

16

ASSAM ACT XVI OF 1955

THE ASSAM KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1955

(Passed by the Assembly)

(Received the assent of the Governor of Assam on the
23rd July 1955)

[Published in the *Assam Gazette*, dated the 27th July 1955]

An

Act

to provide for the organising, developing and regulating village industries in the State of Assam and to constitute a Board to carry out the said object

Whereas it is necessary to organise, develop and regulate village Industries in the State of Assam and to constitute a Board to carry out the said objects ;

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

CHAPTER I

Preliminary

1. **Short title, extent and commencement.**—(1) This Act may be called the Assam Khadi and Village Industries Board Act, 1955.

(2) It extends to the whole of the State of Assam.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint in this behalf.

2. **Definition.**—In this Act, unless there is anything repugnant in the subject or context (1) "Board" means the Assam Khadi and Village Industries Board, constituted under section 3.

(2) "Prescribed" means prescribed by rules made under this Act.

(3) "Khadi and Village Industries" means the industries specified in the Schedule.

CHAPTER II

Establishment and Constitution of the Board

3. **Incorporation of Board.**—(1) With effect from such date as the State Government may, by notification in the Official Gazette, appoint in this behalf there shall be established for the purposes of this Act, a Board by the name of Assam Khadi and Village Industries Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire and hold property both movable and immovable and to contract and do all things necessary for the purposes of this Act.

4. **Constitution 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 Secretary. 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.

[Price annas 2 or 2 d.]

(2) 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 Chairman, the Secretary or any other member of the Board, shall receive such allowances if any as may be prescribed.

(4) The allowances to the members shall be paid from the Fund of the Board.

5. **Vacancy of member.**—If the Chairman or the Secretary or any other member tenders his resignation the State Government may fill up the consequent vacancy by fresh appointment.

6. **Proceedings presumed to be valid and good.**—No act or proceedings of the Board shall be invalidated merely by reason of any vacancy in its membership on account of resignation, death or removal.

7. **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 the Board.

8. **Appointment of Committees.**—Subject to any rules made under section 29, the Board may from time to time appoint one or more committees for the purpose of securing 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.

9. **Meetings of Board.**—The Board shall meet and shall from time to time make arrangements with respect to the date, time, notice, management and adjournment of its meetings as it thinks fit. Such meeting shall be held at least once in every three months.

10. **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.

(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.

CHAPTER III

Functions and Powers of the Board

11. **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 may be prescribed from time to time.

(2) Without prejudice to the generality of the provisions of subsection (1) the Board shall also in particular discharge and perform all or any of the following duties and functions, namely :—

(a) to start, encourage, assist and carry on Khadi and Village Industries and to carry on trade or business in such industries and to deal with matters incidental to such trade or business.

(b) to help the people by providing them with work in their homes and to give them monetary help.

(c) to encourage establishment of co-operative societies for Khadi and Village Industries.

(d) to conduct training centres and to train people thereat with a view to equipping them with the necessary knowledge for starting or carrying on Khadi and Village Industries.

(e) (i) to manufacture tools and implements required for carrying on Khadi and Village Industries.

(ii) to arrange for the supply of raw materials and tools and implements required for the Khadi and Village Industries.

(iii) to sell and to arrange for the sale of the products of the said industries.

(f) to arrange for publicity and popularising of finished products of Khadi and Village Industries by opening store, shops, emporium or exhibitions or other similar measures.

(g) to endeavour to educate public opinion and to impress upon the public the advantage of patronising the products of Khadi and Village Industries.

(h) to seek and obtain advice and guidance of experts in Khadi and Village Industries.

(i) to undertake and encourage research work in connection with Khadi and Village Industries and to carry on such activities as are incidental and conducive to the objects of this Act.

(j) to discharge such other duties and to perform such other functions as the State Government may direct for the purpose of carrying out the object of this Act.

12. **General Powers of the Board.**—The Board shall for the purposes of carrying out its functions under this Act have the following powers:—

(i) to acquire and hold such movable and immovable property as it deems necessary and to lease, sell or otherwise transfer any such property.

(ii) to incur expenditure and undertake works in any area in the State for the framing and execution of such scheme 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 State Government subject to the provisions of this Act and the rules made thereunder.

