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EXTRAORDINARY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT

NOTIFICATION

The 2nd May 1977

No.LJL.65/76/48.—The following Act of the Assam Legislative Assembly which received the assent of the President is hereby published for general information.



ASSAM ACT V OF 1977

(Received the assent of the President of India on 29th April, 1977)

THE NATIONAL SPORTS CLUB OF ASSAM (TAKING OVER OF MANAGEMENT AND CONTROL) ACT, 1977

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THE NATIONAL SPORTS CLUB OF ASSAM (TAKING  
OVER OF MANAGEMENT AND CONTROL) ACT, 1977

An

Act

to provide for temporary transfer of the management and control of the affairs of the National Sports Club of Assam within the State of Assam from the present Executive Committee of the Club and other holders of offices to a Board.

It is hereby enacted in the Twenty-eighth Year of the Republic of India as follows :—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the National Sports Club of Assam (Taking Over Of Management And Control) Act, 1977.

(2) It shall extend to the whole of the State of Assam.

(3) It shall come into force at once.

Definitions.

2. In this Act—

(a) "Board" means the Board of Sports of Assam constituted under Section 3 of this Act ;

(b) "Club" means the National Sports Club of Assam registered under the Societies Registration Act, 1870, on the eleventh day of March, one thousand nine hundred and fifty-four, but excludes its regional wing at Shillong ;



(c) "Prescribed" means prescribed by rules made under this Act;

(d) "State Government" means the State Government of Assam.

Constitution-  
and Incorporation of the  
Board of  
Sports of  
Assam.

3. (1) The State Government may constitute a Board to be called the Board of Sports of Assam for the purpose of taking over the management and control of the Club consisting of not more than 9 (nine) members and not less than 5 (five) members :

Provided that if the Board is constituted with less than 9 members, the Government may, at any time, appoint such other member or members as may be considered necessary, the total number of members of the Board not exceeding 9 :

Provided further that the Board may exercise all powers and duties under this Act notwithstanding that the number of members of the Board is at any time less than the total permissible strength of 9.

(2) The State Government shall nominate a member of the Board to be the Chairman thereof.

(3) The Chairman shall, with the previous approval of the State Government, appoint a person to be the Secretary of the Board.

(4) The Board shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the name of "Board of Sports of Assam".



Transfer of the management and control over the affairs of the Club and vesting thereof in the Board.

4. On the constitution of the Board under the preceding section the Executive Committee, the Finance Committee, the Games Committee, Regional Committees of the Club within the State of Assam, shall stand dissolved and the President, Vice-President, Secretary, Assistant Secretary, the Treasurer, the Trustees, if any of the Club, and its office bearers and all other persons holding any office immediately before the constitution of the Board shall be deemed to have vacated their offices, and the management of, and the control over all the affairs of the Club within the State of Assam shall stand transferred to and vested in the Board; and all properties, movable or immovable, and all rights, powers and privileges of the said Club which immediately before the commencement of this Act belonged to the Club or any other committee or persons holding office hereinbefore mentioned, shall, for the purpose of such management and control, vest in the Board.

Preparation and submission of statements and penalty for non-compliance.

5. (1) Notwithstanding anything in the preceding section, the Secretary, Assistant Secretary, the Treasurer and the Trustees, if any of the Club, including its office bearers functioning as such immediately before the commencement of this Act shall prepare a statement in relation to all matters of the Club which the Secretary, Assistant Secretary, the Treasurer or the Trustees, if any, was 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 specified by the State Government from time to time to the Board or when no Board has been constituted in the meantime to any officer of 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 subsection, 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  
Books of  
Accounts,  
Registers  
and prop-  
ties, etc. and  
penalty for  
non-com-  
pliance.

6. (1) Notwithstanding anything in Section 4 of this Act, the Secretary, Assistant Secretary, the Treasurer and the Trustees, if any of the Club or its office bearers functioning as such immediately before the commencement of this Act and any other person in custody of any books of accounts, registers, records, other documents or properties of and relating to the Club shall to enable the Board to exercise the power of Management and control effectively handover such custody to the Board within a period of one week from the date of constitution of the Board or within such further time as may be allowed by the State Government if considered necessary.

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

Duties of  
the Board.

7. (1) The Board shall take all such steps as may be necessary for the purpose of effective exercise of the powers of management and control over the affairs and properties of the Club.



(2) The Board may also perform such other duties as were the duties of the Club immediately before the commencement of this Act in such manner as may be prescribed.

(3) The Board may form such number of committees or sub-committees to assign different functions of the Board with such powers, functions and number of members in each committee or sub-committee as may be determined by the Board.

(4) The Board shall have all powers for the advancement of the objects of the Club.

Power of the Board.

8. (1) The Board shall have all the powers which the Committees and persons specified in Section 4 had immediately before the commencement of this Act and all such powers shall, subject to the provisions of sub-sections (2) and (3) below, be exercised in the manner prescribed.

