

KERALA KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1957 (PRESIDENT'S ACT, NO.9 OF 1957)

32 THE KERALA KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1957. (9 OF 1957)
CONTENTS. Sections. 1. 2

3

CHAPTER I. Preliminary. Short title, extent and commencement Definitions. Power to declare village Industry

CHAPTER II. Establishment, Constitution and Dissolution of the Board. Sections. 4. 5. 6. 7. 8 9. 10. 11. 12. 13. 14. 15. 16. 17. 18

19. Kerala Khadi and Village Industries Board. Establishment of Board. Resignation of office by member. Disqualification for appointment on the Board. Removal or suspension of a member. Vacancy to be filled in as early as possible. Validity of proceedings. Appointment of members of staff of Board and conditions of their service. Appointment of committees. Meetings of the Board. Power to make contracts. Term of office of members of the Board. CHAPTER III. Functions and Powers of the Board. Functions of the Board. General powers of the Board

CHAPTER IV. Preparation and Submission of Programmes. Preparation and submission of annual Programme. Sanction of programme. Supplementary programme. 33 CHAPTER V. Finance, Accounts, Audit and Debts. Sections. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34

35. Transfer of property, Funds of the Board, Application of fund and property. Subventions and loans to the Board. Budget. Sanction of budget. 'Supplementary budget. Annual report. Further report, statistics and returns. Accounts and audit

CHAPTER VI. Miscellaneous. Direction by Government. Members of Board and members of staff of Board to be public servants, Protection of action taken under Act. Rules. Regulations. Saving. 34 THE KERALA KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1957 (9 OF 1957) ENACTED BY THE PRESIDENT IN THE EIGHTH YEAR OF THE REPUBLIC OF INDIA. An ACT to provide for the organisation, development and regulation of khadi and village industries in the State of Kerala and to constitute a Board to carry out the said objects. In exercise of the powers conferred by section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1956 (75 of 1956), the President IS pleased to enact as follows : — CHAPTER I PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be called the Kerala Khadi and Village Industries Board Act, 1957. (2) It extends to the whole of the State of Kerala. (3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint

2. Definitions.—In this Act, unless the context otherwise requires,— (1) (i) (ii) (v) 'Board' means the Kerala Khadi and Village Industries Board established under section 4 ; 'khadi' means any cloth woven on handlooms in India from cotton, Silk or woollen yarn handspun in India or from a mixture of any two or all of such yarns ; 'prescribed' means prescribed by rules made under this Act ; 'regulations' means regulations made by the Board under this Act ; 'village industries' means all or any of the Industries specified in the Schedule to the Khadi and Village Industries Commission Act, 1956 (61 of 1956), and includes any other Industry declared by the Government under section 3 to be a village industry. Published in the Kerala Gazette Extraordinary dated 27th March 35 3. Power to declare village industry.— (1) The Government may, by notification in the Gazette, declare any industry to be a village industry to which this Act applies. (2) A copy of every notification issued under sub-section (1) shall be laid before the Legislative Assembly as soon as may be, after it is issued

CHAPTER II ESTABLISHMENT, CONSTITUTION AND DISSOLUTION OF THE KERALA KHADI AND VILLAGE INDUSTRIES BOARD

4. Establishment of Board.— (1) With effect from such date as the Government may, by notification in the Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a Board by the name of the Kerala Khadi and Village Industries Board. The Board shall be a body corporate having perpetual succession and a common seal. With power to acquire, hold and dispose of property, both

movable and immovable, and to contract and do all things necessary for the purposes of this Act, and may by the said name sue and be sued. (2) The Board shall consist of such number of members, being not less than five and not more than seven, as the Government may appoint. One of such members shall be appointed by the Government as the chairman of the Board. (3) The chairman and the other members shall be paid from the funds of the Board such allowances as the Government may fix

5. Resignation of office by member—Any member of the Board may at any time resign his office by giving notice in writing to the Government and on such resignation being notified in the Gazette by the Government, shall be deemed to have vacated his office

