

**KARNATAKA SHEEP AND SHEEP PRODUCTS DEVELOPMENT
ACT, 1973**

12 of 1974

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CONTENTS

CHAPTER Preliminary :-

CHAPTER 2 :- Sheep and Sheep Products Development Board

3. Establishment of the Board
4. Constitution of the Board
5. Disqualification for appointment on the Board
6. Removal or suspension of a member of the Board
7. Proceedings not to be invalidated
8. Appointment of members of staff of the Board and conditions of their service
9. Committees of the Board
10. Meetings of the Board
11. Power to make contracts

CHAPTER 3 :- Functions and the Powers of the Board

12. Functions of the Board
13. General powers of the Board

CHAPTER 4 :- Preparation and submission of Programmes

14. Preparation and submission of annual programmes
15. Sanction of programme
16. Supplementary programme

CHAPTER 5 :- Finance, Accounts, Audit and Debts

17. Transfer of property
18. Subventions and loans to the Board
19. Funds of the Board
20. Application of fund and property
21. Budget
22. Sanction of budget
23. Supplementary budget
24. Annual report
25. Further report, statistics and returns
26. Accounts and audit

- 27. Recovery of moneys due to the Board as arrears of land revenue
- 28. Members of the Board and Members of the Staff of the Board to be public servants
- 29. Protection of action taken under this Act
- 30. Dissolution of the Board
- 31. Power to make rules.
- 32. Regulations
- 33. Amendment of Schedule
- 34. Laying of rules, regulations and notifications before State Legislature

SCHEDULE 1 :- SCHEDULE

KARNATAKA SHEEP AND SHEEP PRODUCTS DEVELOPMENT ACT, 1973

12 of 1974

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STATEMENT OF OBJECTS AND REASONS KARNATAKA ACT No. 12 of 1974 Karnataka Gazette, Extraordinary, dated 22-5-1973 The Karnataka State with a sheep population of about seven million is the fourth biggest State in India in point of sheep population. About six million kilograms of wool are produced annually valued at nearly rupees three crores. Both quality and quantity of wool produced in the State is of a low order. Thus there is urgent need for improvement in this behalf by extensive cross-breeding from the imported rams and ewes, etc. Mutton is an important, nutritious item of diet. It is in demand from a large section of the people of this State and this will be on the increase. The value of the mutton produced is estimated at more than rupees six to seven crores. The quality and quantity of mutton produced from the sheep in the State requires to be considerably improved so also the processing and marketing of mutton. To tackle the peculiar problems faced by these indigenous hereditary pursuits and to pay special attention in developing them, it is considered necessary to constitute a Statutory Board with appropriate powers. Hence this Bill.

CHAPTER Preliminary

CHAPTER 2

Sheep and Sheep Products Development Board

3. Establishment of the Board :-

(1) With effect from such date as the State Government may, by

notification appoint in this behalf, there shall be established for the purposes of this Act, a Board to be called the Karnataka Sheep and Sheep Products Development Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of property both moveable and immovable, and to contract, and shall by the said name sue and be sued.

4. Constitution of the Board :-

(1) The Board shall consist of such number of members not exceeding twenty-three as the State Government may appoint One of the members shall be appointed by the State Government as the Chairman.

(2) The Chairman, or any other member of the Board may at any time resign his office by a letter of resignation addressed to the State Government:

Provided that the resignation shall not take effect until it is accepted.

(3) The Chairman, and other members shall be entitled to such allowances and such conditions of service in respect of leave and other matters as may be prescribed and the allowances shall be paid from the funds of the Board.

(4) Subject to the pleasure of the State Government, the term of Office of the Chairman] and the other members of the Board shall be three years from the date of publication of their names in the Official Gazette: Provided that the term of office of the outgoing members shall be deemed to extend to and expire with the date on which the names of their successors are published in the Official Gazette.

(5) The Chairman and the other members shall be eligible for reappointment.

(6) Any casual vacancy shall be filled by Government by nomination and the person so nominated shall hold office so long only as the member in whose place he is nominated would have held it, the vacancy had not occurred.

5. Disqualification for appointment on the Board :-

(1) A person shall be disqualified for being appointed, or for continuing, as a member of the Board, if he.

