SIKKIM



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok Tuesday, 9th July, 1996

No. 84

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK.

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 KHAD! 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.

BE it exacted by the Legislative Assembly of Sikkim in the Forty-seventh year of the Republic of India as follows:-

CHAPTER - I PRELIMINARY

Short title, extent and commencement.

- (1) This Act may be called the Sikkim Khad and Village Industries Board Act, 1996
- (2) It extends to the whole of Sikkim.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions.

- 2. In this Act, unless the context otherwise requires ;-
 - (a) "Board" means the Sikkim Khadi and Village Industries Board established under section 3 of the Bill;
 - (b) "Chairman" means Chairman of the Board; Ast
 - (c) "Commission" means the Khadi and Village Industries Commission established under section of the Khadi and Village Industries Commission Act, 1956;

(d) "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;

61 of 1956.

61 of 1956

(k) "rural area" means the area as defined in sub-section (ff) of section 2 of the Khadi and Village Industries Commission Act, 1956;

61 of 1956.

(l) "village industry" means any industry as defined in subsection (h) of section 2 of the Khadi and Village Industries Commission Act, 1956.

61 of 1956.

CHAPTER - II THE KHADI AND VILLAGE INDUSTRIES BOARD

Establishment and incorporation of the Board.

- (1) 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 Knadi and Village Industries Board.
- (2) The Board shall be a body corporate having perpetual succession and a common seal and shall by its corporate name sue and be sued.

Composition of the Board.

- . The Board shall consist of the following members appointed by the Government, namely:-
 - (a) Chairman
 - (b) Maximum four non-official members having specialised knowledge and experience with Khadi and Village Industries
 - (c) Three representatives of the Departments of Industries, Finance and Planning and Development not below the rank of Joint Secretaries ...Member,
 - (d) Representative of the Khadi and Village Industries Commission ... Member,
 - (e) Accounts Officer of the Sikkim Khadi and Village Industries Board who shall also be the incharge of accounts of the Board ...Member,
 - (f) Executive Officer of the Board Member Secretary.

Powers and functions of the Executive Officer.

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6.

- (1) The Executive Officer appointed under clause (f) of section A 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.
- (2) The Executive 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 31.
- (3) 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.

Powers and functions of the Accounts Officer.

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 Acdounts Officer to bring to the notice of the Board through the Executive Officer any matter of financial import, which in his opinion, requires consideration and decision by the Board

(d) if he has any financial interest in any subsisting contract made with o 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:

1 0/ 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

(e) 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.

8. The Government may, by notification, remove from the office any member of the Board, who -

- (a) is or has become subject to any of the disqualifications mentioned in section 7; or
- (b) in the opinion of the Government, has failed or is unable to carry out his duties; or
- (c) absents himself from three consecutive meetings of the 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.

Resignation of 9. office by Member.

- (1) Any member may resign his office by giving notice in writing to the Government and, on such resignation being notified in the Official Gazette by the Government, he shall be deemed to have vacated his office.
- (1) 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.

Vacancies etc. not to invalidate act and proceedings of the Board.

No act or proceedings of the Board shall be invalid merely by reason of the existence of any vacancy amongst its members of any defect in the constitution thereof.

Temporary
association
of persons
with Board
for particular
purpose.

lI.

- (1) 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.
- (2) A person associated with it by the Board under sub-section (1) 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.
- (3) 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 discussuions of the Board, but such officer or officers shall not have the right to vote.

Provided that the Board shall meet atleast once in

- (2) The Chairman or in his absence, any member chosen by the members present from amongst themselves, shall preside over 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 mebers present and voting and in the case of an equality of votes, the Chairman of the meeting shall have a second or a casting vote.
- (4) The proceedings of the meeting of the Boad shall be forwarded to the Government and to Commission within fifteen days of every meeting.

Term of office and

13.

(1) Every member of the Board shall hold office for a term of five years:

conditions of service of the Chairman and other remhers. Provided that the Chairman shall notwithstanding the expiration of his term continue to hold office until his successor enters upon his office.

(2) The terms and conditions of service of the Chairman, Executive Officer, Accounts Officer and other members shall be such as may be prescribed.

Appointment ond conditions of service of officers and other employees of the Board.

- (1) Subject to such rules as may be made by the Government in this behalf, the Board may, after creation of the post with the prior approval of the Government, appoint such other officers and employees as it considers necessary for the efficient performance of its function.
- (2) The service conditions of the officers and employees of the Board shall be governed by the State Government Service Rules as amended from time to time.
- (3) The Board shall be the appointing authority in respect of all the officers and the employees of the Board.

Standing F1- :5. nance Committee.

- There shall be constituted from amongst the members of the Board excluding te Chairman, a Standing Finance Committee to exercise such powers and perform such functions relating to finance of the Board as may be delegated by the Board in the prescribed manner. The proceedings of the meeting of the Committee shall be forwarded to the Government within fifteen days of every meeting.
- (2) The Board may also delegate necessary financial powers to its officers for expeditious disposal of work subject to such conditions as it deems fit.

