

MADHYA PRADESH RAJYA PASHU DHAN AVAM KUKKUT VIKAS NIGAM ADHINAYAM 1982

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2. In this Act, unless the context otherwise requires,—(a) "bank" means— (i) a banking company as defined in the banking Regulation Act 1949 (Na 10 of 1949) ; (ii) a schedules bank as defined in the Reserve Bank' of India Act, 1934 (11 of 1934) ; (iii) a financing bank as defined •in the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of i961) ; (b) "Board" means the Board of Directors of the Nigam constituted under section 7 ; (c) Ofinancing institution" means any statutory Borperation or other body corporate established in India •which as one of the objects of the financing of agricutlure in India and

which is notified by the State Government to be a financing institution for the purposes of this Act ; (d) "land" shall have the same meaning as assigned to that expression under the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) ; "Nigam" means the Madhya Pradesh Rajya Pashudhan Evam Rukkt Vikas Nigam established under this Act ; "Project" means any project of or scheme for livestock and (f) poultry development approved under section 22 ; regulations" means regulations made by the Nigam under section 38 ; e Istv July, and (h) "year" from ending on the 30th June every year. 30 1982 24 65

CHAPTER II—ESTABLISHMENT OF NIGAM, ITS CAPITAL AND MANAGEMENT With effect from such date as the State Government may by notification; 1. appoint; there shall be established for the purposes of this tion Of the Act a •Nigam to be known as the Madhya Pradesh Rajya• Pashudhan Madhya pra- deth Rajya F,vam Kukkt Vikash Nigam. Pash udhan (2) The Nigam shall be body corporate with the naliW aforesaid Evam Kukkt having verpefuai succession and a common •seal, with power, subject to Vikas Nigam. provision of this Act, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued. 4.- The head office of the Nigam shall be at Bhopal. Head omce of the Nigam. • (1) The authorised capital of the Nigam shall be such sum not capital of Nigam. exceeding .two crore of -rupees as the State Government may, fix, from timez .to time. (2) In pespect of such sum as may 'be provided by. the State Government. as capital of the corporation, the State Goernment shall • have: power to impose such terms agd .conditions as it may deem fit

CHAPTER III—MANAGEMENT OF THE NIGAM 6. (1) The general superintendence, direction and management of Management • the affairs and business of the Nigam shall vest in the Board of Directors which .may exercise all such powers and do all such acts and things as may be exercised or done by the Nigam under this Act. (2) The Board of Directors, in performing its functions shall act on business Vrindples, regard being had to public interest, and shall be guided by such directions on questions of policy as may, from time to time, be given fo it by the State Government. 7. (1) The Board of Directors of the Nigam shall consist of the Cof.eitition of Board. Chairman to be nominated by the State Government and the following other directors namely :— (i) The Secretary to Government of Madhya Pradesh, Animal (ii) (iii) (iv) Husbandry Department and if there be no Secretary, then the Special Secretary of that Department, who shall be Vice-Chairman ; The Secretary to Government, Madhya Pradesh Finance Department or his nominee not below the rank of Deputy Secretary ; Director, Veterinary Services, Madhya Pradesh ; The Registrar of Co-operative Societies, Madhya Pradesh : or o e appomted under section 10 : % 466 30 1982 (vi) one Director to be nominated by the State Government to represent banks and financing institutions ; (vii) one Director have special knowledge or practical experience jn respect of livestock arid poultry develbpmenv • to-: be nominated bj the State Government; (viii) •two Oirectors having practical experience in respect. of livestock and poultry production and .marketing tot be nominated by the State Government ; (ix) one representative of Scheduled Caste•• or Scheduled Tribes having practical experience in reepect of matter relating to livestock and .poultry to be nominated by the State Government; . (x) One representative from the Jawaharlal Nehru —Krishi Vishwavidyalaya to be appointed by State. Government on the .recommendation of the Vice-Chancellor. (2) The Chairman or a nominated Director shall hold omce during .the pleasure of the authority nominating him but the term of his omce shall not exceed three years from the date of notification of his nomination. The 'Chairman or a nominated Director may, however, •resign his office at any time, by writing a letter under his hand to the State Government and the Chairman of the Board respectively and the resignation shall be effective from the date of its receipt. (3) In the event of the death, resignation, or disqi alification • or removal of Chairman or a nominated director, the vacancy shall be filled up by nomination as soon as •possible. Disqualification 8. • (1) A person shall be disqualified for being nominated • or for being a Diteca appointed' as, and for being a Director of the Nigam,— tor of the Nigam @ if he is, or at any time has been adjudicated insolent• or has suspended payment of his debts or has compounded with his creditors ; • or (b) if he is of unsound mind stands so declared by a competent court ; or (c) if he is, or has been. convicted of any offence under the Prevention of Cruelty to Animals Act, 1960, (No. 59 of 1900), the Central Pravinces and Berar Slaughter of Animals Act, 1915 (IV of 1915), or the Madhya Pradesh Agricultural Central Government or the State Government (d) if he is removed or dismissed from the service of , the Government or a Corporation owned or controlled •by' the Central Government or tht State Government; or (e) if he acts in any manner prejudicial to the interest of the Nigam or has any .interest in any body, institution or organisation whose ectivities are prejudicial to the interest o: the Nigam. (2) If a, Director of