6. Disqualification for appointment on the Board.— (1) A person shall be disqualified for being appointed or for continuing as a member of the Board if he— (a) holds any office or place of profit under the Board; (b) is of unsound mind and stands so declared by a competent court, a deaf-mute or a leper; (c) is, or at any time has been, adjudicated insolvent or has suspended payment of his debts or has compounded with his creditors; (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 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 any allowance as provided in sub-section (3) of section 4. (b) A person shall not be disqualified under clause (d) or clause (e) of sub-section (1), or be deemed to have any share or interest in any contract or employment within the meaning of those clauses by reason only of his, or of the incorporated company or of a co-operative 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 clause (e) of sub-section (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 of such 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. Removal or suspension of a member.— The Government may remove from the Board any member who, in their opinion,— (a) refuses to act; or (b) has become incapable of acting; or (c) has so abused his position, as a member as to render his continuance on the Board detrimental to the interest 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 the State of Kerala, or (f) is otherwise unsuitable to continue as a member: Provided that removal under this sub-section shall not be made unless the member concerned has been given an opportunity to submit his explanation to the Government. (2) The Government may suspend any member of the Board pending action against him under sub-section (1). (3) A member who has been removed under sub-section (1) shall not be re-appointed as a member of the Board or appointed in any other capacity under the Board. (4) The Government may declare void any transaction in connection with which a member has been removed under sub-section (1). 37 8. Vacancy to be filled as early as possible.—When a member dies or resigns as provided in section 5, or is subject to any of the disqualifications specified in section 6, or is removed under sub-section (1) of section 7 he shall cease to be a member of the Board, and any vacancy so occurring shall be filled in by the Government as early as practicable: Provided that during any such vacancy the remaining members may act as if no vacancy has occurred

9. Validity of proceedings.—No act or proceeding of the Board shall be deemed to be invalid by reason only of a defect in its constitution or on the ground that the chairman or any member thereof was disqualified for, or had ceased to hold, his office, or by reason of such act or proceeding having been done or taken during the period of any vacancy in the office of the chairman or any member of such Board

10. Appointment of members of staff of Board and conditions of their service.— (1) The Board may appoint such members of the staff as it may consider necessary. (2) The remuneration, allowances and other conditions of service of the members of the staff of the Board shall be such as may be determined by regulations

11. Appointment of committees.—Subject to any rule made under section 33, the Board may, from time to time, appoint one or more committees for the purpose of securing the efficient discharge of its

functions and in particular for the purpose of securing that the said functions are exercised With due regard to the circumstances and requirements of khadi or any particular village Industry. Such committees may be appointed for any particular area. 12, Meetings of the Board — (1) The Board shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations made by the Board: Provided that the Board shall meet at least once in every three months. (2) The chairman or, in his absence, any member chosen by the members present from among themselves, shall preside at the meetings of the Board (3) All questions at a meeting of the Board shall be decided by a majority of the votes of the members present and voting, and in the case of an equality of votes, the chairman or in his absence, the person presiding shall have a second or casting vote. 13, Power to make contracts.— (1) The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act (2) Every contract shall be made on behalf of the Board by the chairman, 38 (3) Every contract made by the chairman on behalf of the Board shall, subject to the provisions of this section, be entered into in such manner and form as may be prescribed (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. Term of office of members of the Board.—The term of office of the chairman and the other members of the Board shall be such as may be prescribed

CHAPTER III FUNCTIONS AND POWERS OF THE BOARD

15. Functions of the Board.— (1) It shall be the duty of the Board to organise, develop and regulate khadi and village industries and perform such functions as the Government may, prescribe from time to time. (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: — (1) to start, encourage, assist and run khadi and village industries; (2) to help the people by providing them with work in their homes and to give them: non-monetary accommodation; (3) to organise co-operative societies for khadi and village industries (4) to conduct training centres and to train people at those centres or at other centres outside the State of Kerala in khadi and village industries; (5) to arrange for supply of raw materials, tools and implements and for sale of the finished products; (6) to arrange for publicity and popularising of goods manufactured in khadi and village industries by opening stores, shops, exhibitions and the like; (7) to endeavour to educate public opinion and to impress upon the public the advantages of patronising the products of khadi and village industries; (8) to seek and obtain advice and guidance in these subjects by inviting experts; (9) to undertake and encourage research work; (10) to carry on such activities as are incidental and conducive to the objects of this Act; and 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. 4 39 16. General powers of the Board.—The Board shall, for the purposes of carrying out its functions under this Act, have the following powers, namely: — (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 only with the previous sanction of the Government; (ii) to incur expenditure and undertake works in any area in the State of Kerala for the framing and execution of such schemes 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 provisions of this Act and the rules made thereunder

CHAPTER IV PREPARATION AND SUBMISSION OF PROGRAMMES

17. Preparation and submission of annual Programme.— (1) In each year on or before such date as may be fixed by the Government, the Board shall prepare and forward to the Government a programme of work. (2) The programme 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 undertaking which the Board proposes to organise during the next year for the purposes of carrying out its functions, under this Act; and (c) such other particulars as may be prescribed

18. Sanction of programme.—The Government may approve and sanction the programme in whole or with such modifications as they deem fit

19. Supplementary programme.—The Board may prepare and forward a supplementary programme for the sanction of the Government in such form and before such date as the Government may prescribe and the provisions of section 18 shall apply to such supplementary programme

