

PUNJAB KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1955

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1963. OFor Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1964, dated: 15th 1964. 410 THE PUNJAB KHADI AND VILLAGE (Punjab Act No. INDUSTRIES BOARD ACT/ 1955 AN ACT to provide for the establishment of a State Statutory Board for encouraging and intensifying the Khadi and Village Industries in Punjab. BE it enacted by the Legislature of the State of Punjab in the Sixth Year of the Republic of India as follows CHAPTER I—PRELIMINARY Short extent 1. (1) This Act may be called the Punjab Khadi and Village Industries Board Act,

1955. It extends to the territories which immediately before the 1st day of November, 1966 were comprised in the erstwhile State of Punjab]. Definitions. (3) It shall come into force at once

2. In this Act unless there is anything repugnant in the subject or context,—(i) "Board" means the Punjab Khadi and Village Industries Board constituted under section 3. (ii) "Khadi" means any handloom cloth woven from yarn handspun in India. (iii) "Prescribed" means prescribed by rules made under this Act. (iv) "Village Industries" means such industries which generally form the normal occupation whether whole-time or part-time, of any class of the rural population of the State of Punjab and in particular such industries as may be Substituted by the Punjab Khadi and Village Industries Board (Reorganisation) order, 1969. 40 of 1956] THE PUNJAB KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1955 recommended time to time by the [Commissioner appointed by the Government of India and such other Industries as the State Government may, by notification in the official gazette, specify in this behalf in consultation with the Board. (v) "Government" means the Government of the Union Territory of Chandigarh. (vi) "Commission" means the Khadi and Village Industries Commission established under section 4 of the Khadi and Village Industries Commission Act, 1956 (No. 61 of 1956). "Transferred Territory" means the territory transferred to the Union Territory of Himachal Pradesh by virtue of sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966 (Act 31 of 1966). 4[2A. Construction of certain references in the Act. In the application of the provisions of this Act.— (1) to the State of Haryana any reference therein to any expression mentioned in column (1) of the Table below shall be construed as a reference to the corresponding expression mentioned in column (2) of the said Table. TABLE 1 State Government or Government of Punjab except in section 1 of the Act Punjab Khadi and Village Industries Board Official Gazette 2 The Government of the State of Haryana State of Haryana Khadi and Village Industries Board Official Gazette of the Government of Haryana iSubstituted by Punjab Act No. 29 of 1957, Section 2(a) for the words "All-India Khadi and Village Industries Board". *Substituted for the words "Government of Punjab" by Punjab Khadi and Village Industries Board (Reorganisation) order, 1969. 'Inserted by Ibid. 'Inserted by ibid. 412 THE PUNJAB KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1955 (2) to the transferred territory, any reference therein to any expression mentioned in column (1) of the Table below shall be construed as a reference to the corresponding expression mentioned in column (2) of the said Table. TABLE, 1 State Government or Government of Punjab except in section 1 of the Act Punjab Khadi and Village Industries Board Official Gazette 2 Administrator of Himachal Pradesh Transferred territory Himachal Khadi and Village Industries Board Official Gazette of the Government of Himachal Pradesh (3) to the Union Territory of Chandigarh, any reference therein to any expression mentioned in column (1) of the Table below shall be construed as a reference to the corresponding expression mentioned in column (2) of the said Table. TABLE 1 2 State Government or Government Administrator of the Union Territory of Chandigarh State of Punjab except in section 1 Union Territory of Chandigarh Punjab Khadi and Village Industries Administrator of the Union Territory of Chandigarh Official Gazette Official Gazette of the Chandigarh Administration 40 of 1956] THE PUNJAB KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1955 CHAP ILR 11—131 ABOLITION AND OF THE BOARD 3. (1) For carrying out the purpose of this Act, the Government shall, as soon as possible, after the commencement of this Act, by a notification in the official gazette, establish a Board to be called "The Punjab Khadi and Village Industries Board". (2) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire and hold and dispose of property both movable and immovable and to contract and do all things necessary for the purposes of this Act. [3k. Notwithstanding anything contained in this Act, the Himachal Khadi and Village Industries Board constituted under the Himachal Pradesh Khadi and Village Industries Board Act, 1966 (Himachal Pradesh Act 8 of 1966) shall until the constitution of a Board under section 3, be deemed to be the Board constituted under this Act and accordingly shall perform the functions, discharge, the duties and exercise the powers of such Board. 3B. Notwithstanding anything contained in this Act, the Administrator of the Union Territory of Chandigarh, shall, until the constitution of a Board under section 3 be deemed to be the Board constituted under this Act and accordingly shall perform the functions, discharge the duties and exercise the powers of such Board]. 4. (1) The Board shall consist of not more than 15 Constitution of members appointed by the Government, from time to time, including Chairman, Vice-Chairman, Secretary, Joint-Secretary and other official and non-official members.

