

THE TAMIL-SPEAKING UNION BILL

Bill No. 26 of 2015

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(No. XXVI of 2015)

Explanatory Memorandum

The object of this Bill is to repeal and replace the Tamil-speaking Union Act by a new legislation so as to harmonise it with other legislation pertaining to all speaking Unions.

S. BABOO

Minister of Arts and Culture

16 October 2015

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(No. XXVI of 2015)

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AN ACT

**To provide for the establishment, operation and management of
the Tamil-speaking Union**

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Tamil-speaking Union Act 2015.

2. Interpretation

In this Act –

“Council” means the Executive Council referred to in section 6;

“Director” means the Director of the Union appointed under section 8;

“employee” –

(a) means a person employed as such under section 9;

(b) includes the Director;

“financial year” has the same meaning as in section 2A of the Finance and Audit Act;

“member” means a member of the Council referred to in section 6;

“Minister” means the Minister to whom responsibility for the subject of culture is assigned;

“ordinary member” means an ordinary member of the Union referred to in section 5;

“Permanent Secretary” means the Permanent Secretary of the Ministry;

“President” means the President of the Council appointed under section 6(3)(b);

“Union” means the Tamil-speaking Union established under section 3.

3. Establishment of Union

(1) There is established, for the purposes of this Act, the Tamil-speaking Union.

(2) The Union shall be a body corporate.

(3) The principal place of business of the Union shall be at such place as the Council may determine.

4. Objects and functions of Union

The objects and functions of the Union shall be to –

- (a) promote the Tamil language in its spoken and written forms;
- (b) promote friendship and understanding between the Tamil-speaking peoples of the world and to engage in any educational, academic, cultural and artistic work to further that objective;
- (c) provide facilities for the exchange of views affecting the interest, well-being, development, relationships and common problems of the Tamil-speaking peoples of the world;
- (d) promote and encourage the linguistic development among persons having an interest in the Tamil language with special emphasis on the cultural, artistic, economic and social perspectives of the language;
- (e) provide facilities for exchange programmes, scholarships and social intercourse between the Union and other organisations at international level;
- (f) promote, organise and encourage correspondence, conferences, seminars, workshops, debates, elocution exercises, training, competitions, artistic performances and demonstrations for persons having an interest in the Tamil language;
- (g) promote, organise and encourage literary activities and the interchange of Tamil books, pamphlets, periodicals and other information among local universities, colleges, schools and other institutions, and with overseas educational institutions;
- (h) promote and encourage the publication, exhibition, distribution and sale of Tamil books, magazines, newspapers and other literary works;

- (i) promote intercultural and interlinguistic understanding and harmony through exchange and participation in joint projects;
- (j) open branches throughout Mauritius on a regional basis and be affiliated to any organisation in another country whose objectives are similar to those of the Union;
- (k) undertake and carry out all such work as may be deemed necessary for the attainment of the objects of the Union and to do all such things as are incidental or conducive to the accomplishment of any or all of them.

5. Ordinary members of Union

(1) The Union shall consist of ordinary members having an interest in the development, propagation and promotion of the Tamil language.

(2) The number of ordinary members shall be unlimited but membership shall be subject to the approval of the Council.

(3) Every ordinary member shall pay to the Union such entrance fee and such monthly fee as the Council may determine.

6. Executive Council

(1) The Union shall be administered and managed by an Executive Council which shall consist of –

- (a) 4 members having an interest in the development, propagation and promotion of the Tamil language, to be appointed by the Minister;
- (b) subject to subsection (2), 4 members elected, in the manner specified in the Schedule, from the ordinary members of the Union;

- (c) a representative of the Ministry;
- (d) a representative of the Ministry responsible for the subject of education; and
- (e) a representative of the Ministry responsible for the subject of finance.

(2) (a) No election shall be held where the Union has less than 15 ordinary members.

(b) Where no election is held pursuant to paragraph (a), the Minister shall, in addition to the members appointed under subsection (1)(a), appoint 4 members having an interest in the development, propagation and promotion of the Tamil language.

