

The Hindi Sahitya Sammelan (Recognition) Act, 1956

UTTAR PRADESH

India

The Hindi Sahitya Sammelan (Recognition) Act, 1956

Act 36 of 1956

- Published on 1 January 1956
- Commenced on 1 January 1956
- [This is the version of this document from 1 January 1956.]
- [Note: The original publication document is not available and this content could not be verified.]

The Hindi Sahitya Sammelan (Recognition) Act, 1956(U.P. Act No. 36 of 1956)Statement of Objects and Reasons.-The Statement of Objects and Reasons as attached to the Bill is given below :-"The Hindi Sahitya Sammelan Is the most representative institution of the Hindi literature and workers in the cause of Hindi. Its First session was held in 1910 under the presidentship of Pandit Madan Mohan Malviya. It was registered in 1911 as a Society under the Societies Registration Act (XXI of 1910). During the forty five years of its existence it has done notable work for the progress of Hindi. Its last sessions which was the thirty-eight in number was held in 1950. Since the inception of Hindi Sahitya Sammelan most of the famous Hindi literature and workers have been in some manner connected with the Hindi Sahitya Sammelan. It counts among its presidents distinguished men who have held the highest position in the public life of our country.After its last session in 1950, legal disputes arose in regard to the working of the Sammelan which led to the appointment of a Receiver. Litigation has now been going on for about five years and there is no knowing when it will end. The routine business of the Sammelan has been carried on under the general supervision of the Receiver but the progress of the Sammelan as a virile institution looking after the needs of Hindi in various branches of national activity has been checked. The purpose of this Bill is that the Sammelan be placed on a sound footing so that it may be free to carry on future work for the progress of Hindi and the solution of various problems connected with the Hindi language.The Bill creates an Interim Board for framing the future-Niyamawali of the Sammelan in accordance with which its governing body, the Sthayi Samiti, may be formed. It will also take over immediate charge of the Sammelan's administration. When the Sthayi Samiti is formed it will take up the responsibility of carrying on the Sammelan and then the Interim Board will be automatically dissolved.'-Vide U. P. Gazette Extraordinary, dated April 7, 1956.The Act passed by the Uttar Pradesh Legislative Assembly in Hindi on August 23, 1956, and by the Uttar Pradesh Legislative Council on October 9, 1956, received the assent of the Governor on November 14, 1956, and published in the Uttar Pradesh Gazette Extraordinary, dated November 21, 1956. It came into force w.e.f. November 21, 1957 vide Notification No. 5159-XV 607 (16)-I956. dated November 21, 1956, published In U. P. Gazette Extraordinary of the same date.An Act to recognize and reconstitue the Hindi Sahitya

Whereas the Hindi Sahitya Sammelan was incorporated in the year 1911 under the Societies Registration Act, 1860; Whereas it is expedient to recognize and reconstitute it; It is hereby enacted in the Seventh Year of the Republic of India as follows :

1. Short title and commencement.

(1) This Act may be called the Hindi Sahitya Sammelan (Recognition) Act, 1956. (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) "Interim Board" means the Interim Board established under Section 8 of this Act; (b) "interim period" means the period between the date of commencement of this Act and the cessation of the Interim Board in accordance with the provisions of Section 14 of this Act; (c) "niyamawali" means the Niyamawali framed or amended under and in accordance with the provisions of Section 7 and includes the Niyamawali framed under and in pursuance of Section 11; (d) "Sammelan" means the Hindi Sahitya Sammelan constituted under Section 3; and (e) "Sthayi Samiti" means the Sthayi Samiti constituted in accordance with the Niyamawali.

3. Establishment and incorporation Of the Sammelan.

(1) The first members of the Sammelan and all persons who may hereafter become members thereof so long as they continue to be members and such bodies as may be constituted by the Sammelan for its purposes, in accordance with the Niyamawali are hereby constituted a body corporate under the name of Hindi Sahitya Sammelan. (2) The Sammelan shall have perpetual succession and a common seal and shall sue and be sued by the said name. (3) The Head Office of the Sammelan shall be at Allahabad. (4) The first members of the Sammelan shall consist of - (a) persons who, on the date immediately preceding the date of commencement of this Act, were Vishisht Sadasya of the Hindi Sahitya Sammelan registered under the Societies Registration Act, 1860 (hereinafter called the Society); (b) persons who, on the aforesaid date were Sthayi Sadasya of the said Society; (c) persons who have been Presidents of the Society; and (d) persons who were awarded the Mangla Prasad Paritoshik by the Society. (5) The subsequent membership of the Sammelan shall be in accordance with the Niyamawali.

