

Punjab Dairy Development Board Act, 2000

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Act 20 of 2000

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Punjab Dairy Development Board Act, 2000 Punjab Act No. 20 of 2000 Statement of Objects and Reasons - Punjab Government have identified the dairying and livestock sector as one of the main thrust areas for development and have decided to effect radical changes to commercialise dairy farming, inter alia, through transfer of the best international technology systems to Punjab for rapid dramatic enhancement of milk production and to streamline the milk collection, transportation and processing of milk bring in cost effectiveness so that it is possible to replicate the "Green Revolution" by ushering in a genuine "White Revolution" in Punjab State. Therefore, to coordinate in an accurate manner the activities of different administrative units and entitled engaged in promoting scientific dairying in Punjab and to get executed the several programmes for commercial dairy farming and for rapid and accelerated dairy development as been decided to set up a "Punjab Dairy Board" as the unified apex body in the State and to provide for matters generating its services for functioning. To achieve the object, Punjab Dairy Development Board Ordinance, 2000 (Punjab Ordinance No. 8 of 2000) was promulgated. This Bill replaces that ordinance into and act. Hence this Bill. Published vide Punjab Government Gazetted, (Extraordinary), September 4, 2000 (Bhdr 13, 1992 Saka) page 904. Department of Legal and Legislative Affairs, Punjab No. 29-Leg./2000. - The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 20th September, 2000. and is hereby published for general information :-An Act to provide for the creation of Punjab Dairy Development Board for coordination between the organisations engaged in dairy sector to uplift professional standard of the dairy Industry In the State and to develop modern dairy farming technology system and to levy cess on the milk plants by abolishing purchase tax on milk. Be it enacted by the Legislature or the State of Punjab in the Fifty one Year of the Republic of India as follows

1. Short title and commencement.

(1) This Act may be called the Punjab Dairy Development Board Act, 2000. (2) It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires, (a) 'Board' means the Punjab Dairy Development Board established under section 3; (b) 'Fund' means the Dairy Development Fund constituted under section 13; (c) 'State Government' means the Government of the State of Punjab in the Department of Dairy Development; (d) 'milk plant' means a milk handling, processing or manufacturing unit registered under the Milk and Milk Products Order, 1992 of the Government of India; and (e) 'prescribed' means prescribed by rules made under this Act.

3. Establishment of the Board.

(1) The State Government may, by notification in the Official Gazette, establish for the purpose of carrying out the provisions of this Act, a Board to be called the Punjab Dairy Development Board; (2) The Board established under sub-section (1), shall consist of the following, namely

(i)	Chief Minister, Punjab Chairman
(ii)	Minister-in-charge of Animal Husbandry and Fisheries and Dairy Development	Deputy Chairman
(iii)	Minister for Cooperation	Deputy Chairman
(iv)	Chief Secretary to Government of Punjab	Ex-officio Member
(v)	Secretary to Government of Punjab, Department of Finance	Ex-officio Member
(vi)	Secretary to Government of Punjab Department of Cooperation	Ex-officio Member
(vii)	Secretary to Government of Punjab Department of Animal Husbandry and Fisheries and Dairy Development	Ex-officio Member
(viii)	Secretary to Government of Punjab Department of Agriculture	Ex-officio Member
(ix)	Secretary to Government of Punjab Department of Local Government	Ex-officio ... Member
(x)	Vice-Chancellor, Punjab Agricultural University, Ludhiana	Ex-officio Member
(xi)	Dairy Development Advisor, to be appointed by the State Government Member
(xii)	Five representatives of milk plants, located in the State of Punjab to be nominated by the State Government out of which at least two shall be from the cooperative sector Members
(xiii)	Pour representatives of reputed milk producers to be nominated by the State Government	... Members
(xiv)		... Members

Two representatives from the milk consumers organisations to be nominated by the State Government

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| (xv) | Two representatives from the Punjab Dhojhi Union to be nominated by the State Government; and | ... Member |
| (xvi) | One officer from amongst the Joint Secretary, Additional Secretary or Special Secretary working in the Department of Animal Husbandry, Fisheries and Dairy Development to be nominated by the State Government | Ex-officio
... Member
Secretary |