CHAPTER V FINANCE, ACCOUNTS, AUDIT AND DEBTS

20. Transfer of property.—The Government may transfer to the Board buildings, land or any other property, whether 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. **21. Funds of the Board.**—(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 met therefrom. (2) The Board may accept grants, subventions, donations and gifts and receive loans from the Government or a local authority or any body or association, whether incorporated or not, or an individual for all or any of the purposes of this Act. (3) All monies belonging to the fund of the Board shall be deposited in such manner as the Government may, by a special or general order, direct. (4) The accounts of the Board shall be operated upon by such officers jointly or individually as may be authorised by the Board

22. Application of fund and property.—All property, fund and other assets of the Board shall be held and applied by it subject to the provisions and for the purposes of this Act

23. Subventions and loans to the Board.—(1) The Government may, from time to time, make subventions and grants to the Board for the purposes of this Act on such terms and conditions as the Government may determine in each case. (2) The Board may, from time to time, with the previous sanction of the Government and subject to the provisions of this Act and such conditions as the Government may determine, borrow any sum required for the purposes of this Act

24. Budget.—The Board shall, on or before such date as may be fixed 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 the schedule of the stock

25. Sanction of budget.—The Government may sanction the budget submitted to it with such modifications as they deem proper

26. Supplementary budget.—The Board may submit a supplementary budget for the sanction of the Government in such form and before such date as the Government may prescribe and the provisions of section 25 shall apply to such supplementary budget

27. Annual report.—The Board shall prepare and forward to the Government in such manner as may be prescribed an annual report within three months from the end of the financial year giving a complete account of its activities during the previous financial year. Every such report shall be laid before the Legislative Assembly as soon as may be after it received by the Government

28. Further report, statistics and returns.—The Board shall before such date and at such intervals and in such manner as the Government may from time to time direct, submit to the Government a report on such matters and such statistics and such returns as the Government may direct. **29. Accounts and audit.**—The accounts of the Board shall be maintained and an annual statement of accounts shall be prepared in such manner as may be prescribed. Such accounts shall be audited by an auditor approved by the Government

CHAPTER VI MISCELLANEOUS **30. Direction by Government.**—(1) In the discharge of its functions, the Board shall be guided by such instructions on questions 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

31. Members of Board and members of staff of Board to be public servants.—Members of the Board and members of the staff of the Board shall be deemed, when acting or purporting 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 (45 of 1860)

32. Protection of action taken under Act.—No suit, prosecution or other legal proceeding shall lie against any person for anything which in good faith done or purported to be done under this Act. —(1) The Government may, by notification in the 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, namely: — (a) the allowances to be paid to the members of the Board under sub-section (3) of section 4; (b) the manner and form in which contracts shall be entered into under section 13; (c) the term of office of the chairman and the other members of the Board and the manner of filling casual vacancies among the members of the Board under section 14; (d) the functions of the Board under section 15; (e) the other particulars of the programme under section 17; (f) the form in which, and the date before which, the supplementary programme shall be submitted under section 19; (g) the form in which and the date before which, the supplementary budget shall be submitted under section 26. (h) the manner in which the annual report shall be prepared and forwarded to the Government under section 27. (i) the manner of maintenance of accounts and preparation of annual statement of accounts under section 29; (j) any other matter which is or may be prescribed under this Act

34. Regulations.—(1) The Board may, with the previous sanction of the Government, make regulations consistent with this Act and the rules made thereunder and notify them in the Gazette; (2) In particular and without prejudice to the generality of the foregoing power, the Board may make regulations providing for— (a) the procedure and disposal of its business and the quorum necessary for the transaction of such business at a meeting; (b) the remuneration, allowances and other conditions of service of the members of the staff of the Board; (c) the functions and duties of the members of the staff of the Board; (d) the functions of committees and the procedure to be followed by such committees in the discharge of their functions

35. Saving.—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 (65 of 1951), or to affect any of the provisions of the said Act. **ORDINANCE No 1 OF 1957. THE KERALA STAY OF EVICTION PROCEEDINGS ORDINANCE, 1957.** Promulgated by the Governor of Kerala in the Eighth Year of the Republic of India. An Ordinance to stay eviction of tenants, Kudikidappukars and certain other classes of persons cultivating land **Preamble.**—WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for the temporary protection of tenants; AND WHEREAS Kudikidappukars and persons cultivating land on varom, Sambalapattom or other similar arrangements pending enactment of a comprehensive legislation relating to tenancy and agrarian reforms, Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance : 1. Short-title, extent and commencement.—(1) This Ordinance may be called the Kerala Stay of Eviction Proceedings Ordinance, 1957. (2) It extends to the whole of the State of Kerala. (3) It shall come into force at once