Government. (2) An official specified in sub-section (1) shall, during the tenure of employment in the Nigam, be subject to disciplinary control of the Nigam.

CHAPTER IV—BUSINESS AND BORROWING OF THE NIGAM 18. The Principal business of the Nigam shall be production, Business which Nigam may transact procurement, collection, rearing and marketing of livestock and livestock poultry and poultry products conservation, management development Of livestock so as to improve enrich and enhance livestock and poultry production in the State. 30 1982 2469 19. (1) The Nigam may with the previous approval of the State Borrowing power of the Nigam. Government, issue and sell bonds and debentures carrying interest for the purpose of raising funds : Provided that without the approval of the State Government the total amount of bond and debentures issued and outstanding and of the other borrowing of the Nigam shall not at any time exceed four times the amount of the capital Provided by the State Government under section 5. (2) The Nigam may, for the purpose of carrying out its functions under this Act :— (a) borrow money from the Central Government or the State Government and from any other authority or organisation or institution approved by the State Government, on such terms and conditions as may be agreed upon ; and (b) accept from the Central Government, State Government, a Scheduled Bank or any person, deposits repayable after the expiry of a period which shall not be less than twelve months from the date of making the deposit and on such other terms as the Nigam may, with the prior approval of the State Government, fix. (3) The bonds and debentures of the Nigam issued under sub-section (1) and the loans and deposits raised by the Nigam under clauses (a) and (b) of sub-section (2) may be guaranteed by the State Government as to the repayment of principal and the payment of interest at such rate as may be fixed by the State Government on the recommendation of the Board of Directors of the Nigam at the time the bonds or debentures are issued. 20. (1) The Nigam may receive remuneration for its services other source of including costs of works incurred by the Nigam under this Act and accept fund, gifts, grants, subsidies, donations or any benefactions from the State Government or from any Person. (2) The State Government may also transfer to the Nigam buildings, land, machinery or any other movable or immovable property for the use of the Nigam on such terms and conditions as the State Government may deem fit

CHAPTER V—EXECUTION OF PROJECTS 21. The Nigam may execute the works itself or through any other Executive agency

