

SIKKIM KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1996

SIKKIM GOVERNMENT GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY Gangtok Tuesday, 9th July, 1996 GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK. No. 84 No. 4/LD/96 Dated the 4th July, 1996. NOTIFICATION The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 29th day of June 1996 is hereby published for general Information:- THE SIKKIM KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1996 (ACT NO. 4 OF 1996) AN ACT to consolidate and amend the law relating to the Sikkim Khadi and Village Industries Board and to provide for uniformity among the Boards in different States of the country and to ensure better co-ordination and implementation of the various programmes being undertaken by them. ENACTED BY THE LEGISLATIVE ASSEMBLY OF SIKKIM IN THE FORTY-SEVENTH YEAR OF THE REPUBLIC OF INDIA as follows Short title, extent and commencement. Definitions. 1. 2. (1) (2) CHAPTER - 1 PRELIMINARY This Act may be called the Sikkim Khadi and Village Industries Board Act, 1996 It extends to the whole of Sikkim. It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint. In this Act, unless the context otherwise requires (b) (c) (d) "Board" means the Sikkim Khadi and Village Industries Board established under section of the Sikkim Khadi and Village Industries Board Act, 1996; "Chairman" means Chairman of the Board; "Commission" means the Khadi and Village Industries Commission established under section of the Khadi and Village Industries Commission Act, 1956; "fixed capital investment" means the Fixed Capital Investment as defined in sub-section (cc) of section 2 of the Khadi and Village Industries Commission Act, 1956; "Government" means the Government of Sikkim; (k) (r) (2) Establishment and incorporation of the Board. Composition of the Board. (e) Powers and functions of the Executive officer. (2) Powers and functions of the Accounts Officer. "rural area" means the area as defined in sub-section (R) of section 2 of the Khadi and Village Industries Commission Act, 1956; "village industry" means any industry as defined in sub-section (h) of section 2 of the Khadi and Village Industries Commission Act, 1956. CHAPTER - II THE SIKKIM KHADI AND VILLAGE INDUSTRIES BOARD With effect from such date as the Government may, by notification, fix in this behalf, there shall be established a Board to be called the Sikkim Khadi and Village Industries Board. The Board shall be a body corporate having perpetual succession and a common seal and shall by its corporate name sue and be sued. 4. 6. The Board shall consist of the following members appointed by the Government, namely (b) (d) (3) Chairman Maximum four non-official members having specialised knowledge and experience with Khadi and Village Industries. Three representatives the Departments of Industries, Finance and Planning Development not below the rank of Joint Secretaries Representative of the Khadi and Village Industries Commission. Member, Member, Accounts Officer of the Sikkim Khadi and Village Industries Board who shall also be the in-charge of accounts of the Board Executive Officer of the Board Member, Member Secretary. Executive Officer appointed under clause (f) of section 4 shall exercise powers of general superintendence over the affairs of the Board and its day-to-day management under the direction and control of the Chairman. The Officer shall be responsible for the furnishing of all returns, reports and statements required to be furnished to the Government and the Commission under section 4. It shall be the duty of the Executive Officer to place before the Board for its consideration and decision any matter of financial importance which the Accounts Officer suggests to him in writing that such matter be placed before the Board. The Accounts Officer appointed under clause (e) of section 4 shall be in-charge of all financial matters of the Board including its budget, accounts and audit, and it shall be the duty of the Accounts Officer to bring to the notice of the Board through the Officer any matter of financial importance, which in his opinion, requires consideration (d) (e) 3 if he has any financial interest in any subsidiary contract made with or in any work being done by the Board, except as a shareholder (other than a Director) in a company as defined in section 3 of the Companies Act, 1956. Provided that where he is a shareholder, he shall disclose to the Government, the nature and extent of shares held by him in such a company; or if he has any financial interest in any business undertaking dealing with or any other village industry as may be specified. Removal of Chairman, Member, etc. from the Board. Resignation of office by Member. Vacancies etc. not to invalidate act and proceedings of the Board. Temporary association of persons with Board for particular purpose. 8. 9