'Sections 3 A and 3B inserted by the Punjab Khadi and Village Industries Board (Reorganisation) Order, 1969. 414 THE PUNJAB KHADI AND VILLAGE (Punjab Act No INDUSTRIES BOARD ACT, 1955 Provided that— (a) the Minister-in-Charge shall be ex officio Chairman (b) the Vice-Chairman shall be a non-official member elected by the Board every year (c) the Government shall appoint a Secretary and a Joint Secretary from amongst the members of the Board. (2) Each non-official member of the Board shall be paid from the funds of the Board such allowance as the Government may fix from time to time. Official members shall draw their Travelling Allowances for attending meetings of the Board, or in connection with the performance of any duty assigned to them by the Board or the Government for the purposes of the Act admissible to them under the Punjab Travelling Allowance Rules from their respective departments. (3) The Board shall have powers to invite persons specially qualified to advise on matters before the Board relating to an industry or having special knowledge of local conditions in the area where the industry in question is situated. These persons shall be paid allowances at the rates admissible to other non-official members of the Board. Term or office 5. (1) The Board shall, unless sooner dissolved by and dissolution the Government, continue for a period of three years from the date of its establishment or till a new Board is appointed thereafter : Provided that the Government may, at any time, with the previous approval of the State Legislature, by a notification in the official gazette, make a declaration that from such date, as may be specified in the notification, the Board shall be dissolved. (2) Any member other than a Chairman, may at any time, resign his office by giving notice in writing to the Chairman of the Board and on its being accepted by the Government he shall be deemed to have vacated his Office from the date of such acceptance. 40 of 1956] THE PUNJAB KHADI AND VILLAGE 415 INDUSTRIES BOARD ACT, 1955 (3) On the Board ceasing to exist, either by efflux of time or by dissolution by the Government, as provided in sub-section (i) all funds and other properties vested in the Board shall vest in Government; and (ii) all liabilities, legally subsisting and enforceable against the Board shall be enforceable against Government to the extent of funds and properties vested in the Government under clause (i) above. 6. (1) A person shall be disqualified for being appointed or for continuing as a member of the Board if for appointment as members of the Board. (a) holds any office of profit other than Secretary or Joint Secretary under the Board (b) is of unsound mind and stands so declared by a competent Court; (c) is or at any time has been adjudicated insolvent ; (d) has directly or indirectly by himself, by his wife or son, or by any partner any share or interest in any subsisting contract or employment with, by or on behalf of the Board , (e) is a Director or a Secretary or a Manager or other salaried officer of any incorporated company or any co-operative society, which has any share or interest in any contract or employment with, by or on behalf of the Board. (2) (a) A person shall not be disqualified under clause (a) of sub-section (1) by reason only of his being a member receiving allowance as provided in sub-section (2) of section 4. (b) A person shall not be disqualified under clause (d) or (e) of sub-section (1) or be deemed to have any share or interest in any contract or employment 416 THE PUNJAB KHADI AND VILLAGE (Punjab Act INDUSTRIES BOARD ACT, 1955 within the meaning of these clauses by reason only of his, or of the incorporated company or of a cooperative society, of which he is a Director, Secretary Manager or other salaried officer having a share or interest in any newspaper in which any advertisement relating to any affairs of the Board is inserted. (c) A person shall not also be disqualified under clause (d) or (e) of subsection (1) or be deemed to have any share or interest in any contract or employment with, by or on behalf of the Board by reason only of his being a shareholder or member of such a company or society: Provided that such person discloses to the Government the nature and extent of the share held by him from time to time. 7. (1) The Government may remove from the Board or suspend a Board any member other than the Chairman, if he— (a) refuses to act; or (b) has become incapable of acting as a member of the Board: or (c) has so abused his position as a member as to render his continuance on the Board detrimental to the interests of the public ; or (d) is absent without permission from all the meetings of the Board for four successive months or for the period in which three successive meetings are held whichever period is longer; or (e) ceases to reside in Punjab ; or (f) is otherwise unsuitable to continue as a member. (2) The Government may suspend any member of the Board pending an inquiry against him. (3) No order of suspension or removal under this 40 of 1956] THE PUNJAB KHADI AND VILLAGE 417 INDUSTRIES BOARD ACT, 1955 section shall be made unless the member concerned has been given an opportunity to submit his explanation to the Government. (4) The Government may fix a period during which any person so removed or suspended under sub-section (1) or

this section shall not be eligible for re-appointment as member of the Board. (5) The Government may declare void any transaction in connection with which a member has been removed under sub-section (1)