CHAPTER VI—FINANCIAL ESTIMATES, FUNDS, ACCOUNTS AND AUDIT 22. (1) The Nigam shall, in respect of every year submit to the Government a statement of programme of its activities together with annual financial statement showing therein the details of the estimated receipt and expenditure of the Nigam for that year. (2) The Nigam may, with the approval of the State Government modify the statement and estimate referred to in sub-section (1) 2470 1982 (3) The Nigam shall submit each year to the Government the programme of work and details of the project for which which are to be executed during the next year. The Government may, either approve the programme & may modify it with such modifications as it may consider necessary or may return it to the Nigam to modify the same or to prepare a fresh programme in accordance with such directions as the State Government may deem appropriate. Fund of the Nigam 23. (1) The Nigam shall have and maintain its own fund, all receipts of the Nigam shall be carried thereto and all payment by the Nigam shall be made therefrom. (2) The funds of the Nigam shall be applied by it for meeting all administrative expenses of the Nigam and for carrying out the purposes of this Act. (3) The Nigam may deposit with any bank such sums as may be needed by it for its operations and the surplus may be invested in such manner as may be approved by the State Government. Preparation of books. 24. (1) The Board shall cause the books and accounts of the Nigam to be balanced and closed as on the thirtieth day of June each year. (2) The balance sheet and accounts of the Nigam shall be prepared and maintained in such manner as may be prescribed by regulations. 25. (1) The Nigam shall establish a reserve fund to which shall be allocated of surplus profit. credited every year such portion of its annual net profits as the Nigam thinks fit. (2) After making provision for such reserve fund and for bad and doubtful debts and all other matters which are usually provided for by companies registered and incorporated under the Companies Act, 1956 (No. 1 of 1956), the balance of its annual net profits shall be paid to the State Government. Accounts and Audit 26. (1) The Nigam shall cause to be maintained proper books of Returns, accounts and such other books as the rules may require and shall prepare annual statement of accounts in the prescribed manner. (2) The Nigam shall cause its accounts to be audited annually by such

person as the State Government may direct. (3) As soon as the accounts of the Nigam have been audited, the Nigam shall send a copy thereof together with a copy of the report of the auditor thereon to the State Government and shall cause the accounts to be published in the prescribed manner and place copies thereof on sale at a reasonable price. (4) The Nigam shall comply with such directions the State Government may after perusal of the report of the auditor think fit to issue. 27. (1) The Nigam shall furnish to the State Government, time to time, such returns as the State Government may require. 27.10.30.1982 (2) The Nigam shall, in respect of each year, furnish to the State Government, within a period of three months from the date on which the annual accounts of the Nigam are closed, a copy of the balance sheet as on the date thereof, together with a profit and loss account for the year and a report on the working of the Nigam including its policy and programme during the year. (3) The State Government shall, as soon as may be after the receipt of such report cause such report and the audit report received under section 26 to be laid on the table of Legislative Assembly

CHAPTER VII—MISCELLANEOUS 28. (1) In the discharge of its functions under this Act the Nigam shall be guided by such directions in matters of policy involving public interest as the State Government may give to it in writing, and if any question arises whether the direction relates to a matter of policy involving public interest, the decision of the State Government thereon shall be final. (2) Where the Nigam incurs any loss directly in consequence of carrying out the directions of the State Government under subsection (1), the same shall be made good by the State Government. 29. (1) On and after the establishment of the Nigam the State Government may, from time to time, direct that the services of such of the Nigam's employees as the existing officers and servants of the State Government who in its opinion, are rendered surplus to its requirements, shall stand terminated and their posts shall stand abolished, from such date as may be specified by it (hereinafter in this section referred to as the appointed date), and shall on that date (which may be different for different officers and servants) become the officers or servants of the Nigam. (2) Every permanent or temporary employee of the State Government in respect of whom a direction is issued under sub-section (1) shall, and from the appointed date, be a permanent or temporary employee of the Nigam, as the case may be, again in a permanent or temporary post, which shall stand created in the establishment of the Nigam with effect from the appointed date. (3) Any officer or servant so transferred shall hold office under the Nigam on the same tenure, at the same remuneration and upon the same other conditions of service and with the same rights and privileges as to pension, gratuity, provident fund and other matters as would have been admissible to him on the appointed date if this Act had not come into force. Any service rendered by him under the State Government shall be deemed to be service rendered under the Nigam. He shall continue to serve under the Nigam until his employment is duly terminated or his remuneration or the conditions of service are duly revised or altered by the Nigam in pursuance of the law which for the time being governs his conditions of service. Provided that, the conditions of service applicable immediately before the appointed date to the case of any such officer or servant shall not be Government. 29.30.1982 (4) The sums standing to the credit of the employees referred to in sub-section (1) in any pension, provident fund, gratuity or other like funds constituted for them shall be transferred by the State Government to the Nigam along with any accumulated interest due till the appointed date and with the accounts relating to such fund. On and after the appointed date, the Nigam shall, to the exclusion of the State Government be liable for payment of pension, provident fund, gratuity or other like sums as may be payable to such employees at the appropriate time in accordance with the conditions of their service. (5) Nothing contained in sub-section (1) shall apply to any employees who by notice in writing given to the State Government within two months from the appointed date or such extended time as the State Government may, by general or special order, specify, intimate his intention of not becoming or continuing as an employee of the Nigam. Where such notice is received from any employee— (a) in case of a permanent employee, he shall be allowed to retire giving him the benefit of pension, gratuity, provident fund and other benefits which may have accrued to him had he retired from the Government service on the appointed date; (b) in case of a temporary employee, his service shall be terminated after giving him notice or remuneration in lieu of notice as per the existing service rules of the State Government. (6) Notwithstanding anything contained in the foregoing sub-section— (a) no person employed in the Veterinary Department against whom any disciplinary proceeding is pending or to whom any notice or order of termination of his service or compulsory retirement has been issued before the date of commencement of this Act shall be transferred to

