

The Calcutta University Institute (Taking Over Of Management Of Auditorium) Act, 1985

WEST BENGAL

India

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Act 14 of 1985

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The Calcutta University Institute (Taking Over Of Management Of Auditorium) Act, 1985 West Bengal Act 14 of 1985 Assent of the President was first published in the Calcutta Gazette, Extraordinary. dated the 4th July. 1985. An Act to provide for the taking over of the management of the Auditorium of the Calcutta University Institute for a limited period in the public interest and for matters connected therewith or incidental thereto. Whereas it is expedient to provide for the taking over of the management of the Auditorium of the Calcutta University Institute at 7, College Square (East), Calcutta, for a limited period in the public interest and in order to secure the proper management and control thereof and for matters connected therewith or incidental thereto; It is hereby enacted as follows:-

1. Short title and commencement. -

(1) This Act may be called the Calcutta University Institute (Taking over of Management of Auditorium) Act, 1985. (2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions. -

In this Act, unless the context otherwise requires, - (a) "appointed day" means the date on which this Act comes into force; (b) "Auditorium" means the Auditorium of the Institute, and includes the stage; (c) "Committee" means the Committee constituted under section 5; (d) "Institute" means the Calcutta University Institute at 7, College Square (East), Calcutta, registered under the Societies Registration Act, 1860; (e) "notification" means a notification published in the Official Gazette; (f) "prescribed" means prescribed by rules made under this Act; (g) "regulations" means the regulations made under this Act.

3. Taking over of management of Auditorium. -

(1) On and from the appointed day, and for a period of fifteen years thereafter, the entire management and control of the Auditorium shall, by virtue of this Act, vest in the State Government. (2) Upon the vesting of the management and control of the Auditorium in the State Government under sub-section (1), the State Government may, for efficient management and control thereof, provide by notification for the transfer of the management and control of the Auditorium to the Committee with effect from such date as may be specified in the notification.

4. Effect of taking over of management. -

(1) With effect from the appointed day, the State Government shall have all the powers of management and control in relation to the Auditorium together with (a) all lands thereof and appurtenant thereto and all buildings, erections and fixtures on such lands, and (b) all furniture, equipments, stores, moneys and other assets pertaining to the Auditorium. (2) All persons in charge of, or exercising any power of, management of the Auditorium by the terms of the constitution or management thereof or by virtue of any judgement, decree or order of any Court, tribunal or other authority immediately before the appointed day shall be deemed to have vacated their offices as such on the appointed day and shall cease to exercise such power. (3) Every person having in possession, custody or control of any property in relation to the Auditorium shall deliver forthwith such property to the State Government or to such officer or other employee of the State Government as may be authorised by the State Government in this behalf.

5. Committee. -

(1) As soon as may be after the coming into force of this Act, the State Government may constitute a Committee for the management and control of the Auditorium. (2) The Committee shall consist of the following members:—(a) a Chairman, and (b) nine other members. (3) The Chairman and five other members shall be nominated by the State Government; and the remaining four other members shall be nominated by the Institute. (4) (a) The members of the Committee nominated by the State Government shall hold office during the pleasure of the State Government; and the members of the Committee nominated by the Institute shall hold office during the pleasure of the Institute. (b) The other terms and conditions of service of the Chairman and other members of the Committee shall be such as may be prescribed. (5) (a) The State Government may from time to time issue such directions to the Committee with regard to the management and control of the Auditorium as the State Government may deem desirable and the Committee shall forthwith carry out such directions. (b) In particular, and without prejudice to the generality of the foregoing provisions, such directions may include directions as to—(i) initiating, defending or continuing any legal proceedings before any Court, tribunal or other authority, and (ii) the powers and duties of the Committee. (c) The Committee may apply to the State Government at any time for instructions as to the manner in which it shall conduct the management of the Auditorium or in relation to any matter arising in the course of such management. (6) Subject to the other provisions of this Act and the rules made thereunder and to the control of the State Government, the Committee shall be entitled, notwithstanding anything contained in any other law for the time being in force, to exercise the powers to dispose of any

property or assets in relation to the Auditorium.(7)Any person who, on the appointed day, has in his possession or under his control any books, papers or other documents in relation to the Auditorium including the minutes books containing the resolutions of the Committee of Management (by whatever name called) of the Auditorium existing immediately before the appointed day, shall notwithstanding anything contained in any other law for the time being in force, be liable to account for the books, papers and other documents (including such minutes books) to the State Government or to such officer or other employee of the State Government as may be authorised by the State Government in this behalf.(8)Every person in charge of the management of the Auditorium immediately before the appointed day shall, within ten days from that day or within such further period as the State Government may allow in this behalf, furnish to the State Government or to such officer or other employee of the State Government as may be authorised by the State Government in this behalf a complete inventory of all properties and assets in relation to the Auditorium immediately before the appointed day.

