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NOTIFICATION

No. H - 12018/38/93 - LJD, the 20th October, 1993. The following Act of Mizoram Legislative Assembly, which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Act No. 7 of 1993

The Mizoram Publication Board Act, 1993

(Received the assent of the Governor of Mizoram on the 18th October, 1993)

AN ACT

THE MIZORAM PUBLICATION BOARD ACT, 1993

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THE MIZORAM PUBLICATION BOARD ACT, 1992

(BILL NO. 7 OF 1993)

AN

ACT

to provide for the establishment of a board and to sponsor, encourage and assist in writing, editing, compiling, translating and publishing books or

journals in English, Hindi or Mizo and matters connected therewith or incidental thereto

Be it enacted by the Legislative Assembly of Mizoram in the Forty-Four Year of the Republic of India as follows, namely :-

CHAPTER - 1

PRELIMINARY

1. (1) This act may be called the Mizoram Publication Board Act, 1993
- (2) It shall extend to the whole of the State of Mizoram
- (3) It shall come into force on such date as the Government may, by notification, appoint

Definitions

2. In this act, unless the context otherwise requires, -
 - (a) "Board" means the Mizoram Publication Board established under this Act :
 - (b) "Controlling authority" means the Controlling Authority appointed under sub-section (2) of section 3 ;
 - (c) "Government" means Government of Mizoram ;
 - (d) "President" means President of the Board
 - (e) "Secretary" means Secretary of the Board
 - (f) "University" means University exercising jurisdiction in Mizoram

CHAPTER - II

CONSTITUTION OF THE BOARD

- Establishment 3. 1) On and from the commencement of this Act, the Government shall constitute a Board to be known as the Mizoram Publication Board consisting of such members indicated in section 4.
- 2) The Secretary to the Government of Mizoram, Education and Human Resources Department or such other authority as the

Government may, by notification, appoint, shall be the Controlling authority of the Board.

- 3) The Board shall be a body corporate with perpetual succession and a common seal and shall have the power to acquire and hold any property, to enter into any contract and to do all other things necessary for the purpose of carrying out its duties and functions and shall, by the said corporate name, sue or be sued.

Constitution of Board

4. 1) The Board shall consist of the following members, namely -
 - a) the President ;
 - b) the Director of Art & Culture ;
 - c) the President, Mizoram Board of School Education.
 - d) the Senior Research Officer (Tribal Research Institute ;)
 - e) the Secretary of the Board ; and
 - f) Member nominated by the Government, namely :-
 - i) one representative each from Mizo Academy of Letters, Mizo Writers' Association, and Mizo Writers' Club.
 - ii) a representative from the University on recommendation of the Vice Chancellor ; and
 - iii) one representative of the Mizoram College Teachers' Association ;
 - g) The Board shall have power to co-opt not more than two members from amongst distinguished eminent educationist.
- 2) The Board, as constituted above, excepting the co-opted members; shall function as the Governing Body of the Board.
- 3) If, by such date as may be prescribed, any of the concerned authorities fails to nominate member or members as provided in such section(1), the Controlling Authority shall appoint a suitable person to be a member to hold such office.

Term of office

of members 5. 1) Nominated members shall hold office for a period of three years from the date of publication of the notification :

Provided that the Government may, by notification, extend the term of office of all such members by a period not exceeding one year.

2) Notwithstanding the expiry of term of three years specified in sub-section (1), the term of office of out-going members shall be deemed to have been extended to the date on which the newly nominated members are notified by the Government

Resignation/ removal
of members and casual
vacancy, etc. 6. 1)

A member of the Board, other than ex-officio member, may resign his seat by giving notice in writing to the president, and such member shall be deemed to have vacated his seat from the date of acceptance of his resignation by the President.

2) The Government may, by notification, remove any nominated or co-opted member who remains absent from three consecutive meetings of the Board without the leave of the Board.

3) In the event of a casual vacancy occurring by registration, removal, death or disqualification of member, such vacancy shall be filled by nomination or co-option, as the case may be, in the manner provided in section 4.

4) any person nominated or co-opted to fill up a casual vacancy shall hold office for the unexpired portion of the term of office of the member in whose place he is nominated or co-opted.

Meeting of the
Board 7. 1)

The Board shall meet not less than four times a year but three months shall not intervene between two successive meetings.

2) The President or the Secretary may, at any time, call a special meeting.

- 3) The President or the Secretary shall, upon the requisition made by not less than one-third of the members of the Board excluding the ex-officio members and within seven days of receipt of the requisition, call a special meeting of the Board.
- 4) Twenty one days notice shall be given for ordinary meetings of the Board and seven days' notice for special meetings.

Quorum 8. Six members of the Board present at a meeting shall form a quorum for such meeting of the Board.

