



The Himachal Pradesh Ex-Servicemen Corporation Act, 1979

Act 8 of 1980

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Agricultural Development, Bank, Chairman-cum-Managing Director and Vice-Chairman, Corporation, Ex-Servicemen, Ex-Servicemen Organisation, Margin Money, Marketing, Processing, Small Scale-Industry, Supply and Storage

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THE HIMACHAL PRADESH EX-SERVICEMEN

CORPORATION ACT, 1979

(Act No. 8 of 1980)¹

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

Sections :

1. Short title and commencement.
2. Definitions.

CHAPTER II

INCORPORATION OF HIMACHAL PRADESH
EX-SERVICEMEN CORPORATION AND ITS CAPITAL

3. Establishment of Himachal Pradesh Ex-servicemen Corporation.
4. Head office and other offices of the Corporation.
5. Capital of the Corporation.

CHAPTER III

MANAGEMENT OF THE CORPORATION

6. Management.
7. Constitution of Board.
8. Disqualifications.
9. Powers of the Managing Director.
- 9A. Duties of the Vice-Chairman.
10. Staff of the Corporation.
11. Committees.
12. Meetings of the Board.
13. Delegation of powers to the Chairman of the Managing Director and other officers and employees.
14. Casual Vacancies.

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons, see R.H.P. Extra, dated 3-11-1979, P. 2462.

CHAPTER IV

FUNCTIONS AND FUND OF THE CORPORATION

15. Functions of the Corporation.
16. Capital of the Corporation and its powers to borrow or issue bonds and debentures, etc.
17. Ex-servicemen Corporation Fund.

CHAPTER V

LOANS

18. Power to impose conditions for loans.
19. Power to call repayment before agreed period.
20. Recovery of money due to the corporation.
21. First charge of Corporation on debtor's property.

CHAPTER VI

ACCOUNTS AND AUDIT

22. Accounts.
23. Audit.

CHAPTER VII

MISCELLANEOUS

24. Dissolution of Corporation.
25. Directors not to participate in certain cases.
26. Bar of jurisdiction.
27. Protection of action taken in good faith.
28. Employees to be public servants.
29. Indemnity of Director.
30. Exemption from registration fee and stamp duty.
31. Power of Government to give directions.
32. Power to make regulations.
33. Power to make rules.
34. Power to remove difficulty.

[*Authoritative English Text of the Himachal Pradesh Bhut Purab Sainik Nigam Adhiniyam, 1979*]-

(Received the assent of the President of India on the 8th June, 1980 and was published in Hindi on 28th June, 1980 in R.H.P. Extra., P. 569-582. English Text was published in R.H.P. Extra., dt. 28-6-1980. P. 583—593).

An Act to provide for the establishment of the Himachal Pradesh Ex-servicemen Corporation.

Amended, repealed or otherwise affected by—

1. H.P. Ordinance No. 5 of 1981, replaced by H. P. Act No. 16 of 1981¹ assented to by the Governor of H. P. on 7-11-1981, published in R.H.P. Extra., dated 10-11-1981, p. 997-99 effective *w.e.f.* 25-8-81.
2. H. P. Act No. 13 of 1984² assented to by the Governor, H.P. on 28-5-84 published in R.H.P. Extra. dated 4-6-1984, P. 959-961 in Hindi and P. 962—964 in English effective *w.e.f.* 25-8-1981.

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1. Passed in Hindi in the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra. dated 25-9-1981 P. 876
 2. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra dated 12-4-1984, P. 654 and 660.

It is hereby enacted by the Legislative Assembly of Himachal Pradesh in the Thirtieth Year of the Republic of India as follow:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh Ex-servicemen Corporation Act, 1979.

(2) It shall come into force on such date as the State Government may by notification in the Official Gazette appoint in this behalf.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) “agricultural development” includes development of dairy, poultry, piggery, sheep and cattle breeding, pisciculture and sericulture;

(b) “Bank” means—

(i) a banking company as defined in the Banking Regulation Act, 1949 (10 of 1949),

(ii) the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955),

(iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959),

(iv) a Regional Rural Bank established under the Regional Rural Banks Act, 1976 (21 of 1976),

(v) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970),

(vi) any banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949 (10 of 1949),

(vii) the Agricultural Refinance and Development Corporation constituted under the Agricultural Refinance and Development Corporation Act, 1963 (10 of 1963),

(viii) the Agro-Industries Corporation as defined in clause (c) of section 2 of the Himachal Pradesh Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1972 (1 of 1973),

(ix) the Agricultural Finance Corporation Limited, a company incorporated under the Companies Act, 1956 (1 of 1956), and