Appointment 16. of other Committees, Subject to any rules made in this behalf, the Board may, from time to time, appoint one or more committees for the purpose of efficient discharge of its functions and, in particular for the purpose of securing that the functions shall be discharged according to the circumstances and requirements of khadi or any particular village industry.

in good faith in pursuance of the functions of the poard shall be demed to be invalid by reason only of some defect subsequently discovered either in the constitution of the Board or in the constitution of any Committee or in the appointment or selection of an officer or on the ground that such officer was disqualified for his office.

- (2) No act done in good faith by any person appointed under this Act, rules and regulations shall be invalid merely by reason of the fact that his appointment has been cancelled by or in consequence of any other order passed subsequently under this Act or any rules and rgulations made thereunder.
- (3) The Board shall decide whether any act was done in good faith in pursuance of the functions of the Boad and the decision thereon shall be final.

Dissolution of Board.

37.

38.

- (1) The Government may, by notification, direct that the Board shall be dissolved from the date specified in the notification and thereupon the Board shall be deemed to be dissolved accordingly and any committee constituted shall cease to function.
- (2) On and from the said date -
 - (a) 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;
 - (b) all members shall vacate office as members of the Board; and
 - (c) all rights, obligations and liabilities including any liabilities under any contract of the Board shall become the rights, obligations and liabilities of the Government.

Supersession of the Bourd.

- (1) 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.
- (2) The Governmet shall before expiration of the period of supersession, reconstitute the Board in accordance with the provisions of section 3.
- (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.
- (4) Any notification issued or order made by the Government under this section shall not be questioned in any court.

Recoveries of 39. arrears.

Any sum payable to the Board under any agreement, express or implied or otherwise, however, may be recovered without prejudice to any other remedy as an arrear of land revenue.

Powers to 40. write off losses.

- (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:-
 - (a) Loss of irrecoverable value of stores or of public money due to theft, fraud or such other cause:

- (2) 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.
- (3) 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.

Power to make rules.

- 41. (1) The Government may, by notification, make rules for carrying out the purposes of the 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 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;
 - (c) the procedure to be followed in removing a member who is or has become subject to any disqualification;
 - (d) the condition subject to which and the mode in which contracts may be entered into by or on behalf of the Board;
 - (e) the time within which and the form in which the budget and the supplementary budget shall be pre' pared and submitted in each year under sub-section
 - (1) of section 23 and section 25;
 - (f) the procedure to be followed and the condition to be observed in borrowing money under sub-section (3) of section 30;
 - (g) the procedure to be followed for placing the Board in possession of funds.
 - (3) 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) the form and manner in which the accounts of the Board shall be maintained under sub-section (1) of section 31;
 - (c) 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;
 - (d) constituting the Standing Finance Committee under sub-section (1) of section 15;
 - (e) any other matters which is to be or may be prescribed.

foregoing powers, such regulations may provide for all or any of the following matters, namely :-

- (a) 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;
- (b) functions of committees and the procedure to be followed by such committees in the discharge of their functions;
- (c) the delegation of powers and duties to the Executive Officer or any officer of the Board;
- (d) the persons by whom and the manner in which payment, deposits and investment may be made on behalf of the Board;
- (e) 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 maintainance of the minutes of the meeting of the Board and the transmission of the copies thereofto the Government and the Commission.

Power to remove difficulties.

43.

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.

Repeal and 44.
Saving.

(1) On and from the date of commencement of this Act, the provisions of the Sikkim Khadi and Village Industries Board Act, 1978 shall stand repealed.

11 of 1978.

((2) Notwithstanding such repeal, anything done or any action taken under the Act so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order of the Governor,

B.R. PRADHAN, Secretary to the Government of Sikkim, Law Department.

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

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Monday 28th July, 2008

No. 309

GOVERNMENT OF SIKKIM LAW DEPARTMENT GANGTOK

NOTIFICATION

No.16/LD/P/2008

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

- 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.

Amendment of Sections 4 (f), 5 (1), 5 (2), 5 (3) and 6 and such other Sections in the Act, wherever appear the words "Executive Officer."

- 2. In The Sikkim Khadi and Village Industries Board Act, 1996 (herein after referred 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 Officer" appear, the words "Chief Executive Officer" shall be substituted.

Amendment of Sections 4 (e), 5 (3) and 6 and such other Sections in the Act, wherever appears the words "Accounts Officer."

3. In the principal Act, in Sections 4 (e), 5 (3) and 6 and such other Sections in the Act, wherever, the words "Accounts officer" appear, the words "Financial officer cum Senior Accounts Officer" 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. - 309/ Gazette /150 Nos JDt: - 28.7.2008.