

**MAHATMA GANDHI INSTITUTE ACT**

Act 11 of 1982 – 30 August 1982

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**MAHATMA GANDHI INSTITUTE ACT**

**1. Short title**

This Act may be cited as the Mahatma Gandhi Institute Act.

**2. Interpretation**

In this Act—

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

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

“Director” means the Director of the Institute appointed under section 8;

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

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

“Minister” means the Minister to whom responsibility for the subject of education is assigned;

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

[S. 2 amended by s. 3 of Act 47 of 2002 w.e.f. 28 December 2002.]

**3. Establishment of Institute**

(1) The Mahatma Gandhi Institute in existence on 20 August 1982 shall be deemed to have been established under this Act.

(2) The Institute shall be a body corporate.

#### **4. Objects of Institute**

The objects of the Institute shall be to—

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

#### **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, to be 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) —
- (i) a representative of the 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 (c) 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.

[S. 5 repealed and replaced by s. 4 of Act 47 of 2002 w.e.f. 28 December 2002.]

## 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

[S. 6 repealed and replaced by s. 4 of Act 47 of 2002 w.e.f. 28 December 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.

[S. 6A inserted by s. 4 of Act 47 of 2002 w.e.f. 28 December 2002.]

## 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.

[S. 7 repealed and replaced by s. 4 of Act 47 of 2002 w.e.f. 28 December 2002.]

## **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 responsible for the subject of education 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.

[S. 8 repealed and replaced by s. 4 of Act 47 of 2002 w.e.f. 28 December 2002.]

## **9. 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 responsible for the subject of education, and 3 members of the Council appointed by the Minister. The Chairperson 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.

[S. 9 amended by s. 5 of Act 47 of 2002 w.e.f. 28 December 2002.]

## **10. 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.

## **11. Exemptions**

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

[S. 11 repealed and replaced by s. 6 of Act 47 of 2002 w.e.f. 28 December 2002.]

## 12. Donations

Article 910 of the Code Civil Mauricien shall not apply to the Institute.

[S. 12 amended by s. 7 of Act 47 of 2002 w.e.f. 28 December 2002.]

## 13. 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; or
- (b) published in the *Gazette*.

## 14. 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 by or on the Institute.

## 15. —

## 16. General Fund

(1) The Institute shall establish a General Fund—

- (a) into which all monies 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.

[S. 16 added by s. 8 of Act 47 of 2002 w.e.f. 28 December 2002.]

## 17. —

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