

GANDHI ASHRAM KHADI VIDYALAYA ACT

Act 5 of 1973 – 2 June 1973

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GANDHI ASHRAM KHADI VIDYALAYA ACT

1. Short title

This Act may be cited as the Gandhi Ashram Khadi Vidyalaya Act.

2. Interpretation

In this Act—

“Board” means the Board of Trustees of the Institute;

“Institute” means the Gandhi Ashram Khadi Vidyalaya established under section 3.

3. Establishment of Institute

There is established for the purposes of this Act the Gandhi Ashram Khadi Vidyalaya which shall be a body corporate.

4. Objects of Institute

The objects of the Institute shall be to honour the memory of Mahatma Gandhi, to promote a school of weaving and spinning and to do all such acts as are incidental or conducive to the attainment of those objects.

5. Powers of Institute

The Institute shall have all the powers of a natural person.

6. Management of Institute

The management of the Institute shall vest in a Board of Trustees.

7. Board of Trustees

(1) The Board shall consist of—

- (a) 5 members to be nominated annually by the Institute;
- (b) 2 representatives of the Ministry responsible for the subject of education;
- (c) one representative of the Ministry responsible for the subject of labour;
- (d) one representative of the Ministry responsible for the subject of economic planning;
- (e) one representative of the High Commissioner for the Government of India in Mauritius;
- (f) 2 representatives of the Sugar Industry Labour Welfare Fund Committee.

(2) The members of the Board shall at a meeting to be held in December every year elect from among themselves a Chairperson, a Secretary and a Treasurer who shall be the office bearers of the Board for the following year.

8. Vacancy in Board

(1) Where any vacancy occurs in the Board through the death, incapacity or resignation of any member, the Board shall, as soon as may be after its occurrence, 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.

9. Employees of Board

The Board may, for such purpose and on such terms as it thinks fit, appoint any person to act as an employee of the Institute and may dismiss or suspend any person so appointed.

10. Remuneration

(1) No office bearer or member of the Board, except the Chairperson, shall be paid any fee, salary or other form of remuneration.

(2) The Chairperson and any employee of 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.

11. Validity of acts

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 its membership but if at any time the number of members is reduced to less than 3, the Board shall not perform any act or exercise any power.

12. Proceedings of Board

(1) The Board shall be convened by the Chairperson—

- (a) at such time and place as he thinks fit; and
- (b) at such other time and place on request made in that behalf by not less than 6 members.

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

(3) The quorum of the Board shall be 6.

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

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

13. Duties of Secretary and Treasurer

(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 be signed by the Chairperson and the Secretary at the meeting at which the minutes are read and confirmed.

(3) Any copy or extract of the minutes duly signed by the Chairperson and the Secretary shall be received as *prima facie* evidence of the matter contained in it.

14. Signature of documents

(1) Subject to subsection (2), every document relating to the Institute shall be signed by the Chairperson and the Secretary of the Board.

(2) Every cheque shall be signed by the Chairperson and the Treasurer of the Board.

(3) Where any office bearer specified in subsections (1) and (2) is unable to sign any document through illness, absence or any other cause, the document may be signed by another member of the Board appointed for that purpose by the Board.

15. Committees

(1) The Board may appoint such committees as may be necessary to assist in the performance of its duties.

(2) A committee appointed under subsection (1) shall consist of such persons as the Board may determine.

(3) Subject to any directions by the Board, a committee appointed under subsection (1) shall regulate its meetings and proceedings in such manner as it thinks fit.

16. Application of funds

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

17. Accounts of Institute

(1) The treasurer shall, on or before 31 March every year, prepare a statement of accounts and balance sheet of the finances of the Institute in respect of the previous year.

(2) The statement of accounts and balance sheet shall be audited by an auditor appointed for the purpose by the Board.

18. Annual report

The Board shall, on or before 30 April every year, report to the President on the general progress of the Institute during the previous year and shall annex to the report a statement of accounts referred to in section 17 duly audited together with such comments as may have been made by the auditor.

[S. 18 amended by Act 48 of 1991.]

19. Regulations

The Board may make such regulations as it thinks necessary for carrying into effect the objects of the Institute, and, without prejudice to the generality of the foregoing power, regulations may provide for—

- (a) 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 discipline of students;
- (d) the use of libraries;
- (e) the conduct of examinations;
- (f) the award of certificates, diplomas and other academic distinctions; and
- (g) the proper care and management of the Institute.

20. Affiliation with other bodies

The Institute may become affiliated to or incorporated with other corporate bodies having for their principal objects those of the Institute.

21. Legal acts

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

22. Donations and legacies

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

23. Exemptions

Notwithstanding any other enactment—

- (a) the Institute shall be exempt from payment of any licence duty, rates or other charges leviable on immovable property, or tax leviable on income; and
 - (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.
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