(3) (a) The office bearers of the Council shall consist of –

- (i) a President;
- (ii) a Vice-president;
- (iii) a Secretary;
- (iv) an Assistant Secretary;
- (v) a Treasurer; and
- (vi) an Assistant Treasurer.

(b) The Minister shall appoint a member, other than a member referred to in subsection (1)(c) to (e), as President of the Council.

(c) The members, other than members referred to in subsection (1)(c) to (e), shall, from amongst themselves, elect the office bearers of the Council referred to in subsection (3)(a)(ii) to (vi).

(4) The members and the office bearers, other than a member referred to in subsection (1)(c) to (e), shall hold office for a period of 3 years.

(5) The Council may, with the approval of the Minister, set up such ad hoc committee as may be necessary to assist it in the discharge of its functions.

(6) The Council may –

(a) in the interest of the Union, cancel the membership of any ordinary member;

(b) remove any member or fill any vacancy arising in its membership or any office thereof.

7. Meetings of Council

(1) The Council shall meet as often as is necessary but at least once every month at such time and place as the President may determine.

(2) Seven members shall constitute a quorum at any meeting of the Council.

(3) Subject to this section, the Council shall regulate its meetings in such manner as it may determine.

8. Director

(1) There shall be a Director of the Union who shall be appointed by the Council on a part-time basis and on such terms and conditions as it may determine.

(2) The Director shall be responsible for the execution of the policy of the Union and the control and management of the day to day business of the Union.

(3) The Director shall, unless otherwise directed by the Council, attend every meeting of the Council and may take part in its deliberations, but shall not have the right to vote.

9. Appointment of employees

(1) The Council may appoint, on such terms and conditions as it may determine, such employees as may be necessary for the proper discharge of its functions under this Act.

(2) Every employee referred to in subsection (1) shall be under the administrative control of the Director.

10. Conditions of service of employees

The Council may make provision to govern the conditions of service of its employees and in particular to deal with –

- (a) the appointment, retirement, dismissal, discipline, pay and leave of, and the security to be given to, employees;
- (b) appeals by employees against dismissal and any other disciplinary measure; and
- (c) the establishment and maintenance of provident and pension fund schemes and any other scheme, and the contributions payable to and the benefits recoverable from those schemes.

11. Patron of Union

The Council may appoint such suitable person as it may determine as Patron of the Union.

12. Execution of documents

(1) Subject to subsection (2), no document shall be executed or signed by or on behalf of the Union unless it is signed by –

- (a) the President or, in his absence, the Vice-president; and
- (b) the Director or, in his absence, a member designated by the Council.

(2) No deed or document of a financial nature shall be executed or signed by or on behalf of the Union unless it is signed by –

- (a) the President and the Director, or in the absence of one of them, the Vice-president; and
- (b) the Treasurer or, in his absence, the Assistant Treasurer.

13. Powers of Minister

(1) The Minister may give such written directions of a general character to the Council, not inconsistent with this Act, as he considers necessary in the public interest, and the Council shall comply with those directions.

(2) The Minister may require the Council to furnish such information in such manner and at such time as he thinks necessary in respect of its activities and the Council shall supply such information.

14. General Fund

The Union shall set up a General Fund –

- (a) into which all monies received from any source by the Union shall be paid;
- (b) out of which all payments required to be made for the purposes of this Act by the Union shall be effected.

15. Donations

Article 910 of the Code Civil Mauricien shall not apply to the Union.

16. Estimates

(1) The Union shall submit to the Minister, not later than 30 September in every year, an estimate of the income and expenditure of the Union for the next financial year for his approval.

(2) Where the Minister gives his approval under subsection (1), he may –

- (a) approve only part of the expenditure under any item; and
- (b) direct the Union to amend the estimate in respect of any item in such manner as he thinks fit.

17. Annual report

(1) The Council shall, in accordance with the Statutory Bodies (Accounts and Audit) Act, prepare an annual report and submit it to the Minister, together with an audited statement of accounts on the operations of the Union, in respect of every financial year.

