

KERALA INDUSTRIAL REVITALISATION FUND ACT, 1999(19 OF 1999)

469 (Translation in English of ' '1999-52-1 a-iScua-uou published under the authority of the Governor.)
 mlun «»UooU" ACT 19 OF 1999* THE KERALA INDUSTRIAL REVITALISATION FUND ACT,
 1999 An Act to Provide for the constztutwn of afund to rcvztalzse public sector industnal undertakzngs
 and other zndustrzal undertakings under the control of the Stale and for matters connected therewdh or
 incidental thereto. Preamble.—WHEREAs it is expedient to consUtute a fund to l evitalise public sector
 industnal undertakmgs and other industrial undertakings under the control of the State and for matters
 connected therewith or incidental thereto; BE it enacted in the Fiftieth Year of the Republic of Indra as
 follows:— 1. Short title, extent and commencement,—(1) This Act may be called the Kerala Industiial
 Revitalisation Fund Act, 1999. (2) It extends to the whole of the State of Kerala. (3) It shall be deemed to
 have come into force on the 8th day of December, 1998

2. Definttions.—In this Act, unless the context otherwise b requires,— (a) 'Board' means the Kerala
 Industrial_Revitalisation. Fund Board constituted under section 4; (b) 'Fund' nEans the Kei ala Industrial
 Revitalisation Fund established under section 3 and the Scheme; *Received the assent of the Governor on
 the 29th day of April, 1999 and published in the Kerala Gazette Extraordinary No. 2185 dated 30th
 November 1999. 470 (c) 'Fund Manager' means the Fund Manager of the Board appointed under section
 IO; (d) 'Financial assistance' means the types of assistance specified m the Scheme; (e) 'Government'
 means the Government of Kei ala; (f) 'Other industrial undertakings' means COI POI ate bodies
 established in the State under the Companies Act, 1956 (Central Act I of 1956) in joint sector, where the
 investment of the Goven nment not less than forty cent of the total paid up share capital, and under the
 Industries Department of the Government. (g) 'Public sccC01 industrial undertakings' means any Company
 established under the Comparucs Act, 1956 (Central Act I of 1956) or a Co-operauve Society registered or
 deemed to have been registered under the Kerala Co-opcrauvc Societies Act, 1969 (21 of 1969), and under
 the control of Industrxcs Department of the Government (h) 'Schedule' means the Schedule to this Act; (1)
 'Schcmc' means the Scheme framed undel this Act, (j) 'State' means the State of Kerala; (k) 'Undertakings'
 mean', public sector Industrial undertakings or o lher mdustnal unde takings; (l) 'Year' means the fina
 QC1al year

3. Kerala Industrial Revitaltsa,'ion Fund Scheme.—(1) The Government may, by notification m the
 Gazette, frame a Scheme to be called the Kerala Industrial Revitalisation Fund Scheme for the
 establishment of a fund under this Act for the revitahsauon of Public Sector Industfxal Undertakings and
 other industnal undertakings Irt the State and there shall be established, as soon as may be after the
 frammg of the scheme, a fund m accordance with the provisrons of this Act and the Scheme. (2) There
 shall be credited to the fund,— (a) the contribution specified in section 7; (b) the amount borrowed by the
 Board under section 8 , (c) grants or loans or advances made by the Government or any institution; 471 (d)
 any amount raised by the Board from other sources to augment, the resources of the Board; and (e) any
 other amount wluch, under the provisions of the Scheme, shall be credited to the fund. (3) The fund shall
 vest in, and bc admimsteez by, the Board consti- tuted under section 4. (4) The fund may be utilised for
 all or any of the following purposes, namely :— (a) to revitalise public sector industr iat undertakings and
 other Industrial undertakings; (b) to provide financial assistance to public sector industrial under- takings
 and other Industrial undetaklngs. (c) to redeem the bonds and debentures used to raise resornces for the
 fund; and (d) for Implementation of any other purpose specified in the scheme. (5) All moneys specified m
 sub-section (2) shall be deposited into the public account of the Government or With the appl oval of the
 Covci nment with any Scheduled Bank or With the Financial Institution owned by the State Government
 and the said account shall be operated by the Fund manager. (6) Subject to the pzovisions of this Act, the
 Scheme framed under sub-section (l) may provide for all or any of the matters specified in sub-section (4)
 and m the Schedule. (7) The Scheme shall be laid, a soon as may be, after It IS fran-ned, before the
 Legislative Assembly while It IS In session for a total period of fourteen days which may be comprised m
 one session or In two successive sessions, and if, before the expiry of the session m which It is so laid or
 the session immediately following, the Lcgrslatnve Assembly niakes any modification In the scheme, the
 scheme shall thereafter have effect only m such modified form; so however that, any such modification
 shall be without prejudrcc to the validity of anything previotsly done under the Scheme 4. Constztutzon of

