

**THE MAHATMA GANDHI INSTITUTE  
ACTS:**

- **1970 (REPEALED)**
- **1982**
- **2002 (AMENDMENT)**

**THE RABINDRANATH TAGORE INSTITUTE  
ACT:**

- **2002**

**THE MAHATMA GANDHI INSTITUTE  
ACT 1970 (REPEALED)**

COPY

THE MAHATMA GANDHI INSTITUTE ACT, 1970

ACT NO. 64 of 1970

I assent,  
23rd December, 1970

A.L. WILLIAMS  
Governor General

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ARRANGEMENT OF SECTIONS

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Section

1. Short title
2. Establishment of the Institute
3. Registered office of the Institute
4. Objects of the Institute
5. Powers of the Institute
6. Management of the Institute
7. The Board and office bearers
8. Vacancy in the Board
9. Officers of the Board
10. Remuneration
11. Validity of acts
12. Proceedings of the Board
13. Duties of the Secretary and the Treasurer
14. Signature of deeds, etc.
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16. Applications of funds
17. Accounts of the Institute
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22. Exemption from tax, etc.
23. Saving

## AN ACT

To provide for the incorporation and management of the  
MAHATMA GANDHI INSTITUTE

WHEREAS it is the wish of the Government of India and the Government of Mauritius to establish, as a tribute to Mahatma Gandhi, an Institute to be known as the Mahatma Gandhi Institute, which shall be a centre of studies of Indian Culture and traditions and for the promotion of education and culture generally;

AND WHEREAS it is expedient that the Institute be given legal status as a body corporate and vested with all the necessary powers in order that it may properly fulfil its aims and objects;

AND WHEREAS it is a further expedient to provide for the management and control of the Institute:

BE IT THEREFORE ENACTED by the Parliament of Mauritius, as follows:

- |                                    |    |                                                                                                                                                                                                                                                                                      |
|------------------------------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Short Title                        | 1. | This Act may be cited as the Mahatma Gandhi Institute Act, 1970.                                                                                                                                                                                                                     |
| Establishment of the Institute     | 2. | The Institute known by the name of the "Mahatma Gandhi Institute", hereinafter referred to as the "Institute", shall be and is hereby constituted a body corporate under its aforesaid name and title with perpetual succession and a common seal bearing the name of the Institute. |
| Registered office of the Institute | 3. | The registered office of the Institute shall be situated at Moka or such other place as may, from time to time, be determined by the Board of Trustees set up in accordance with section 6 of this Act.                                                                              |
| Objects of the                     | 4. | The objects of the Institute shall be those stated in the                                                                                                                                                                                                                            |

Institute

preamble of this Act, and the doing of all such things as are incidental or conducive to the attainment of those objects.

Powers of the Institute 5.

The Institute shall have all the powers of a body corporate and, notwithstanding the generality of the foregoing powers, may -

- (a) acquire by purchase, gifts by way of donation intervivos' bequest or otherwise, hold, possess and manage property, both movable and immovable;
- (b) sell or exchange any property;
- (c) lease, rent or take on lease any property on such terms as it thinks fit;
- (d) compound or compromise any action, suit or proceedings or any debt;
- (e) receive all sums due to the Institute and give a full and valid discharge and sign any receipt therefore;
- (f) open any account at any bank, effect any payment into that account or withdraw any therefrom;
- (g) draw, sign and endorse any cheque, draft bill or other negotiable instrument;
- (h) effect or accept any payment;
- (i) borrow money, mortgage any immovable property or give in pledge any movable property;
- (j) invest any moneys in such securities, movable or immovable and in such manner as it thinks fit;
- (k) consent to the erasure or removal of all inscriptions, seizures, attachments and other prohibitions with or without payment;
- (l) make such donations as it thinks fit;
- (m) organise flag days or other functions for the raising of funds;
- (n) do all such other acts or things which a corporate body may do.

Management of  
the Institute

6. The management of the Institute and the exercise of any powers vested in the Institute under section 5 shall be vested in a Board of Trustees, hereinafter referred to as "the Board" to be appointed in accordance with the provisions of this Act.