6. Relinquishment of management of the Auditorium. -

(1)Notwithstanding anything contained in sub-section (1) of section 3, if, at any time before the expiry of the period referred to in that sub-section, it appears to the State Government that the purposes of the vesting of the management of the Auditorium in the State Government have been fulfilled or that for any other reason it is not necessary' that the management of the Auditorium should remain vested in the State Government, it may, by order published in the Official Gazette, make over the management of the Auditorium to the person or persons under whose management the Auditorium was immediately before the appointed day, with effect from such date as may be specified in the order.(2)If the management of the Auditorium has not been made over under sub-section (2) of this section, the management of the Auditorium shall, on the expiry of the period referred to in sub-section (1) of section 3, revert to the person or persons under whose management the Auditorium was immediately before the appointed day.

7. Application of fund. -

The income derived from the Auditorium shall first be applied towards its maintenance (including the maintenance of staff, if any, for its management) and the balance, if any, shall be apportioned equally between the State Government and the Institute.

8. Power of Committee to appoint staff. -

The Committee may, with the previous approval of the State Government and on such terms and conditions as the State Government may determine, create such posts and appoint such staff as it may think fit for the exercise of its powers and discharge of its duties under this Act.

9. Penalties. -

Any person who,-(a)having in his possession or custody or under his control any property in relation

to the Auditorium, wrongfully withholds such property from the State Government or the Committee or any person authorised under this Act, or(b)wrongfully obtains possession of any such property, or(c)wilfully retains, or fails to deliver, any property in relation to the Auditorium or removes or destroys it, or(d)wilfully withholds or fails to account for any books, papers or other documents which may be in his possession or custody or under his control to the State Government or the Committee or any person authorised under this Act, or(e)fails, without reasonable cause, to furnish information or particulars as provided in sub-section (8) of section 5, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

10. Transaction of business of the Committee. -

The business of the Committee shall be transacted in such manner as may be prescribed.

11. Advances by the State Government. -

(1)The State Government may, on an application made by the Committee in this behalf, advance moneys for the purpose of efficiently managing the Auditorium and all such moneys shall be repayable with such interest as may be prescribed.(2)Any money advanced under sub-section (1) shall, subject to the prior payment of municipal rates, if any, and any sum due to the State Government on account of taxes or fees, be a first charge upon the properties in relation to the Auditorium.

12. Contracts, agreements, etc. to remain suspended. -

The State Government may, if it is satisfied that it is necessary or expedient so to do, direct by notification that the operation of all contracts, assurances of property, agreements, settlements, awards, standing orders or other instruments in force in relation to the Auditorium immediately before the appointed day shall remain suspended and all rights, privileges, obligations accruing or arising thereunder before the said date shall remain suspended or shall be enforceable with such modifications and in such manner as may be specified in the notification.

13. Period of limitation. -

In computing the period of limitation for the enforcement of any right, privilege, obligation or liability referred to in section 12, the period during which it or the remedy for the enforcement thereof was suspended shall be excluded.

14. Act to have overriding effect. -

The provisions of this Act or any notification, order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act or in any judgement,

decree or order of any court, tribunal or other authority or in any contract, express or implied.

15. Protection of action taken in good faith. -

(1) No suit, prosecution or other legal proceeding shall lie against the Committee or any officer or other employee of the State Government for anything which is in good faith done or intended to be done under this Act. (2) No suit or other legal proceeding shall lie against the State Government or the Committee or any of the officers or other employees of the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

16. Power to make rules. -

(1) The State Government may, by notification, make rules for carrying out the provisions 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 matters which, under any provision of this Act, are required to be prescribed or to be provided for by rules.

17. Power to make regulations. -

(1) The Committee may, with the previous approval of the State Government, make regulations not inconsistent with the provisions of this Act or the rules made thereunder, for discharging its functions under this Act. (2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters: (a) the purpose for which the Auditorium may be used; (b) the fees for the use of the Auditorium and matters allied thereto. (3) All regulations shall be published in the Official Gazette.

18. Power to remove difficulties. -

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by general or special order, do anything, not inconsistent with such provisions, which appears to it to be necessary or expedient for the purpose of removing the difficulty.