- (x) any other financial institution notified by the State Government in the Official Gazette as bank for the purposes of this Act ;
- (c) "Board" means the Board of Directors of the Corporation ;
- (d) "[Chairman-cum-Managing Director]" and "Vice-Chairman" means the [Chairman-cum-Managing Director] and Vice-Chairman of the Corporation ;
- (e) "Corporation" means the Himachal Pradesh Ex-Servicemen Corporation established under section 3 ;
- (f) "Ex-servicemen" means a person who is ordinarily residing in the State of Himachal Pradesh and has served in any rank whether as combatant or non-combatant, in the Indian Armed Forces or armed forces of the former Indian States (but excluding the Assam Rifles, Defence Security Corps, General Reserve Engineering Force, Lok Sahayak Sena and Territorial Army) for a continuous period of not less than six months after attestation and has been released, otherwise than by way of dismissal or discharge on account of misconduct or inefficiency, and in the case of a deceased or incapacitated ex-servicemen includes his wife, children, father, mother, minor brother, widowed daughter and widowed sister, wholly dependent upon such ex-servicemen immediately before his death or incapacitation ;
- (g) "Ex-servicemen Organisation" means a firm registered under the Indian Partnership Act, 1932 (9 of 1932), an association registered under the Societies Registration Act, 1860 (21 of 1860), or a Co-operative Society registered under the Himachal Pradesh Co-operative Societies Act, 1968 (3 of 1969) all the partners or members whereof, as the case may be, are ex-servicemen.
- (h) "Government" means Government of the State of Himachal Pradesh ;
- (i) ²[X X X X X X X];
- (j) "margin money" means the money required as the share of the beneficiary for granting financial assistance by the financial/banking institutions and other organisations ;
- (k) "marketing" means all activities relating to the transport, grading, polling, marketing and sale of agricultural or industrial produce, whether in the primary form or in semi-processed form ;
- (l) "prescribed" means prescribed by rules made under this Act ;

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1. Word "Chairman" subs. by "Chairman-cum-Managing Director" vide Act. No. 16 of 1981 effective w.e.f. 25-8-1981 repealed by H. P. Act No. 13 of 1984 effective w.e.f. 25-8-81.
 2. Definition of "Managing Director" omitted vide Act No. 16 of 1981 effective w.e.f. 25-8-81 repealed by Act No. 13 of 1984 effective w. e.f. 25-8-81.

- (m) "processing" means all activities relating to the processing of agricultural produce so as to make it marketable or fit for consumption and includes purchase and storage of raw materials, purchase of equipment, and purchase, installation and running of machinery required for processing and storage of finished produce;
- (n) "small scale-industry" means a cottage and small-scale industry and includes industry engaged in fabrication, repairs and maintenance of agricultural machinery and equipment, in which capital investment does not exceed five lacs of rupees ; and
- (o) "supply and storage" means supply and storage of agricultural inputs and establishment, maintenance and running of storages, cold storages and warehouses.

CHAPTER II

INCORPORATION OF HIMACHAL PRADESH EX-SERVICEMEN CORPORATION AND ITS CAPITAL

3. Establishment of Himachal Pradesh Ex-servicemen Corporation.—

(1) With effect from such date as the Government may, by notification, appoint, there shall be established for the purpose of this Act, a Corporation to be known as the Himachal Pradesh Ex-servicemen Corporation.

(2) The Corporation shall be a body corporate with the name aforesaid having perpetual succession and common seal with powers, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may, by that name, sue and be sued.

4. Head office and other offices of the Corporation.—(1) The head office of the Corporation shall be at Shimla or at such other place as the Government may, by notification, specify.

(2) The Corporation may establish its offices or agencies at such places as it may think fit.

5. Capital of Corporation.—The authorised capital of the Corporation shall be such sum not exceeding two crores of rupees as the Government may initially fix :

Provided that where the capital initially fixed is less than two crores of rupees, the Government may, from time to time, increase the capital to such sum not exceeding two crores of rupees as it may think fit.

Explanation.—The expression "authorised capital" for the purpose of this section shall not include the grant-in-aid received by the Corporation for specific purposes..

CHAPTER III

MANAGEMENT OF THE CORPORATION

6. Management.—(1) The general superintendence, direction and management of the affairs and the business of the Corporation shall vest

in a Board of Directors which may exercise all such powers and do all such acts and things as may be exercised or done by the Corporation.

(2) The Board in discharging its functions shall act on such principles which shall be in consonance with the policy of the Government having regard to public interest, welfare of ex-servicemen/serving soldiers and their families and shall be guided by such instructions on question of policy¹[and management], as may be given to it by the State Government.

(3) If any doubt arises as to whether a question is or is not a question of policy, the decision of the State Government shall be final.

7. **Constitution of Board.**—(1) The Board of Directors shall consist of the ²[Chairman-cum-Managing Director], Vice-Chairman, ²[X X X] and the following other directors, namely:—

(a) the Secretary to the Government in the General Administration Department or his nominee, *ex-officio* ;

(b) the Secretary to the Government in the Finance Department or his nominee, *ex-officio* ;

(c) the Agricultural Production Commissioner, Himachal Pradesh or his nominee, *ex-officio* ;

(d) the Director of Industries, Himachal Pradesh or his nominee, *ex-officio* ;

³[(e) five other Directors to be nominated by the State Government, not less than three of whom may be *ex-servicemen*.]

⁴[(2) The Chairman-cum-Managing Director shall be an *ex-servicemen* holding a Class I post while in service. The Vice-Chairman shall be non-official person. The Chairman-cum-Managing Director and the Vice-Chairman shall be appointed by the Government and shall hold office during the pleasure of the Government.

(3) The Directors referred to in clause (e) of sub-section (1) shall hold office during the pleasure of the Government.”;]

⁴[(4) X X X X X

(5) X X X X X]

⁴[(6) The Board shall have Secretary-cum-Chief Accounts Officer who shall be appointed by the Government on such terms and conditions as the Government may prescribe.]

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1. Words “and management” added *vide* Act No. 16 of 1981 repealed by Act No. 13 of 1984 effective *w.e.f.* 25-8-1981.
 2. For the words “Chairman” the words “Chairman-cum-Managing Director” Subs. and word “Managing Director” omitted *vide ibid.*
 3. Clause (e) subs. *vide ibid.*
 4. Sub-sections (2) and (3) subs. (4) and (5) omitted and (6) added *vide* Act No 16 of 1981 repealed by Act No. 13 of 1984 effective *w.e.f.* 25-8-1981.

