

Chhattisgarh Official Language Commission Act, 2010

20 of 2010

[03 September 2010]

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An Act to constitute the "Chhattisgarh Official Language Commission" with the object to preserve, prevail and develop the State's tradition of ideas and the complete linguistic variety of the State and to encourage the traditional language of Chhattisgarhi through linguistic studies, research and documentation, creations and translations, conservation, publications, suggestions and recommendations, as also towards promoting the use of the language in Government. Be it enacted by the Chhattisgarh

Legislature in the Sixty-first year of the Republic of India, as follows:-- ** Published in the Chhattisgarh Rajpatra (Asadharan) dated 3-9-2010 Pages 478(7-11).

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Chhattisgarh Official Language Commission Act, 2010.
- (2) It extends to the whole of the State of Chhattisgarh.
- (3) It shall come into force from the date of its publication in the Official Gazette.

2. Definitions :-

In this Act, unless the context otherwise requires.--

- (a) "Commission" means the Chhattisgarh Official Language Commission constituted under section 3 of this Act
- (b) "Chairperson" means the Chairperson of the Commission as nominated by the Government of Chhattisgarh;
- (c) "Department" means the Culture Department Government of Chhattisgarh;
- (d) "Government" means the Government of Chhattisgarh;
- (e) "Member" means the nominated members of the Commission and includes the Chairperson;
- (f) "State" means the State of Chhattisgarh;
- (g) "Secretary" means Secretary of the Commission.

3. Constitution Of The Chhattisgarh Official Language Commission :-

- (1) The State Government shall constitute a body to be known as Chhattisgarh Official Language Commission/Rajbhasha Ayog to exercise the powers conferred on and to perform the functions assigned to it under this Act.
- (2) The Commission shall consist of the Chairperson and four other members. The Chairperson and the members of the Commission shall be such eminent and renowned persons who are well acquainted with Chhattisgarh Language/Chhattisgarh Literature.
- (3) The Chairperson and members of the Commission shall be nominated by State Government.

4. Term Of Office And Conditions Of Service Of Chairperson And Members :-

(1) The Chairperson and every Member shall hold office for such term, not exceeding three years, or as may be specified by the State Government in this behalf, and never more than two terms. Provided that in case a member is appointed as Chairman as per procedure, than the term/s for Chairman shall be commuted afresh.

(2) The Chairperson or a Member may, by writing and addressed to the State Government, resign from the office of the Chairperson or Member as the case may be at any time.

(3) The State Government shall remove a person from the office of Chairperson or a Member referred to in sub-section 3 (3) if that person--

(a) becomes an un-discharged insolvent;

(b) is convicted and sentenced to imprisonment for an offence involving moral turpitude;

(c) becomes of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable to perform duty;

(e) without obtaining leave remains absent in three consecutive meetings of the Commission; or

(f) in the opinion of the State Government, has so abused the position of Chairperson or Member as to render his continuance in office detrimental to the public interest:

Provided that, no person shall be removed under this clause until and unless he has been given a reasonable opportunity of, being heard in the matter.

(4) The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson and the Members shall be such as may be prescribed by the State Government.

5. Officers And Other Employees Of Commission :-

(1) The State Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

(2) The salaries and allowances payable and the other terms and conditions of service of the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed by the State Government.

6. Salaries And Allowances To Be Paid Out Of Grants :-

The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries,

allowances and pensions payable to the officers and other employees shall be paid out of the grants referred to in sub-section (1) of Section 11.

7. Vacancies, Etc. Not To Invalidate Proceedings Of The Commission :-

No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

8. Procedure To Be Regulated By The Commission :-

- (1) The headquarters of the Commission shall be at Raipur.
- (2) The Commission shall regulate its own procedure.
- (3) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorized by the Secretary in this behalf.

9. Meeting Of The Commission :-

- (1) The meeting of the Commission shall be conducted at least twice a year.
- (2) The date and time of the meeting shall be such as decided in the last meeting or shall be fixed with the consent of Chairperson and its intimation shall be sent at least seven days prior to the meeting.
- (3) The Chairperson may call special meeting as per necessity.
- (4) A special meeting of the Commission may be called on the basis of written request of at least 3 members of the Commission submitted at least 21 days prior to the requisite date of meeting. A proposal clearly indicating the object of the meeting so called must be enclosed with this requisition.
- (5) The Annual meeting of the Commission shall be called upon for the following objects:--
 - (a) to discuss the Annual Report and the Annual Income and Expenditure Report of the previous financial year and proposed budget for the coming year;
 - (b) To nominate the members of any ad-hoc committees as considered necessary by Commission;
 - (c) To finalize the plan for the year;
 - (d) To discuss on any other matter with the consent of the Chairperson.

