THE ASIATIC SOCIETY ACT, 1984

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Declaration of Asiatic Society as an institution of national importance.
3. Definitions.
4. Grants, loans, etc., by Central Government to Society.
5. Audit of accounts of Society.
6. Annual report.
7. Prior approval of Central Government necessary for certain action by Society.
8. Planning Board.
9. Committees.
10. Review of work done, inspection of assets, etc.
11. Society to afford facilities to Committees.
12. Power to issue directions to Society.
13. Power of Central Government to assume functions of control.
14. Act to have overriding effect.
15. Power to make rules.

Verified RedEstate ™

THE ASIATIC SOCIETY ACT, 1984

ACT NO. 5 OF 1984

[23rd *March*, 1984.]

An Act to declare the institution known as the Asiatic Society having at present its registered office in Calcutta to be an institution of national importance and to provide for certain matters connected therewith.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. Short title and commencement.—(*1*) This Act may be called the Asiatic Society Act, 1984.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

2. Declaration of Asiatic Society as an institution of national importance.—Whereas the late William Jones founded on the 15th day of January, 1784, an institution in Calcutta which is now known as the Asiatic Society and the objects of which are such as to make the institution one of national importance, it is hereby declared that the said Asiatic Society is an institution of national importance.

3. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "memorandum" means the memorandum of association of the Society;

(*b*) "prescribed" means prescribed by rules made under this Act;

(*c*) "regulations" includes any rule or regulation (by whatever name called) which the Society is competent to make in the exercise of the powers conferred on it under the West Bengal Societies Registration Act, 1961 (West Bengal Act XXVI,1961), but shall not include any bye-laws or standing orders made under the regulations for the conduct of its day-to-day administration ;

(*d*) "Society" means the Asiatic Society being a society within the meaning of the West Bengal Societies Registration Act, 1961(West Bengal Act XXVI, 1961), and having its registered office in Calcutta.

4. Grants, loans, etc., by Central Government to Society.—For the purpose of enabling the Society to discharge efficiently its functions, including in particular those relating to research, literary, library, scientific and museological activities, collection of manuscripts, coins and art objects, and the publication of periodicals, books and other literature, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Society in each financial year such sums of money as that Government considers necessary by way of grants, loans or otherwise.

5. Audit of accounts of Society.—(*1*) The Society shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be approved by the Comptroller and Auditor-General of India.

(*2*) The accounts of the Society shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Society to the Comptroller and Auditor-General of India.

(*3*) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Society shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Society.

1. 25th June, 1984, *vide* notification No. G.S.R. 470(E), dated 25th June, 1984, *see* Gazette of India, Extraordinary, Part II, sec. (*i*).

(*4*) The accounts of the Society as certified by the Comptroller and Auditor-General of India or any person appointed by him in this behalf together with the audit report thereof shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

6. Annual report.—The Society shall furnish to the Central Government, at such time each year as may be directed, its annual report giving full account of its activities, policies and programmes during the previous year and that Government shall cause the same to be laid before each House of Parliament.

7. Prior approval of Central Government necessary for certain action by Society.—The Society shall not, except with the previous approval of the Central Government,—

(*a*) alter, extend or abridge any of the purposes for which it has been established or for which it is being used immediately before the commencement of this Act, or amalgamate itself either wholly or partially with any other institution or society; or

(*b*) alter or amend in any manner the memorandum or regulations; or

(*c*) sell or otherwise dispose of any property acquired by the Society with money specifically provided for such acquisition by the Central Government:

Provided that no such approval shall be necessary in the case of any such movable property or class of movable property as may be specified by the Central Government in this behalf by general or special order; or

(*d*) be dissolved.

8. Planning Board.—(*1*) For the purpose of advising it with respect to the planning and implementation of the developmental programmes of the Society and other matters concerning the Society, the Central Government may, by notification in the Official Gazette, establish a board to be called the Planning Board (Asiatic Society).

(*2*) The Board shall consist of a Chairman and such other members as may be appointed by the Central Government.

(*3*) Subject to any rules which the Central Government may make in this behalf, the Board shall have the power to regulate its own procedure.

(*4*) The term of office of, the procedure to be followed in the discharge of their functions by, the manner of filling casual vacancies among, the allowances, if any, payable to, and other matters concerning, the members of the Board shall be such as may be prescribed.

9. Committees.—(*1*) The Central Government may, by notifications in the Official Gazette, constitute as many committees, as and when it considers it necessary, consisting of such number of persons as it thinks fit to appoint thereto and assign to each such committee all or any of the following duties, namely:—

(*a*) the preparation and submission to the Central Government, as far as possible before the commencement of each financial year, of statements showing programmes of work agreed to be undertaken by the Society during that year for which the Central Government may provide funds as well as general financial estimates in respect of such work;

(*b*) the settlement on broad line of the programmes of such work.

(*2*) A committee constituted under sub-section (*1*) shall, in discharging its duties with respect to any matter under this section, have due regard to the advice, if any, tendered in respect of such matter under section 8 by the Board to the Central Government.

(*3*) Where the Society does not agree to undertake any work suggested by any committee referred to in sub-section (*1*), it shall give to the Central Government its reasons for not so agreeing.