the Nigam, and such person may be dealt with after the said date in such manner-and by such authority as the State Government may by general or special order specify in this behalf • r (b) if the services of any employees of the State Government stand transferred under sub-section (1) to the Nigam-; the Nigam shall be competent after such transfer to take such disciplinary or other action as it thinks fit against such employee having regard to any act or omission or conduct or record of such employee while he was in service of the State Government

30. The Nigam shall not be placed in liquidation save by an order of the State Government and in such manner as it may direct. 12demnity of 31. (1) Every Director shall be indemnified by the Nigam against all director. losses and expenses incurred by him, in or in relation to the discharge of his duties except such as are caused by his act or omission which is an offence under any law for the time being in force. (2) A director shall not be responsible for any loss or expenses resulting to the Nigam from the insolvency or deficiency of value of or title to any property or security acquired or taken on behalf of the Nigam or act of any debtor or any person under obligation to the Nigam or anything done in good faith in the execution of the duties of his office in relation thereto. 1982 2473 32. (1) No act or proceeding of the Board or of any committee of the Nigam shall be invalid merely by reason of— (a) vacancy in or defect in the composition of the Board or committee, as the case may be; or not to act etc. (b) any defect in the nomination of any person acting as a Director of the Nigam or member of the Committee; or (c) any defect or irregularity in the procedure of the Board or Committee, as the case may be. (2) No act done by any person acting in good faith as a director of the Nigam or as a member of a Committee of the Board shall be deemed to be, invalid merely on the ground that he was disqualified to be a director or member or that there was any defect in his appointment. Staff of the Nigam 33. The Officers and employees of the Nigam or other person as to be public may be authorised by the Nigam or the State Government when acting or purporting to act in pursuance of any of the provisions of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (No. 45 of 1860)

34. No suit or other legal proceeding shall lie against the Nigam or any other person authorised by the Nigam to discharge any functions under this Act for any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in the pursuance of this Act

35. Every director, auditor or other employee of the Nigam shall, before entering upon his duties, make declaration of fidelity and secrecy. Or an employee of the State Government whose services are utilised by the Nigam, shall before entering upon his duties, make declaration of fidelity and secrecy in the form prescribed by regulations. 36. The Board may delegate to any committee of the Board or to any officer of the Nigam such of its powers and functions under this Act, as it may deem necessary. 37. (1) The State Government may make rules not inconsistent with the provisions of this Act to give effect to the provisions of this Act. make rules. (2) All rules made under this section shall be laid on the table of the Legislative Assembly. 38. (1) The Nigam may, with the previous approval of the State Government, make regulations not inconsistent with this Act and the rules made thereunder providing for all matters for which no rules have been framed under this Act and for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act, (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for the following matters, namely (a) the fees and allowances that may be paid to the directors; (b) the times and places of the meeting of the Board or of any committee constituted under this Act and the procedure to be followed at such meeting including the quorum necessary for transaction of business; (c) the number of directors constituting the executive committee and the functions which such committee shall discharge; (d) the functions which any other committee may discharge under this Act; (e) the fees and allowances that may be paid to the member of a committee other than directors; (f) the manner in which appeal shall lie to the Chairman of the Board against the order of the Managing Director; (g) delegation of powers and functions of the Board to the committees or to the Chairman, the Managing Director and other officers of the Nigam; (h) the manner and terms of issue and redemption of bonds and debentures and other securities by the Nigam; (i) the manner and conditions subject to which the Nigam may borrow money; (j) the form and manner in which the balance sheet and accounts of the Nigam shall be prepared and maintained; (k) the form of