11. The Government may, by notification, remove from the office any member of the Board, who (a) (b) (2) is or has become subject to any of the disqualifications mentioned in section 7 ; or in the opinion of the Government, has failed or is unable to carry out his duties ; or himself from three consecutive meetings of the absent Board without the leave of the Board . Provided that before issuing any such notification the Government shall give an opportunity to the member concerned to show cause against such removal. Any member may resign his office by giving notice in writing to the Government and, or, such resignation being notified in the Official Gazette by the Government, he shall be deemed to have vacated his office. In the event of any vacancy in the office of a member of the Board by reason of death, resignation, removal or otherwise, such vacancy may be filled in by the Government and the member thus appointed in such vacancy shall hold office for the unexpired term of the member whose place he fills. No act or proceedings of the Board shall be invalid merely by reason of the existence of any vacancy amongst its members or any defect in the constitution thereof. (2) (3) The Board may associate with itself in such manner and for such purposes as may be determined by regulations made under this Act, any person whose advice or assistance it may desire in complying with any of the provisions of this Act. A person associated with it by the Board under sub-section (r) for any purpose shall have the right to take part in the discussions of the Board relevant to that purpose, but shall not have the right to vote and shall not be a member for any other purpose. The Government and the Commission may depute one or more of their officers to attend any meeting of the Board and to take part in the discussions of the Board, but such officer or officers shall not have the right to vote. Term of office and conditions of service of the Chairman and other members of the Board and other employees of the Board, and the Commission, shall be such as may be prescribed. Subject to such rules as may be made by the Government in this behalf, may, after creation of the post with the prior approval of Government, appoint such other officers and employees as it considers necessary for the efficient performance of its function. The service conditions of the officers and employees of the Board shall be governed by the Government Service Rules as amended from time to time. (1) (2) (3) (4) (a) (b) all properties and funds, which

immediately before the said date were in the possession of the Board for the purpose of this Act shall vest in the Government all members shall vacate office as members of the Board ; and all rights, obligations and liabilities including any liabilities under any contract of the Board shall become the rights, obligations and liabilities of the Government. The Government may, by notification, supersede the Board for such period as may be specified in the notification and declare that the duties, powers and functions of the Board, shall during the period of its supersession, be discharged, exercised and performed by such person or authority as may be specified in the said notification. The Government shall before expiration of the period of supersession, reconstitute the Board in accordance with the provisions of section 3. The Government may take such incidental and consequential provisions as may appear to be necessary for giving effect to the provisions of the section. Any notification issued or order made by the Government under this section shall not be questioned in any court. Any sum payable to the Board under any agreement, express or may be recovered without implied or otherwise, however prejudice to any other remedy as an arrear of land revenue. (1) The Board may, after prior consultation with the Executive Officer of the Board, write off losses upto rupees five thousand (Rs. 5,000/-) in individual cases falling under any or all of the following categories, namely Loss of irrecoverable value of stores or of public or such other cause. Power to make rules. 41. (2) (3) (1) (2) (3) 10 The Board may, with the prior approval of the Government, write off irrecoverable loans and losses exceeding rupees five thousand (Rs. 5,000/-) in each individual case. The Board shall take suitable action against the persons responsible for the loss and shall also send to the Government a detailed report together with the action taken against the persons, if any, responsible for the loss. The Government may, by notification, make rules for carry out the purposes of the Act. 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) (d) (f) (g) the place at which the office of the Board shall be located the manner of filling casual vacancies among the members of the Board and the terms and conditions of service of the Chairman, the Executive Officer, the Accounts Officer and other members of the Board including the salary and allowances to be paid to them and the travelling and daily allowances to be drawn by them when they are on tour the procedure to be followed in removing a member who is or has become subject to any disqualification the condition subject to which and the mode in which contracts may be entered into by or on behalf of the Board, the time within which and the form in which the budget and the supplementary budget shall be prepared and submitted in each year under sub-section (1) of section 23 and section 24 the procedure to be followed and the condition to be observed in borrowing money under sub-section (3) of section 30 the procedure to be followed for placing the Board in possession of funds. In regard to the following, the Government may, in prior consultation with the Commission, make rules by notification, to give effect to the provisions of this Act • (a) The procedure to be followed and the condition to be observed in granting loans under section 30 (b) (c) (d) the form and manner in which the accounts of the Board shall be maintained under sub-section (1) of section 31 the form and manner in which the returns, reports or the statements shall be submitted under sub-section (1) of section 32 and section 33 constituting the Standing Finance Committee under sub-section (1) of section any other matters which is to be or may be prescribed. 11 foregoing powers, such regulations may provide for all or any of the following matters, namely (a) (b) (d) The time and place of meetings of the Board, the procedure to be followed in regard to transaction of business at such meetings and the quorum necessary for the transaction of such business at a meeting functions of committees and the procedure to be followed by such committees in the discharge of their functions the delegation of powers and duties to the Executive Officer or any officer of the Board the persons by whom and the manner in which payment, deposits and investment may be made on behalf of the Board, the custody of moneys required for the current expenditure of the Board and investment of moneys not so required. (3) The Board may, in consultation and with the previous sanction of the Government, by notification, make regulations to provide for the maintenance of the minutes of the meeting of the Board and the transmission of the copies thereof to the Government and the Commission. Power to remove difficulties. Repeal and Savings. 43 • 44 • If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with the provisions of the Act as may appear to it to be necessary or expedient for the purpose of removing such difficulty Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act. (1) On and from the date of commencement of this Act, the pro