(*4*) The procedure to be followed by a committee constituted under sub-section (*1*) in the discharge of its functions, the allowances, if any, payable to the members of such committee and other matters relating to such committee shall be such as may be prescribed.

Verified RealEstate™

10. Review of work done, inspection of assets, etc.—(*1*) the Central Government may, by notification in the Official Gazette, constitute a Committee consisting of such number of persons as it thinks fit to appoint thereto for the purpose of—

(*a*) reviewing the work done by the Society and the progress made by it;

(*b*) inspecting its buildings, equipment and other assets;

(*c*) evaluating the work done by the Society; and

(*d*) advising Government generally on any matter which in the

opinion of the Central Government is of importance in connection with the work of the Society;

and the Committee shall submit its report thereon in such manner as the Central Government may direct.

(*2*) The procedure to be followed by, the allowances, if any, payable to, the members of the Committee and other matters concerning the Committee shall be such as may be prescribed.

(*3*) The Committee shall, subject to the provisions of sub-section (*4*) and of any rules which the Central Government may make in this behalf, have power to regulate its own procedure.

(*4*) Notice shall be given in every case to the Society of the intention to cause a review, inspection or evaluation to be made, and the Society shall be entitled to appoint a representative who shall have the right to be present and be heard at such review, inspection or evaluation.

(*5*) The Central Government may address the President of the Society with reference to the result of such review, inspection or evaluation as disclosed in any report of the Committee referred to in sub-section (*1*), and the President shall communicate to the Central Government the action, if any, taken thereon.

(*6*) When the Central Government has in pursuance of sub-section (*5*), addressed the President of the Society in connection with any matter, and the President does not within a reasonable time take action to the satisfaction of the Central Government in respect thereof, the Central Government may, after considering any explanations furnished or representations made on behalf of the Society, issue such directions as it considers necessary in respect of any of the matters dealt with in the report.

11. Society to afford facilities to Committees.—The Society shall be bound to afford all necessary facilities to the Board constituted under section 8 and to every committee constituted under section 9 or section 10 for the purpose of enabling them to carry out their duties.

12. Power to issue directions to Society.—(*1*) The Central Government may, if it is satisfied that it is necessary so to do in the public interest issue, for reasons to be recorded and communicated to the Society, such directions as it thinks to the Society, and such directions may include directions requiring the Society—

(*a*) to amend the memorandum or to make or amend any regulation within such period as may be specified in the directions;

(*b*) to give priorities to the work undertaken or to be undertaken by the Society in such manner as the Central Government may think fit to specify in this behalf.

(*2*) Any directions issued under this section shall have effect, notwithstanding anything contained in any law for the time being in force or in the memorandum or regulations of the Society.

13. Power of Central Government to assume functions of control.—(*1*) If, in the opinion of the Central Government,—

(*i*) the Society without just or reasonable cause has made default in giving effect to any direction issued under sub-section (*6*) of section 10 or section 12; or

(*ii*) the Council of the Society has exceeded or abused the powers in relation to the Society or any part thereof;

the Central Government may, by written order, direct the Society within a period to be specified in the order to show cause to the satisfaction of the Central Government against the making of any appointment referred to in sub-section (*2*).

Verified by PropEstate™

(*2*) If, within the period fixed by any order issued under sub-section (*1*), cause is not shown to the satisfaction of the Central Government, the Central Government may, by order published in the Official Gazette and stating the reasons therefor, appoint one or more persons to take over the management of the Society or of any of the activities of the Society for such period not exceeding two years as may be specified in the order.

(*3*) During the period specified in the order issued under sub-section (*2*),—

(*a*) where the order provides for any person or persons taking over the management of the Society—

(*i*) all persons holding office as Members of the Council, including the President, shall be deemed to have vacated their offices as such;

(*ii*) the person or persons appointed under sub-section (*2*) to take over the management of the Society shall exercise all the powers and perform all the duties of the President or Council of the Society, whether at a meeting or otherwise, in respect of the Society;

(*b*) where the order provides for any person or persons taking over the management of any activities of the Society, the person or persons so appointed shall alone be entitled to exercise all the powers and perform all the duties of the President or Council in relation to those activities.

14. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the memorandum or regulations or the West Bengal Societies Registration Act, 1961 (West Bengal Act XXVI, 1961) or any other law for the time being in force.

15. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules to carry 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 following matters, namely:—

(*i*) matters with respect to the procedure to be followed by the Board under sub-section (*3*) of section 8;

(*ii*) the term of office of, the procedure to be followed in the discharge of their functions by, the manner of filling casual vacancies among, the allowances, if any, payable to, and other matters concerning, the members of the Board under sub-section (*4*) of section 8;

(*iii*) the procedure to be followed by a committee in the discharge of its functions, the allowances, if any, payable to the members of the committee and other matters relating to the committee under sub-section (*4*) of section 9;

(*iv*) the procedure to be followed by, the allowances, if any, payable to, the members of the Committee and other matters concerning the Committee under sub-section (*2*) of section 10;

(*v*) any other matter which is required to be or in respect of which rules may be made under this Act.

(*3*) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Verified RedEstate