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REPORT OF THE SELECT COMMITTEE ON

THE HINDI PRACHARINI SABHA BILL

(No. 1 of 2004)

At a sitting of the National Assembly held on 20 April 2004 the Hindi Pracharini Sabha Bill was read a second time and referred to a Select Committee to be nominated by Mr Speaker.

2. At the sitting of the National Assembly held on 27 April 2004, Mr Speaker nominated the following Honourable Members on the Select Committee –

- (i) Dr the Honourable R. Bhowon;
- (ii) Dr the Honourable A. Boolell;
- (iii) the Honourable M. Choonee
- (iv) the Honourable M. Chumroo;
- (v) the Honourable M. Dulloo;
- (vi) Dr the Honourable B. Hookoom;
- (vii) Dr the Honourable J. Jhurry;
- (viii) the Honourable P. Meenowa;
- (ix) the Honourable S. Obeegadoo

3. At the first meeting held on 06 May 2004, the Honourable S. Obeegadoo, Minister of Education and Scientific Research, was unanimously elected Chairman.

4. Your Committee met on three occasions namely on 08 June 2004, 11 June 2004 and 27 July 2004 and heard the following persons -

- (i) Mr P. Behary;
- (ii) Dr M. Chintamane;e;
- (iii) Mr D. K. Ajodeea;
- (iv) Mr A. Roy;
- (v) Mr B. Dhunputy;
- (vi) Mr B. Sembhoo, and
- (vii) Mr A. Matabadal, on behalf of the promoters of the Bill.

Your Committee also heard Mr S. Boolell, Acting Parliamentary Counsel on certain legal aspects of the Bill.

5. Your Committee would like to place on record that -
- (i) the petition (annex 1) was presented to the National Assembly by the Honourable First Member for Port Louis North and Montagne Longue, Mr Chumroo and that the promoters were allowed to proceed with the petition;
 - (ii) the petitioners caused the Bill to be published in the Government Gazette as required by the provisions of the Standing Orders and Rules of the National Assembly;
 - (iii) the Bill was read a first time on 16 March 2004, and
 - (iv) the Bill was read a second time on 20 April 2004 and was on the same day referred to a Select Committee.
6. After deliberations, Your Committee agreed to propose the following amendments to the Bill -

Clause 2

by inserting the following definition in the appropriate alphabetical order -

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

Clause 6

by inserting immediately after sub-clause (2), the following new sub-clause, sub-clauses (3) to (5) being renumbered (4) to (6) accordingly -

(3) Every election of the members of the Committee at an annual general meeting shall be conducted under the supervision of the Electoral Commissioner.

Clause 9

by adding immediately after sub-clause (2), the following new sub-clauses -

(3) The Committee may grant or refuse any application for membership made under subsection (2).

(4) Where the Committee rejects an application for membership of the Sabha, the applicant may request that the decision be reviewed by the Sabha at its next annual general meeting.

(5) Where a request is made under subsection (4), the Committee shall refer the decision forthwith to the Sabha which may confirm, vary or quash the decision of the Committee at its following general meeting in accordance with such rules as may be made by the Committee.

Clause 11

by deleting the word "February" and replacing it by the word "**September**".

Clause 16

- (a) in sub-clause (1), by adding after the words "the Committee", the words "**, duly approved by the Sabha at a general meeting**";
- (b) in sub-clause (2), by adding after the words "the Committee", the words "**and approved by the Sabha at a general meeting**".

Clause 17

by deleting clause 17 and replacing it by the following new clause -

17. Rules

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

(2) The rules made under subsection (1) shall be binding on the Sabha and the Committee.

(3) Rules made under subsection (1) shall not be required to be -

- (a) laid before the Assembly;**
- (b) published in the Gazette**

New Clause 18

by adding immediately after clause 17, the following new clause -

18. Transitional provisions

(1) All assets and liabilities of the registered association shall, on the coming into operation of this Act, be transferred to and vest in the Sabha..

