

PUNJAB GOVT. GAZ,(EXTRA) OCT. 20, 2000
(ASVN 28, 1922 SAKA)
PART-1
DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS PUNJAB

Notification

The 20th October, 2000

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:-

THE PUNJAB DAIRY DEVELOPMENT BOARD ACT, 2000

(Punjab Act No. 20 of 2000)

As amended through Act no. 13 of 2004

To provide for the creation of Punjab Dairy Development Board for providing milk producers with opportunities of getting a fair return for their labour and investment and to improve the profitability of the Dairy Industry of the State and to frame policies and issue instructions for safeguarding the interests of the milk producers, milk processors, dairy marketers and consumers.

Be it enacted by the Legislature of the State of Punjab in the Fifty-one year of the Republic of India as follows-

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| 1. | (I) This Act may be called the Punjab Dairy Development Board Act, 2000. | <i>Short title and commencement</i> |
| | (2) It shall come into force at once. | |
| 2. | In this Act, unless the context otherwise requires:- | <i>Definitions</i> |
| | (a) 'Board' means the Punjab Dairy Development Board established under section-3; | |
| | (aa) dairy marketers means any person, group of persons, firm or a company engaged in the purchase or sale of milk or other dairy products including the imports or exports of processed milk and milk products | |

(b) 'Fund' means the Dairy Development Fund constituted under section 13 ;

(c) 'State Government' means the Government of 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. (I) That 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. **Establishment of the Board**

(2) The Board established under sub-section (I), shall consist of the following, namely:-

| | | | |
|--------|---|---|---------------------|
| (i) | Chief Minister, Punjab | : | Chairman |
| (ii) | Minister-in-charge of Animal Husbandry & Fisheries & Dairy Development | : | Deputy Chairman |
| (iii) | Secretary to Government of Punjab Department of Finance | : | Ex-officio Director |
| (iv) | Secretary to Government of Punjab Department of Dairy Development | : | Ex-officio Director |
| (v) | Vice-Chancellor, Punjab Agricultural University, Ludhiana. | : | Ex-officio Director |
| (vi) | One representative of private milk plants and one representative of Co-operative milk plants located in the State of Punjab, to be nominated by the State Government. | : | Director |
| (vii) | Two representatives from the milk producers, to be nominated by the State Government | : | Director |
| (viii) | One representative from the Punjab Dhojhi Union to be nominated by the State Government ; and | : | Director |
| (ix) | One representative Consumers Associations, to be nominated by the State Government ; | : | Director |

(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 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. 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. **Headquarters**

5. (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 Executive Committee. **Establishment of Executive Committee and its constitution**

(2) The Executive Committee established under sub-section (I) shall consist of the following, namely:-

| | | | |
|-------|--|---|----------|
| (i) | Secretary to Government of Punjab Department of Animal Husbandry & Fisheries & 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. | : | Member |

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

6. (I) The term of office of members other than the Ex-officio Members, shall be one year. **Term of Office**

(2) Notwithstanding anything contained in sub-section (1), a member whose term of one year has expired shall, unless the State Government otherwise directs, continue to hold office till his successor is nominated.

Resignation

7. Any member, other than the Ex-officio Member, may resign his office at anytime by tendering his 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 Government.

Removal of a member

8. The State Government may, in the case of a member, other than an Ex-officio member, by an order in writing, by recording reasons thereof, 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 member, a reasonable opportunity of being heard.

Objectives of the Board.

9. The Board shall be an apex body for planning, organizing and implementing the programmes of dairy development so as to promote dairy sector on modern, scientific and commercially viable lines to enhance the quality of milk and dairy products, make dairying a viable alternative vocation in the process of diversification of agriculture and source for the transformation of farmers' economy by providing milk producers with the opportunities of getting a fair return for their labour and investment and to improve the profitability of dairy industry.

Powers and functions of the Board.

10. Subject to the provisions of this Act and the rules made thereunder, the Board shall exercise the following powers and perform the following functions, namely:--

- (i) to function as an apex body for laying down policies implementing programmes, making recommendations to the State Government and issuing directions to any organization or agency of the State engaged in the dairy sector to achieve the objectives of the Board ;
- (ii) to undertake, finance or participate in any project aimed at in making research in dairy and to develop dairy sector including introduction of and nurturing the latest technology in the field of dairy development ;
- (iii) to undertake, finance or participate in any project aimed at in making improvement in quality of milk and milk products with an objective to make them qualitatively globally competitive;