CHAPTER IV

Preparation and submission of programmes

13. **Preparation and submission of annual programme.**—(1) In each year, on such date as may be fixed by the All-India Khadi and Village Industries Board, the Board shall prepare and forward to the All-India Khadi and Village Industries Board, a programme of works as approved by the State Government.

(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 worker 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.

14. **Sanction of programme.**—The All-India Khadi and Village Industries Board, may approve and sanction the programme in whole or with such modifications as it deems fit.

15. **Supplementary programme.**—The Board may prepare and forward a supplementary programme as approved by the State Government for the sanction of the All-India Khadi and Village Industries Board, in such form and before such date as the All-India Khadi and Village Industries Board may prescribe and the provisions of Section 13 shall apply to such supplementary programme.

CHAPTER V

Finance, Accounts, Audit and Debts

16. **Transfer of property.**—The State 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 State Government may deem fit for the purposes of this Act.

17. **Expenditure, etc., till the Board is established.**—(1) All debts or expenditure incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Assam Khadi and Village Industries Board, established by Government Notification No.SG.162/53/19, dated 21st July 1953, before and up-to-date of the establishment of the Board under this act shall be deemed to have been incurred, entered into, or engaged to be done, by, with or for the Board; and all suits and legal proceedings instituted or which may be instituted by or against the Assam Khadi and Village Industries Board shall be continued or instituted by or against the Board.

(2) All assets of the Assam Khadi and Village Industries Board, referred to in sub-section (1) shall upon the establishment of the Board vest in the Board for the purposes of this Act.

18. **Funds of 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, sub-ventions, donations and gift and receive loans from Government or All-India Khadi and Village Industries Board 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 money belonging to the fund of the Board shall be deposited in such manner as the State 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.

19. **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.

20. **Budget.**—The Board shall, on such date as may be fixed by the All-India Khadi and Village Industries Board prepare and submit to the All-India Khadi and Village Industries Board the budget as approved by the State Government 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.

21. **Sanction of Budget.**—The All-India Khadi and Village Industries Board, may sanction the budget submitted to it with such modifications as it deems proper.

22. **Supplementary Budget.**—The Board may submit a supplementary budget as approved by the State Government for the sanction of the All-India Khadi and Village Industries Board, in such form and before such date as the All-India Khadi and Village Industries Board may prescribe and the provisions of Section 21 shall apply to such supplementary budget.

23. **Annual report.**—The Board shall prepare and forward to the All-India Khadi and Village Industries Board and State Government in such manner as may be prescribed an annual report within three months from the end of a financial year. Every such report shall be laid before the State Legislature as soon as may be after it is received by the State Government.

24. **Further report, statistics and returns.**—The Board, shall, before such date and at such intervals and in such manner as the All-India Khadi and Village Industries Board, may from time to time direct submit to the All-India Khadi and Village Industries Board, a report on such matters and such statistics and also such returns as the All-India Khadi and Village Industries Board may direct.

25. **Accounts and audits.**—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 State Government.

CHAPTER VI

Miscellaneous

26. **Direction by State 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 State Government.

(2) If any dispute arises between the State Government and the Board as to whether a question is or is not a question of policy the decision of the State Government shall be final.

27. **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.

28. **Protection of action taken under this Act.**—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or purported to be done under this Act.

29. **Rules.**—The Assam Khadi and Village Industries Board may, by notification in the official Gazette, make rules subject to approval of the State Government for carrying out the purposes of this Act.

30. **Regulations.**—(1) The Board may, make regulation for its internal administration consistent with this Act and the rules made thereunder and notify them in the official 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.

(b) remuneration, allowances and other conditions of service of members of the staff of the Board.

(c) functions and duties of the members of the staff of the Board.

(d) functions of the committees and the procedure to be followed by such committees in the discharge of their functions.

31. **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, or to effect any of the provisions of the said Act.

SCHEDULE

Name of Industries

1. Khadi.
2. Village Oil Industries.
3. Soap making with non-edible oil.
4. Paddy husking.
5. Palm Gur Industry.
6. Gur and Khandeshri.
7. Leather Industry.
8. Woolen Blankets.
9. High grade Handmade paper.
10. Bee-Keeping.
11. Cottage Match Industry.