(2) Any proceedings pending immediately before the coming into operation of this Act to which the registered association was a party may be continued as if the Sabha was a party to those proceedings, instead of the registered association.

(3) In this section, "registered association" means the Hindi Pracharini Sabha which, on the coming into operation of this Act, was registered under the Registration of Associations Act.

7. Finally, Your Committee was, during its sitting, apprised of the death of Mr Hurrynarain Seetah, who was to become a Member of the Sabha as per the the Schedule of the Bill.

8. The promoters of the Sabha have proposed that late Mr H. Seetah be replaced by Mrs Rashmi Lallbeeharry.

9. Your Committee is agreeable to this proposal.

10. Accordingly, Your Committee proposes the following amendment to the Schedule –

by deleting the name and surname "Hurrynarain Seetah" and replacing them by the name and surname "**Mrs Rashmi Lallbeeharry**".

11. A reprint of the Bill, with amendments printed in **bold italics** is enclosed as Annex 2.

12. Your Committee recommends that the Bill, as amended, be approved by the National Assembly.



S. Obeegadoo
Chairman

*National Assembly
Parliament House
Port Louis*

26 August 2004

Petition

Petition presented by the Honourable Meckduth Chumroo

This petition is endorsed with the signature of twelve persons.

Port Louis

This 14 day of Oct 2003.

Meckduth Chumroo
First Member for Port Louis North
and Montagne Longue

To Mr Speaker

- | | | | |
|---------------------------------|---|---------------------|------------------|
| 1. Mr Ajamil MATABADAL | - | President | <i>Ajamil</i> |
| 2. Mr Halloman Doobey GIRDHAREE | - | Vice President | <i>Girdharee</i> |
| 3. Mr Dhunraz SEMBHOO | - | Secretary | <i>Sembhoo</i> |
| 4. Mr Janardan CALYCHURN | - | Assistant Secretary | <i>Calychurn</i> |
| 5. Mr Tahul RAMDIN | - | Treasurer | <i>Ramdin</i> |
| 6. Mrs Satiavatee JUGMOHUN | - | Assistant Treasurer | <i>Jugmohun</i> |
| 7. Mr Chandraduth UNUTH | - | Member | <i>Unuth</i> |
| 8. Mr Damodar SOMAUREE | - | Member | <i>Somauree</i> |
| 9. Mr Jawahur PROAG | - | Member | <i>Proag</i> |
| 10. Mr Lutchmiparsad MUNGROO | - | Member | <i>Mungroo</i> |
| 11. Mr Hurrynarain SEETAH | - | Member | <i>Seetah</i> |
| 12. Mr Vidyanand RAMFUL | - | Member | <i>Ramful</i> |

National Assembly - Passed
by the Hon Speaker
[Signature]
16/10/2003

The abovementioned persons, having constituted themselves into a Sabha to be known as the "Hindi Pracharini Sabha" and being the promoters of a Bill to provide for the establishment and management of the said Sabha and matters incidental thereto humbly pray that the Assembly be pleased to grant leave for the introduction of the Bill, the object and functions whereof they state to be as follows -

I. Object

To promote and propagate Hindi language and literature.

II. Functions

- (a) to organize literary competitions, seminars, lectures on social, literary, philosophical and historical subjects;
- (b) to establish, manage and affiliate hindi schools;
- (c) to set up and run libraries and educational institutions;
- (d) to import, distribute and publish magazines, newspapers and books;
- (e) to award scholarships to deserving students of the Hindi language;
- (f) to promote exchanges with other organisations having similar objectives, both locally and internationally;
- (g) to undertake any other activity which is incidental and conducive to the attainment of its objects;
- (h) to organize and conduct local examinations in Hindi and award certificates, and
- (i) to organize and conduct examinations in Hindi from abroad.

The petitioners represent that it is expedient that such Sabha be given a legal status as a corporate body with a view to enabling such objects as aforesaid to be carried out.