returns, statements and estimates required to be prepared under this Act ; (l) duties and conduct, salaries allowance and conditions of service of the employees of the Nigam ; (m) establishment and management of provident fund or other benefit funds for employees of the Nigam; and (n) generally for the efficient conduct of the affairs of the Nigam

39. The Madhya Pradesh Rajya Pashudhan Evam : Kukkut Vikas Nigam Adhyadesh, 1982 13 of 1982) is hereby repealed. 122 (qq. Q. 19 28, 1908 f+TTü 3082 ætfäq EtTXT e 19 1984 (q) qr7r ft?qrñ,• (q) zrr qT7T (3) xfäfiTfäa OTT. Y. e (q) i, qrq. 1984 3083 27 Rey) Tr qrTr t. äqT MADHYA PRADESH ACT No. 30 OF 1984 THE MADHYA PRADESH RAJYA PASIUDHAN EVAM KUKKUT VIKAS NIGAM (SANSHODRÂN) d DHIIVIAM, 1984. [Received the assent of the Governor on the 17th November, 1984; assent first published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 19th November, 1984.] 4n Act to amend the Madhya Pradesh Rajya Pashudhan Evam Kukkut Vikas Nigam Adhiniyam, 1982. Be it enacted by the Madhya Pradesh in the Thirty-fifth Year of the Republic of India as follows : 1. This Act may be called the Madhya Pradesh Rajya Pashudhan Evam Kukkut Short fide. Vikas Nigam (Sanshodhan) Adhiniyam, 1984

2. For Section 7 of the Madhya Pradesh Rajya Pashudhan Evam Kukkut Vikas Substitution of Nigam Adhiniyam, 1982 (No.37 of 1982), (hereinafter referred to as the Principal Act), new section for the following section shall be substituted, namely Section 7. "7. (1) The Board of Directors of the Nigam shall consist of. a Chairman and of such number of other official and non-official Directors as the State Government may think fit to appoint. (2) The representation of official Directors and non-official Directors shall be in such proportion as the State Government may determine. (3) The State Government may, if it so thinks fit, appoint one of the other Directors as the Vice-Chairman of the Board. (4) The non-official Directors shall include,— (b) (c) (d) (e) one Director. representing banks or financial institutions ; one Director having special knowledge or practical experience in respect of livestock and poultry development ; two Directors having practical experience in respect of livestock and poultry production and marketing ; one Director representing Scheduled Castes or Scheduled Tribes having practical experience in respect of matters relating to livestock and poultry ; one Director representing the Jawaharlal Nehru Krishi Vishwavidyalaya. (5) The Chairman or a Director shall hold office (during the pleasure of the authority appointing him but the term of his office shall not exceed three years from the date of his appointment. The Chairman or a Director may, however, resign his office at any time by writing a letter under his hand to the State Government and the Chairman of the Board respectively and the resignation shall be effective from the date of its receipt. 3084 Amendment of 9 1984 (6) In the event of the death, resignation or disqualification or removal of Chairman or a Director, the vacancy shall be filled up by appointment soon as possible."

3. In sub-section (1) of Section 8 of the Principal Act, the words "nominated or" shall be omitted. Section 8• 4. In sub-section (1) of Section 9 of the Principal Act, the word "nominated" shall Amendment of Section 9. Repal. EziTG, be omitted

5. The Madhya Pradesh Rajya Pashudhan Evam Kukkut Vikas (Sanshodhan) Adhyadesh, 1984 (No.18 of 1984) is hereby Nigam 2