CHAPTER - III

POWERS AND DUTIES OF THE BOARD

Powers and duties
of Board

9. The Board shall have the power to sponsor, encourage and assist in writing, editing and publishing books and journals and, in particular, the Board shall have the following powers and duties, namely :-
 - a) to appoint, for a specific period of time, either on the whole time or part time basis, on payment of the honorarium, or on contract basis such scholars, authors and writers as may be found necessary for compilation of such works as encyclopaedia, editing of rare books and writing of other important books and their publication ;
 - b) to arrange circulation, sale and disposal of books published by or under the auspices of the Board ;
 - c) to declare awards or to issue certificates of merit to outstanding authors ;
 - d) to enter into agreements with authors and owners of copy right for publication of books ;
 - e) to sponsor works of modification, improvement of the existing pattern of spelling and writing in the Mizo language;
 - f) to appoint Committee or sub-committee, if and when necessary; and
 - g) to undertake such other works as may be found necessary from time to time in furtherance of the objective of the Board.

CHAPTER - IV

POWERS OF THE CONTROLLING AUTHORITY AND THE GOVERNMENT

Powers of Controlling Authority

10. 1) The Controlling authority shall have the right to address the Board with reference to any work conducted or done by the Board and to communicate its views on any matter with which the Board is concerned.
- 2) The Board shall report to the Controlling authority such action, if any, as it proposes to take or has taken upon its communication.
- 3) If the Board fails to take action to the satisfaction of the Controlling authority, if may, after considering any explanation furnished or representation made by the Board, issue such directions consistent with this. Act, as it may think fit and the Board shall comply with such directions.

Powers of Government to dissolve the Board

11. 1) Notwithstanding anything contained in the Act, the Government shall have the power to dissolve the Board, if in its opinion the Board has persistently made defaults in the performance of duties assigned to it by or under this Act.
- 2) In the event or dissolution of the Board, all the members of the Board, and its Committees and sub-Committees including the President shall cease to be members of the Board and shall be deemed to have vacated any office of the Board held by them.
- 3) In the event of dissolution of the Board, the government shall, appoint the President or any other person as the administrator of the Board who shall exercise such power of the Board as the Government may determine and the Government shall constitute a new Board within three months from the date of dissolution of the Board.
- 4) The government shall have the right to address the Board with reference to anything conducted or done by he Board and to communicate its views on any matter with which the Board is concerned and the Board shall report to the

Government such action, if any, as it proposes to take or has taken upon the communication of the Government.

- 5) The Government may, in consultation with the Board issue such directions consistent with the provision of the Act, as it may think fit and the Board shall comply with such direction.
- 6) The Government may, by order in writing specifying the reason thereof, suspend the execution of the resolutions or orders of the Board and prohibit the doing of an act ordered to be done by the Board, if the Government is of the opinion that such resolution, order or act is in excess of the power conferred upon the Board by or under this Act.

CHAPTER - V

OFFICERS OF THE BOARD AND THEIR APPOINTMENT, POWERS AND FUNCTIONS

Officers of the
Board

12. 1) The following shall be the officer of the Board, namely :-
 - a) the President ;
 - b) the Vice - President ;
 - c) the Secretary; and
 - d) such other officers as may be declared by the Board to be the officers of the Board.

Appointment, powers
and functions of
President

13. 1) The President shall be a whole-time officers appointed on contract service by the Government on terms and conditions agreed to between the person selected and the Government :
Provided that the Government may appoint the Director of Art & Culture as Ex-Officio President at the Board in addition to his own duties as Director of Art & Culture at the initial stage or may place the services of Joint Director of Art & Culture for appointment as the President of the Board on a whole time basis till such time as a suitable person is available for appointment as President on whole time basis on contract service as contemplated in this section.

- 2) The President shall be appointed for a term of three years at the first instance. The Government may however, extend the contract if mutually agreed upon for a second term of three years.
- 3) The President may resign his office by giving notice in writing to the Government
- 4) It shall be the duty of the President to see that the provisions of this Act, the rules and the regulations made thereunder are faithfully observed and he shall have all powers necessary for this purpose.
- 5) In the case of any emergency that may arise out of the administrative business of the Board which, in the opinion of the President, requires immediate action, the President as he deems necessary, and shall report his action to the Controlling Authority immediately and to the Board at its next meeting.

Election and functions
of Vice President

14. 1) a) The Board shall, as soon as may be after its establishment and thereafter, at each annual meeting, elect one of its members to be the Vice President.
b) The Vice-President shall hold office till the next annual meeting following the end of his term of office and shall be eligible for re-election.
c) The Vice-President may resign his office by giving notice in writing to the President and when such resignation is accepted by the Board, the Vice President shall be deemed to have vacated his office.
d) If a vacancy occurs in the office of the Vice-President owing to the death or incapacity due to ill health, the Board in any of its meeting shall elect a Vice President from amongst its members for the remaining period of the term.
- 2) When the President is unable to perform his duties or if he vacates office, the Vice-President shall act as President and for that purpose he shall have all the powers of the President and shall enjoy such emoluments as the, Government may decide until a new President appointed.