8. Disqualifications.—(1) A person shall be disqualified for being appointed or nominated, or for continuing, as a Director of the Corporation,—

- (a) if he is or at any time has been adjudicated insolvent or has suspended payment of his debts or has compounded with his creditors;
- (b) if he is of unsound mind and stands so declared by a competent court ;
- (c) if he is or has been convicted of any offence which in the opinion of the Government involves moral turpitude ; ¹[or]
- (d) if he, having held any office under the State Government or Central Government, any local authority, any Government Company or any corporate body owned or controlled by the State Government or Central Government, has been removed or dismissed from service; [~~x~~]¹;

¹[(e) x . x x x x x x]

(2) If a Director becomes subject to any disqualification specified in sub-section (1) his seat shall there-upon become vacant.

9. Powers of the ²[Chairman-cum-Managing Director].—(1) The ²[Chairman-cum-Managing Director], who shall be a whole-time officer of the Corporation, shall —

- (a) be its Chief Executive Officer ;
- (b) be responsible for the operational management of the Corporation and implementation of the general policies approved by the Corporation ;
- (c) perform such duties as the Corporation may, by regulations or otherwise, assign to him.

(2) If the ²[Chairman-cum-Managing Director] is by infirmity or otherwise rendered incapable of carrying out his duties or is absent on leave or otherwise, in circumstances not involving the vacation of his appointment, the Government may appoint another person to act in his place during his absence.

³9-A. Duties of the Vice-Chairman.—The Vice-Chairman shall discharge such functions as the Board may assign to him in addition to the duties assigned to him under the Act.]

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1. After clause (c) word “or” inserted and at the end of clause (d) word “or” and clause (e) omitted *vide* Act No. 16 of 1981 repealed Act No. 13 of 1984 effective *w.e.f.* 25-8-81.
 2. In section 9 for the word “Managing Director” the words “Chairman-cum-Managing Director” subs. *vide ibid.*
 3. “9-A” added *vide ibid.*

10. Staff of the Corporation.—The Board may appoint such officers and employees as it may consider necessary for the efficient performance of functions of the Corporation and determine, with the prior approval of the Government the terms and conditions of their service.

11. Committees.—Subject to the rules made in this behalf the Board may, from time to time, appoint one or more committees for the purpose of securing the efficient discharge of its functions.

12. Meetings of the Board.—(1) The Board of any committee appointed by it shall meet at such times and places and shall observe such rules or procedure in regard to the transaction of business at its meetings as may be provided by the regulations made by the Board under this Act.

(2) The ¹[Chairman-cum-Managing Director] and in his absence the Vice-Chairman, and in the absence of both, any other director elected by the directors from amongst themselves, shall preside at the meeting of the Board.

(3) Six Directors shall form a quorum for the meetings of the Board:

Provided that no quorum shall be necessary for adjourned meetings.

(4) All questions which come up before any meeting of the Board shall be decided by a majority of votes of the Directors present and voting and in the event of an equality of votes, the ¹[Chairman-cum-Managing Director], the Vice-Chairman or the person presiding, as the case may be, shall have and exercise a second or casting vote.

13. Delegation of Powers to ¹[Chairman-cum-Managing Director] and other officers and employees.—The Board may, by a general or special order, delegate to the ²[Chairman-cum-Managing Director], the Vice-Chairman ²[xx] or any committee appointed by it or any other officer or employee of the Corporation subject to such conditions and limitations, if any, as may be specified, such of its powers and duties under this Act, except the power to make regulations, as it may deem necessary.

14. Casual vacancies.—(1) The ²[Chairman-cum-Managing Director], the Vice-Chairman ²[xxx] or any director referred to in clause (e) of sub-section (1) of section 7 may, at any time, resign his office by giving a notice in writing to the Government and on such resignation being accepted he shall be deemed to have vacated his office.

(2) If the office of the ²[Chairman-cum-Managing Director], the Vice-Chairman, ²[xxx] or any director referred to in clause (e) of sub-section (1) of section 7 falls vacant by reason of his death, resignation or otherwise the vacancy shall be filled by the Government by appointment or nomination, as the case may be.

1. In section 12, for the word "Chairman" the words "Chairman-cum-Managing Director" subs. vide Act No. 16 of 1981 repealed by Act No. 13 of 1984 effective w.e.f. 25.8.1981.
2. In sections 13 and 14 for word "Chairman" the words "Chairman-cum-Managing Director" Subs. and words "or the Managing Director" omitted vide *ibid*.

CHAPTER IV

FUNCTIONS AND FUND OF THE CORPORATION

15. Function of the Corporation.—(1) Subject to the provisions of this Act, the functions of the Corporation shall be to provide for the welfare and economic uplift of the *ex-servicemen* in the State.

(2) Without prejudice to the generality of the foregoing provisions, the Corporation may take such steps, as it may think necessary,—

- (i) to plan, promote and undertake, on its own or in collaboration with or through such *ex-servicemen* organisations or other agencies as may be approved by the Corporation, programmes of agricultural development, marketing, processing, supply and storage of agricultural produce, small scale industry, building construction, transport and such other business, trade or activity as may be approved in this behalf by the Government ;
- (ii) to provide financial assistance to *ex-servicemen* or their organisations by advancing to them in cash or in kind loans including loans under hire-purchase system and/or loan towards margin money for any of the purposes specified in clause (i) either directly or through such agency, organisation or institution as may be approved by it ;
- (iii) to give on hire agricultural or industrial machinery or equipment to *ex-servicemen* or their organisation ;
- (iv) to give grants and subsidies to and to guarantee loans taken by the *ex-servicemen* or their organisation ;
- (v) to discharge such other functions as may be prescribed or as are supplemental, incidental or consequential to any of the functions conferred on it under this Act.