(a) holds any office of profit under the Board; or

(b) is of unsound mind and stands so declared by a Competent Court; or

(c) is an undischarged insolvent or has applied for being adjudged an insolvent; or

(d) has been convicted of an offence which involves, in the opinion of the State Government, moral turpitude; or

(e) has directly or indirectly by himself, by his wife or son or by any partner, any share or interest in any subsisting contract or employment with, by or on behalf of, the Board; or

(f) is a Secretary or Manager or other salaried Officer of any incorporated company or any co-operative society which has any share or interest in any contract or employment with by or on behalf of the Board:

Provided that a person shall not be disqualified under clauses (e) and (f) or be deemed to have any share or interest in any contract or employment with, by, or on behalf of the Board, by reason only of.

(i) his, or of the incorporated company or a co-operative society of which he is Secretary, Manager or other salaried Officer, having a share or interest in any news paper in which any advertisement relating to any affairs of the Board is inserted or

(ii) his being a share holder of such a company or society, if he has disclosed to the State Government from time to time the nature and extent of the share held by him or the company or the society.

(2) If a member becomes subject to any of the disqualifications specified in sub-section (1), he shall be deemed to have ceased to be a member from the date when the disqualification was incurred.

6. Removal or suspension of a member of the Board :-

(1) The State Government may, after such inquiry as may be necessary, remove from office the Chairman or any other member, if he.

(a) refuses to act; or

(b) has become incapable of acting; or

(c) has abused his position in the Board so as to render his continuance on the Board detrimental to its interest; or

(d) fails, without such reason as may in the opinion of the State Government be sufficient, to attend three consecutive meetings of the Board; or

(e) ceases to reside in the State of Karnataka; or

(f) has since his appointment incurred any of the disqualifications specified in Section 5; or

(g) is otherwise unsuitable to continue on the Board.

(2) No order of removal under sub-section (1) shall be made, unless the Chairman or the member concerned has been given a reasonable opportunity of being heard:

Provided that the Chairman or a member may be suspended by the State Government pending an enquiry against him.

(3) The Chairman or a member who has been removed under clause (c) or (f) of sub-section (1) shall not be eligible for appointment to the Board as member or in any other capacity.

7. Proceedings not to be invalidated :-

No act or proceeding of the Board shall be invalidated merely by reason of any vacancy in its membership on account of resignation, death or removal or otherwise, or any defect in the constitution of the Board, or irregularity in the procedure of the Board not affecting the merits of the case,

8. Appointment of members of staff of the Board and conditions of their service :-

(1) The State Government shall in consultation with the Board, appoint a Secretary to the Board.

(2) The State Government shall from among its Officers appoint an Accounts Officer to the Board.

(3) The remuneration, allowances and conditions of service of the Secretary and the Accounts Officer shall be such as the State Government may specify, and their remuneration and allowances shall be paid from the funds of the Board.

(4) Subject to such rules as may be prescribed, the Board may appoint such members of the staff as it may consider necessary.

(5) The remuneration, allowances and other conditions of service of the members of the staff of the Board shall be such as may be prescribed.

9. Committees of the Board :-

Subject to such rules as may be made in this behalf, the Board may from time to time appoint one or more committees for the purpose of securing efficient discharge of its duties and performance of its functions and in particular for the purpose of securing that the said functions are performed with due regard to the circumstances and requirements of any particular area or any specified matter.

10. Meetings of the Board :-

(1) The Board shall ordinarily meet at least once in every two months. The Chairman may, at any time, and shall, upon the written request of not less than one-third of the members of the Board, and on a date not more than ten days after the receipt of such request, call a special meeting of the Board.

(2) The Chairman shall preside over every meeting of the Board and in his absence the members present at the meeting shall elect one from among themselves to preside over such meeting.

11. 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 and every contract shall be made on behalf of the Board by the Chairman:

Provided that.

(a) no contract involving an expenditure exceeding rupees two lakhs shall be made without the previous sanction of the State Government;

(b)

(i) no contract involving an expenditure exceeding rupees ten thousand shall, subject to clause (a), be made without the previous sanction of the Board;

(ii) no estimate or tender involving an expenditure exceeding

rupees ten thousand shall, subject to clause (a), be sanctioned or accepted without the previous sanction of the Board.

(2) 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.

(3) No contract executed in a manner not provided in this section and the rules made thereunder shall be binding on the Board.

CHAPTER 3

Functions and the Powers of the Board

12. Functions of the Board :-

(1) It shall be the duty of the Board to organise and develop sheep and sheep products and to perform such other functions as the State Government may prescribe.

(2) Without prejudice to the generality of the provisions of subsection (1) the Board shall, subject to such regulations as may be made by it, discharge and perform all or any of the following duties and functions, namely.

(a) to carry on activities relating to matters specified in the Schedule;

(b) to render such assistance as may be necessary to any person carrying on activities relating to the said matters;

(c) to organise and aid co-operative societies for the purpose of promoting said activities;

(d) to arrange for.