8. When a member dies or resigns as provided Vacancy to be filled in as early in sub-section (2) of section 5, or is subject to any of the as possible disqualifications specified in section 6, or is removed under section (1) of section 7, he shall cease to be a member of the Board, and any vacancy so occurring shall be filled by the Government as early as practicable. Provided that during any such vacancy the continuing members may act as if no vacancy has occurred

9. No act or proceeding of the Board under this Vacancy, defect in Act, shall be questioned on the ground merely of the existence of any vacancy in or defect in the appointment procedure of a member or the constitution of the Board: Provided that the Board shall not act or take any proceedings, at any time when, by reason of any vacancy occurring the number of continuing non-official member is less than one-third of the total number of such non-official members in the Board

10. The Board shall from time to time make such Meetings of the arrangements with respect to the date, time, place, notice, management and adjournments of its meetings as may be determined by regulations made, by the Board subject to the following provisions, viz t— (a) Ordinary meeting shall be held once at least in every three months. (b) The Chairman may, whenever he thinks fit, call special meetings. 418 THE PUNJAB KHADI AND VILLAGE [Punjab Act (e) The proceedings of the meetings Board shall be forwarded to Government 11. Subject to any rules made under section 34 the Appointment of Board may from time to time appoint one or Committees for the purpose of securing efficient charge of its functions and in particular for the purpose of ensuring that the said functions are exercised with due regard to the circumstances and requirements of any particular village industry. Functions and powers of the Board

CHAPTER III—FUNCTIONS AND POWERS OF THE BOARD. 12. (1) It shall be the duty of the Board to organise, develop and propagate village industries and perform such functions as the Government may prescribe from time to time and exercise such powers as may be necessary for carrying out the objects of this Act. (2) Without prejudice to the generality of the provisions of sub-section (1), the Board shall also in particular discharge and perform all or any of the following duties and functions, namely (a) to start, encourage, assist and carry on Khadi and village industries and to carry on trade or business in such industries, and in the matters incidental to such trade or business ; (b) to help the people by providing them with work in their homes and to give them monetary help (c) to encourage establishment of Co-operative Societies and Societies registered [under the Societies Registration Act, 1860, or the Pepsu Societies Registration Act, 1954]. (d) to conduct training centres and to train people thereat with a view to equip them with the necessary knowledge for starting or carrying on Khadi and village industries ; iSubstituted by Punjab Act 29 of 1957, Section 3, for the words "with All-India Khadi and Village Industries Board for Khadi and Village Industries". 40 of 1956] THE PUNJAB KHADI AND VILLAGE 419 TNDVSTRITS BOARD ACT, 1956 (e) (i) to manufacture tools and implements required for carrying on Khadi and village industries and to manufacture the products of such industries (ii) to arrange for the supply of raw materials and tools and implements required for the said purpose ; and to arrange for the sale of the to sell (iii) products of the said industries (f) to arrange for publicity and popularisation of finished products or Khadi and village industries by opening stores, shops, emporia or exhibitions and to take similar measures for the purpose (g) to endeavour to educate public opinion and to impress upon the public the advantages of patronising the products of Khadi and village industries (h) to seek and obtain advice and guidance of experts in Khadi and village industries ; (i) to undertake and encourage research work in connection with Khadi and village Industries and to carry on such activities as are incidental and conducive to the objects of this Act ; and (j) to discharge such other duties and to perform such other functions as the Government may direct for the purpose of carrying out the objects of this Act. 1[Explanation the purposes of clause (b), the expression "monetary help" includes the giving of grants and loans for any of the purposes of this Act on such terms and conditions as may be prescribed.] 13 (1) The Board may enter into and perform all Power to make such contracts as it may consider necessary or expedient for carrying out any or the purposes of this Act (2) Every contract shall be made on behalf of the Board by the Secretary (3) Every contract made by the Secretary on behalf of Added Punjab Act No. 12 of 1961, Section 2. 42.0 THE PUNJAB KHADI AND VILLAGE [Punjab Act N TNDVSTRITS BOARD ACT, 1956 of

the Board shall, subject to the provisions of this section be entered into in such tanner and form as may be cribed (4) A contract not executed in the manner provided in this section and the rules made thereunder shall not be binding on the Board

14. The Board shall, for the purposes of carrying out General its functions under this Act, have the following Powers _ Board.