4. Aims and objects of the Sammelan.

- The aims and objects of the Sammelan shall be : (1) to work for the promotion, development and advancement of Hindi language, Hindi literature and Devanagari Script in India and foreign countries; (2) to create, part and publish Hindi literature; (3) to arrange for the holding of examinations through the medium of Hindi language and to confer degrees; (4) to establish and maintain schools, colleges and other institutions for instructions in Hindi language and literature

and also to affiliate schools, colleges and other institutions for its examinations;(5)to affiliate institutions having for their object the promotion of Hindi language and literature;(6)to award honorary and other degrees and academic distinctions to persons who may have rendered distinguished service to the cause of Hindi;(7)to confer Paritoshiks on distinguished scholars in Hindi;(8)to promote and encourage research in connection with Hindi language and literature; and(9)to take all other steps which may seem necessary and suitable for the fulfilment to the aforesaid aims and objects.

5. Power and functions.

- The Sammelan shall perform its duties and discharge its functions in accordance with the provisions of the Niyamawali.

6. Vesting of rights and properties.

(1)The Society shall, as from the date of commencement of this Act, cease to exist and function as such.(2)As from the commencement of this Act-(a)all rights and all properties movable or immovable which prior to the said commencement, vested in or belonged to the said Society shall vest in and belong to the Sammelan established by this Act;(b)all the debts and liabilities of the said Society shall be transferred to the Sammelan and shall thereafter be discharged and satisfied by it out of the aforesaid properties;(c)any reference to the Society in any instrument, will, deed or document, of whatever nature, including deeds containing any bequest, gift or trust, executed prior to the said commencement in favour of the said Society, shall be construed as references to the Sammelan established by this Act; and(d)all schools, colleges and other institutions affiliated with the Society prior to the said commencement shall become affiliated to the Sammelan on the same terms and conditions unless otherwise specified by the Sammelan.

7. Niyamawali.

(1)The Sammelan may frame a Niyamawali for the purpose of carrying into effect the provisions of this Act :Provided that the first Niyamawali shall be framed in accordance with the provisions of Section 11.(2)The Niyamawali shall provide for the Constitution and establishment of a Sthayi Samiti which shall be governing body of the Sammelan.(3)Without prejudice to the generality of the foregoing provisions the Niyamawali may provide for all or any of the following matters, namely-(a)the matters relating to membership, including qualifications, disqualifications, resignation and cessation of members of the Sammelan;(b)the powers and functions of the Sthayi Samiti;(c)the matters relating to the constitution, establishment, powers and functions of the Committees and Authorities of the Sammelan;(d)the conduct of elections for the constitution of the Sthayi Samiti and other Committees and Authorities provided in the Niyamawali and the decision on doubts and disputes at or in connection with the said elections;(e)the manner and the procedure for the discharge of duties, performance of functions and exercise of powers by the Sammelan the Sthayi Samiti Committees and other Authorities provided under the Niyamawali;(f)establishment and maintenance of a fund for carrying out the aims and object of the Sammelan;(g)the manner and the procedure of application of, and payment from, the fund referred to in Clause (f);(h)the

procedure and the forms for the maintenance of books of accounts and other registers and statements for the purposes of this Act;(i)the appointment, control and other conditions of service of the paid employees of the Sammelan;(j)the conduct of correspondence, execution of documents and contracts for and on behalf of the Sammelan, the Sthayi Samiti and other Committees and Authorities provided in the Niyamawali;(k)the conduct and prosecutions of suits and proceedings by or against the Sammelan, the Sthayi Samiti and other Committees or Authorities;(l)the matters relating to the affiliation of schools, colleges and other institutions;(m)the matters relating to the award of degrees and academic distinctions;(n)the matters relating to the conferment of Paritoshiks;(o)the procedure for the amendment of the Niyamawali; and(p)generally for such other matters which the Sammelan may consider necessary for carrying out its aims and objects.(4)The Sammelan shall have powers to amend, from time to time, the Niyamawali including the first Niyamawali framed under Section 11 in accordance with the procedure prescribed therein.(5)A copy of the Niyamawali and the amendment made therein from time to time, shall be forwarded to the State Government as soon as they are made.

8. Constitution of the Interim Board.

(1)There shall be established an interim Board for the purposes of-(a)framing the first Niyamawali;(b)holding first elections to the Sthayi Samiti;(c)carrying on the administration of the affair of the Sammelan during the interim period.(2)The Interim Board shall consist of,-(a)a Chairman to be nominated by the State Government;(b)a Secretary to be nominated by the State Government; and(c)nine other members to be nominated by the State Government.(3)The Interim Board shall take over charge as from the date its establishment is notified by the State Government in the Official Gazette.(4)The quorum for a meeting of the Interim Board shall be three members.(5)In case of any vacancy occurring in the membership of the Interim Board, by reason of death, resignation, or otherwise, the remaining members of the Interim Board shall fill up such vacancy by co-option but no act done or resolution passed by the Interim Board shall be considered to be invalid merely by reason of any such vacancy having remained unfilled at the time of such act or resolution.(6)All decisions of the Interim Board shall be in accordance with the opinion of the majority of members present and voting at a meeting of the Interim Board.