(3) In discharging its functions, the Corporation shall have due regard to public interest, its solvency and welfare of *ex-servicemen*.

16. Capital of the Corporation and its power to borrow or issue bonds and debentures, etc.—(1) For the purpose of carrying out its functions under this Act, the Corporation may—

- (a) be provided with capital by the Government on such terms and conditions as the Government may specify, or by any person or association of persons interested in or dealing with the welfare of *ex-servicemen* on such terms and conditions as may be mutually agreed upon between the Corporation and such person or association of persons ;
- (b) with the previous approval of, and subject to the directions of the Government, borrow money from any bank or other financial institution or any other authority or organisation ;

(c) issue bonds and debentures or draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, hundies, bills, warrants, debentures and other negotiable instrument.

(2) The Government may guarantee the repayment of the moneys borrowed by the Corporation under sub-section (1) and the payment of interest thereon.

17. Ex-servicemen Corporation Fund.—(1) The Corporation shall maintain a Fund called the *Ex-servicemen Corporation Fund* (hereinafter referred to as the Fund) to which shall be credited—

(a) all moneys received by it from the Government or from any person or association of persons interested in or dealing with the welfare of *ex-servicemen* ;

(b) such sums of money as may, from time to time, be realized by way of repayment of loans made from the fund or from interest on loans ;

(c) all moneys borrowed under section 16 ; and

(d) all moneys received by it from any other source.

(2) The moneys in the Fund shall be applied by the Corporation for carrying out its functions under this Act.

(3) All moneys in the fund shall be deposited in the bank for the time being included in the Second Schedule to the Reserve Bank of India Act, 1934 (2 of 1934), or in a Government Treasury, as may be decided by the Corporation:

Provided that the Corporation may invest or deposit its surplus fund in the Government securities or in such other manner as it may decide.

CHAPTER V

LOANS

18. Power to impose conditions for loans.—In making any loan authorised by this Act, the Corporation may impose such conditions as it may think necessary or expedient for protecting the interest of the Corporation.

Provided that interests on such loan shall be chargeable at such concessional rates as may, from time to time, be fixed by the Corporation with the prior approval of the Government:

19. Power to call repayment before agreed period.—Notwithstanding anything to the contrary contained in any agreement, the Corporation may, by notice in writing, require any debtor to discharge forthwith in full his

liabilities to the Corporation,—

- (a) if it appears to the Corporation that any false or misleading information or particular was given in the application for loan;
- (b) if the debtor has failed to comply with any of the terms of the agreement entered into by him with the Corporation;
- (c) if there is a reasonable apprehension that the debtor is unable to pay the money due from him ; or
- (d) if for any other reason it is necessary to do so to protect the interest^s of the Corporation.

20. Recovery of money due to the Corporation.—(1) Where any amount is due to the Corporation from any person, including the surety of a debtor, in respect of loans or advances or other financial accommodation granted by it, such amount shall, on a certificate being granted by the ¹[Chairman-cum-Managing Director] in the prescribed form, be recoverable as arrears of land revenue by the Collector of the district in which the person from whom the amount is due resides or carries on business or owns any property.

(2) Before issuing the certificate referred to in sub-section (1) the ¹[Chairman-cum-Managing Director] shall make an application to such officer, unconnected with the business of the Corporation, as may be empowered by the Government in this behalf, and that officer shall by an order determine the amount due to the Corporation after giving an opportunity of being heard to the person concerned and communicate the same to the Managing Director.

(3) The officer empowered under sub-section (2) shall follow such procedure as may be prescribed.

(4) The certificate issued by the Managing Director under sub-section (1) shall be final and conclusive and shall not be called in question before any authority or court.

(5) For the purpose of recovering any amount due to the Corporation in respect of a loan it shall not be necessary to proceed against the principal before proceeding against his surety.

21. First charge of Corporation on debtor's property.—Notwithstanding anything contained in any law for the time being in force, but subject to the provisions in any law made by the Parliament relating to priority of charges and to any prior claim of a bank or of the Government in respect of land revenue or any money recoverable by it as arrears of land revenue, the dues of the Corporation as determined under the preceding section of this Act together with interest accrued thereon and cost of recovery shall be the first charge on the property of the debtor and guarantor, if any.

CHAPTER VI

ACCOUNTS AND AUDIT

22. Accounts.—(1) The balance-sheet and accounts including the profit and loss accounts of the Corporation shall be prepared and maintained in such form and manner as may be prescribed.

1. In Section 20 for the words "Managing Director" the words "Chairman-cum-Managing Director" subs. vide Act No. 16 of 1981 and repealed by Act No. 13 of 1984 effective w.e.f. 25-8-1981.

(2) The Corporation shall cause its books and accounts to be balanced and closed on the thirty-first day of March each year.

23. Audit.—(1) The accounts of the Corporation shall be audited once in every financial year by auditors duly qualified to act as auditors under sub-section (1) of section 226 of the Companies Act, 1956 (1 of 1956), who shall be appointed by the Corporation and shall receive such remuneration from the Corporation as it may fix.

(2) The auditors shall be supplied with a copy of the annual balance-sheet and the profit and loss account of the Corporation and it shall be their duty to examine them together with the accounts and vouchers relating thereto, and they shall have a list delivered to them of all books kept by the Corporation and shall at all reasonable times have access to the books, accounts and other documents of the Corporation and may require from any office of the Corporation such information as the auditors may think necessary for the performance of their duties as auditors.