(6) The intimation about the Annual meeting along with the Agenda and Annual Report shall be delivered to all the members at least 7 days prior to the date prescribed for the meeting.

10. Working Procedure (Function) Of Commission :-

(1) (a) The Commission shall take necessary action on a matter related to Chhattisgarh language or literature either on its own or on receipt of information's thereto.

(b) The above action shall be conducted with the approval of the Chairperson.

(2) The meetings of the Commission shall be presided over by Chairperson. In the absence of Chairperson, the members present in the meeting may elect a Chairperson amongst themselves for presiding that meeting. The member so elected shall preside over the meeting and exercise the powers of Chairperson in the said meeting.

(3) The Chairperson of the Commission may distribute the work and responsibility among the members of the Commission.

(4) The Commission may prescribe its work procedure separately wherever necessary.

(5) The decisions of the Commission shall be approved by the majority of members present. In the case of a tie, the Chairperson shall have the power of the casting vote.

11. Grants By The State Government :-

(1) The State Government shall, after due appropriation made by State Legislative Assembly by law in this behalf, pay to the Commission by way of grants such sums of money as the State Government may think fit for being utilized for the purposes of this Act.

(2) The Commission may spend such sums as it deems fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

12. Powers And Duties Of Commission :-

(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government, in consultation with the Accountant General, Chhattisgarh.

(2) The accounts of the Commission shall be audited by the Accountant General at such interval as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Accountant General.

(3) The Accountant General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privilege and the authority in connection with such audit as the Accountant General generally has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Commission.

(4) The accounts of the Commission as certified by the Accountant General or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the State Government by the Commission.

(5) The Commission shall exercise such other duties as may be prescribed.

13. Functions And Powers Of Chairperson :-

(1) The Chairperson shall ensure that the affairs of the Commission are run efficiently and in accordance with the rules, regulations and bye-laws;

(2) The Chairperson shall convene the meeting of the Commission under instruction to the Secretary;

(3) The Chairperson shall preside over the meeting of the Commission;

(4) The Chairperson shall be the sole authority to judge the validity of the votes cast by the members in any meeting of the Commission;

(5) The Chairperson may exercise his casting vote in case the votes for and against a particular issue are equal.

14. Powers And Duties Of Secretary :-

(1) The Secretary of the Commission shall be responsible for proper administration of the affairs and funds of the Commission and implementation of various activities of the Commission.

(2) The Secretary will have administrative and financial powers equivalent to the head of the department of the government for the effective discharge of his functions and he shall have the powers to:--

- (a) Implement the decision and instruction of the Commission;
 - (b) Conduct meetings of the Commission and keep a record of proceedings of these meetings;
 - (c) Co-ordinate and exercise general supervision over the activities of the Commission including its officers;
 - (d) Prescribe the duties of all officers and staff of the Commission;
 - (e) Exercise such supervision and disciplinary control as may be necessary;
 - (f) Have other functions assigned to him as may be deemed fit by the Commission.
- (3) The Secretary shall be responsible for:
- (a) budgeting and accounting of the programmes & activities of the Commission;
 - (b) release of funds for timely implementation of various activities;
 - (c) maintaining records of all financial matters relating to the programmes;
 - (d) preparing requests for release of funds from the State as well as the Central Government and preparation and submission of withdrawal of request;
 - (e) supervision and inspection of the various sections of the office of the Commission, and
 - (f) all aspects related to personnel and general administration matters.

15. Annual Report :-

The Commission shall prepare, in such form and at such time, for each financial year as may be prescribed, its annual report giving a full account of its activities during the previous financial year and forward a copy thereof to the State Government.

16. Annual Report And Audit Report To Be Laid :-

The State Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein and the audit report to be laid, as soon as may be after the report is submitted, before Legislative Assembly of the State.

17. Chairperson, Members And Staff Of Commission To Be Public Servants :-

The chairperson, the Members, Officers and other Employees of the Commission shall be deemed to be public servants within the

meaning of Section 21 of the Indian Penal Code, 1860 (45 of 1860).

18. State Government To Consult Commission :-

The State Government may consult the Commission on matters relating to Chhattisgarhi language.

19. Power To Make Rules :-

(1) The State Government may, by notification, make rules for carrying out the provisions of this Act.

(2) All rules made under this Act shall, as soon as possible after they are made be laid on the table of the Legislative Assembly.