

Srimati Radhika Sinha Institute and Sachidanand Sinha Library (Requisition and Management) Act, 2015

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Act 8 of 2015

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Srimati Radhika Sinha Institute and Sachidanand Sinha Library (Requisition and Management) Act, 2015(Bihar Act 8 of 2015)Last Updated 8th February, 2020Preamble. - An Act to provide provisions for requisition, transfer and better management and development of Srimati Radhika Sinha Institute And Sachidanand Sinha Library,Patna and for matters connected and incidental there to .Be it enacted by the legislature of the State of Bihar in the sixty sixth year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1)This Act may be called Srimati Radhika Sinha Institute And Sachidanand Sinha Library (Requisition And Management) Act, 2015.(2)It Shall Extend To The Srimati Radhika Sinha Institute And Sachidanand Sinha Library, Patna.(3)It shall come into force with effect from the date of its publication in the official Gazette.

2. Definition.

- In this Act unless the context otherwise requires :-(a)"Occupier" in relation to Srimati Radhika Sinha Institute And Sachidanand Sinha Library,Patna, means the person, trust, who immediately, before the appointed day, had the overall control over the management and administrations of the scheduled Institution,(b)"Schedule Institution" means, Srimati Radhika Sinha Institute And Sachidanand Sinha Library,Patna (Bihar State Central Library,Patna) situated at Sinha Library Road, Post Office G.P.O Patna, Police Station Kotwali, District Patna, and it includes the following :-(i)All movable, and immovable property in which land, building the foundation, superstructure

and roofing thereof are included furniture, books, magazines and other fixtures pertaining to scheduled institution,(ii)All available cash and bank deposits, Term deposits amounts, reserve fund, and other deposit amount etc of the scheduled institution,(iii)All land and building including staff quarters held or authorised by the Trust for the purpose of Scheduled institution,(iv)All books of Accounts, registers, and other document related to the Scheduled institution or to any property or assets here in before specified;(c)"Deed of Agreement" means, the agreement between the trustees of the scheduled institution and the Government of Bihar executed on 24th November 1955;(d)"Employees" means of the scheduled institution such person whose names are on pay roll of scheduled institution,(e)"Director" means the Director, Library and Information Centre,Bihar, Patna,(f)" Trust" means , the deed of Trust of Srimati Radhika Sinha Institute And Sachchidanand Sinha Library Patna, executed on 10th march 1926; byshri Sachchidanand Sinha, son of Bakshi Ramyad sinha,(g)"Appointed day" means the Date of commencement of this Act,(h)"Lease" means lease of Deed for land of 2.28.acres (approx) of land made on the fifth day of August,1926 between the Collector of Patna and Mr. Sachchidanand Sinha in which the Building , staff quarters and vacant land within the compound walls of the scheduled institution are situated,(i)"Prescribed" means prescribed by this Act or Rules made under this Act,(j)"Prescribed Rule" means the Rules made under section 11 of this Act,(k)"Chairman, Bihar State Public Library and Information Centre Authority" Bihar, Patna means, The chairman of the authority constituted under the provisions of the Bihar State Public Library and Information Centre Act 2008 as amended from time to time by the State Government.(l)" Authority" means The authority constituted under the provisions of the Bihar State Public Library and Information Centre, Act 2008;(m)"The Government " means the State Government of Bihar.

3. Vesting on the appointed day.

(1)The right title and interest of scheduled institution, Srimati Radhika Sinha Institute And Sachidanand Sinha Library,Patna, shall stand transferred to and vest in the State Government from the commencement of this Act.(2)All such assets, rights, leaseholds, powers, authorities and privileges and all property, movable, immovable including land, building, stores, machines, equipments, furniture, cash balance, cash in hand, reserve funds, investments, and book debts and all the right and interest in, or arising out of such property and all account Books, register and other documents related there to which were, immediately before the appointed day, in the ownership, possession, power and control of the scheduled institution whether within or outside India and other documents or whatever a nature relating thereto shall be deemed to be included in the scheduled Institution.(3)Notwithstanding anything contained in subsection (1) of this section the State Government will not be required to pay any amount for the satisfaction of any debt, mortgage charge or other encumbrances or lien, trust or other obligations attached to the Scheduled institution on the appointed day.

4. Certain consequences on vesting.

- Notwithstanding anything contained in any other law for the time being in-force and except as otherwise provided in this Acton and from the appointed day.(1)No proceeding for the winding up or liquidation of the scheduled institution shall be, or continue, in any Court.(2)The Deed of trust,

Deed of Agreement and Deed of lease of the land and all committees and sub committees related to the scheduled institution shall be deemed to be replaced and dissolved from the date of the commencement of this Act.(3)All The officers and employees of the scheduled institution holding different posts shall be treated transferred to the State Government and they will become the officers and employees of the State Government, with the designations as determined their designation, tenure, remuneration, and condition of services will be the same, which were at time of vesting of the scheduled institution, in the State Government until the State Government may not change their tenure, remuneration, and condition of services. The State Government shall make enquiry by Education Department or Bihar State Public Library and Information Centre Authority with respect to validity of appointment of every officer or employee holding posts and based upon facts and recommendation of enquiry will take appropriate action.