(3) The Board constituted in terms of sub-section (2), shall be a body corporate having perpetual succession and a common seal with powers, subject to the provisions of this Act, to acquire and dispose of properties both movable and immovable and shall, by the said name, sue and be sued. (4) The State Government shall exercise superintendence and control over the Board and its employees and may call for such information as it may deem fit. (5) Subject to the rules made under this Act, the Board may frame regulations for transacting business at its meetings and for such other matters as may be prescribed. (6) Subject to the rules made under this Act, an estimate of annual income and expenditure of the Board for the ensuing year shall be prepared and passed by the Board. (7) The Board shall within a period of six months after the expiry of each financial year, submit to the State Government, a report in the prescribed manner giving true and full account of the previous financial year.

4. Headquarters.

- The Board shall have its headquarters at Chandigarh or at such other place, as may be notified by the State Government in the Official Gazette.

5. Establishment of Steering Committee and its constitution.

(1) The State Government may, by notification in the Official Gazette establish for Monitoring and ensuring speedy implementation of the decision of the Board, a Committee to be called the Steering Committee. (2) The Steering Committee established under sub-section (1), shall consist of the following, namely :-

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| (i) | Secretary to Government of Punjab, Department of Animal Husbandry and Fisheries and Dairy Development | ... Chairman |
| (ii) | Vice-Chancellor, Punjab Agricultural University, Ludhiana; | ... Member |
| (iii) | Director, Animal Husbandry Punjab | ... Member |
| (iv) | Director, Dairy Development, Punjab; | ... Member |
| (v) | Managing Director, Milkfed, Punjab; and | ... Member |
| (vi) | Two non Ex-officio Members of the Board to be nominated by the Board | ... Members |

(3) The Steering Committee shall meet as often as required and shall devise its own procedure to conduct its business.

6. Term of office.

(1)The term of office of members other than the Ex- officio Members, shall be three years.(2)Notwithstanding anything contained in sub-section. (1), a member whose term of three years has expired shall, unless the State Government otherwise directs, continue to hold office till his successor is nominated.

7. Resignation.

- Any member, other than the Ex-officio Member, may resign his office at any time by tendering Axis resignation in writing to the State Government, and such member shall be deemed to have vacated his office on the acceptance of the resignation by the State

8. Removal of a member.

- The State Government may, in the case of a member, other than an Ex-officio member, by an order in writing, by recording reasons therefor, remove any member from his office. on the grounds that he, -(i)has abused his position(ii)has been convicted by a court of law for an offence involving moral turpitude or has otherwise become insane or of unsound mind;(iii)is guilty of misconduct, which in the opinion of the State Government renders him ineligible for becoming a member; or(iv)has continuously absented himself from three consecutive meetings of the Board without the permission of the Board :Provided that before issuing an order of removal, the State Government shall give such a a reasonable opportunity of being heard.

9. Objectives of the Board.

- The Board shall be a nodal agency for coordinating, planning and organising programmes of dairy development in consultation with the State Government so as to promote dairy sector on modern, scientific and commercially viable lines.

10. Powers and functions of the Board.

- Subject to the provisions of this Act and the rules made thereunder, the Board shall exercise the following powers and perform the Board, the following functions, namely :-(i)to effect coordination between all organisations engaged in dairy sector viz., the Directorate of Dairy Development, the Directorate of Animal Husbandry, the Punjab Milkfed and other agencies, such as milk plants in the joint sector as well as in the private sector;(ii)to uplift professional standards of the dairy industry in all its aspects through the Directorate of Dairy Development, Punjab, the Directorate of Animal Husbandry, the Punjab Milkfed and milk plants in the joint sector as well as in the] private sector;(iii)to coordinate formulation of policies in regard to production of milk and milk products;(iv)to develop modern dairy farming technologies and systems for meeting the local demand of high quality milk and for promotion of the dairy industry for socio-economic uplift of milk producers;(v)to establish centres in rural areas for demonstration in the manner in which