The petitioners therefore humbly pray that the National Assembly be pleased to grant leave to introduce the Bill.

And, as in duty bound, the petitioners will ever pray.

Port Louis, this 14 Day of October two thousand and three.

THE HINDI PRACHARINI SABHA BILL

(No. I of 2004)

Explanatory Memorandum

The object of this Bill is to set up the Hindi Pracharini Sabha as a body corporate for the purpose of promoting and propagating the Hindi language and its literature.

14 October 2003

M. Chumroo
*First Member for Port Louis North
and Montagne Longue*

THE HINDI PRACHARINI SABHA BILL

(No. I of 2004)

ARRANGEMENT OF CLAUSES

Clause

- | | |
|----------------------------------|------------------------------------|
| 1. Short title | 10. General Fund |
| 2. Interpretation | 11. Audit |
| 3. Establishment of the Sabha | 12. Donations and legacies |
| 4. Object of the Sabha | 13. Immovable property |
| 5. Functions of the Sabha | 14. Execution of documents |
| 6. Management | 15. Exemption |
| 7. Appointment of sub-committees | 16. Dissolution |
| 8. First Committee | 17. <i>Rules</i> |
| 9. Membership | 18. <i>Transitional Provisions</i> |

A BILL

**To provide for the establishment and management of
the Hindi Pracharini Sabha**

ENACTED by the Parliament of Mauritius, as follows:-

1. Short title

This Act may be cited as the Hindi Pracharini Sabha Act 2004.

2. Interpretation

In this Act:-

“Committee” means the Committee referred to in section 6.

“Fund” means the General Fund referred to in section 10.

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

‘Sabha’ means the Hindi Pracharini Sabha established under section 3.

3. Establishment of the Sabha

(1) There is established for the purposes of this Act the Hindi Pracharini Sabha.

(2) The Sabha shall be a body corporate.

4. Object of the Sabha

The object of the Sabha shall be to promote and propagate Hindi language and literature.

5. Functions of the Sabha

The functions of the Sabha shall be to –

- (a) organize literary competitions, seminars, lectures on social, literary, philosophical and historical subjects;
- (b) establish, manage and affiliate hindi schools;
- (c) set up and run libraries and educational institutions;
- (d) import, distribute, publish magazines, newspapers and books;

- (e) award scholarships to deserving students of the Hindi language;
- (f) promote exchanges with other organizations having similar objectives, both locally and internationally;
- (g) undertake any other activity which is incidental and conducive to the attainment of its objects;
- (h) organize and conduct local examinations in Hindi and award certificates, and
- (i) organize and conduct examinations in Hindi from abroad.

6. Management

(1) The Sabha shall be managed by a Committee which shall consist of 12 members of the Sabha.

(2) The members of the Committee shall –

- (a) be elected at each annual general meeting;
- (b) hold office for one year;
- (c) be eligible for re-election, and
- (d) elect from among themselves a chairperson, a vice-chairperson, a secretary, an assistant secretary, a treasurer and an assistant treasurer.

(3) Every election of the members of the Committee at an annual general meeting shall be conducted under the supervision of the Electoral Commissioner.

(4) The Committee shall -

- (a) hold a meeting at least once a month at such place and time as the Chairperson thinks fit.
- (b) be convened by the Secretary as often as may be requested by the Chairperson or upon a request addressed to the Chairperson by any 3 members of the Committee.

(5) The Sabha shall have its registered office at the Hindi Bhawan Long Mountain or at such other place as the Committee may decide.

(6) The Sabha may open regional branches throughout Mauritius.

7. Appointment of Sub-Committees

(1) The Committee may appoint one or more Sub-Committees –

- (a) to inquire into and advise the Committee on such matters within the scope of the Committee's functions as the Committee may refer to it, and
- (b) to exercise such of the powers and perform such of the duties as the Committee may refer to the Sub-Committee.

(2) A Sub-Committee may consist of such persons as the Committee may determine.