5. Duty related to deliver possession.

(1)After vesting the scheduled institution in the State of Bihar under section 3, every person, in whose possession or custody or under whose control any property or assets, books of account , registers or other document related to the Scheduled institution are, shall forthwith deliver the same to the Bihar State Public Library and Information centre. Authority or the person/officer authorized by the authority.(2)The Director may take all necessary steps for taking in his possession of any such Property, assets, books of account , registers or documents, and any use of cause to be used such force as may be necessary.(3)Delivery of possession to the Bihar State Public Library and Information centre. Authority, shall be equivalent to delivery of possession to the State Government.(4)Without prejudice to the provisions of the foregoing sub-section, Any person referred to in sub-section (1) shall be liable to deliver the account to the Bihar State Public Library and Information centre. Authority, for any such property or assets, books of accounts , registers or documents which he has not delivered to the Authority.

6. Duty relating to furnish particulars.

- The occupier of the scheduled institution shall, soon from the appointed day, furnish to such officer as specified by the authority complete details of expenditure on all liabilities and obligations on the security of the scheduled institution and subsisting on the appointed day, and also of all agreements and other instrument pertaining to the schedule institution including agreements, decrees, awards, standing order and other terms of service of any person employed in the institution .

7. Amount to be paid for acquisition.

- If any question arises for the payment of compensation for the acquisition of the scheduled institution, and its right, title, and interest, The State Government may pay only maximum one rupee after examining the claims;Provided that the State Government shall have right to recover, after making audit of the financial position of the scheduled institution, in a proper manner from the Honorary Secretary, any officer, employee etc. of the scheduled institution, who may be found to have misappropriated any sum as revealed by such audit.

8. Functions, Power, and Procedure.

(1) For the due functioning of the Scheduled Institution, The authority may appoint an officer, or authorize an officer with the approval of the State Government, to control and perform all the function related to Scheduled Institution. (2) The Authority may make such statutes for the smooth and better work performance of the Scheduled Institution, which may be in the interest of public and the state. (3) The Authority shall have the same powers of Civil Court, which any civil court has while trying to suit or executing a decree under the code of Civil Procedure, 1908 Act (5 of 1908) in respect of the following matters:-(a) Summoning and enforcing the attendance of any person and examining on oath; (b) Receiving evidence on affidavit; (c) Executing or to make execute any order made by it; (d) Such other matters, if any as may be prescribed. (4) The Authority shall have power to regulate its own procedure, and to review any of its decision in case of prima facie mistake in the record or to rectify also the arithmetical or clerical error therein. (5) If for any reason any post (other than absence) falls vacant in the Scheduled Institution, the Authority, with the approval of Government may make appointment of the employee so that work of the Scheduled Institution may be duly performed.

9. Bar of Jurisdiction.

- Every decision of the Authority will be final and shall not be called in question in any court.

10. Penalties.

(1) Any Person who :-(a) Any property asset, book of account, register or other document, forming part of or relating to the Scheduled Institution withhold Which are in his possession, custody or control from Submitting to the prescribed authority in contravention of section 5; or (b) wrongfully obtains possession of any such property asset, book of account, register or other documents; or (c) Conceals, destroys, or delete any book of account, register or other documents with interest to evade the provisions of section 5; or (d) will fully close not furnish any detail as required by section 5; or (e) furnishes such details in compliance with the requirement of section 6, which is false and, which he either knows or has reason to believe to be false, or does not believe to be true; shall be punishable with imprisonment up to three years or with a fine or both; (2) No Court shall take cognizance of an offence punishable under this section except with the previous sanction of the State Government .

11. Power to make rules.

(1) The State Government may by notification in the official gazette, make rules to carry out of the provisions of this Act. (2) All rules made under this Act shall as soon as may be after they are made, be laid before each House of the State Legislature. While it is in session, of a total period of not less than fourteen days, extending to one session or more than one successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the official gazette, subject to such modification or annulment as the two Houses of the legislature may, during the said

period, agree to make so However, any such modification or annulment shall be without prejudice to the validity to anything previously done or any action previously taken there under.(3)If any difficulty arises in to giving effect to the provisions of this Act, the State Government may by order, which is not inconsistent with the provisions of this Act, remove the difficulty;Provided that no such order shall be made after the expiry of a period of two years from the Appointed day.

12. Protection of Action taken in good faith.

- No suit, prosecution or other legal proceedings shall be initiated against the State Government, the Authority or Scheduled Institution or any person authorized by them for performing any function under this Act or for anything , which is done or intended to be done in good faith under this Act or any rule or order made there under.

13. Repeal and Saving.

(1)All the Acts, Rules, Regulations and Orders related to the scheduled Institution are here by repealed.(2)Not withstanding such repeal, anything done or any action taken under the said Acts, Rules, Regulations, and orders shall be done or taken under this Act as if its was come in to force on the day on which such thing was done or such action was taken.