(i) to acquire and hold such movable and immovable property as it deems necessary and to lease sell or otherwise transfer any such property: Provided that in the case of immovable property the aforesaid powers shall be exercised with the previous sanction of the Government • (ii) to incur expenditure and undertake works in any area in the State for the framing and execution of such scheme as it may consider necessary for the purpose of carrying out the provisions of this Act or as may be entrusted to it by the Government, subject to the provision of this Act, and the rules made thereunder. The chairman shall be responsible for the proper functioning of the Board and implementation of its decisions and discharge of its duties under this Act. (2) The chairman may, by order in writing, delegate any of his powers to the vice-chairman or any other non-official member of the Board. (3) The chairman shall exercise general control over the Board.] 15. The Secretary and Joint Secretary shall exercise such powers and perform such functions for and on behalf of the Board as may be determined by Regulations. Inserted by Punjab Act No. 29 of 1957, Section 4. 40 of 1956) THE PUNJAB KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1956 CHAPTER IV—APPOINTMENT OFFICERS AND SERVANTS 16. The Board may appoint such officers and servants as it considers necessary for the efficient performance of its functions

17. The pay and other conditions of service of officers and other servants of the Board shall be such as the Board may determine by regulations

18. The functions and duties of the officers and servants of the Board shall be such as the Board may determine by regulations

CHAPTER V—FINANCE, ACCOUNTS AND AUDIT

19. (1) The Government may transfer to the Board building, land or any other property, movable or immovable, for use and management by the Board on such conditions and limitations as the Government may deem fit, for the purposes of this Act. (2) The Government may transfer to the Board such schemes or works in progress, with all their assets and liabilities as are run or managed by Government, subject to such conditions and limitations as the Government may deem fit to impose for the purposes of this Act. 20. (1) The Board shall have its own fund and all receipts of the Board shall be credited thereto and all payments by the Board shall be made therefrom. loans, sub- The Board may accept grants, contributions, donations and gifts from the Government or a Local Authority or other statutory body including the Commission or any private body, whether incorporated or not, or an individual for all or any of the purposes of this Act.] (3) All moneys belonging to the fund of the Board shall be deposited in such manner as the Government may, by special or general order direct. •Substituted by Punjab Act. No. 29 Of 1957, Section 5. servants of the Board. Condition of service of officers and servants of the Board. Functions and duties of officers and servants. Transfer of property. Fund of the Board. 422 THE PUNJAB KHADI AND VILLAGE [Punjab (4) Such shall accounts be operated jointly or individually as may be ordered 21. All property, fund and other assets of fund and the Board shall be held and applied by it subject to the provisions and for the purposes of this Act Subject to 22. (1) The Government may, from time to time Subventions and loans to the Board. make subventions and grants to the Board for purposes of this Act on such terms and conditions (2) The Government may, from time to time, advance loans to the Board on such terms and conditions not inconsistent with the provisions of this Act as the Government may determine. 23. (1) In each year, on such date as may be Preparation and submission of fixed by the Government the Board shall prepare and Annual Programme and Establishment forward (a) programme of its work ; and (b) a schedule of the staff of officers and servants already employed and to be employed during the next year, to the Government in such form as may be prescribed. (2) The programme of its work shall contain— (a) such particulars of the scheme which the Board proposes to execute whether in part or whole, during the next year (b) particulars of any work or undertakings which the Board proposes to organise during the next year for the purposes of carrying out its functions under the Act (c) such other particulars as may be prescribed. 40 of 1956] THE PUNJAB KHADI AND VILLAGE 423 INDUSTRIES BOARD ACT, 1956 24. The Government may approve and sanction the programme and the schedule of the staff of officers and