(i) the manufacture and supply of tools, implements and other equipments required for purposes of promoting the said activities;

(e) to establish and maintain sheep development farms;

(f) to conduct training centres;

(g) to develop slaughter houses and the processing of meat and any other incidental or allied products;

(h) to promote the development of activities relating to sheep, wool, meat and other matters specified in the Schedule;

(i) to arrange for publicity to popularise the said products by

opening stores, shops, emporia or by exhibition;

(j) to undertake and encourage research work to improve the quality and quantity of wool and meat;

(k) to collect statistics relating to wool and meat;

(l) to maintain or assist in the maintenance of institutions for the development of sheep and sheep products;

(m) to organise the shearing, processing and marketing of wool;

(n) to promote consumption of wool and meat;

(o) to educate and popularise among the sheep breeders and rearers in the modern and scientific methods of feeding, breeding and management of sheep;

(p) to start or encourage or assist in starting feed mixing plants;

(q) to maintain or assist in the maintenance of sheep disease control centres; and

(r) such other functions as may be prescribed for the purpose of carrying out the objects of this Act.

13. General powers of the Board :-

The Board shall, for the purpose of carrying out its functions under this Act have the following powers, namely.

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

Provided that no immovable property shall be leased, sold or otherwise transferred except with the previous sanction of the State Government;

(ii) to incur expenditure and undertake such works in any area in the State 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;

(iii) to sanction loans, grants and subventions, subject to such rules as may be prescribed.

CHAPTER 4

Preparation and submission of Programmes

14. Preparation and submission of annual programmes :-

(1) In each year the Board shall prepare and forward to the State Government a programme of work in such form and before such date as may be prescribed.

(2) The programme shall contain.

(a) such particulars of the work which the Board proposes to undertake or organise whether in part or in whole during the next year;

(b) such other particulars as may be prescribed.

15. Sanction of programme :-

The State Government may approve and sanction the programme with or without modifications.

16. Supplementary programme :-

The Board may prepare and forward a supplementary programme for the sanction of the State Government in such form and before such date as may be prescribed and the provisions of Sections 14 and 15 shall apply to such supplementary programme.

CHAPTER 5

Finance, Accounts, Audit and Debts

17. 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 as the State Government may deem fit, for the purposes of this Act.

18. Subventions and loans to the Board :-

(1) The State Government may, from time to time, make subventions and grants to the Board for the purposes of this Act and for the implementation of any work which the State Government or the Central Government may entrust to it on such terms and conditions as the State Government may determine in each case.

(2) The Board may from time to time with the previous sanction of the State Government and subject to the provisions of this Act and such conditions as the State Government may impose, borrow any sum required for the purpose of this Act.

19. Funds of the 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, subventions, donations and gifts from the State and Central Governments or the All India Khadi and Village Industries Commission, 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) The Board may receive loans from the State and Central Government or the All India Khadi and Village Industries Commission or a Local Authority or a Co-operative bank registered under the Karnataka Co-operative Societies Act, 1959.

(4) All money belonging to the fund of the Board shall be deposited in such manner as the State Government may, by special or general order, direct.

(5) The accounts of the Board shall be subject to such rules as may be prescribed, be operated upon by such Officers jointly or individually as may be authorised by the Board.

20. 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.

21. Budget :-

The Board shall, on such date and in such form as may be prescribed prepare and submit to the State Government the budget for the next financial year showing estimated receipts and expenditure on capital and revenue accounts according to the programme.

22. Sanction of budget :-

The State Government may sanction the budget submitted to it with such modifications as it may deem proper.

23. Supplementary budget :-

The Board may submit a supplementary budget for the sanction of the State Government in such form and before such date as the State Government may prescribe and the provisions of Sections 21 and 22 shall apply to such supplementary budget.

24. Annual report :-

The Board shall prepare and forward to the State Government in such manner as may be prescribed, an annual report within three months from the end of the financial year giving a complete account of its activities during the previous financial year. Every such report shall be laid before each House of the State Legislature as soon as may be after it is received by the State Government.

25. Further report, statistics and returns :-

The Board shall, before such date and at such intervals and in such manner as the State Government may from time to time direct, submit to the State Government a report on such matters and such statistics and such returns as the State Government may direct.

26. Accounts and audit :-

The 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 appointed by the State Government.

27. Recovery of moneys due to the Board as arrears of land revenue :-

(1) Where any sum payable to the Board under any agreement, express or implied or otherwise however, is not paid on or before the due date and the claim is not disputed, the Chairman shall send to the Deputy Commissioner a certificate under his hand indicating there in the sum due to the Board; and thereupon subject to the provisions of sub-section (2), the Deputy Commissioner shall recover the sum due as an arrear of land revenue.