visions of the Sikkim Khadi and Villaoe Industries Board Act, 1978 shall stand repealed. (2) Notwithstanding such repeal, anything done or any action the Act so repealed shall be deemed to have been taken under done or taken under the corresponding provisions of this Act. 11 of 1978. By Order of the Governor, B.R. PRADHAN, Secretary to the Government of Sikkim, Law Department. F.N0. SIKKIM GOVERNMENT EXTRAORDINARY GAZETTE Gangtok No.16/LD/P/2008 PUBLISHED BY AUTHORITY Monday 28th July, 2008 GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK NOTIFICATION No. 309 Date: 24.07.2008 The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 28th day of June, 2008 is hereby published for general information: THE SIKKIM KHADI AND VILLAGE INDUSTRIES BOARD (AMENDMENT) ACT, 2008 (ACT No. 16 of 2008) AN ACT further to amend The Sikkim Khadi And Village Industries Board Act, 1996. Be it enacted by the Legislature of Sikkim in the Fifty-ninth Year of the Republic of India as follows:- Short title and commencement Amendment of Sections 5 (3) and 6 and such other Sections in the Act, wherever appear the words "Executive Officer. " Amendment of Sections 4 (e), 5 (3) and 6 and such other Sections in the Act, wherever appears the words "Accounts Officer. " 1. (1) This Act may be called The Sikkim Khadi And Village (Amendment) industries Board (Amendment) Act, 2008. (2) It shall come into force at once. In The Sikkim Khadi and Village Industries Board Act, 1996 (herein after referred 2. to as the principal Act), in Sections 4 (f), 5 (1), 5 (2), 5 (3) and 6 and such other Sections in the Act, wherever, the words 'Executive Officed' appear, the words "Chief Executive Officed" shall be substituted. 3, In the principal Act, in Sections 4 (e), 5 (3) and 6 and such other Sections in the Act, wherever, the words "Accounts officed" appear, the words " Financial officer cum Senior Accounts Officed shall be substituted. BY ORDER R.K. PURKAYASTHA (SSJS) LR-cum Secretary Law Department File No. 16 (82) LD/P/2008 S.G.P.G. -009/ Gazette /150 NosJDt:- 28.7.2008.

