

Rep. by Act 52 of 1964, 3.2 & Sec. I (u.c.f. 29.12.64)

THE KHADI AND VILLAGE INDUSTRIES COMMISSION (AMENDMENT) ACT, 1961

No. 32 OF 1961

[28th August, 1961]

An Act further to amend the Khadi and Village Industries Commission Act, 1956.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. This Act may be called the Khadi and Village Industries Commission (Amendment) Act, 1961. Short title.

2. In section 2 of the Khadi and Village Industries Commission Act, 1956 (hereinafter referred to as the principal Act),— Amendment of section 2.

(i) in clause (e), for the words "and includes the chairman", the words "and includes the chairman and the vice-chairman" shall be substituted;

(ii) after clause (g), the following clause shall be inserted, namely:—

'(gg) "vice-chairman" means the vice-chairman of the Commission;'

3. In section 3 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:— Amendment of section 3.

"(1) The Central Government may, of its own motion or on the recommendation of the Commission, by notification in the Official Gazette, add to, or omit from, the Schedule any village industry or alter the description of any village industry and thereupon the Schedule shall be deemed to be amended accordingly."

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Amendment of section 4. 4. In section 4 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The Central Government may appoint from among the members of the Commission a vice-chairman who shall exercise such of the powers and perform such of the duties of the chairman as may be prescribed or as may be delegated to him by the chairman.”

Amendment of section 5. 5. In section 5 of the principal Act, for the words “a member other than the chairman”, the words “a member other than the chairman or the vice-chairman” shall be substituted.

Amendment of section 12. 6. In section 12 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The chairman or, in his absence, the vice-chairman or, in the absence of both the chairman and the vice-chairman, any member chosen by the members present from among themselves, shall preside at a meeting of the Commission.”

Amendment of section 13. 7. In section 13 of the principal Act, for the words “and the terms and conditions of service of the chairman”, the words “and the terms and conditions of service of the chairman, the vice-chairman” shall be substituted.

Amendment of section 15. 8. In section 15 of the principal Act, in sub-section (2), in clause (c), after the words “village industries”, the words “or handicrafts” shall be inserted and shall be deemed always to have been inserted.

Insertion of new section 17A. 9. After section 17 of the principal Act, the following section shall be inserted, namely:—

Commission to receive gifts, grants, etc.

“17A. The Commission may, for the purpose of development of khadi or the development of village industries, receive gifts, grants, donations or benefactions from the Government or any other person.”

Amendment of section 18.

10. In section 18 of the principal Act,—

(i) in sub-section (1), after the words “and all receipts of the Commission”, the brackets, words, figures and letter “(including all gifts, grants, donations or benefactions received under section 17A)” shall be inserted;

(ii) after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A) All receipts of the Commission in respect of products of handicrafts shall be credited to the village indus-

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tries fund and all payments by the Commission for or in respect of such products shall be made from that fund.

(1B) If at any time, the amount available in either of the two funds referred to in sub-section (1) is in excess of the requirements of that fund and the amount available in the other fund is insufficient to meet the requirements of that fund, the Commission may, with the previous approval of the Central Government, transfer from the first mentioned fund the excess amount or such part thereof as may be necessary to the other fund.

Explanation.—For the purposes of computing the amount available in either of the two funds, the amounts received under section 17A shall not be taken into account.”.

11. After section 19 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 19A and 19B. Standing Finance Committees.

“19A. (1) There shall be constituted from among the members of the Commission in the prescribed manner, a Standing Finance Committee in respect of each of the two funds referred to in section 18.

(2) The Standing Finance Committee shall exercise such of the powers of the Commission under section 19 as are delegated to it by the Commission.

19B. (1) Any sum payable to the Commission under any agreement, express or implied, or otherwise howsoever, may be recovered in the same manner as an arrear of land-revenue.

Recovery of monies due to the Commission as arrears of land-revenue.

(2) If any question arises whether a sum is payable to the Commission within the meaning of sub-section (1), it shall be referred to a Tribunal constituted by the Central Government for the purpose which shall, after making such inquiry as it may deem fit and after giving to the person by whom the sum is alleged to be payable an opportunity of being heard, decide the question; and the decision of the Tribunal shall be final and shall not be called in question by any court or other authority.

(3) The Tribunal shall consist of one person who is not connected with the Commission or with the person by whom the sum is alleged to be payable.

(4) The expenses of the Tribunal shall be borne by the Commission.”.

12. In section 20 of the principal Act, in sub-section (3), for the words “but in no case”, the words, brackets, figures and letter “but,

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subject to the provisions of sub-section (1B) of section 18, in no case" shall be substituted.

Amendment
of section
26.

13. In section 26 of the principal Act,—

(i) in sub-section (2),—

(a) in clause (a), for the words "and the terms and conditions of service of the Chairman", the words "and the terms and conditions of service of the chairman, the vice-chairman" shall be substituted;

(b) after clause (c), the following clause shall be inserted, namely:—

"(cc) the powers and duties to be exercised and performed by the chairman and the vice-chairman;"

(c) after clause (d), the following clauses shall be inserted, namely:—

"(dd) the constitution of the Standing Finance Committees under sub-section (1) of section 19A;

(ddd) the procedure to be followed by the Tribunal in deciding questions referred to it under sub-section (2) of section 19B;"

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and, if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Amendment
of section
27.

14. In section 27 of the principal Act, in sub-section (2),—

(i) after clause (b), the following clause shall be inserted, namely:—

"(bb) the summoning and holding of meetings, and the conduct of business of a Standing Finance Committee;"

(ii) in clause (h), the words "and the fees chargeable in respect thereof" shall be added at the end.