

The 16th December 1960
No.LJL.56/58.--The following Act of the Assam Legislative Assembly which received assent of the Governor is hereby published for general information.

Received the assent of the Governor on the 12th December 1960

ASSAM ACT No.XXXI OF 1960

**THE ASSAM KHADI AND VILLAGE INDUSTRIES BOARD
(AMENDMENT) ACT, 1960**

(As passed by the Assembly)

[Published in the *Assam Gazette*, Extraordinary, dated the 17th
December 1960]

An

Act

further to amend the Assam Khadi and Village Industries Board Act, 1955 Assam Act XVI of 1955.

Preamble.

WHEREAS it is expedient further to amend the Assam Act hereinafter called the Principal Act, in the manner hereinafter appearing ;

It is hereby enacted in the Eleventh Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Assam Khadi and Village Industries Board (Amendment) Act, 1960.

(2) It shall have the like extent as the Principal Act.

(3) It shall come into force at once.

Amendment
of Section 2
of Assam Act
XVI of 1955.

2. In Section 2 of the Principal Act, after clause (1) the following shall be inserted a clause (2) and the existing clauses (2) and (3) shall be renumbered as clauses (3) and (4) respectively, namely:—

“(2) ‘The Khadi and Village Industries Commission’ means the Commission established under the Khadi and Village Industries Commission Act, 1956.”

Central Act
61 of 1956.

Amendment
of Section 4
of Assam
Act XVI
of 1955.

3. In Section 4 of the Principal Act,—

For sub-sections (1), (2), and (3), the following shall be substituted, namely:—

“Constitu-
tion of
Board.

(1) The Board shall consist of such number of members as the State Government may appoint. One of such members shall be appointed by the State Government as the Chairman and another as the Secretary. In addition to the Chairman and the Secretary, the State Government may appoint another member of the Board as the Vice-Chairman. The Vice-Chairman, if any appointed, the Chairman, the Secretary and other members of the Board shall hold office for such period as the State Government may, by general or special order, direct.

(2) The Vice-Chairman, if any appointed, the Chairman, the Secretary or any other member of the Board may, at any time, resign his office by submitting his resignation in writing to the State Government. Provided that resignation shall not take effect until it is accepted.

(3) The Vice-Chairman, if any appointed, the Chairman, the Secretary or any other member of the Board shall receive such allowance, if any, as may be prescribed.”

Insertion of new Section 4A after Section 4 of Assam Act XVI of 1955.

4. Following new Section shall be added after Section 4 of the Principal Act, namely :—

“Appointment of a Chief Executive Officer. 4A. The State Government may appoint an officer of its own to act as the Chief Executive Officer of the Board. He shall hold office for such period as the State Government may, by general or special order, direct and unless otherwise directed by the State Government, he shall receive his salary and allowances from the funds of the Board.”

Amendment of Section 5 of Assam Act XVI of 1955.

5. In Section 5 of the Principal Act, the words “Vice-Chairman appointed, if any, or the” shall be inserted between the words “the” and “Chairman”.

Insertion of new Section 8A after section 8 of Assam Act XVI of 1955.

6. After Section 8 of the Principal Act, the following shall be inserted as new Section 8A, namely :—

“Appointment of an Executive Committee and a Standing Finance Committee of the Board. 8A. (1) Notwithstanding anything contained in Section 8, there shall be appointed by the Board—

(a) an Executive Committee consisting of seven members of whom five members shall be appointed by the Board and the remaining two shall be nominated by the State Government from amongst the members of the Board; and

(b) a Standing Finance Committee consisting of five members of whom three members shall be appointed by the Board from amongst the members of the Board and the remaining two shall be filled in by the State Government by making nomination from persons who by their wide financial experience are fitted to serve on the Standing Finance Committee.”

Amendment of Section 10 of Assam Act XVI of 1955.

7. In Section 10 of the Principal Act,—

(1) sub-section (2) shall be deleted and the existing sub-sections (3) and (4) shall be renumbered as sub-sections (2) and (3) respectively :—

(2) in sub-section (2) as so renumbered, the words “made by the Secretary on behalf of the Board” shall be deleted.

Insertion of new sections 10A, 10B, 10C, 10D, 10E and 10F after Section 10 of Assam Act XVI of 1955.

8. After Section 10 of the Principal Act, the following shall be inserted as new sections 10A, 10B, 10C, 10D, 10E, and 10F, namely :—

“Powers and functions of the Chairman.

