

(Department of Industrial Policy and Promotion)

The Development Councils (Procedural) Rules, 1952

(As amended up to 28th May, 1997)

^{1*} S.R.O. 359, dated the 19th February, 1953 – In exercise of the powers conferred by section 30 read with section 6 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:

These rules may be called the Development Councils (Procedural) Rules, 1952.

2. Definitions:

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

^{2*}[(a) "Chairman" means a Chairman appointed or elected under these rules;]
(b) "Council" means a Development Council constituted under Section 6 of the Act;
^{2*}[(c) "Member-Secretary" means the officer appointed by the Central Government to carry on the functions of the Secretary to a Development Council;
(d) "The Act" means the Industries (Development & Regulation) Act, 1951 (LXV of 1951);]
and
3* [(e) "Vice-Chairman" means a Vice-Chairman appointed or elected under these rules.]

^{2*}3. Number of members:

Every Council shall consist of not more than twenty five members including the Chairman and the Member-Secretary.]

^{2*}4. Chairman -

(1) The Chairman of a Council shall be appointed by the Central Government from amongst the members of that Council and shall hold office for a period of two years from the date of his appointment, and thereafter the Chairman shall be either nominated by the Central Government or elected by members of that Council as may be decided by the Central Government on each occasion.

(2) The Chairman may resign his office by a letter addressed to the Secretary to the Government of India, Ministry of Industry (Department of Industrial Development) with a copy endorsed to the Member-Secretary to the Development Council concerned.

(3) The vacancy caused in the Office of the Chairman by such resignation shall be filled by appointment by the Central Government of another member of the Council as Chairman, and the Chairman so appointed shall hold office for so long as the Chairman whose place he fills would have been entitled to hold the office, had he not resigned.]

3*[(4) If the Chairman of a Council is a Government official, a Vice-Chairman may be appointed to that Council by the Central Government from amongst the members of the Council who shall hold office for a period, not exceeding 2 years, as may be specified by the Central Government, from the date of his appointment:

Provided that no person shall hold office of Vice-Chairman after he has ceased to be Member of the Council.

1. Published in the Gazette of India, Extraordinary, 1953, Part II, Section 3, Sl. No. 43

2. Substituted by G.S.R. 161(E), dated 22.3. 1982.

3. Inserted by G.S.R. 299(E), dated 28.5.1997.

- (1) The Vice-Chairman may resign his office by communication in writing and addressed to the Chairman of the Council concerned with a copy to the Member-Secretary thereof.
- (2) Subject to the provisions of sub-rule (4), the vacancy caused by the resignation of the Vice-Chairman may be filled by the Central Government by appointment of another Member of the council as Vice-Chairman and the Vice-Chairman so appointed shall hold office for the remaining period of the term of the Vice-Chairman in whose place he is so appointed.]

5. Tenure of appointment of members:-

- (1) A member of a Council shall hold office for two years from the date of his appointment and shall be eligible for re-appointment.
- 1*(2) A member of a Council may resign his office by letter addressed to the Secretary to the Government of India, [Ministry of Industry] with a copy to the Secretary of the Development Council concerned.

6. Absence of members out of India:-

- (1) If a member of a Council intends to leave India for more than one month, he shall intimate the Secretary of the Council the date of his departure 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 a 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 criminal offence involving moral turpitude.

8. Filling of vacancies:-

- (1) Any vacancy in the membership of a Council caused by any reason 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 as a member for that meeting only.

10. Meetings:-

- (1) A council may hold meetings whenever required 2*[but atleast two meetings shall be held in a year.]
- (2) The Secretary shall, with the approval of the 3*[Chairman] fix the date, time and place of every meeting of the Council.

1. Substituted by S.O.42(E), dated 21.1.1981.
2. Inserted by S.O. 42(E), dated 21.1. 1981.
3. Substituted by S.O. 161(E), dated 22.2.1982.

- (3) Atleast 10 days' notice shall be given to members for every meeting of the Council.
- (4) Atleast one third of the number of members of a Council but not less than three members may, by a requisition in writing signed by them, require the ^{1*}[Chairman] to call a meeting of the Council at any time and on receipt of such a requisition the ^{1*}[Chairman] shall call a meeting of the Council at an early date.

11. Proposals to be considered at meetings or by circulation:-

Any proposal which a 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 proposal 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 one-third of the total number of members of a Council but not less than three members have recorded their views on the proposal.

12. List of business:-

- (1) The Secretary shall, with the approval of the ^{1*}[Chairman] ^{2*}[or in the absence of the Chairman, the Vice-Chairman,] cause to be prepared and circulated amongst the members at least 7 days before the meeting of a Council, the list of business to be considered by that meeting.
- (2) If any member desires to suggest any subject for discussion by a Council, he shall give at least 10 days' clear notice.
- (3) No business not in the list shall be considered without the approval of the Chairman ^{3*}[or where the Vice-Chairman is presiding over the meeting, of the Vice-Chairman.]

13. Procedure of meeting:-

- ^{3*}(1)The Chairman, or in his absence the Vice-Chairman, shall preside over the meetings of a Council and where both the Chairman and Vice-Chairman are absent the Members present shall elect a Chairman from amongst themselves;]
- (2) One-third of the total number of members of a Council but not less than three members, present in person shall form a quorum at a meeting of the Council;
- (3) In case of difference of opinion amongst the members of a Council present at a meeting, the opinion of the majority shall prevail;
- [4)Each member of a Council shall have one vote and if there shall be an equality of votes on any question to be decided by a Council, the Chairman ^{3*}[or if the Vice-Chairman or any other Member is presiding, the Vice-Chairman or such Member, as the case may be] presiding shall have a casting vote.]

14. Duties of Secretary:-

- (1) The Secretary of a Council shall be incharge of its office and shall be responsible for the correspondence of the Council.

- 1. Substituted by S.O. 161(E), dated 22.3.1982.
- 2. Inserted by G.S.R 299(E), dated 28.5.1997.
- 3. Substituted by G.S.R. 299(E), dated 28.5.1997.

- (2) He shall maintain a record of all business transacted by the Council.
- (3) He shall carry out such duties as are assigned to him by the Council in the discharge of the functions assigned to it under sub-section 4 and 5 of section 6 of the Act, and in the preparation and submission of the reports and accounts specified in Section 7 of the Act.

^{1*}[(4)He shall forward to the Secretariat for Industrial Approvals in the Ministry of Industry a report on the activities of the Development Council after every meeting for submission to the Project Approval Board of the Ministry of Industry.]

15. Authentication of acts and proceedings:-

- ^{2*}[(1)All acts and proceedings of a Council when endorsed by the Chairman or by the Vice-Chairman or Member-Secretary with the approval of Chairman shall be deemed to be true proceedings of the Council.
- (2) The Chairman or the Vice-Chairman or the Member-Secretary with the approval of the Chairman shall perform such of the functions as assigned to them on behalf of the Council in accordance with its decisions.]

15. Change in address of members:-

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

16. Validation of acts and proceedings:-

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

17. Power of Council to appoint Committees:-

The Council shall have the power to appoint such committees as it thinks fit and refer to such committees specific questions for consideration.

- 1. Inserted by S.O. 42(E), dated 21.1.1981.
- 2. Substituted by G.S.R. 299(E), dated 28.5.1997.