

MEGHALAYA ACT 7 OF 1984

THE SHILLONG COMMERCE COLLEGE (TAKING-OVER OF MANAGEMENT) ACT, 1984

(As passed by the Assembly)

[Received the assent of the President on the 17th November, 1984]

An

Act

to provide for the taking-over of the Management of the Shillong Commerce College within the State of Meghalaya from the present Governing Body and other committees of the College and holders of the offices of the College for a limited period in the public interest and in order to secure the proper management and control of the college.

Be it enacted by the Legislature of Meghalaya in the Thirty-Fifth Year of the Republic of India as follows:-

Short title and 1.
commencement.

(1) This Act may be called the Shillong Commerce College (Taking-over of Management) Act, 1984.

(2) It shall be deemed to have come into force on and from the 14th day of May, 1984.

Definitions. 2.

In this Act, unless the context otherwise requires:-

(a) "appointed day" means the 14th day of May, 1984 at 16-00 hours;

(b) "College" means the Shillong Commerce College;

(c) "Director" means Director of Public Instruction, Meghalaya;

(d) "government" or "State Government" means Government of Meghalaya;

(e) "Governing body" means the Government Body of the College constituted by the State Government before the commencement of this Act and functioning as such;

(f) "prescribed" means prescribed by rules made under this Act.

Transfer of the 3.

control of the Commerce College and
Commerce
vesting thereof in the
State Government.

(1) On and from the appointed day and for a period of five years management and thereafter, the management of and the control over the College and all the affairs of the said College within the State of Meghalaya shall be deemed to have been transferred to have been vested in the State Government.

(2) On the transfer and vesting of the management and control over the College to the State Government under sub-section (1),-

(a) the Governing Body and any other committee of the College the President, Secretary, Principal, Lecturers, if any, of the College and all other persons in-charge of or holding any other offices in the management of and control over the affairs of the College in any other capacity shall cease to exercise any power or function regarding management and control of the College within the State of Meghalaya and every such Committee or Body shall be deemed to have been superseded and dissolved and every person hereinbefore mentioned shall be deemed to have vacated their respective Offices.

(b) all properties, movable and immovable and all right powers, privileges of the College within the State of Meghalaya which immediately before the commencement of this Act, belong to the College or any other committee or persons holding any other office, shall, for the purposes of such management and control, vest in the State Government and the State Government may

utilise the properties for such educational purposes, including, including running a Science College, as it deems necessarily.

Management of and 4.
the College and its affairs.

(1) The State Government may for the purposes of management of control over and control over the College and all its affairs the management and control of which have been vested in the State Government under Section 3, from time to time by orders in the official Gazette appoint such officer or officers of the State Government and/or committee or committees constituted of such officers of the Government and/ or other persons as members thereof to exercise such powers, duties and functions and for such period as may be specified in the orders;

Provided that the State Government may change the composition of any committee at any time before the expiry of the term of the office of members.

(2) A person nominated as member to any committee under sub-section (1) shall hold office at the pleasure of the Government and such person may resign from membership of the committee by giving notice in writing to the State Government and shall, on such resignation being accepted by the State Government, cease as member of the committee.

Preparation and 5.
of statements and penalty for non compliance.
as such

(1) Notwithstanding anything in the preceding section, the President, Secretary, Treasurer, if any of the College, functioning immediately before the commencement of this Act shall prepare a statement in relation to all matters of the College which they were required to deal with immediately before the commencement of this Act and submit the same within a period of fifteen days from the date of commencement of this Act or within such further time as may be granted by the State Government appointed by the State Government appointed by the State Government in this behalf.

(2) If any person, without any reasonable excuse knowingly and wilfully makes default in complying with the requirements of the preceding sub-section, he shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

Delivery of properties, 6.
Accounts, Registers, etc., and penalty for non-
as such
compliance.

(1) Notwithstanding anything in Section 4 of this Act, the President, Secretary, Treasurer, if any, of the College, functioning immediately before the commencement of this Act and any other person in custody of accounts, registers, records, other documents or properties of and relating to the College shall handover such custody to the officers of the Government appointed under sub-section (1) of Section.

4. Within a period of one week from the date of their appointment or within such further time as may be granted by the Government in this behalf.

(2) If any person, without any reasonable excuse knowingly and wilfully makes default in complying with the requirements of the preceding sub-section he shall be punishable with imprisonment which may extend to six months or with fine which may extend to two thousand rupees or with both;

Creation of College 7.

The State Government may create and maintain in the manner Fund. prescribed as fund to be called the "Commerce College Fund" into which shall be paid all receipts and income of the College and out of which shall be met all expenses and disbursement of the College.

Relinquishment of 8. Upon the expiration of the period of five years from the appointed day
management of the College or acquisition of the College. the management and control of the College
within the State of Meghalaya shall revert back to an adhoc committee Body constituted
for the purpose;

Provided that the State Government may, at any time before the expiration of the said period of five years, transfer back the management and control of the College to an adhoc committee constituted for the purpose;

Provided further that the State Government may, in the public interest, at any time before the expiry of the said period of five years acquire the property (movable and immovable) of the College for any public purpose connected with education, by publishing a notification to this to this effect in the Official Gazette. The acquired property shall vest absolutely in the Government free from all encumbrances. The amount payable as compensation, if any, shall be fixed by the Government, which shall be final and binding.

Protection of action 9. (1) No suit, prosecution or other legal Proceeding shall lie against any taken
under the Act. officer of the Government or member of any committee in respect of
anything which is in good faith done or intended to be done in
pursuance of this Act.

(2) No suit, or other legal proceeding shall lie against the State Government, any committee or any member thereof or any officer of the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act.

Power to make rules. 10. The State Government may, by notification, make rules to carry out the
objectives of this Act in any matter as may be prescribed.

Over-riding effect of 11. (1) The provisions of this Act and the rules framed there under shall the Act.
have effect notwithstanding anything in the Societies Registration Act, 1860 or in the Memorandum of Association or the Rules and Regulation of the College.

(2) During the period this Act is in force, no member of the College shall exercise any right under section 13 of the Societies Registration Act, 1860.

Repeal of Ordinance 1 12. The Shillong Commerce College (Taking-over of Management) of 1984.
Ordinance, 1984 is hereby repealed.