(3) The auditors shall make a report to the Corporation upon the annual balance-sheet and accounts examined by them and in every such report they shall state whether, in their opinion, the balance-sheet is full and fair balance-sheet containing all necessary particulars and properly drawn up so as to exhibit a true and fair view of the state of affairs of the Corporation.

(4) The Corporation shall furnish to the Government, within four months from the date on which its accounts are closed and balanced, a copy of its balance-sheet and accounts together with a copy of the auditor's report, and a report on the working of the Corporation during the relevant year.

(5) Without prejudice to anything contained in the preceding sub-section, the Government may, at any time, appoint any other authority to examine and report upon the accounts of the Corporation and any expenditure incurred in connection with such examination and report, shall be payable by the Corporation to such authority.

(6) Copies of the reports referred to in sub-sections (4) and (5) shall be laid by the Government, as soon as may be, before the State Legislature.

CHAPTER VII

MISCELLANEOUS

24. Dissolution of Corporation.—(1) No provision of law other than this Act, relating to the winding up, dissolution or liquidation of the companies or corporations shall apply to the Corporation.

(2) The State Government may, if the Corporation exceeds its powers, or upon receipt of a report under section 23, call upon the Corporation to show cause why it should not be dissolved, and if no explanation is offered within the specified period, or if the State Government is not satisfied with the explanation, it may dissolve the Corporation from such date as may be specified.

(3) When the Corporation is dissolved under sub-section (2)—

- (i) all Directors shall, from the date of dissolution, vacate their offices;
- (ii) all powers and duties of the Corporation shall, during the period of dissolution, be exercised and performed by such person or persons as the State Government may appoint in this behalf ;
- (iii) all funds and other property vested in the Corporation shall, during the period of dissolution, vest in the State Government. The Government may, in its discretion, reconstitute the Corporation after such period as it may think fit.

25. Directors not to participate in certain cases.—A Director who has any direct or indirect pecuniary interest in any matter coming up for consideration at a meeting of the Board or a committee thereof shall, as soon as possible, after the relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and the disclosure shall be recorded in the minutes of the Board or the committee, as the case may be, and the Director shall not take any part in any deliberation or decision of the Board or the committee with respect to that matter.

26. Bar of jurisdiction.—Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Corporation or any officer or authority appointed under this Act is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

27. Protection of action taken in good faith.—No suit or other legal proceedings shall lie against the Corporation or any Director or any officer or employee or any other person authorised by the Board to discharge any function under this Act for any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act.

28. Employees to be public servants.—The [Chairman-cum- Managing Director], the Vice-Chairman, the Directors and other employees of the Corporation shall be deemed to be the public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

29. Indemnity of Director.—(1) Every Director shall be indemnified by the Corporation against all losses and expenses incurred by him in the discharge of his duties except such as are caused by his own wilful act or default.

(2) A Director shall not be responsible for any other Director, or for any officer or other employee of the Corporation or for any loss or expenses resulting to the Corporation from the insufficiency or deficiency of value of, or title to, any property or security acquired or taken

1. In Section 28 for the words "Chairman" the words "Chairman-cum-Managing Director" Subs. and the words "the Managing Director" omitted *vide* Act No. 16 of 1981 and repealed by Act No. 13 of 1984 effective w. e. f. 25-8-1981.

on behalf of the Corporation in good faith, or by the insolvency or wrongful act of any debtor or any person under obligation to the Corporation, or anything done in good faith, in the execution of the duties of his office or in relation thereto.

30. Exemption from registration fee and stamp duty.—All documents executed by or on behalf of the Corporation in the course of discharge of its functions under this Act shall be exempted from payment of stamp duty and registration fee :

Provided that exemption from payment of stamp duty shall apply to those documents in relation to rates of stamp duty whereof the State Legislature is competent to legislate.

31. Power of Government to give directions.—The Corporation shall carry out such directions as may, from time to time, be issued to it by the Government for the efficient administration of this Act.

32. Power to make regulations.—(1) The Board may, with the previous approval of the Government and subject to the provisions of the rules to be framed by the Government under section 33, make regulations not inconsistent with this Act and the rules framed thereunder to provide for all matters for which provision is necessary or expedient 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) the duties which the [Chairman-cum-Managing Director], Vice-Chairman [X X X] shall perform ;
- (b) the time and the places of meetings of the Board and the Committees appointed by it and the procedure to be followed in relation to such meeting ;
- (c) the conditions which may be imposed and the procedure which may be followed in granting loans, providing margin money or entering into other arrangements by the Corporation ;
- (d) the duties and conduct of the officers and other employees of the Corporation ;
- (e) the establishment and maintenance of provident fund and other benefit funds for the officers and other employees of the Corporation ; and
- (f) generally, the efficient conduct of the affairs of the Corporation.

(3) No regulations made under this Act shall have effect until they are published in the Official Gazette.

1. For the words "Chairman" the words "Chairman-cum-Managing Director" Subs. and the words " and the Managing Director" Omitted vide Act No. 16 of 1981 and repealed by Act No. 13 of 1984 effective w.e.f. 25-8-81.

33. Power to make rules.—(1) The Government may, by notification, make rules to carry out all or any of 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:—

¹[(a) the salary and allowances payable to the Chairman-cum-Managing Director, the Vice-Chairman and the Director referred to in clause (e) of sub-section (1) of section 7.