(2) If any question arises whether a sum is payable to the Board within the meaning of sub-section (1), it shall be referred to a Tribunal constituted by the State Government for the purpose, under sub-section (3) which shall after making such enquiry as it may deem fit, and after giving to the person by whom the sum is alleged to be payable a reasonable opportunity of being heard, decide the question; and the decision of the Tribunal shall be final and shall not be called in question in any Court or before any other authority.

(3) The Tribunal shall consist of a Judicial Officer not below the rank of a District Judge: Provided that pending constitution of the Tribunal the District Judge of each district shall function as the Tribunal for the purpose of this Act.

(4) The expenses of the Tribunal shall subject to such rules as may be prescribed, be borne by the Board.

28. Members of the Board and Members of the Staff of the Board to be public servants :-

Members of the Board and Members of the staff of the Board shall, while acting or purporting to act in pursuance of any of the provisions of this Act be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

29. Protection of action taken under this Act :-

No suit, prosecution or other legal proceedings shall lie in respect of anything in good faith done or purported to be done under this Act against any member of the Board or any member of the staff of the Board.

30. Dissolution of the Board :-

The State Government may, by notification declare that with effect from such date as may be specified in the notification, the Board shall be dissolved and thereupon the Board shall be deemed to be dissolved and the Board and any committee constituted by it shall cease to function:

Provided that no such declaration shall be made by the State Government unless a resolution to that effect has been moved in and passed by both Houses of the State Legislature. On and from the said date.

(a) all properties and funds which immediately before the said date were in possession of the Board for the purpose of this Act shall vest in the State Government;

(b) all members shall vacate office as members of the Board; and

(c) all rights, obligations and liabilities (including any liability under any contract) of the Board shall become the rights, obligations and liabilities of the State Government.

31. Power to make rules. :-

(1) The State Government may, by notification, and subject to the condition of previous publication make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the

foregoing power such rules may provide for all or any of the following matters, namely.

- (a) the allowances of members of the Board under Section 4;
- (b) the manner and form in which contracts shall be entered into under Section 11;
- (c) the functions of the Board under Section 12;
- (d) the other particulars of the programme under Section 14;
- (e) the form in which and the date before which the programme under Section 14 and the supplementary programme under Section 16 shall be submitted;
- (f) the form in which and the date before which the budget under Section 21 and the supplementary budget under Section 23 shall be submitted;
- (g) the manner in which the annual report shall be prepared and forwarded to the State Government under Section 24;
- (h) the manner of maintenance of accounts and preparations of annual statement of accounts under Section 26;
- (i) remuneration, allowances and other conditions of service of members of the staff of the Board and the duties and functions of the Chairman, Secretary and Accounts Officer of the Board;
- (j) any other matter which is to be or may be prescribed by, or provided for by rules under this Act.

32. Regulations :-

(1) The Board may by notification and with the previous sanction of the State Government make regulations not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely.

(3) the procedure to be followed at meetings of the Board or conduct of business and the number of members which shall form a quorum at a meeting;

- (a) functions and duties of the members of the staff of the Board;

(b) functions of the committees and the procedure to be followed by such committees in the discharge of their functions and the number of members which shall form a quorum at a meeting;

(c) conditions subject to which the Board may discharge and perform the functions under sub-sections (2) of Section 12.

33. Amendment of Schedule :-

The State Government may, by notification add any matter to the Schedule:

Provided that no matter unrelated to the objects of this Act shall be so added.

34. Laying of rules, regulations and notifications before State Legislature :-

Every rule made under this Act, every regulation made under Section 32 and every notification issued under Section 33 shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, regulation or notification or both Houses agree that the rule, regulation or notification shall not have effect, the rule, regulation or notification shall from the date on which the modification or annulment is notified by the State Government in the Official Gazette 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, regulation or notification.

SCHEDULE 1

SCHEDULE

SCHEDULE

[See Section 2(4)]

1. Sheep rearing, management and grazing.
2. Sheep breeding including crosses breeding for the improvement of progeny.
3. Sheep shearing.

4. Meat and meat processing.
5. Grading and processing of wool.
6. Marketing of sheep/ wool, meat, their bye-products and sheep feed.
7. Marketing of sheepskin.
8. Manufacture of goods (other than textiles made wholly or in part of wool, including wool tops, woollen yarn, hosiery, carpets and druggets), made wholly or in part of wool.