The Board and  
office Bearers

7. (1) The Board shall consist of the Indian High Commissioner or his representative and fourteen other members, namely:
- (a) Dr. The Honourable Sir Seewoosagur Ramgoolam, Kt., M.L.A.
  - (b) The Honourable Veerasamy Ringadoo, M.L.A.
  - (c) The Honourable Sir Abdool Razack Mohamed, Kt., M.L.A.
  - (d) The Honourable Charles Gaetan Duval, M.L.A.
  - (e) The Honourable Rajmohunsing Jomadar, M.L.A.
  - (f) Dr. The Honourable Beergoonath Ghurburrin, M.L.A.
  - (g) The Honourable Keharsingh Jagatsingh, M.L.A.
  - (h) The Honourable Jean Etienne Moi Lin Ah Chuen, M.L.A.
  - (i) Mr. Abdool Raman Mohamed Osman, C.B.E.
  - (j) Mr. Maurice Espitalier Noel
  - (k) Mr. Somduth Bhuckory
  - (l) Mr. Mohunlall Mohit, O.B.E.
  - (m) Mr. Kissoonsingh Hazareesingh, O.B.E.
  - (n) Mr. Abdulla Currimjee
- (2) The members of the Board shall at a meeting to be held in the month of December of every year elect from amongst themselves a Chairman, a Secretary and a Treasurer who shall be the office bearers of the Board.
- (3) Notwithstanding anything contained in this Act and in derogation from the provisions of subsection (1), the office bearers of the Board for the period ending on the 31st December 1971, shall be —
- (a) Dr. The Honourable Sir Seewoosagur Ramgoolam, Kt., M.L.A. - Chairman
  - (b) Mr. Kissoonsingh Hazareesingh, O.B.E. - Secretary

- (c) Mr. Abdool Raman Mohamed Osman, C.B.E. - Treasurer
- Vacancy in the Board 8. (1) Where any vacancy occurs in the Board through the death, incapacity or resignation of any member thereof, the Board shall, as soon as may be after the occurrence thereof, appoint a fit and proper person to fill the vacancy.
- (2) Where a member of the Board absents himself from Mauritius, the Board may appoint a fit and proper person to replace him during his absence and any person so appointed shall remain in office for so long only as the member whom he replaces is absent from Mauritius.
- Officers of the Board 9. The Board may, for such purpose and on such terms as it thinks fit, appoint any person to act as an officer of the Board and may dismiss or suspend any person so appointed.
- Remuneration 10. (1) No office bearer or member of the Board shall be paid any fee, salary or other form of remuneration.
- (2) Any officer appointed by the Board may be paid such fee, salary or other form of remuneration as the Board may determine for services rendered or duties performed in the interests of the Institute or in connection with those interests.
- Validity of Acts 11. Any act performed, or any power exercised, by the Board shall not be deemed to have been invalid or invalidly exercised as the case may be, by reason only of any vacancy in their number but if at any time the number of members is reduced to less than three, the Board shall not perform any act or exercise any power.
- Proceedings of the Board 12. (1) The Board shall be convened by the Chairman -
- (a) at such time and place as he thinks fit;
- (b) at such other time and place on request made in that behalf by not less than three members.

(2) Where the Chairman or the Secretary is absent from any meeting of the Board, the members present shall elect from their number a Chairman or Secretary, as the case may be, for that meeting.

(3) The quorum of the Board shall be five.

(4) Decisions at any meeting shall be determined by a majority of the members present and voting and if the votes are equally divided the Chairman shall have a second or casting vote.

(5) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it thinks fit.

Duties of the  
Secretary and the  
Treasurer

13. (1) The Secretary and the Treasurer shall carry out such duties as may be assigned to them by the Board.
- (2) The minutes of proceedings at every meeting of the Board shall be recorded by the Secretary and signed by the Chairman and Secretary at the meeting at which the minutes are read and confirmed.
- (3) Any copy or extract of the minutes duly signed by the Chairman and the Secretary shall be received as *prima facie* evidence of the matter therein contained.

Signature of deeds etc.

14. Every deed, act or document relating to the Institute shall be signed by the Chairman and Secretary of the Board.

15. (1) The Board may appoint such Committees as may be necessary to assist in the performance of its duties.
- (2) Any Committees appointed under subsection (1) shall consist of such persons as the Board may determine.
- (3) Subjects to any directions by the Board, any Committee appointed under subsection (1) shall regulate its meetings and proceedings in such manner as it thinks fit.