programmes can be taken up;(vi)to plan and formulate policies for quick genetic upgradation and development of milk animals, where necessary, by arranging for transfer of technology from abroad with Government of India's prior approval;(vii)to arrange and import new varieties of fodder seeds to increase the yield and nutrition of fodder crops and also equip ment machinery for their harvesting and conservation;(viii)to take requisite measures to increase consumption of drinking milk and milk products through proper advertisement and other related channels of media;(ix)to provide assistance of any kind to enhance the scope of export research and training in diary technology and husbandry; of dairy products;(x)to plan and execute programmes of high level education;(xi)to secure funds from the State Government and other agencies; and(xii)to excise the necessary authority in respect of all matters, which are incidental and ancillary to the aforesaid for attaining the objectives of the Board.

11. Officers and employees of the Board.

(1)The Board may, with the prior approval of the State Government, create such posts and appoint such officers and other employees thereon, as it may consider necessary for the efficient discharge of its functions.(2)The conditions of service of the officers and other employees referred to in sub-section (1), and their functions and duties shall be such, as may be determined by the regulations made by the Board under this Act.

12. Levy and collection of cess.

(1)Subject to the rules made under this Act, there shall be levied for the purpose of this Act, a cess at the rate of ten paise per litre of the licenced capacity of a milk plant by abolishing the purchase tax being charged on milk.(2)The cess levied under sub-section (1), shall be paid by the owner of the milk plant in such manner and to such person or officer as may be, prescribed(3)The arrears of the cess levied under sub-section (1), shall be recoverable as arrears of land revenue.

13. Constitution of Fund.

(1)There shall be constituted a Fund to be called the 'Punjab Dairy Development Fund', which shall vest in the Board.(2)The Fund constituted under sub-section (1), shall be administered by the Member-Secretary of the Board.(3)The amount of cess paid to the person or officer prescribed under sub-section (2) of section 12, shall be credited to the Fund within such period as may be prescribed and grants from the State Government and local authorities shall also be credited to this Fund.(4)The accounts of the Fund shall be audited annually by the Examiner, Local Fund Accounts, Punjab.

14. Delegation.

- If the Board is of the opinion that it is expedient to do so, it may delegate its powers and functions assigned to it under this Act to any of its functionaries.

15. Powers of State Government to issue directions to the Board.

- The State Government may, from time to time, issue to the Board such directions, as in its opinion, are necessary or expedient for carrying out the purposes of this Act and the rules made thereunder and the Board shall make compliance.

16. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against the State Government or any officer or employee of the State Government or the Board in respect of anything, which is in good faith done or intended to be done in pursuance of the provisions of this Act, rules or regulations made or any directions issued thereunder.

17. Power to make rules.

(1)The State -Government may, by notification in the official Gazette, make rules, carrying out the purposes of this Act.(2)Without prejudice to the generality of the foregoing power, such rules may provide for, -(a)the submission of report under sub-section (7) of section 3;(b)the manner of collection of cess and the person or officer to whom it is to be paid; and(c)any other matter which ell is to be or may be prescribed bed.(3)Every rule made under this sect ion, shall be laid as soon as may be, after it is made, before the House of tile State Legislature while it is in session for P total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid the House agrees in making any modification in the rule, or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified from 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 or omitted 10 be done under that rule.

18. Power to make regulations.

(1)The Board may, from time to time, with the previous approval of the State Government, make regulations not inconsistent with the provisions of this Act and the rules framed thereunder, for the purposes of giving effect to the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such regulations may be provide for, -(a)transacting the meetings of the Board; and(b)determining the conditions of service of the officers and other employees of the Board and their functions and duties under section 11.

19. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this remove Act or by reason of anything contained in this Act or in any other enactment for the time being in force, the State Government way, as occasion arises, by order, direct that this Act shall during such period as may be specified in the order, but not extending beyond the expiry of two years from the date of commencement of this

Act, have effect subject to such adoption whether by way of modification, addition or omission, is it may deem to be necessary and expedient.(2)Every order made under sub-section (1), shall, as soon as may be, after it is made, be laid before the the State Legislature.

20. Repeal and saving.

(1)The Punjab Dairy Development Board Ordinance, 2000 (Punjab Ordinance No. 8 of 2000), is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under this Act.