(b) the terms and conditions of appointment, including salary and allowances of the Secretary-cum-Chief Accounts Officer under sub-section (6) of section 7;]

¹[(c) X X X X X;]

(d) other functions which the Corporation may discharge in addition to those mentioned in sub-section (2) of section 15 ;

(e) the form in which the certificate ²[under section 20] shall be granted by the ³[Chairman-cum-Managing Director] and the procedure that shall be observed for determining the amount ;

(f) the financing institutions for the purposes of priority of charge under section 21 ;

(g) the form and manner in which accounts shall be maintained and the balance-sheet and profit and loss account shall be prepared; and

(h) any other matter which is required 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 Legislative Assembly 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 sessions aforesaid, the Assembly makes any modification in the rule or decides 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.

34. Power to remove difficulty.—If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions or giving such direction not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of such difficulty.

1. In Section 33 (2) clauses (a) and (b) subs. and (c) omitted *vide* Act, No. 16 of 1981 repealed by Act No. 13 of 1984 effective *w. e. f.* 25-8-1981.
2. In clause (e) words and figure "under section 20" inserted and for the words "Managing Director" the words "Chairman-cum-Managing Director", substituted *vide ibid.*

**THE HIMACHAL PRADESH EX-SERVICEMEN CORPORATION (FIRST
AMENDMENT) ACT, 1981**

(ACT NO. 16 OF 1981)*

ARRANGEMENT OF SECTIONS

Sections :

1. Short title and commencement.
2. Amendment of section 2.
3. Amendment of section 6.
4. Amendment of section 7.
5. Amendment of section 9.
6. Insertion of section 9-A.
7. Amendment of section 12.
8. Amendment of sections 13 and 14.
9. Amendment of section 20.
10. Amendment of section 28.
11. Amendment of section 32.
12. Amendment of section 33.
13. Repeal and savings.

(Received the assent of the Governor, Himachal Pradesh, on the 7th November, 1981 and was published in R.H.P. Extra, dated the 10th November, 1981, Page 997-99).

An Act to amend the Himachal Pradesh Ex-servicemen Corporation Act, 1979 (Act No. 8 of 1980).

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-second Year of the Republic of India as follows:--

1. **Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Ex-servicemen Corporation (First Amendment) Act, 1981.

(2) It shall and shall always be deemed to have come into force on the 25th day of August, 1981.

2. **Amendment of section 2.**—In section 2 of the Himachal Pradesh Ex-servicemen Corporation Act, 1979 (hereinafter called the principal Act),—

- (a) in clause (d) for the word "Chairman" wherever it occurs, the words "Chairman-cum-Managing Director" shall be substituted; and
(b) clause (i) shall be omitted.

3. **Amendment of section 6.**—In sub-section (2) of section 6 of the principal Act in between the words "question of policy" and "as may be given", the words "and management" shall be inserted.

4. **Amendment of section 7.**—In section 7 of the principal Act,—

(a) in sub-section (1),—

(i) for the word "Chairman", the words "Chairman-cum-Managing Director" shall be substituted;

(ii) the sign "," and words "the Managing Director" shall be omitted;
and

(iii) for clause (e), the following clause (e) shall be substituted, namely:—

"(e) five other Directors to be nominated by the State Government not less than three of whom may be ex-servicemen";

* For statement of Objects and Reasons see R.H.P. Extra, dt. 26-9-1981, P 876

(b) for the existing sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—

“(2) The Chairman-cum-Managing Director shall be a person who is an ex-servicemen and was holding a Class-I post while in service. The Vice-Chairman shall be non-official person. The Chairman-cum-Managing Director and the Vice-Chairman may be appointed by the Government on such terms and conditions as may be prescribed.

(3) The terms and conditions of nominated Directors referred to in clause (e) of sub-section (1) shall be such as may be prescribed.”;

(c) the existing sub-section (4) shall be omitted;

(d) in sub-section (5) for the word “Chairman”, the words “Chairman-cum-Managing Director” shall be substituted and the sign “,” and the words “the Managing Director” shall be omitted; and

(e) at the end, the following sub-section (6) shall be added, namely:—

“(6) The Board shall have a Secretary-cum-Chief Accounts Officer who shall be appointed by the Government on such terms and conditions as the Government may prescribe”.

5. **Amendment of section 9.**—In section 9 of the principal Act for the existing words “Managing Director”, the words “Chairman-cum-Managing Director” shall be substituted.

6. **Insertion of section 9-A.**—After the existing section 9 of the principal Act, the following new section 9-A, along with its heading, shall be inserted, namely:—

“9.A. *Duties of the Vice-Chairman.*—The Vice-Chairman shall discharge such functions as the Board may assign to him in addition to the duties assigned to him under the Act”.

7. **Amendment of section 12.**—In section 12 of the principal Act for the words “Chairman”, wherever it occurs, the words “Chairman-cum-Managing Director” shall be substituted.

8. **Amendment of sections 13 and 14.**—In sections 13 and 14 of the principal Act for the word “Chairman”, wherever it occurs, the words “Chairman-cum-Managing Director” shall be substituted and the words “or the Managing Director”, wherever these occur, shall be omitted.

9. **Amendment of section 20.**—In section 20 of the principal Act for the words “Managing Director”, wherever these occur, the words “Chairman-cum-Managing Director” shall be substituted.

10. **Amendment of section 28.**—In section 28 of the principal Act for the words “Chairman”, the words “Chairman-cum-Managing Director” shall be substituted and the words and sign “the Managing Director,” shall be omitted.

11. **Amendment of section 32.**—In clause (a) of sub-section (2) of section 32 of the principal Act for the word and sign “Chairman,” the words “Chairman-cum-Managing Director and” shall be substituted and the words “and the Managing Director” shall be omitted.

