

THE PROFESSOR BASDEO BISSOONDOYAL TRUST FUND BILL

(No.XLVI of 2004)

Explanatory Memorandum

The object of this Bill is to provide for the establishment and management of the Professor Basdeo Bissoondoyal Trust Fund and related matters.

M. RAMDASS

Minister of Arts and Culture

19 November 2004

THE PROFESSOR BASDEO BISSOONDOYAL TRUST FUND BILL

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ARRANGEMENT OF CLAUSES

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A Bill

To provide for the establishment and management of the Professor Basdeo Bissoondoyal Trust Fund

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Professor Basdeo Bissoondoyal Trust Fund Act 2004.

2. Interpretation

In this Act–

“Board” means the Board of Trustees set up under section 5;

“Fund” means the Professor Basdeo Bissoondoyal Trust Fund established under section 3;

“member” means a member of the Board and includes the Chairperson;

“Minister” means the Minister to whom responsibility for the subject of arts and culture is assigned.

3. Establishment of the Fund

There is established for the purposes of this Act the Professor Basdeo Bissoondoyal Trust Fund which shall be a body corporate.

4. Objects of the Fund

The objects of the Fund shall be to –

- (a) collect and preserve the writings of Professor Basdeo Bissoondoyal as part of the Mauritian literary heritage;
- (b) promote a greater understanding and dissemination of the literary creations of Professor Basdeo Bissoondoyal nationally and internationally;
- (c) perpetuate the concept of social service with a view to inspiring the new generations to follow the principles of Professor Basdeo Bissoondoyal;
- (d) encourage the study of the works and ideals of Professor Basdeo Bissoondoyal and principles based on the Indian cultural heritage, Gandhian philosophy and universal values; and
- (e) promote intercultural dialogue and understanding through the literary works of Professor Basdeo Bissoondoyal.

5. Establishment of the Board

(1) The administration and control of the affairs of the Fund shall vest in a Board of Trustees which shall consist of -

- (a) a Chairperson appointed by the Prime Minister;
- (b) a representative of the Prime Minister's Office;
- (c) a representative of the Ministry responsible for the subject of finance;
- (d) a representative of the Ministry responsible for the subject of education;
- (e) a representative of the Ministry responsible for the subject of arts and culture;
- (f) a representative of the Mahatma Gandhi Institute and Rabindranath Tagore Institute;
- (g) a member of the family of the late Professor Basdeo Bissoondoyal appointed by the Minister; and
- (h) 4 other persons appointed by the Minister, who shall be persons having experience in history, literature, education, social service and intercultural dialogue.

(2) The Chairperson and other members of the Board, other than the ex-officio members, shall hold office for a period of 3 years and shall be eligible for re-appointment for a further period of 3 years.

6. Functions of the Board

The functions of the Board shall be to –

- (a) take such steps as are necessary to create a Professor Basdeo Bissoondoyal Memorial Library and Documentation Centre;
- (b) promote research and publications on the works of Professor Basdeo Bissoondoyal;
- (c) set up a “Professor Basdeo Bissoondoyal Award” for literary creation;
- (d) organise talks, seminars, conferences, exhibitions on the works, achievements and the life of Professor Basdeo Bissoondoyal;
- (e) initiate action for selected works of Professor Basdeo Bissoondoyal to be included in the syllabus and courses at primary, secondary and tertiary levels; and
- (f) create a “Professor Basdeo Bissoondoyal Scholarship” for higher studies in languages, culture and philosophy.

7. Powers of the Board

The Board may do all such things as appear requisite and advantageous for the furtherance of the objects and for the performance of the functions of the Fund.

8. Meetings of the Board

(1) A meeting of the Board shall be convened, by written notice, at such time and place as may be stated in the notice -

- (a) by the Chairperson; or
- (b) by a member designated by the Board as the convener in the absence from Mauritius, or on the incapability of the Chairperson, as that person considers appropriate, or on the request of 3 members of the Board.

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

(3) 5 members shall constitute a quorum.

(4) Any member who has a direct or indirect pecuniary interest or other interest in any matter being considered or about to be considered by the Board shall not take part in the deliberations of the Board in respect of that matter.

9. Appointment of Advisory Committees

(1) The Board may set up one or more Advisory Committees as may be necessary to assist it in the performance of its functions.

(2) Every Advisory Committee set up under subsection (1) shall consist of -

- (a) the Chairperson of the Board as Chairperson of the Committee; and
- (b) such other members as the Board may determine.

(3) Every Advisory Committee shall regulate its meetings and proceedings in such manner as it thinks fit.

10. Execution of documents

(1) No document shall be executed by or on behalf of the Fund unless it is signed by the Chairperson and another member appointed by the Board or, in the absence of the Chairperson, by 2 members appointed by the Board.

(2) Every document signed in accordance with subsection (1) shall be deemed to be duly executed by or on behalf of the Fund.

11. Powers of the Minister

- (1) The Minister may –
 - (a) give such directions of a general character to the Board as he considers necessary in the public interest and the Board shall comply with those directions;
 - (b) request the Board to furnish to him such document, including the minutes of proceedings of the Board and the accounts of the Fund, and such other information with respect to the activities of the Fund, as he may require.
- (2) No direction which is inconsistent with this Act shall be given under subsection (1).

12. Appointment of Staff

The Board shall, with the approval of the Minister, and on such terms and conditions as it thinks fit, appoint such employees as may be required by the Board for the proper discharge of its functions under this Act.

13. Financial provision and management

The Board shall establish a General Fund –

- (a) into which all monies received by way of fees and charges, donations, grants and contributions and any other source by the Fund shall be paid; and
- (b) out of which all payments required to be made by the Fund shall be effected.

14. Accounts of the Fund

(1) The Board shall, on or about 31 October in every financial year, prepare a statement of accounts and balance sheet of the finances of the Fund.

(2) The statement of accounts and balance sheet of the Fund shall be annually audited by the Director of Audit.

(3) The treasurer of the Fund shall keep the accounts of the Fund which shall at all reasonable times be open for inspection by any person having an interest in the Fund.

(4) The financial year of the Fund shall end on 30 June in every year.

(5) The period starting from the commencement of this Act to 30 June in the next year shall be deemed to be the first financial year.

15. Service of Process

Service of process on the Secretary of the Board shall be equivalent to service on the Fund.

16. Donations and Legacies

Article 910 of the Code Napoleon shall not apply to the Fund.

17. Exemptions

Notwithstanding any other enactment-

- (a) the Fund shall be exempt from payment of any duty, rate, charge, fee or tax;
- (b) no registration fee shall be payable in respect of any document under which the Fund is the sole beneficiary.

18. Regulations

(1) The Minister may, after consultation with the Board, make such regulations as he thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide that -

- (a) fees shall be levied and charges shall be paid in respect of the activities conducted or facilities provided by the Fund;
- (b) any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

19. Consequential amendment

The Statutory Bodies (Accounts and Audit) Act is amended in the Schedule, in Part II, by inserting the following item in the appropriate alphabetical order –

Professor Basdeo Bissoondoyal Trust Fund

20. Commencement

This Act shall come into operation on a date to be fixed by Proclamation.