Application of funds

16. The property of the Institute or any fund or money of which the Institute may become possessed at any time shall be

applied towards the furtherance of the objects of the Institute and no portion of any such property, fund or money shall be distributed or transferred in any manner by way of dividend, bonus or otherwise.

Accounts of the  
Institute

17. (1) The Treasurer shall, on or before 31st October in every year, prepare a statement of accounts and balance sheet of the finances of the Institute.
- (2) The statement of accounts and balance sheet shall be audited by an auditor appointed for the purpose by the Board.

18. The Board shall, on or before the 30th November in every year, report to the Governor-General on the general progress of the Institute and shall annex to the report the statement of accounts referred to in section 17 duly audited together with such comments as may have been made by the auditor.

Rules

19. Subject to the provisions of this Act, the Board shall have power to make such rules as may be necessary for carrying into effect the objects of the Institute and, without prejudice to the foregoing, shall have power to make rules relating to any of the following matters:
- a) teaching, schemes of instruction and studies;
  - b) the conditions under which persons may be permitted to follow schemes of instruction and studies;
  - c) the conduct and disciplines of students;
  - d) the use of the Library;
  - e) the conduct of examinations;
  - f) the award of Certificates, Diplomas and other academic distinctions;
  - g) the proper care and management of the Institute.
20. (1) The Institute shall act, sue and be sued, implead or be impleaded under its corporate name.

(2) Service of process by or on the Secretary of the Board shall be equivalent to service of the Institute.

Donations and  
Legacies

21. Article 910 of the Civil Code shall not apply to the Institute shall have power to receive and to accept all donations and legacies made to it.

Exemption from  
tax, etc.

22. Notwithstanding anything contained in any law in force -  
(a) The Institute shall be exempted from payment of any licence duty, rates or other charges leviable on immovable property, or any tax leviable on income;  
(b) no stamp duty or registration fee shall be payable in respect of any document signed or executed by the Institute or under which the Institute is a beneficiary;  
(c) the Institute is hereby authorized to frank letters or postal packets, make remittances by Money Orders or despatch telegrams free of charge.

23. Nothing in this Act shall prejudice or affect the right of Her Majesty the Queen, Her Heirs and Successors, or any body politic or corporate, or any person except such as are mentioned in this Act and those claiming by, from or under them.

Passed in the Legislative Assembly, Island of Mauritius this fifteenth day of December, one thousand nine hundred and seventy.

**THE MAHATMA GANDHI INSTITUTE**  
**ACT 1982**

THE MAHATMA GANDHI INSTITUTE BILL  
(No. XV of 1982)

Explanatory Memorandum

The object of this Bill is to make better provision for the management of the Mahatma Gandhi Institute.

12th August 1982

R. JADDOO  
*Minister of Education*

THE MAHATMA GANDHI INSTITUTE BILL  
(No. XV of 1982)

ARRANGEMENT OF CLAUSES

Clause

1. Short title.
2. Interpretation.
3. Establishment of the Institute.
4. Object of the Institute.
5. The Director.
6. Other Administrative Staff.
7. The Council.
8. Committees.
9. Appointment of Staff.
10. Powers of Minister.
11. Exemptions.
12. Donations.
13. Rules.
14. Consequential amendment.
15. Repeal.
16. Transitional provisions.

**A BILL**

To provide for the incorporation and management of the  
Mahatma Gandhi Institute

ENACTED by the Parliament of Mauritius, as follows—

1. This Act may be cited as the Mahatma Gandhi Institute Act Short title.  
1982.

2. In this Act—

“Council” means the Council of the Institute set up under section 7; Interpreta-  
tion.

“Director” means the Director of the Institute appointed under section 5;

“Institute” means the Mahatma Gandhi Institute appointed under section 3;

“Minister” means the Minister to whom responsibility for the subject of Education has been assigned.

Establishment of the Institute.

3. (1) The Mahatma Gandhi Institute established under the Mahatma Gandhi Institute Act 1970 shall be deemed to have been established under this Act.

(2) The Institute shall be a body corporate.

Object of the Institute.

4. The object of the Institute shall be—

(a) to establish, as a tribute to Mahatma Gandhi, a centre of studies of Indian Culture and traditions; and

(b) to promote education and culture generally.

The Director.