12. Amendment of section 33.—In sub-section (2) of section 33 of the principal Act,—

- (i) for the existing clause (a), the following clause (a) shall be substituted, namely:—
- “(a) the terms and conditions of appointment, including salary and allowances of the Chairman-cum-Managing Director, the Vice-Chairman and the Secretary-cum-Chief Accounts Officer; ”;
- (ii) in clause (b) the sign “,” and the words “including salary and allowances” occurring in between the words “appointment” and “of the Directors” shall be omitted;
- (iii) in clause (c) for the word “Chairman”, the words “Chairman-cum-Managing Director” shall be substituted and the words “of the Managing Director” shall be omitted; and
- (iv) in clause (e) in between the words “certificate” and “shall”, the words and figure “under section 20” shall be inserted and for the words “Managing Director”, the words “Chairman-cum-Managing Director” shall be substituted.

13. Repeal and savings.—(1) The Himachal Pradesh Ex-servicemen Corporation (Amendment) Ordinance, 1981 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken in exercise of any power conferred by or under the said Ordinance, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under this Act, as if this Act was in force on the day when such thing was done or action was taken.

हिमाचल प्रदेश विधि विस्तारण तथा निरसन अधिनियम, 1981

(1981 का अधिनियम संख्यांक 10)¹

घाराओं का क्रम

घाराएं :

1. संक्षिप्त नाम तथा प्रारम्भ
2. परिभाषाएं
3. कतिपय विधियों का अन्तर्हित श्रेतों में विस्तारण
4. कतिपय निर्देशों का अर्थान्वयन
5. निरसन तथा व्यावृत्ति
6. अनुसूची -1 में विनिर्दिष्ट अधिनियमिति अथवा नियमों इत्यादि की प्रयोज्यता को सुविधाजनक बनाने के उद्देश्यों के लिए न्यायालयों अथवा अन्य प्राधिकारियों की शक्तियों
7. नियम बनाने की शक्ति का अप्रभावित रहना
8. कठिनाइयां दूर करने की शक्ति

अनुसूची I तथा II

(11 मई, 1981 को राज्यपाल, हिमाचल प्रदेश, की अनुमति प्राप्त हुई और राजपत्र, हिमाचल प्रदेश असाधारण में तारीख 13 मई, 1981 को पृष्ठ 351-355 पर प्रकाशन किया गया)

1. उद्देश्यों और कारणों के कथन के लिए राजपत्र, हिमाचल प्रदेश (असाधारण) तारीख 24 मार्च, 1981, पृष्ठ-142 देखें।

15. विधिमन्थनकरण.—हिमाचल प्रदेश भूतपूर्व सैनिक निगम अधिनियम, 1979 (1980 का 8) में किसी प्रतिकूल बात के होते हुए भी निगम का अध्यक्ष स्वयं प्रबन्ध निदेशक और सचिव स्वयं मुख्य लेखा अधिकारी इस तथ्य के होते हुए कि मूल अधिनियम की धारा 2, 6, 7, 9, 12, 13, 14, 20, 28, 32 और 33 को संशोधित करने वाले हिमाचल प्रदेश भूतपूर्व सैनिक निगम (प्रथम संशोधन) अधिनियम, 1981 (1981 का 16) में अन्तर्विष्ट उपबन्धों को, राजभाषा में अधिनियमित नहीं किया गया था, विधिमन्थन रूप से नियुक्त किये गये और सदैव ऐसे नियुक्त किए गए समझे जायेंगे, और उपर्युक्त उपबन्धों के अनुसरण में की गई सभी नियुक्तियाँ और आदेश, जारी की गई अधिसूचनाएँ और की गई कोई बात या कार्रवाई वैसे ही विधिमन्थन रूप से की गई और जारी की गई समझी जायेगी मानो हिमाचल प्रदेश भूतपूर्व सैनिक निगम (संशोधन और विधिमन्थनकरण) अधिनियम, 1984 की धारा 2 से 13 तक में अन्तर्विष्ट उपबन्ध उसी तारीख को अधिनियमित किए गए और प्रवृत्त किए गए थे जिस तारीख को ऐसी नियुक्ति या आदेश किए गए थे, अधिसूचना जारी की गई थी या बात या कार्रवाई की गई थी।

(Authoritative English text of the Himachal Pradesh Bhoot Purav Sainik Nigam (Sansodhan aur Vidhimanyakaran) Adhinyam, 1984 (1984 ka Adhinyam 13) as required under Clause (3) of Article 348 of the Constitution of India)

THE HIMACHAL PRADESH EX-SERVICEMEN CORPORATION
(AMENDMENT AND VALIDATION) ACT, 1984
(Act No. 13 of 1984)¹
ARRANGEMENT OF SECTIONS

Sections :

1. Short title and commencement.
2. Amendment of Section 2.
3. Amendment of Section 6.
4. Amendment of Section 7.
5. Amendment of Section 8.
6. Amendment of Section 9.
7. Insertion of Section 9-A.
8. Amendment of Section 12.
9. Amendment of Sections 13 and 14.
10. Amendment of Section 20.
11. Amendment of Section 28.
12. Amendment of Section 32.
13. Amendment of Section 33.
14. Repeal and savings.
15. Validation.

1. For Statement of Objects and Reasons, see R.H.P. Extra., dated 12th April, 1984, P. 660.

(Received the assent of Governor, Himachal Pradesh on the 28th May, 1984 and was published in R.H.P. Extra, dated the 4th June, 1984 at pages 962--964).