The Government may by notification in the Gazette, constitute with effect from such date as may be specified therein a Board to be called "the Kerala Industrial Revitalisation Fund Board" for the administration of the fund and to supervise or carry out the activities financed from the fund. (2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal and shall by the said name sue and be sued. 472 (3) The Board shall consist of such number of directors not exceeding seven, as may be appointed by the Government and they shall be chosen in such manner as may be specified in the scheme. (4) One of the directors of the Board shall be appointed by the Government to be its Chairman. (5) The Board shall administer the fund vested in it in such manner as may be specified in the Scheme. (6) The Board may, With the previous approval of the Government delegate to the Chairman or to the Fund Manager such of its powers and functions under this Act or the Scheme, as It may consider necessary for the efficient administration of the fund, subject to such restrictions and conditions, as may be specified.

5. Term of office of A Director appointed under sub- section (3) of section 4 shall hold office during the pleasure of the Government.(2) Any Director may resign his membership by giving notice in writing to the Government but shall continue in office until his resignation is accepted by the Government

6. Powers and functions of the Board.—Subject to the provisions of this Act, the Board shall have the following powers and functions, namely:— (a) to mobilise resources for utilisation of the fund; (b) to sanction financial assistance to the undertakings as per the Scheme ; (c) to recover the amounts due to the Board from the assisted undertakings as per the recovery schedule , (d) to modify, revise or reschedule the recoveries from the assisted undertakings as may be considered appropriate ; (e) to opt for revenue recovery procedures, If found necessary and appropriate, against any of the assisted undertakings in the interest of the Board ; (f) to disburse all expenses relating to the administration of the Fund including travel, interest on borrowings, fees, professional charges and other expenses ; (g) to invest any surplus fund of the Board, as may be available from time to time, in such manner as may be specified in the Scheme and also to realise such investments; 473 (h) to review the performance of public sector industrial undertakings and other Industrial undertakings on a periodic basis; (i) to enter into memorandum of understanding or performance contract with companies and other undertakings under the purview of this Act, on behalf of the Government; (j) to enter into contract on behalf of the Board; (k) to exercise such of the powers and functions, as may be specified in the Scheme, (l) to exercise such other powers and perform such other functions as may be conferred on or entrusted to It by the Government for carrying out the purposes of this Act, (m) to do all acts necessary for and incidental to, the carrying out of the functions entrusted or delegated to It

7. Contribution to the fund —The Government may, after due appropriation by law, from time to time make such grants, to the fund for the purposes of this Act on such terms and conditions as the Government may determine

8. Power of the Board to The Board may, from time to time, With the previous sanction of the Government and subject to such conditions as the Government may, by general or special order determine, borrow any sum required for the purposes of this Act whether by the issue of bonds or debentures or otherwise or by making arrangements With Banks or Public Sector Industrial undertakings, and other Industrial undertakings or other bodies or institutions approved by the Government in that behalf.(2) Bonds or debentures issued by the Board under this section shall be issued, transferred dealt With or redeemed in such manner as the Government may, by general or special order, direct 9. Guarantee by Government for loan.—(1) The Government may guarantee in such manner as they think fit, the payment of the principal and interest of any loan proposed to be raised by the Board under section 8: Provided that the total principal amount of guarantee issued by the Government under this section shall not exceed a sum of rupees one hundred and eighty crores (2) The Government shall, so long as any such guarantee is in force, lay before the State Legislature every year during the budget session, a statement of the guarantees, If any, given during the current financial year and up-to-date accounts of the total sums, if any, which have been paid out of the Consolidated Fund of the State by reason of any such guarantee or paid into the said fund towards repayment of any money, so paid out. 34/2483/2000/MC 474 IO. Appointment of officers and staff.—(1) The Government may appoint a Fund Manager and such other officers and staff as they consider necessary to assist the Board in the

discharge of Its functions and duties undtl th s Act (2) 'Thn thod ntmcn% 31.arv disciplme and other condition; Ofs r vice of Fund Managu t nd the other ofhcas and Stoff appointed under sub-section (l) shall be sech as may be specified In [he Scheme

11. Mode Rpcovc,yy of mo du' to t."3 Boqr:l —All sums payable by any person to th Bo -'over. ble by Jt by 0" utidl thr, Act 01 the Sc hanc and all charg s o- expenses Incun- d In coan-•cūon the H mth iWtl out PR J •dice to arrv odi mod 2 0k rct03uy, be i' cove, blc as an Icar 01 public revenue due cn iand undex the Slons of the RO. (nuc Act fol the time bC1ng fo c 12. D')telors "f Board etc. Io bc' publzc st rvants —m (D Dncctor ('f the Board, the Fund M .n and oR1cers and of staff of the BJ l. d appo. nted un sab-suction (l) of section 10 sh '.11 be de •mcd bc pub,ic servants within the mear mg of section 21 of the Indian Rnal Code (Cent. al Act 45 of 1860)