Appointments powers

and functions of

- Secretary
15. 1) The Secretary shall be the whole time officer and shall be appointed by the Government on such terms and conditions as it may decide.
 - 2) The Secretary shall, subject to the control of the Board :-
 - a) be the Administrative Officer of the Board ;
 - b) be responsible to ensure that the order of the Board are carried out ; and
 - c) have the power to enter into all contracts for and on behalf of the Board.
 - 3) The Secretary shall ensure that all funds of the Board are spent for the purpose for which they are granted.
 - 4) The Secretary shall prepare annual financial statement of the Board
 - 5) The Secretary shall exercise such other powers as may be prescribed by regulations.
 - 6) The Secretary shall be responsible for keeping the minutes of the meeting
 - 7) The Secretary shall have the right to be present and to speak at the Board meeting, but shall not be entitled to vote.

Powers of other officers

16. Other officers shall have such powers and duties as may be prescribed by rules and regulation.

Allowances etc. of members of the Board, Comtt.and Sub. Comtt. for attendance at the

Board Meeting. 17. Members of the Board or any Committee or Sub-Committee constituted under this Acts as are not in the service of the Government, shall, in respect of expenses incurred by them in attending meeting of the Board, or of any such Committee or Sub-Committee, or in exercising any power or performing any duties conferred or imposed on them by or under this Act, be paid by the Board such allowances and at such rates as may be prescribed.

Powers to make

rules

18. 1) The Government may make rules for carrying out the provisions of this Act.
- 2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :-
 - a) acquisition, possession and disposal of property by the Board, the conditions of such acquisition, possession and disposal and the performance by the Board of any function referred to in sub-section (3) of section 3 ;
 - b) the discipline relating to the officers and staff of the Board;
 - c) the rates at which the Board shall pay allowances to persons referred to in section 17;
 - d) the form in which the budget estimate of the Board shall be prepared ;
 - e) any other matter required to be prescribed or provided by rules made under this Act.
- 3) Every rule made under this section shall be laid, as soon as may be, after it is made, before the Legislative Assembly of Mizoram while it is in session for a total period of seven days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the sessions immediately following, the Legislative Assembly of Mizoram makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

Powers of the Board to
make regulations

19. 1) Except in cases where the Government is empowered to make rules under this Act, the Board may make regulations for the purpose of carrying into effect the provisions of this Act.
- 2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the matters namely:

- a) laying down the procedure to be observed for the conduct of its meetings ;
- b) the selection of co-option of members of the Board and its Committees ;
- c) the constitution, powers and duties of Committees or Sub-committees set up by the Board ;
- d) the creation of posts and appointments of employees of the Board and the conditions of their services ;

Provided that the regulations made by the Board or any amendments thereto shall be approved by the Government.

CHAPTER - VI

FINANCE AND AUDIT

Preparation, presentation
and sanction of budget
of the Board

20. 1) The President shall place before the annual meeting of the Board, held in the year following the year in which it is established and before annual meeting thereafter a report on the working of the Board during the preceding financial year together with a budget estimate showing the anticipated income and expenditure of the Board during the financial year in which annual meeting is held.
- 2) The budget estimate shall, after approval of the Board, be forwarded to the Government within such time as may be prescribed.
- 3) The Government shall either accord its approval to the Budget estimates or return it to the Board with comments and suggestions, if any, for re-submission.

Government Grants
to the Board

21. The Government may, after considering the budget estimates, the Board and such other reports as it may call for, make such annual and periodical grants to it as it may think fit.

Funds of the Board
and use thereof

22. 1) The Board shall constitute funds as under :-

- a) Reserve Fund, named as Mizoram Board of Publication Reserve Fund;
 - b) Operational Fund named as Mizoram Board of Publication Operational Fund;
- 2) Interest accruing on all moneys held in the Funds under Sub-section (1) shall be transferred to the Operational Fund annually and shall be considered as income of the Board and taken into account in the preparation of the Board's budget.
 - 3) All sums representing income from endowments or property owned or managed by the Board shall be deposited in the Operational Fund.
 - 4) All moneys payable to the credit of the funds shall forthwith be deposited with the State Bank of India to the credit of the relevant fund and all cheques drawn on the funds shall be signed by the Secretary and be presented for encashment after obtaining the counter signature of the President.
 - 5) No expenditure shall be incurred from the relevant fund of the Board except for the purpose as provided under this Act unless such expenditure is provided for in the Budget approved under this Act or can be met by re-appropriation in the prescribed manner.

Audit of
accounts

23. 1) The accounts of the Board shall be examined and audited annually by an auditor appointed by the Government, besides audit by the Accountant General concerned as and when it so desires.
- 2) The Secretary of the Board shall send a copy of the reports on accounts audited to the Government within three weeks after the completion of the audit.
- 3) The Government shall take such action on the audit reports as it thinks fit.

CHAPTER - VII

TRANSITIONAL PROVISIONS

Transitional

provisions 24. Any matter required to be provided by regulations under this Act shall, until such regulations are made, be provided by rules made under this Act.

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