(3) Every Sub-Committee shall be subject to the control of the Committee and may be discharged or reconstituted at any time by the Committee.

(4) The referral of a duty to a Sub-Committee does not relieve the Committee of responsibility for the performance of its duty.

(5) Subject to any directions that may be given by the Committee, a Sub-Committee may regulate its own procedure.

8. First Committee

The powers and functions of the Committee shall, at the commencement of this Act, be exercised by the persons specified in the Schedule in their respective capacities as office bearers as indicated opposite their names.

9. Membership

(1) Membership of the Sabha shall be open to all persons having an interest in the promotion of Hindi in Mauritius.

(2) Application for membership shall be made in such manner as may be approved by the Committee.

(3) The Committee may grant or reject any application for membership made under subsection (2).

(4) *Where the Committee rejects an application for membership of the Sabha, the applicant may request that the decision be reviewed by the Sabha at its next annual general meeting.*

(5) *Where a request is made under subsection (4), the Committee shall refer the decision forthwith to the Sabha which may confirm, vary or quash the decision of the Committee at its following general meeting in accordance with such rules as may be made by the Committee.*

10. General Fund

(1) There shall be a General Fund into which shall be paid –

(a) all donations, contributions and fees received by the Sabha, and

(b) any other sum which may lawfully accrue to the Fund.

(2) The Committee may pay out of the Fund any sum which is lawfully due by the Sabha or which is required to be paid in order to carry out its objects.

11. Audit

(1) The Committee shall appoint a qualified person as its auditor.

(2) The auditor shall, not later than the end of *September* in every year, furnish to the Committee, a report on an audit of accounts of the Sabha for the previous year.

12. Donations and legacies

Article 910 of the Civil Code shall not apply to the Sabha.

13. Immovable Property

The Sabha may, for the purposes of this Act, purchase or otherwise obtain and sell or otherwise dispose of any immovable property.

14. Execution of documents

Any document issued by or on behalf of the Sabha shall be signed by the Chairperson and the Secretary.

15. Exemption

Notwithstanding any other enactment, no stamp duty or registration duty shall be payable in respect of any document signed or executed by the Sabha or to which the Sabha is a party.

16. Dissolution

(1) The Sabha may be dissolved by the unanimous decision of the Committee, *duly approved by the Sabha at a general meeting.*

(2) Where the Sabha is dissolved, all the assets remaining after winding up shall be transferred to such other organisation as may be designated by the Committee *and approved by the Sabha at a general meeting.*

17. Rules

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

(2) *The rules made under subsection (1) shall be binding on the Sabha and the Committee.*

(3) *Rules made under subsection (1) shall not be required to be -*

- (a) laid before the Assembly;*
- (b) published in the Gazette.*

18. Transitional provisions

(1) *All assets and liabilities of the registered association shall, on the coming into operation of this Act, be transferred to and vest in the Sabha.*

(2) *Any proceedings pending immediately before the coming into operation of this Act to which the registered association was a party may be continued as if the Sabha was a party to those proceedings, instead of the registered association.*

(3) *In this section, "registered association" means the Hindi Pracharini Sabha which, on the coming into operation of this Act, was registered under the Registration of Associations Act.*

SCHEDULE

(section 8)

1. Ajamil MATABADAL	-	President
2. Halloman Doobey GIRDHAREE	-	Vice President
3. Dhunraz SEMBHOO	-	Secretary
4. Janardan CALYCHURN	-	Assistant Secretary
5. Tahul RAMDIN	-	Treasurer
6. Satiavatee JUGMOHUN	-	Assistant Treasurer
7. Vidyanand RAMFUL	-	Member
8. Chandraduth UNUTH	-	Member
9. Damodar SOMAUREE	-	Member
10. Jawahur PROAG	-	Member
11. Lutchmiparsad MUNGROO	-	Member
12. <i>Rashmi</i> LALLBEEHARRY	-	Member