5. (1) There shall be a Director of the Institute who shall be the principal academic and administrative officer of the Institute and who shall have general responsibility to the Council for maintaining and promoting the good order and efficiency of the Institute.

(2) The Director shall be appointed by the Prime Minister, and shall hold office upon such terms and conditions and at such remuneration as the Prime Minister thinks fit.

Other Administrative Staff.

6. (1) There shall be a Deputy Director of the Institute who shall be appointed by the Council and who shall have such powers and functions as the Council may determine.

(2) The Council shall, on such terms and conditions, and at such remuneration as it may determine, appoint a Secretary who shall be responsible for providing secretarial services and have such other duties and functions as the Director may determine.

(3) The Council shall, on such terms and conditions and at such remuneration as it may determine, appoint a Bursar who shall be responsible to the Director for all matters concerning the finances of the Institute.

The Council.

7. (1) There shall be a Council of the Institute which shall be the executive body of the Institute and shall have the custody, control and use of the common seal of the Institute.

(2) The Council shall be responsible for the management and administration of the revenue and property of the Institute, and shall have general control over the conduct of the affairs of the Institute and take such measures as it deems fit to achieve the objects of the Institute.

(3) The Council shall consist of—

(a) a Chairman appointed by the Prime Minister;

(b) the Indian High Commissioner;

(c) the Director;

(d) a representative of the Prime Minister's Office;

- (e) a representative of the Ministry of Education;
- (f) a representative of the Ministry for the Arts, and of Cultural Affairs & Leisure;
- (g) a representative of the Ministry of Finance;
- (h) a representative of the Ministry of Economic Planning & Development;
- (i) a representative of the University of Mauritius;
- (j) representatives of Staff Association not exceeding three appointed in accordance with rules approved by the Council;
- (k) two representatives of students appointed by the Minister;
- (l) such other members, not exceeding three, as may be nominated by the Prime Minister.

(4) Every ex-officio member of the Council shall remain a member for as long as he holds the office by virtue of which he became a member, and every other member of the Council shall hold office for three years.

(5) The Council shall appoint from among its members, for such period and on such conditions as it may determine, a Vice-Chairman who shall perform all the functions of the Chairman during a vacancy in that office or during the inability of the Chairman to perform his functions.

(6) Eight members of the Council shall form a quorum.

(7) Subject to subsection (6), the Council shall regulate its meetings and proceedings in such manner as it deems fit.

8. The Council may appoint such committees as may be necessary to assist it in the performance of its duties.

9. (1) The appointment of academic, administrative, technical and library staff shall be made by the Council on the recommendation of a committee consisting of a Chairman appointed by the Minister, the Director, the Permanent Secretary, Ministry of Education, and two other members of the Council appointed by the Minister.

(2) The appointment of all other staff shall be made by the Council on the recommendation of a committee of three persons set up by the Council with the approval of the Minister.

- Powers of Minister. 10. (1) The Minister shall give such directions of a general character as to the performance by the Institute of its functions and duties as appear to the Minister to be requisite in the public interest and the Institute shall give effect to any such directions.
- (2) The Institute shall afford to the Minister facilities for obtaining information with respect to its activities and shall furnish him with such returns as he may require.
- Exemptions. 11. Notwithstanding any other enactment—
- (a) the Institute shall be exempt from payment of duty, rate, charge, fee, tax or licence;
- (b) no stamp duty or registration fee shall be payable in respect of any document under which the Institute is the sole beneficiary;
- (c) the Institute may frank letters or postal packets, make remittances by money orders or despatch telegrams free of charge.
- Donations. 12. Article 910 of the Civil Code shall not apply to the Institute.
- Rules. 13. (1) The Council may, with the approval of the Minister, make such rules as he thinks fit for the purposes of this Act.
- (2) Notwithstanding anything to the contrary in the Interpretation and General Clauses Act, any rules made under subsection (1) shall not be—
- (a) laid before the Assembly;
- (b) published in the Gazette.
- Consequential amendment. 14. (1) Subject to subsections (2) and (3), the Statutory Bodies (Accounts and Audit) Act 1972 is amended in the First Schedule by adding the following item—
- The Mahatma Gandhi Institute Act No.                      of 1982.
- (2) For the purposes of the Statutory Bodies (Accounts and Audit) Act 1972, the period extending from the commencement of this Act to the 30th June next following shall be deemed to be the first financial year of the Institute.
- (3) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act 1972 shall not apply in relation to the first financial year of the Institute.