An Act to amend the Himachal Pradesh Ex-Servicemen Corporation Act, 1979 (Act No. 8 of 1980) and to validate certain actions taken thereunder.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-fifth Year of the Republic of India as follows :--

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh Ex-Servicemen Corporation (Amendment and Validation) Act, 1984.

(2) It shall and shall be deemed to have come into force on the 25th day of August, 1981.

2. Amendment of section 2.—In section 2 of the Himachal Pradesh Ex-Servicemen Corporation Act, 1979 (Act No. 8 of 80) (hereinafter called the principal Act),--

(a) in clause (d) for the word "Chairman" wherever it occurs the words "Chairman-cum-Managing Director" shall be substituted; and

(b) clause (i) shall be omitted.

3. Amendment of section 6.—In sub-section (2) of section 6 of the principal Act after the words "question of policy" the words "and management" shall be inserted.

4. Amendment of section 7.—In section 7 of the principal Act,—

(a) in sub-section (1),--

(i) For the word "Chairman" the words "Chairman-cum-Managing Director" shall be substituted;

(ii) the sign ",", and words "the Managing Director" shall be omitted; and

(iii) for clause (e) the following clause (e) shall be substituted, namely :--

"(e) five other Directors to be nominated by the State Government, not less than three of whom may be ex-servicemen;"

- (b) for the existing sub-sections (2) and (3) the following sub-sections shall be substituted, namely :--

"(2) The Chairman-cum-Managing Director shall be an ex-servicemen holding a Class I post while in service. The Vice-Chairman shall be non-official person. The Chairman-cum-Managing Director and the Vice-Chairman shall be appointed by the Government and shall hold office during the pleasure of the Government.

(3) The Directors referred to in Clause (e) of sub-section (1) shall hold office during the pleasure of the Government."

- (c) the existing sub-sections (4) and (5) shall be omitted; and

- (d) after sub-section (5) the following sub-section (6) shall be added, namely :--

"(6) The Board shall have Secretary-cum-Chief Accounts Officer who shall be appointed by the Government on such terms and conditions as the Government may prescribe."

5. Amendment of section 8.—In sub-section (1) of section 8 of the principal Act,—

- (i) After the sign ";" appearing at the end of clause (c) the word "or" shall be inserted;

- (ii) for the sign and word "; or " appearing at the end of clause (d) the sign "," shall be substituted ; and

- (iii) the existing clause (e) shall be omitted.

6. Amendment of section 9.—In section 9 of the principal Act for the words "Managing Director" the words "Chairman-cum-Managing Director" shall be substituted.

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

"9-A. Duties of the Vice-Chairman.—The Vice-Chairman shall discharge such functions as the Board may assign to him in addition to the duties assigned to him under the Act."

8. Amendment of section 12.—In section 12 of the principal Act for the word "Chairman", wherever it occurs, the words "Chairman-cum-Managing Director" shall be substituted.

9. Amendment of sections 13 and 14.—In sections 13 and 14 of the principal Act, the word "Chairman" wherever it occurs, the words "Chairman-cum-Managing Director" shall be substituted and the words "or the Managing Director", wherever occur, shall be omitted.

10. Amendment of section 20.—In section 20 of the principal Act for the words "Managing Director", wherever occur, the words "Chairman-cum-Managing Director" shall be substituted.

11. Amendment of section 28.—In section 28 of the principal Act for the word "Chairman", the words "Chairman-cum-Managing Director" shall be substituted and the words and sign "the Managing Director" shall be omitted.

12. Amendment of section 32.—In clause (a) of sub-section (2) of section 32 of the principal Act for the word and sign "Chairman," the words "Chairman-cum-Managing Director and" shall be substituted and the words "and the Managing Director" shall be omitted.

13. Amendment of section 33.—In sub-section (2) of section 33 of the principal Act,—

(i) for clause (a) and clause (b) the following clauses shall be substituted, namely :—

"(a) the salary and allowances payable to the Chairman-cum-Managing Director, the Vice-Chairman and the Director referred to in clause (e) of sub-section (1) of Section 7."

(b) the terms and conditions of appointment, including salary and allowances of the Secretary-cum-Chief Accounts Officer under sub-section (6) of section 7;

(ii) the existing clause (c) shall be omitted ; and

(iii) in clause (e) in between the words "certificate" and "shall" the words and figures "under section 20" shall be inserted and for the words "Managing Director" the words "Chairman-cum-Managing Director" shall be substituted.

14. Repeal and savings.—(1) The Himachal Pradesh Ex-Servicemen Corporation (First Amendment) Act, 1981 (16 of 1981) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken in exercise of any power conferred by or under the said Act, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under this Act, as if this Act was in force on the day when such thing was done or action was taken.

15. Validation.—Notwithstanding anything to the contrary contained in the Himachal Pradesh Ex-Servicemen Corporation Act, 1979 (Act No. 8 of 1980), the Chairman-cum-Managing Director and the Secretary-cum-Chief Accounts Officer of the Corporation shall be and shall always be deemed to have been validly appointed, irrespective of the fact that the provisions contained in the Himachal Pradesh Ex-Servicemen Corporation (First Amendment) Act, 1981 (Act No. 16 of 1981) amending sections 2, 6, 7, 9, 12, 13, 14, 20, 28, 32 and 33 of the principal Act were not enacted in the official language and all appointments and orders made, notifications issued and action taken and acts done in pursuance of the aforesaid provisions shall be deemed to be and always to have been validly made, issued, taken or done as if the provisions as contained in sections 2 to 13 of this Act were enacted and were in force on the day on which such appointment or order was made, notification was issued, action was taken or acts were done.