(2) The powers which were exercisable by the Secretary of the Club immediately before the commencement of this Act shall be exercised by the Secretary of the Board or by such officer or officers of the Board as may be appointed by the Board in this behalf.

(3) The powers which were exercisable by the Assistant Secretary and the Treasurer of the Club immediately before the commencement of this Act shall be exercised by such officer or officers of the Board as may be appointed by the Board in this behalf.



Power to give directions to the Board.

9. The State Government may give to the Board such directions as may be deemed fit and necessary in performing the duties and exercising the powers of the Board under this Act and the Board shall carry out those directions.

Creation of the Sports Fund.

10. The Board shall create and maintain in the manner prescribed a fund to be called the Sports Fund of Assam into which shall be paid all receipts and income of the Board and out of which shall be met all expenses and disbursements of the Board.

Budget of the Board.

11. (1) The Board shall prepare budget within a period of 1 month from the date of first constitution of the Board for the remaining period of current financial year and shall submit the same to the State Government for approval and the State Government may approve the same with such modifications as may be deemed fit or without any modification.

(2) For such succeeding financial year, the Board shall prepare the budget and submit the same to the State Government before the thirty-first day of January, immediately preceding the commencement of the financial year for which the Budget is to be prepared.

(3) The State Government may approve the budget with or without modifications.

(4) The Budget shall have effect as approved by the State Government.

Power of superseding the Board.

12. (1) If the State Government is of the opinion that the Board is unable to perform, or has persistently made default in the performance of the duties



imposed on it by or under this Act or has exceeded or abused its powers, the State Government may, by notification, supersede the Board for such period as may be specified in the notification :

Provided that before issuing a notification under this sub-section, the State Government shall give a reasonable time to the Board to show cause why it should not be superseded and shall consider the explanation and objections, if any, of the Board.

(2) Upon the publication of the notification under sub-section (1) superseding the Board—

(a) all the members of the Board shall, as from the date of supersession, vacate their offices as such members ;

(b) all the duties and powers of the Board under this Act shall, during the period of supersession, be performed and exercised by such person or persons as the State Government may direct ; and

(c) all property vested in the Board shall, during the period of supersession, vest in the State Government.

(3) The State Government may—

(a) extend the period of supersession for such further term as it may consider necessary ;  
or



(b) reconstitute the Board at any time in the manner provided in section 3.

Condition of membership of the Board.

13. (1) A member of the Board may resign his office by giving notice in writing to the State Government and shall, on such resignation being accepted by the State Government, be deemed to have vacated his office.

(2) The term of office of each member of the Board shall be such as may be specified in the notification constituting the Board, not being more than three years :

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

(3) A casual vacancy in the office of a member of the Board shall be filled by fresh nomination by the State Government and the new member so nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place is filled was nominated.

Validity of acts of the Board not to be questioned by reason of vacancy.

14. No act of the Board shall be deemed to be invalid merely by reason of any vacancy in, or any defect in the constitution of the Board.

Protection of action taken under the Act.

15. (1) No suit, prosecution or other legal proceeding shall lie against any member of the Board 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, the Board or any member thereof 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.

16. (1) The State Government may, by notification, make rules, to carry out the objects of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for -

- (a) the manner in which the funds belonging to the Board shall be deposited or invested;
- (b) the mode of authentication or orders for payment of money by the Board ;
- (c) the form in which accounts shall be kept by the Board and audit and publication of such accounts ;
- (d) creation of the fund under Section 10.

Power of the  
Board to  
make Regu-  
lations.

17. The Board may, with the previous approval of the State Government, make regulations not inconsistent with the provisions of this Act for all or any of the following purposes :—

- (a) The manner in which meetings of the Board shall be convened, the quorum for the transaction of any business thereat and the procedure at such meetings ;
- (b) The manner in which the majority decision of the Board shall be obtained by circulation to the members on any matter requiring immediate decision ;



- (c) The appointment of such officers and servants as may be necessary for the purpose of performing the duties and exercising the powers of the Board under this Act and their terms and conditions of service.

Over-riding  
effect of the  
Act.

18. (1) The provisions of this Act and the rules framed thereunder shall have effect notwithstanding anything in the Societies Registration Act, 1860, or in the Memorandum of Association or the Rules and Regulations of the Club.

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

Repeal and  
Savings.

19. (1) The National Sports Club of Assam (taking over of management and control) Ordinance, 1977, is hereby repealed.

(2) Notwithstanding such repeal, any order passed, notification issued, anything done or any action taken under the Ordinance as repealed, shall be deemed to have been passed, issued, done or taken under the corresponding provisions of this Act, as if this Act had commenced on the seventh day of February, 1977 (date of promulgation of the Ordinance).

U. TAHBILDER,  
Secretary to the Govt. of Assam  
Legislative Department.