15. The Mahatma Gandhi Institute Act 1970 is repealed. Repeal.

16. (1) All the assets, rights and liabilities of the Mahatma Gandhi Institute established under the Mahatma Gandhi Institute Act 1970 shall vest in the Institute. Transitional provisions.

(2) All employees of the Mahatma Gandhi Institute established under the Mahatma Gandhi Institute Act 1970 shall be deemed to have been transferred to the Institute without losing their period of service and under the same conditions of employment and any service with the Mahatma Gandhi Institute shall be deemed to be service with the Institute.

**THE MAHATMA GANDHI INSTITUTE  
ACT 2002 (AMENDMENT)**

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**THE MAHATMA GANDHI INSTITUTE  
(AMENDMENT) ACT**

**Act No. 47 of 2002**

I assent

21<sup>st</sup> December 2002

KARL AUGUSTE OFFMANN  
*President of the Republic*

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ARRANGEMENT OF SECTIONS

*Section*

1. Short title
2. Interpretation
3. Section 2 of principal Act amended
4. Sections 5 to 8 of principal Act repealed and replaced
5. Section 9 of principal Act amended
6. Section 11 of principal Act repealed and replaced
7. Section 12 of principal Act amended
8. New section 16 added to principal Act

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**An Act**

**To amend the Mahatma Gandhi Institute Act**  
ENACTED by the Parliament of Mauritius, as follow -

**1. Short title**

This Act may be cited as the Mahatma Gandhi Institute  
(Amendment) Act 2002.

## 2. Interpretation

In this Act -

“principal Act” means the Mahatma Gandhi Institute Act.

## 3. Section 2 of principal Act amended

Section 2 of the principal Act is amended –

- (a) by deleting the definition of “Council” and replacing it by the following definition -

“Council” means the Council of both Institutes referred to in section 5”;

- (b) in the definition of “Director”, by deleting the figure “5” and replacing it by the figure “8”;

- (c) by inserting in their appropriate alphabetical places, the following new definitions -

“both Institutes” means the Institute and the Rabindranath Tagore Institute;

“Director- General” means the Director- General of both institutes appointed under section 6A;

“Rabindranath Tagore Institute” means the Rabindranath Tagore Institute established under the Rabindranath Tagore Institute Act 2002.

## 4. Sections 5 to 8 of principal Act repealed and replaced

The principal Act is amended by repealing sections 5 to 8 and replacing them by the following sections -

## 5. The Council

- (1) There shall be a Council of both Institutes which shall be the executive body of both Institutes and shall have the custody, control and use of the common seal of the Institutes.

- 
- (2) The Council shall -
- (a) be responsible for the management and administration of the revenue and property of both institutes;
  - (b) have general control over the conduct of the affairs of both Institutes; and
  - (c) take such measures as it thinks fit to achieve the objects of both Institutes.
- (3) The Council shall consist of -
- (a) a Chairperson appointed by the Prime Minister;
  - (b) the Indian High Commissioner or his representative, as Vice- Chairperson;
  - (c) the Director-General;
  - (d) a representative of the Prime Minister's Office;
  - (e) a representative of the Ministry responsible for the subject of education;
  - (f) a representative of the Ministry responsible for the subject of culture;
  - (g) a representative of the Ministry responsible for the subject of finance;
  - (h) a representative of the Ministry responsible for the subject of economic development;
  - (i) a representative of Mauritius Research Council;
  - (j) a representative of the University of Mauritius;
  - (k) not more than 3 representatives of the staff associations of both Institutes, appointed in accordance with rules made by the Council;

- (l) one representative of students, other than the secondary school students, appointed in accordance with rules made by the Council;
  - (m) not more than 8 other members appointed by the Prime Minister.
- (4) The Chairperson shall hold office on such terms and conditions as the Prime Minister thinks fit.
  - (5) Every member of the Council, other than an *ex-officio* member, shall hold office for a period of 3 years.
  - (6) The Director, the Director of the Rabindranath Tagore Institute, the Director (Schooling) and such other Directors as may have been appointed under section 7(d) shall attend every meeting of the Council and may take part in its deliberations but shall not be entitled to vote on any matter before the Council.
  - (7) Subject to subsection (8), the Council shall regulate its meetings and proceedings in such manner as it thinks fit.
  - (8) Ten members of the Council shall form a quorum.
  - (9) The Council shall set up such funds as it thinks fit for the purposes of this Act.