(2) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and audited accounts of the Union before the Assembly.

(3) The auditor to be appointed under section 5(1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

18. Rules

(1) The Council may make such rules as it thinks fit for the purposes of this Act.

(2) Rules made under this section shall not be required to be –

(a) otherwise approved; or

(b) laid before the Assembly.

19. Transitional provisions

(1) (a) Every member of the Union under the repealed Tamil-speaking Union Act shall, at the commencement of this Act, be deemed to be an ordinary member of the Union under this Act.

(b) Notwithstanding the other provisions of this Act, the Minister shall, at the commencement of this Act, appoint –

(i) as members of the Council, 4 persons having an interest in the development, propagation and promotion of the Tamil language;

(ii) 4 members of the Council from amongst the initial ordinary members referred to in paragraph (a); and

(iii) office bearers from amongst the members appointed under subparagraphs (i) and (ii).

(c) The members and office bearers appointed under paragraph (b) shall hold office for a period of 6 months.

(2) The Patron of the Union under the repealed Tamil-speaking Union Act shall, at the commencement of this Act, be deemed to be the Patron appointed by the Council under this Act.

(3) Every person who, at the commencement of this Act, is employed by the Union under the repealed Tamil-speaking Union Act shall be deemed to be employed by the Union on the same terms and conditions and the period of service of such person in the Union under the repealed Tamil-speaking Union Act shall be deemed to be an unbroken period of service.

(4) The assets and funds of the Union under the repealed Tamil-speaking Union Act shall, at the commencement of this Act, vest in the Union under this Act.

(5) All rights of, and obligations and liabilities subsisting in favour or, against the Union under the repealed Tamil-speaking Union Act, shall at the commencement of this Act continue to exist under the same terms and conditions in favour of or against the Union under this Act.

(6) Any act or thing done by the Union under the repealed Tamil-speaking Union Act shall, at the commencement of this Act, be deemed to have been done by the Union under this Act.

(7) All proceedings, judicial or otherwise, commenced before and pending at the commencement of this Act, by or against the Union under the repealed Tamil-speaking Union Act, shall be deemed to have been commenced, and may be continued, by or against the Union under this Act.

(8) Where this Act does not make provision for the necessary transition from the repealed Act to this Act, the Minister may make such regulations as may be necessary for such transition.

20. Repeal

The Tamil-speaking Union Act is repealed.

21. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

SCHEDULE

[Section 6(1)(b)]

PROCEDURE FOR ELECTION

1. Calling for nominations and appointment of nomination day

Not less than one month before the expiry of the term of office of the members specified in sections 6(1)(b) and 19(1)(b), the Permanent Secretary shall publish, in the *Gazette* and such newspaper as he may determine, a notice –

- (a) inviting the submission of nominations; and
- (b) appointing a day, time and place for the nominations to be submitted.

2. Eligibility to stand as candidate

No person shall be eligible to stand as candidate for the election as a member of the Council unless on the nomination day, he is an ordinary member of the Union.

3. Procedure after nomination

Where the number of persons duly nominated exceeds the number of persons to be elected, the Permanent Secretary shall publish, in the *Gazette* and such newspaper as he may determine, a notice –

- (a) specifying the names of the persons duly nominated;
- (b) appointing a day, time and place, being not less than 15 days after the publication of the notice, for the holding of an election.

4. Persons entitled to vote

(1) Every person who, on nomination day, is an ordinary member of the Union shall be entitled to vote for the election of the members of the Council.

(2) Every ordinary member shall vote for such number of candidates as there are vacancies available in the membership of the Council.

5. Election

(1) The election of the members of the Council shall be conducted under the supervision of the Permanent Secretary or his representative.

(2) The Permanent Secretary shall submit to the Minister the results of the election forthwith.

(3) The Minister shall, within 21 days of receipt of the results of the election, publish in the *Gazette* the composition of the Council.