13. Prot:ctwnfor acts don: goodfith.—No sait or other legal proceedng s.hzll l.e acamst a,zy director of tae BÖ It'd or any 0Lher _')dson respect of anything which is in good faith, dene or mtended to be done undel this Act or under the schune. I k Power of Gover nment to issue Notwithstanding anything cont.-un d m this Act It shall be la i fal for the Gove) nment to Issue directions to the Board mattels aelatina to State and Natrona) poLc:cs and such directiöns Shull be billd:ng on the Board. (2) The Government m •y, after consultation With the Boald, give to the Bu d gencral clueet:öns to be followed by the Board (3) In th . exe, c-s-• of tn.' and pti formance of Its duties under this Act, the Bo ld shad not depa ft fro-m any general dirtctlon Issued under sub-section (2) except With the pnvjous pvnmsslon of the Government. (1) The Boald shall maintam such books of 15. Accounts and audzt — accounts and 0',hel books in relation to Its accounts and pepare an annual statement of accoums and balance •sheet In such form and m such manna as may be specified In the Scheme. (2) The accounts of the Boald shall be audited by such auditor, m such manner and at such time as the Gove nment may, by genczal or special order, direct and the auditor so appointed shall have such powers of iequumg the production of documents and the fin mshng of Information m respect 01 such Inattel 5. 475 (3) The accounts of the Boat•d as certified by the avditor together with the audit report thereon shall bn forwarded annually to the Government who may Issue such directions to lthe Boa'd as they moy dcem fit 2nd the Board shall comply With sacli directions 16. Annual report ap.d avdztpd statcmo:zt of accounts The annu?l jcpört of the Board shall be prepared vnder the direct'on of the Board and after approval by the Boatd a copy of the leno: t shall be sobmitted to Government bfore the end of Ji'yly every ytttr (2) The Government sholl, as soon as the annual report is received, dited stotern(nt of accounts to be laid on cause the s lme t0Tcth'l the • the Table of the Legislative Assembly

17. Power to order zuquz,) ' The Government mav, ? t any ttrne, appoint any person to inquire mto the of the Board and to submit a reoozt to the Government.(2) The Board shall gwe the person so eppolnted 211 frellllties for the proocer conduct ef the 1 Iquny pnd furnish to hirn ch documents, accounts and information in the oosstsslon of the Bon-I (l as hc may uquire

18. Dissolution of the If the Government for any reason are of opinion that It not necessary; 'rv to cont', r. uc the Board they may, by notification in the Gazette, dissolve the Board from such date as may be specified therein. (2) Upon the making of a notification under sub section (1) dissolving the Board,— (a) the Chairman and all the other members of the Board shall, as from the date of dissolution, vacate their offices as such; (b) all the powers and functions which may, or under the provisions of this Act, be exercised and performed by the Board and the Chairman shall, as from the date of dissolution, be exercised and performed by the Government or such authority as they may appoint in this behalf; (c) all funds and other properties vested in the Board shall devolve in the and (d) all liabilities legally subsisting and enforceable against the Board shall be enforceable against the Government to the extent of the funds and properties vested therein. (3) Nothing in this section shall affect the liability of the Government in respect of bonds or debentures guaranteed by the Government. 476 19. Bar of jurisdiction of Civil Courts.—No Civil Court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act or Scheme required to be settled, decided or dealt with or to be determined by the Government or the Board or any officer authorised by the Government or the Board. If any difficulty arises in giving effect to the provisions of this Act, the Government as occasion may require, by order, do anything not inconsistent with this Act or the

Scheme made thereunder, which appears to them necessary for the purpose of removing the difficulty. (2) Every order made under sub-section (1) shall be laid on the table of the State Legislative Assembly

21. Modification of the Scheme.—(1) The Government may, by notification in the Gazette, add to, amend or vary the Scheme either prospectively or retrospectively. (2) Every notification under sub-section (1) shall be laid, as soon as may be after it is issued, before the Legislative Assembly while it is in session for a total period of fourteen days which may be completed in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the notification or decides that the notification shall not be issued, the notification 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 notification

22. Repeal and The Kerala Industrial Revitalisation Fund Ordinance, 1999 (1 of 1999), is hereby repealed.(2) Notwithstanding such repeal, anything done or demand to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Act.