## 6. Committees

The Council may appoint such committees as may be necessary to assist it in the performance of its duties under this Act and under the Rabindranath Tagore Institute Act 2002.

### 6A. The Director-General

- (1) There shall be a Director-General of both Institutes who shall —
  - (a) be the principal academic and administrative officer of both Institutes; and
  - (b) be generally responsible to the Council for the finances of the Institute and maintaining and promoting the good order and efficiency of both Institutes.

- (2) The Director-General shall be appointed by the Prime Minister, and shall hold office on such terms and conditions and at such remuneration as the Prime Minister thinks fit.

## **7. Staff of both Institutes**

The Council shall, with the approval of the Minister and on the recommendation of a committee consisting of the Director-General, a representative of the Ministry of Education and Scientific Research and 3 members of the Council appointed by the Minister, on such terms and conditions and at such remuneration as it may determine, appoint -

- (a) a Director (Schooling) who shall be responsible to the Director-General for all matters concerning the secondary schools of both Institutes;
- (b) a Secretary of both Institutes, who shall be responsible for providing secretarial services and have such other duties and functions as the Director-General may determine;
- (c) such other Directors, not exceeding 2 in number, as it thinks fit.

## **8. The Director**

- (1) There shall be a Director of the Institute who shall be responsible to the Director-General for maintaining and promoting the good order of the institute, and for the finances of the Institute.
- (2) The Council shall, with the approval of the Minister and on the recommendation of a committee consisting of the Director-General, a representative of the Ministry of Education and Scientific Research and 3 members of the Council appointed by the Minister, appoint the Director on such terms and conditions and at such remuneration as it may determine.

## **5. Section 9 of principal Act amended**

Section 9 of the principal Act is amended -

- (a) by adding the following new subsection, the existing subsections (1) and (2) being renumbered (2) and (3) accordingly -

(1) The Council shall, on such terms and conditions and at such remuneration as it may determine, appoint a Bursar who shall

be responsible to the Director for all matters concerning the finances of the Institute.

(b) in the new subsection (2), by deleting the word "Director" and replacing it by the words "Director-General or his representative".

#### **6. Section 11 of principle Act repealed and replaced**

Section 11 of the principal Act is repealed and replaced by the following section –

##### **11. Exemptions**

Notwithstanding any other enactment, the Institute shall be exempt from payment of any duty, rate, charge, fee, tax or licence.

#### **7. Section 12 of principal Act amended**

Section 12 of the principal Act is amended by deleting the words "Civil Napoleon" and replacing them by the words "Code Napoleon".

#### **8. New section 16 added to principal Act**

The principal Act is amended by adding the following new Section -

##### **16. General Fund**

(1) The Institute shall establish a General Fund-

(a) into which all money received by the Institute shall be paid; and

(b) out of which all payments required to be made by the Institute shall be effected.

(2) The Institute shall derive its funds from -

(a) the Consolidated Fund; and

(b) any other source approved by the Minister.

Passed by the National Assembly on the seventeenth day of December two thousand and two.

**Bhupen Dwarka**

*Deputy Clerk of the National Assembly*

**THE RABINDRANATH TAGORE INSTITUTE**  
**ACT 2002**

**THE RABINDRANATH TAGORE INSTITUTE ACT****Act No. 48 of 2002***I assent*

21st December 2002

**KARL AUGUSTE OFFMANN**  
*President of the Republic*

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**ARRANGEMENT OF SECTIONS***Section*

1. Short title
2. Interpretation
3. Establishment of the Institute
4. Objects of the Institute
5. The Council
6. The Director
7. Appointment of staff
8. General Fund
9. Powers of Minister
10. Exemptions
11. Donations
12. Rules
13. Legal process
14. Consequential amendments

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## **An Act**

### **To provide for the establishment and management of the Rabindranath Tagore Institute**

ENACTED by the Parliament of Mauritius, as follows -

#### **1. Short title**

This Act may be cited as the Rabindranath Tagore Institute Act 2002.