9. Interim Board to take over charge of management of the Sammelan and its properties.

- notwithstanding anything contained in Section 7 of this Act or in any other law, the Interim Board shall, as from the date of commencement of its establishment, be charged with the management, control and administration of affairs of the Sammelan and shall take over charge of all its properties including funds and properties which have vested in the Sammelan under Section 6.

10. List of First Members.

(1)The Interim Board shall, within thirty days of the date of its establishment, cause to be prepared, subject to such Instruction, if any, as it may receive from the State Government, a list of all persons

who are to be considered as first members of the Sammelan within the meaning of Section 3.(2)The list shall be published in such manner as may be prescribed by the State Government.(3)If at any time after the publication of list of first members under sub-section (2), it appears to the Interim Board that the name of any person has been wrongly omitted from or wrongly entered in the list, it may order the name to be inserted in or deleted from, the said list and such name shall be published in the manner prescribed by the State Government. Where the name of a person has been inserted as aforesaid, such person shall be treated in all respects as if his name had been inserted in the list at the time it was prepared under subsection (1).(4)No person other than the persons named in the list prepared under this section shall be considered as first members of the Sammelan within the meaning of Section 3.(5)The Court shall take judicial notice of the said list and shall regard it as conclusive evidence that the persons named therein are the first members of the Sammelan.

11. Framing of the first Niyamawali.

(1)The interim Board shall, within a period of [twelve] [Substituted by Section 2 (i) of U. P. Act No. XXI of 1957.] months from the date of its establishment, [or within such further period as may be specified by the State Government, from time to time, in this behalf] [Added by U. P. Act No. XXI of 1957, Section 2 (ii), (w.e.f. 29-8-1957).] frame the first Niyamawali in respect of all or any of the matters specified in Section 7.(2)A draft of the Niyamawali proposed to be framed under subsection (1) shall be sent to the State Government for approval.(3)The State Government shall, as soon as may be, after receipt of the draft, consider the same and may approve it with or without modification.(4)The Niyamawali as approved by the State Government shall be published by the Interim Board in the manner prescribed by the State Government.

12. Constitution of Sthayi Samiti by the Interim Board.

- The Interim Board shall within a period of [twelve] [Substituted by Section 2 (i) of U. P. Act No. XXI of 1957.] months from the date of its establishment or [within such further period as may be specified by the State Government, from time to time, in this behalf,] [Added by U. P. Act No. XXI of 1957, Section 2 (ii), (w.e.f. 29-8-1957).] arrange to hold the first elections to the Sthayi Samiti in accordance with the provisions of the Niyamawali and take such other steps as may be necessary for its due constitution and establishment within the period specified as aforesaid.

13. Power of the Interim Board.

- In addition to and without prejudice to the powers conferred by this Act, the Interim Board shall, during the Interim period exercise, for and on behalf of the Sammelan, the powers and perform the duties and functions hereinafter specified, that is to say, -(a)to realize all rents, or other dues payable to the Sammelan and receive aids, donations, subscriptions, examination and other fees and all other sums, paid to it;(b)to spend or sanction the expenditure of funds belonging to the Sammelan, as the Interim Board may, in its discretion, consider necessary for performing its functions and carrying out its duties;(c)to operate upon all banks or other accounts of the Sammelan, and for the purpose, to authorise one or more of its office-bearers from amongst its members, to operate upon such accounts or to sign bills, cheques, receipts or other documents which the Interim Board may

have to sign, or execute in performing its functions and carrying out its duties under this Act;(d)to appoint agents, functionaries, or employees for exercising its powers and carrying out the duties assigned to it under this Act and to authorise them to file or defend suits or to do other acts, as may deem necessary, during the interim period, on behalf of the Interim Board;(e)to make bye-laws relating to the performance of its functions and duties under this Act; and(f)to do all other acts as it may deem necessary for carrying out the purposes of this Act.

14. Handing over administration and property.

- The Interim Board shall, within fifteen days of the establishment of the Sthayi Samiti, referred to in sub-section (2) of Section 7, hand-over the administration and management of the Sammelan and its properties and funds to the Sthayi Samiti, which shall thereafter exercise the powers and carry out the duties assigned to it under the Niyamawali and as from the date of the expiry of the said period of fifteen days, or of handing over, as aforesaid, whichever is earlier, the Interim Board shall cease to exist and stand dissolved.

15. Abatement of suits and proceedings.

- Notwithstanding anything contained in any law for the time being in force, all suits, whether pending in the court of first instance or in a court of appeal, or revision concerning any dispute with regard to the constitution and functioning of the Society, to which the Society is a party, shall on the date of the commencement of this Act, abate and all proceedings taken in connection therewith, stand withdrawn.

16. Powers of the State Government to remove difficulties.

- The State Government may, for the purpose of removing any difficulties, particularly in relation to the establishment of the Interim Board, the framing of the first Niyamawali or the establishment of the Sammelan or the first Sthayi Samiti by order direct that this Act shall, during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modifications, additions or omissions as it may deem to be necessary or expedient.