- (iv) to plan and formulate policies for quick genetic upgradation and development of milch animals by arranging technology from abroad with the prior approval of the Government of India wherever necessary;
- (v) to make investigations into any matter relating to the production, processing or marketing of any dairy product including the cost of producing, processing or marketing that product and determine the purchase and sale price of milk and milk products ;
- (vi) to enter into agreement with any State organization , National Dairy Development Board or any such International organization for the marketing of milk and other dairy products within or outside the country to provide for the co-ordinated marketing thereof and act as a nodal agency to facilitate export of milk and dairy products from the State of Punjab;
- (vii) to undertake and assist in the promotion of the use of milk and milk products, the improvement of their quality and variety and publication of information for wider publicity in relation to those products;
- (viii) to develop modern dairy farming technologies and systems for meeting the local demand of high quality milk and promotion of the dairy industry for socio-economic upliftment of milk producers ;
- (ix) to arrange and import new varieties of fodder seeds to enhance the availability of fodder crops and also equipment or machinery for their harvesting and conservation;
- (x) to plan and execute programmes within or outside the country of high level education, research and training in dairy technology and animal husbandry including interactive training and exchange programmes;
- (xi) to formulate and implement Policies or programmes aimed at specifying the areas for the collection of milk for each milk plant;
- (xii) to promote registration of milch animals and Breed Associations ;
- (xiii) to assist the farmers to establish dairy units within or outside the country depending upon the viable opportunities ;

- (xiv) to promote village level chilling-cum-marketing and development centres to maintain quality of milk ;
- (xv) to secure funds from the Central Government, State Government or other agencies ;
- (xvi) to secure donations ; and
- (xvii) to exercise the necessary authority in respect of all matters, which are incidental and ancillary to the aforesaid for achieving the objectives of the Board”.

11. (I) The Chairman of the Executive Committee, established under sub-section (2) of section 5, shall be the Chief Executive of the Board and he shall hold office so long as he continues to be the Ex-officio Member-Secretary of the Board. **Officers and employees of the Board**

(2) For carrying out its functions, the Board shall appoint persons, who are professionally qualified, either by taking them on deputation from the State Government, Public Sector Undertakings or Organisations or engage them on contract basis.

12. Omitted.

13. (I) There shall be constituted a Fund to be called the 'Punjab Dairy Development Fund', which shall vest in the Board. The Fund shall have the following contributions, namely:- **Constitution of Fund**

(i) a sum of money provided by the State Legislature by law out of the Consolidated Fund of the State constituting such proportion of the purchase tax on milk, as the State Legislature may think appropriate for being utilized for the purposes of this Act;

(ii) all sums of money that may be provided by the Central Government, State Government or Local Authorities ;

(iii) all sums of money received by way of grants, donations, benefactions, bequests and transfers ; and

(iv) all such sums of money as may be received by the Board in any other manner and from any other source.

(2) The Fund shall be applied for achieving the objectives of the Board and meeting the expenditure to be incurred in relation thereto.

(3) The accounts of the Board shall be audited by an Auditor, duly qualified to act and to be appointed as an Auditor of Companies under the Companies Act, 1956 (Central Act 1 of 1956). The appointment of an Auditor and remuneration payable to him, shall be decided by the Board or the authority authorized by the Board in this behalf, on yearly basis. The Auditor so appointed,

shall have at reasonable times an access to books, accounts and other documents of the Board”.

Delegation

14. 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.

Powers of State Government to issue directions to the

15. 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 there under and the Board shall make compliance.

Board. Protection of action taken in good faith.

16. 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 there under.

Power to make rules.

17. (I) 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) Omitted.
- (c) any other matter which is to be or may be prescribed.

(3) Every rule made under this section, shall be laid as soon as may be after it is made, before the House of the State Legislature while it is in session for a 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 session 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 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 or omitted to be done under that rule.

Power to make regulations.

18. (I) 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 there under, 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 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-II.

*Power to
remove
difficulties.*

19. (I) If any difficulty arises in giving effect to the provisions of this Act or by reasons of anything contained in this Act or in any other enactment for the time being in force, the State Government may, 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, as it may deem to be necessary and expedient.

(2) Every order made under sub-section (I), shall as soon as may be, after it is made, be laid before the State Legislature.

20. (I) The Punjab Dairy Development Board Ordinance ,2000 (Punjab Ordinance no.8 of 2000) is hereby repealed. *Repeal and saving.*

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance referred to in sub-section (I), shall be deemed to have been done or taken under the principal Act, as amended by this Act.

**Secretary to Government of Punjab,
Department of Legal & Legislative Affairs.**