10A. The Chairman of the Board shall preside over the meetings of the Board and shall take decision when the Board or the Executive Committee is not in session.

Powers and functions of Vice-Chairman.

10B. The Vice-Chairman, if any appointed, shall, in the absence of the Chairman, exercise all the powers of the Chairman or such powers as may be delegated to him by the Chairman.

Powers and functions of the Secretary.

10C. Subject to the powers and responsibilities entrusted to the Chief Executive Officer, the Secretary shall,—

- (i) enter into every contract on behalf of the Board under Section 10 of the Act ;
- (ii) be responsible for all matters of the Board including general supervision of the implementation of the Board's Plan and Programme ;
- (iii) carry on correspondence of the Board with the State Government and the Khadi and Village Industries Commission.

Powers and functions of the Chief Executive Officer.

10D. Subject to the general control and supervision of the Secretary, the Chief Executive Officer shall,—

- (i) be responsible for the implementation of the Plan and Programme of the Board ;
- (ii) be responsible for proper administration of the Board's funds and maintenance of accounts ;
- (iii) submit periodical progress reports, receipt and expenditure statements and balance sheets to the Board ; and
- (iv) be the controlling officer of the members of the staff of the Board.

Powers and functions of the Executive Committee.

10E. (1) The functions of the Executive Committee shall be to execute the decision of the Board and to take such urgent and emergency decisions as may be necessary in anticipation of approval of the Board.

(2) The Board may entrust the responsibility for successful furtherance of different industries to the members of the Executive Committee individually, who in turn shall formulate schemes and make suitable recommendations for development of industries in their respective charge, for consideration by the Executive Committee.

Powers and functions of Standing Finance Committee. 10F. Without prejudice to anything contained in Sections 11 and 12 of this Act, the functions of the Standing Finance Committee shall be :—

- (i) to render expert financial advice to the Board for proper administration of the Board's fund including its proper utilization ;
- (ii) to scrutinize and to give its comments and expert advice on the following matters, namely: -
 - (a) all annual and supplementary budgets of the Board ;
 - (b) all new schemes of the Board ;
 - (c) any proposal for entertainment of the members of the staff of the Board that may be necessary after the commencement of the Assam Khadi and Village Industries Board (Amendment) Act, 1960 ; and
 - (d) any other financial matter which the Board may, by general or special order, direct to be referred to the Standing Finance Committee for its scrutiny, comment and expert advice."

Amendment of Section 11 of Assam Act XVI of 1955. 9. In sub-section (2) of Section 11 of the Principal Act, after clause (i) the following shall be inserted as clause (j) and the existing clause (j) shall be re-numbered as clause (k), namely:—

“(j) to sanction loans to individuals and institutions not exceeding such limit as may be prescribed in order to develop, encourage and assist Khadi and Village Industries. The loan shall be secured and repaid in the prescribed manner and upon such terms and conditions as may be specified by the order granting it. In default of payment within the specified date, the loan together with the interest due shall be recoverable from the loanee as an arrear of land revenue”.

Amendment of Section 12 of Assam Act XVI of 1955. 10. In Section 12 of the Principal Act, after clause (ii) the following shall be added as clauses (iii) and (iv), namely:—

“(iii) to borrow money from the Khadi and Village Industries Commission and also to hypothecate or mortgage properties as securities against the loans ;

(iv) to write off minor irrecoverable losses such as those caused by theft, fraud, etc.”

Amendment of Assam Act XVI of 1955. 11. In Section 14 of the Principal Act, the “full stop” after the word “fit” shall be substituted by a “colon” and the following proviso shall be added at the end, namely:—

“Provided that the Board shall be competent to make minor alteration in the pattern of the schemes with the prior approval of the Khadi and Village Industries Commission.”

Amendment of Section 21 of Assam Act XVI of 1955. 12. In Section 21 of the Principal Act, the “full stop” after the word “proper” shall be substituted by a “colon” and the following proviso shall be added at the end, namely:—

“Provided that the Board shall also be competent to make minor re-appropriations from one head to another after the annual budget and the programmes are approved by the State Government and sanctioned by the Khadi and Village Industries Commission subject to the overall amounts of grant and loan remaining unaltered.”

Substitution of the All-India Khadi and Village Industries Board by the Khadi and Village Industries Commission. 13. For the words “All-India Khadi and Village Industries Board” wherever occur in the Principal Act, the words “Khadi and Village Industries Commission” shall be substituted.

B. C. BARUA,
Secy. to the Govt. of Assam, Law Deptt.