servants forwarded to 'it with such modifications as it deems fit. 21(2) The Board may send a programme of its schemes formulated in accordance with the policy or scheme of the Commission directly to the Commission for allotment of funds by or approval of the Commission.] 25. The Board shall, on such date as may be fixed Budget, by the Government prepare and submit to the Government the budget for the next financial year showing estimated receipts and expenditure on capital and revenue accounts according to the programme and schedule of the staff sanctioned by the Government. 26. (1) The Government may sanction the Budget submitted to it with such modifications as it deems proper. The Board shall not be competent to transfer funds sanctioned for one scheme to another scheme,— (a) funds in respect of such schemes are allotted by the Commission, without the prior approval of the Commission; and (b) in any other case, without the prior approval of the Government.] 27. The Board may submit a supplementary budget for the supplementary and supplementary programme and sanction of Government in such form and supplementary budget, on such date as the Government may prescribe, and provisions of sections 25 and 26 shall apply to such supplementary programme and budget respectively

28. The Board shall prepare and forward to the Annual Report. Government in such manner as may be prescribed an annual report within three months after the end of the financial year giving a complete account of its activities during the previous financial year

29. The Board shall, before such date and at Further Reports. such intervals and in such manner as the Government Statistics and Returns, may from time to time direct, submit to the Government (Original section 24 renumbered as sub-section (1) by Punjab Act No. 29 of 1957, section 6. 'New sub-section (2) added by Punjab Act, No. 29 of 1957, section 6. 'Substituted by Punjab Act No. 12 of 1961, Section 3. 424 AND Vrtt. AGtt A BOARD Act, 1956 a report' on such matter and statistical and return of the Government may direct. 30. (1) The accounts of the Board shall be maintained and an annual statement of accounts Audit, be prepared in such manner as may be prescribed (2) The accounts of the Board shall be audited by a Chartered Accountant or by such person as Government may direct. (3) As soon as the accounts of the Board are audited the Board shall send a copy thereof with a Copy of the report of the auditor thereto to the Government. (4) The audited accounts of the Board shall be submitted to Government in such manner as may be prescribed. (5) The Board shall comply with such directions as the Government may, after the perusal of the report of the Auditor, think fit to issue

CHAPTER VI—MISCELLANEOUS. 31. (1) In the discharge of its functions, the Board shall be guided by such instructions on question of policy as may be given to it by the Government. (2) If any dispute arises between the Government and the Board as to whether a question is or is not a question of policy, the decision of the Government shall be final. of Board 32. Members of the Board and members of staff and employees of the Board shall be deemed when acting or purporting to be public servants. To act in pursuance of any Of the provisions of this Act to be public servants within the meaning of section 21 of the Indian Penal code, 1860 (XLV of 1960). Recovery of Boards [32-A. All sums, including grants and loans given by the Board or any interest or costs in respect thereof, becoming due to the Board under this Act, whether before or after the commencement of the Punjab Khadi and Village Industries Board (Amendment) Act, 1961, and whether such sums, have become due by virtue of any contract or otherwise shall be recoverable as arrears of land revenue.] 33. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or purported to be done under this Act. 40 of 1956 THE PUNJAB KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1956 34. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters— (a) the allowances of non-official members of the Board under section 4 (2) (b) the functions of the Board under section 12; (c) the manner and form in which contracts shall be entered into under section 13, (d) the particulars of the programme under section 23 (1) (e) the form in which and the date before which the supplementary programme shall be submitted under section 27 (f) the form in which and the date before which the supplementary budget shall be submitted under section 27 (g) the manner in which the annual report shall be prepared and forwarded to the Government under section 28 (h) the manner of maintenance of accounts and preparation of annual statement of accounts under section 30 (1); (i) any other matter which is, or may be, prescribed under this Act. 35. (1) The Board may with the previous sanc-

Regulations. tion of the State Government make regulations con- sistent with this Act and the Rules made thereunder and such regulations shall be notified in the Official Gazette. iPor rules, sco Punjab Government notification No dated tbe 41b September. 1957. 426 THE PUNJAB AND VILLAGE (Punjab Act INDUSTRIES BOARD ACT, 1956 (2) In particular and without prejudice to the genorality of the foregoing power the Board may make regulations providing for— (a) the procedure and disposal of its business (b) remuneration, allowances and other condi- tions of service of members of the staff of the Board; (c) functions and duties of the Secretary, Joint Secretary and other members of the staff of the Board (d) functions of committees and the procedure to be followed by such committees in the discharge of their functions

36. Nothing in this Act shall be deemed to apply to any industry declared to be a Scheduled industry under the industries (Development.and Regulation) Act, 1951, or to affect any of the provisions of the said Act.