#### **2. Interpretation**

In this Act -

“both Institutes” means the Institute and the Mahatma Gandhi Institute established under the Mahatma Gandhi Institute Act;

“Council” means the Council of both Institutes, referred to in section 5 of the Mahatma Gandhi Institute Act;

“Director” means the Director of the Institute appointed under section 6;

“Director-General” means the Director-General of both Institutes appointed under section 6A of the Mahatma Gandhi Institute Act;

“Institute” means the Rabindranath Tagore Institute established under section 3;

“Minister” means the Minister to whom responsibility for the subject of education has been assigned.

#### **3. Establishment of the Institute**

(1) There is established for the purposes of this Act the Rabindranath Tagore Institute.

(2) The Institute shall be a body corporate.

#### 4. Objects of the Institute

The objects of the Institute shall be-

- (a) to establish, as a tribute to Rabindranath Tagore, a centre of studies of Indian culture and traditions;
- (b) to promote education and culture generally.

#### 5. The Council

The Institute shall be managed and administered by the Council in accordance with sections 5, 6, 6A and 7 of the Mahatma Gandhi Institute Act.

#### 6. The Director

(1) — There shall be a Director of the Institute, who shall be responsible to the Director-General for maintaining and promoting the good order of the Institute, and for the finances of the Institute.

(2) The Council shall, with the approval of the Minister and on the recommendation of a committee consisting of the Director-General, a representative of the Ministry of Education and Scientific Research and 3 members of the Council appointed by the Minister, appoint the Director on such terms and conditions and at such remuneration as it may determine.

#### 7. Appointment of staff

(1) The Council shall, on such terms and conditions and at such remuneration as it may determine, appoint a Bursar who shall be responsible to the Director for all matters concerning the finances of the Institute.

(2) The appointment of academic, administrative, technical and library staff shall be made by the Council on the recommendation of a committee consisting of the Director-General or his representative, a representative of the Ministry of Education and Scientific Research and 3 members of the Council appointed by the Minister. The Chairman of the committee shall be appointed by the Minister.

(3) The appointment of all other staff shall be made by the Council on the recommendation of a committee of 3 persons set up by the Council with the approval of the Minister.

## **8. General Fund**

- (1) The Institute shall establish a General Fund -
  - (a) into which all money received by the Institute shall be paid; and
  - (b) out of which all payments required to be made by the Institute shall be effected.
- (2) The Institute shall derive its funds from -
  - (a) the Consolidated Fund; and
  - (b) any other source approved by the Minister.

## **9. Powers of Minister**

(1) The Minister shall give such directions of a general character as to the performance by the Institute of its functions and duties as appear to the Minister to be requisite in the public interest, and the Institute shall give effect to any such directions.

(2) The Institute shall afford to the Minister facilities for obtaining information with respect to its activities and shall furnish him with such returns as he may require.

## **10. Exemptions**

Notwithstanding any other enactment, the Institute shall be exempt from payment of duty, rate, charge, fee, tax or licence.

## 11. Donations

Article 910 of the Code Napoleon shall not apply to the Institute.

## 12. Rules

(1) The Council may, with the approval of the Minister, make such rules as it thinks fit for the purposes of this Act.

(2) Notwithstanding anything to the contrary in the Interpretation and General Clauses Act, any rules made under subsection (1) shall not be -

(a) laid before the Assembly;

(b) published in the *Gazette*.

## 13. Legal process

(1) The Institute shall act, sue and be sued, implead or be impleaded under its corporate name.

(2) Service of process by or on the Secretary of the Council shall be equivalent to service on the Institute.

## 14. Consequential amendments

(1) Subject to subsections (2) and (3), the Schedule to the Statutory Bodies (Accounts and Audit) Act is amended in Part II by inserting the following item in its appropriate alphabetical place -

Rabindranath Tagore Institute

(2) For the purposes of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 30 June next following shall be deemed to be the first financial year of the Institute.

(3) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply in relation to the first financial year of the Institute.

(4) The auditor to be appointed under section 5(1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

(5) The Tertiary Education Commission Act is amended in the Schedule by inserting in its appropriate alphabetical place -

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Passed by the National Assembly on the seventeenth day of December two thousand and two.

Blupen Dwarka  
*Deputy Clerk of the National Assembly*