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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : LEGISLATIVE BRANCH

NOTIFICATION

The 15th December 1984

No.LGL.152/84/51.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT No. XXIII OF 1984

(Received the assent of the Governor on 12th December, 1984)

THE ASOM RASTRABHASA PRACHAR SAMITI

(TAKING OVER OF MANAGEMENT AND CONTROL)
ACT, 1984

An

Act

to provide for temporary transfer of the management and control of the affairs of the Asom Rastrabhasa Prachar Samiti from the Byabasthapika Sabha, Karyyapalika and other holders of offices of the Asom Rastrabhasa Prachar Samiti to a Board.

Preamble.

Whereas it is expedient to provide for the temporary transfer of the management and control of the affairs of the Asom Rastrabhasa Prachar Samiti from the Byabasthapika Sabha, Karyyapalika and other holders of the offices of the Asom Rastrabhasa Prachar Samiti to a Board.

It is hereby enacted in the Thirty-fifth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (i) This Act may be called the Asom Rastrabhasa Prachar Samiti (Taking over of Management and Control) Act, 1984.

(ii) It shall extend to all the areas over which the Asom Rastrabhasa Prachar Samiti had its jurisdiction immediately before the commencement of this Act.

(iii) It shall be deemed to have come into force on the 1st day of October, 1984.

Definitions.

2. In this Act:—

- (a) "Board" means the Asom Rastrabhasa Prachar Board constituted under Section 3 of this Act.
- (b) "Byabasthapika Sabha" means the General Council constituted under Section 9 of the Bidhan of the Asom Rastrabhasa Prachar Samiti.
- (c) "Karyyapalika" means the Executive Committee constituted under Section 10 of the Bidhan of the Asom Rastrabhasa Prachar Samiti.
- (d) "Samiti" means the Asom Rastrabhasa Prachar Samiti, an institution registered under the Societies Registration Act, 1860 (Act XXI of 1860) and bearing Registration No. 18 of 1951-52.
- (e) "Government" means the State Government of Assam.

(f) "Mantri" means the Mantri (General Secretary) of the Samiti as defined under Section 20 of the Bidhan of the Asom Rastrabhasa Prachar Samiti.

(g) "Pradhan Sachib" means the Pradhan Sachib under Chapter-II of the Samiti as specified in Section 2(ka) of Karmi Seva "Acharan Bidhi" of the Samiti which was in force immediately before the commencement of this Act.

Constitution and incorporation of the Asom Rastrabhasa Prachar Board. 3. (1) The Government shall constitute a Board to be called the Asom Rastrabhasa Prachar Board for the purpose of taking over the management and control of the Samiti consisting of not more than 13 members:

Provided that if the Board is constituted with less than 13 members, the Government may at any time, appoint such other member or members as may be considered necessary, the total number of members of the Board not exceeding 13, excluding the Secretary:

Provided further that the Board may exercise all powers and duties under this Act notwithstanding that the number of members of the Board is at any time less than the total permissible strength of 13.

(2) The Board shall be constituted with the following persons:

PRESIDENT :—

(a) The Chief Minister, Assam.

VICE-PRESIDENT :—

(b) The Education Minister, Assam.

MEMBERS :—

(c) Secretary to the Government of Assam, Education Department.

(d) Director of Public Instruction, Assam.

(e) Secretary to the Government of Assam, Finance Department.

(f) 3 (three) persons with outstanding contribution to Hindi to be nominated by the President.

(g) The Managing Director, Assam Text Book Corporation.

(h) 4 (four) representative members belonging to ethnic and religious groups as may be nominated by the Government.

(3) The Board shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the name of Asom Rastrabhasa Prachar Board.

Appointment of Secretary. (4) The President shall appoint an officer of the Assam Civil Service, Senior Grade, as Secretary of the Board.

Transfer of the management and control over affairs of the Samiti and vesting thereof in the Board. 4. (1) On the constitution of the Board under the preceding Section all the executive bodies/Sub-Committees constituted under Sections 9, 10, 11, 12, 13, 14 and 15 of the Bidhan of the Samiti shall stand dissolved and all the office bearers of the Samiti and all other persons holding any office immediately before constitution of the Board shall be deemed to have vacated their offices and the management of and control over all the affairs of the Samiti shall stand transferred to and vested in the Board; and all properties movable and immovable including all sums of money and all rights, powers and privileges of the Samiti which immediately before the commencement of this Act belonged to the Samiti or any other Committee or persons holding office herein-before mentioned, shall for the purpose of such management and control, vest in the Board.

(2) All employees of the Samiti shall be deemed to be the employees of the Board and shall be entitled to such emoluments as were admissible to them immediately before the commencement of this Act.

Provided that—

- (1) The Board may with prior approval of the Government make any addition or alteration of the emoluments and conditions of service of the employees; and
- (2) Any appointment to any post of the Board minimum of pay scale of which is Rs. 750 p.m. or above shall be done only with prior approval of the Government.

Preparation and submission of Statements and penalty for non-compliance. 5. (1) Notwithstanding anything contained in the preceding section the office bearers of the Samiti functioning as such immediately before the commencement of this Act shall prepare a statement in relation to all matters of the Samiti which such officers were required to deal with immediately before the commencement of this Act and submit the same within a period of fifteen days from the date of commencement of this Act or within such extended time as may be specified by the Government from time to time, to the Board or when no Board has been constituted in the meantime, to any officer appointed by the Government in this behalf.

(2) If any person without any reasonable excuse, knowingly and wilfully, makes default in complying with the requirement of the preceding sub-section, he shall be

punishable with imprisonment which may extend to three months or fine which may extend to one thousand rupees or with both.

