proceeding of the Council shall be invalidated or questioned on the ground merely of any vacancy in, or any defect in the constitution of, the Council.

**<sup>1</sup>\*[17. Power of Council to appoint committees**

- (1) The Council shall have power to constitute such committees as it thinks fit and to assign to them such functions or refer to them such questions as it may consider necessary.
- (2) Every such committee shall consist of such number of persons, whether members of the Council or not, as the Council may think fit to appoint thereto.]

**18. Travelling allowance for attendance at meetings.**

Non-official members of the Council and of its committees shall be entitled to draw travelling allowances for attending meetings of the Council or the committees at the rates prescribed by the Central Government from time to time for non-officials.

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1. Substituted by S.R.O. 2176, dated 28.8.1957.

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