2. Definition.—In this Ordinance, unless the context otherwise requires— (1) "holding" means any immovable property held under a single transaction by which a lease-hold right in the property is created and possession of the property transferred by one person in favour of another. **Explanation.**—Holding shall also include Kanapattom : Provided that in relation to cases governed by the Malabar Tenancy Act, 1929 and the Madras Cultivating Tenants Protection Act, 1955, "holding" shall have the meaning respectively assigned to it in those Acts ; (2) "hut" means any building which is constructed principally of wood, mud, leaves, grass or thatch ; (3) "Kudikidappukaran" means a Kudikidappukaran as defined in the Travancore-Cochin Prevention of Eviction of Kudikidappukars Act, 1955, and includes any person in occupation of a hut (whether constructed by him or not) in any portion of a land belonging to and in the possession of another and who has been permitted by the latter to occupy that hut but otherwise has no interest in the land ; Published in the Gazette Extraordinary dated 11th April, 1957, 44 (4) "Kudiyirippu" means a Kudiyirippu as defined in the Travancore-Cochin Prevention of Eviction of Kudikidappukars Act, 1955, and includes a hut occupied by the Kudikidappukaran ; (5) "Varomdar" means a person who under the system known as Varom. Pathivarom, Pankuvarom or Pankupattom or by any other name, has agreed, whether in writing or not, for the cultivation and sharing of the produce of the land with another person. (6) "Varomdar agreement" means an agreement, whether in writing or not, entered into between the Varomdar and the owner or other person in possession of the land for the cultivation and sharing of the produce of the land

3. Application.—Nothing in this ordinance shall apply to— (a) lands owned by the Government, or (b) rights created by the Administrator General, Official Trustee or Official Receiver or by any officer

appointed by a Court under the provisions of any law or by any person holding under or deriving title from any such owner; or (c) buildings rented out including houses, shops or warehouses and the sites thereof together with the gardens or lands appurtenant thereto. Explanation.—For the purpose of this clause a hut which is a kuchiyiruppu shall not be deemed to be a building; or (d) lands or buildings or both given on lease for industrial or commercial purposes; or (e) lands transferred for felling timber or for fugitive cultivation or for planting tea, coffee, rubber or any other special crop prescribed by a rule or order made by the Government or the erection of any building for the purpose of or ancillary to the cultivation such crop or the preparation of the same for the market

4. Stay of eviction proceedings. Notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, no suit or other proceedings for eviction of a person from his holding shall be instituted in any Courts and all suits, proceedings in execution of decrees or orders and other proceedings for such eviction shall be stayed: Provided that nothing in this section shall preclude the Court from granting any relief to which the lessor is entitled other than eviction from the holding

5. Stay of proceedings against Kudikidappukars.—Notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, no suit or other proceedings for eviction of a Kudikidappukaran from his Kudiyiruppu or for the recovery of arrears of rent in respect of, or for damages for use and occupation of, the Kudiyiruppu from him, shall be instituted in any Court and all suits, proceedings in execution of decrees or orders or other proceedings for such eviction or recovery of arrears of such rent or damages shall be stayed

6. Varomdar's right to continue to cultivate standing anything to the contrary contained in any other law for the time being in force or in any contract.—(i) subject to the provision of clause (n), every Varomdar whose varom agreement is subsisting at the commencement of this Ordinance; (ii) where in respect of any land there is a subsisting varom agreement but such Varomdar has not started agricultural operations at the commencement of this Ordinance and a person other than that varomdar had cultivated the land under a varom agreement in the cultivation season immediately preceding such commencement, such other person, (iii) where in respect of any land there is no subsisting varom agreement and the cultivation operations have not been started at the commencement of this Ordinance, the person, if any, who had, cultivated the land under a varom agreement during the cultivation season immediately preceding such commencement; and (iv) where in respect of any land there is no subsisting varom agreement at the commencement of this Ordinance, but the person who had cultivated the land under a varom agreement during the cultivation season immediately preceding such commencement had started the cultivation operation of the land at such commencement, such person, shall be entitled to cultivate the land on the same terms and conditions under which he was cultivating the land at the commencement of this ordinance or during the cultivation season immediately preceding such commencement, as the case may be

7. Continuance of Sambalapattom or Coolypattom arrangements.—Any person cultivating the land of another, whether as an agent or otherwise, under a Sambalapattom or Coolypattom, arrangement at the commencement of this Ordinance shall, notwithstanding the expiry of such arrangement, be entitled to the same terms and conditions as were applicable to him at the commencement, to cultivate the land

8. Limitation.—In computing the period of limitation prescribed for the institution of suits or proceedings prohibited or stayed under this Ordinance, the time during which such suits or proceedings are prohibited or stayed shall be excluded, 9. Period of operation.—The provisions of sections 4, 5, 6 and 7 shall remain in force for a period of SIX months from the commencement of this Ordinance. 10. Repeal.—The Holdings (Stay of Execution Proceedings) Act, 1950, is hereby repealed.