Delivery of
Books of
Accounts,
Registers,
and pro-
perties etc.
and penalty
for non-com-
pliance.

6. (1) Notwithstanding anything contained in Section 4 of this Act, the office bearers of the Samiti functioning as such immediately before the commencement of this Act and any other person in custody of any Books of Accounts, Registers, records, other documents and properties of and relating to the Samiti, shall, to enable the Board to exercise the power of management and control effectively, hand-over such custody to the Board within a period of one week from the date of constitution of the Board or within such extended time as may be allowed by the Government if considered necessary.

(2) If any person, without any reasonable excuse, knowingly and wilfully makes default in complying with the requirements of the preceding sub-section, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both.

Duties of the
Board.

7. (1) The Board shall take all such steps as may be necessary for the purpose of effective exercise of the powers of management and control over the affairs and properties of Samiti.

(2) The Board may also perform such other duties as were the duties of the Samiti immediately before the commencement of this Act in such manner as may be prescribed.

(3) The Board may form such number of Committees or sub-committees to assign different functions of the Board with such powers, function and number of members as may be determined by the Board.

(4) The Board shall have all powers for the advancement of the objects of the Samiti.

Power of the
Board.

8. (1) The Board shall have all the powers which the Committees and persons specified in Section 4 of this Act, had exercised immediately before the commencement of this Act and all such powers shall subject to the sub-section (2) below be exercised in the manner prescribed.

(2) The powers which were exercisable by the Mantri and Pradhan Sachib immediately before the commencement of this Act shall be exercisable by the Secretary of the Board.

Power to give Directions to the Board. 9. The Government may give to the Board such directions as may be deemed fit and necessary in performing the duties and exercising the powers of the Board under this Act and the Board shall carry out such directions.

Creation of the Fund. 10. The Board shall create and maintain in the manner prescribed a fund to be called Asom Rastrabhasa Prachar Board Fund into which shall be paid all receipts and income of the Board and out of which shall be met all expenses and disbursement of the Board :

- (i) Provided that all the money in the fund of the Samiti shall stand transferred to the fund created under this section, and
- (ii) The fund shall be subject to regular audit of the examiner of Local Accounts.

Budget of the Board. 11. (1) The Board shall prepare budget within a period of one month from the date of first constitution of the Board for the remaining period of the current financial year and shall submit the same to the Government for approval and the Government may approve the same with such modification as may be deemed fit or without any modification.

(2) For succeeding financial year the Board shall prepare the Budget within 15th day of February immediately preceding the commencement of the financial year for which the Budget is to be prepared and submit to the Government for approval.

(3) The Government shall approve the budget with or without modification.

(4) The budget shall have effect as approved by the Government.

Power to supersede the Board. 12. (1) If the Government is of the opinion that the Board is unable to perform, or has persistently made default in the performance of the duties imposed on it by or under this Act or has exceeded or abused its powers, the Government may, by notification, supersede the Board for such period as may be specified in the notification :

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable time to the Board to show cause why it should not be superseded and shall consider the explanation and objections, if any of the Board.

(2) Upon the publication of the Notification under sub-section (1) superseding the Board:—

- (a) all the members of the Board shall, as from the date of supersession vacate their offices as such members;
- (b) all the duties and powers of the Board under this Act shall, during the period of supersession, be performed and exercised by such person as the Government may direct; and
- (c) all property vested in the Board shall, during the period of supersession, vest in the Government.

(3) The Government may,—

- (a) extend the period of supersession for such further term as it may consider necessary; or
- (b) reconstitute the Board at any time in the manner provided in Section 3 of this Act.

Condition of membership by giving notice in writing to the Government and shall, of the Board, on such resignation being accepted by the Government be deemed to have vacated his office.

(2) The term of office of each member of the Board shall be such as may be specified in the Notification constituting the Board, not being more than three years:

Provided that the Government may change the composition of the Board at any time before the expiry of the term of the office of the members.

(3) A casual vacancy in the office of a member of the Board shall be filled by fresh nomination by the Government and the new member so nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place is filled was nominated.

Validity of acts of the Board not to be questioned by reason of vacancy.

14. No act of the Board shall be deemed to be invalid merely by reason of any vacancy in or any defect in the constitution of the Board.

Protection of action taken under the Act.

15. (1) No suit, prosecution or other legal proceeding shall lie against any member of the Board in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

(2) No suit or other legal proceeding shall be against the Government, the Board or any member thereof for any 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.

Power to make Rules. 16. The Board may with prior approval of the Government make rules for implementation of the provisions of this Act.

Power of the Board to make Regulations. 17. The Board may, with prior approval of the Government make Regulations not inconsistent with the provision of this Act for all or any of the following purposes namely :—

- (a) The manner in which meetings of the Board shall be convened, quorum for the transaction of business there at and procedure at such meetings ;
- (b) The appointments of such officers and servants as may be necessary for the purpose of performing the duties and exercising the powers of the Board and their terms and conditions of service.

Overriding effect of the Act. 18. (1) The provisions of this Act and the rules framed thereunder shall have effect notwithstanding anything contained in the Societies Registration Act, 1860 or in the Bidhan of the Samiti.

(2) During the period this Act is in force no member of the Board shall exercise any right under Section 13 of the Societies Registration Act, 1860.

Repeal. 19. The Bidhan of Asom Rastrabhasa Prachar Samiti is hereby repealed.

Repeal and Savings. 20. (1) The Asom Rastrabhasa Prachar Samiti (Taking over of Management and Control) Ordinance, 1984 (Assam Ordinance No.IV of 1984) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

MD. SAADULLAH,
Secretary to the Govt. of Assam,
Legislative Department.