

**The**  
  
**Kolkata Gazette**  
सत्यमेव जयते  
*Extraordinary*  
Published by Authority

JYAISTHA 27]

MONDAY, JUNE 17, 2019

[SAKA 1941

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 599-L.—17th June, 2019.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons and the Financial Memorandum which accompany it, in the *Kolkata Gazette*, the Bill, the Statement of Objects and Reasons and the Financial Memorandum are accordingly hereby published for general information:—

**Bill No. 5 of 2019**

**THE TECHNICIANS' STUDIO PRIVATE LIMITED  
(AMENDMENT) BILL, 2019.**

**A  
BILL**

*to amend the Technicians' Studio Private Limited Act, 1980.*

WHEREAS it is expedient to amend the Technicians' Studio Private Limited Act, 1980, for the purposes and in the manner hereinafter appearing;

West Ben. Act  
XXVIII of 1980.

It is hereby enacted in the Seventieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and  
commencement.

1. (1) This Act may be called the Technicians' Studio Private Limited (Amendment) Act, 2019.

*The Technicians' Studio Private Limited  
(Amendment) Bill, 2019.*

(Clauses 2-4.)

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 2 of West Ben. Act XXVIII of 1980.

2. In section 2 of the Technicians' Studio Private Limited Act, 1980 (hereinafter referred to as the principal Act), after clause (e), the following clause shall be inserted:—

'(f) "Schedule" means a Schedule appended to this Act;'

Amendment of section 6A.

3. In section 6A of the principal Act,—

(1) for the words "shall, instead of continuing to vest in the State Government, vest in such existing Government company or a new Government company, and with effect from such date, as may be specified in the notification, and thereupon the existing, or new, Government company so specified", the words "shall vest in the Board and with effect from such date, as may be specified in the notification and thereupon the Board so specified" shall be substituted;

(2) for Explanation, the following Explanation shall be substituted:—

*"Explanation.—* For the purpose of this section, 'Board' means the West Bengal Board for Technicians' Studio constituted in such manner and having such functions as mentioned in Schedule A."

Amendment of section 14.

4. For sub-section (2) of section 14 of the principal Act, the following section shall be substituted:—

"(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following purposes, namely:—

- (a) the allowances of members and Vice-Chairman and their conditions of service;
- (b) the manner and form in which contracts shall be entered into;
- (c) the form of the annual budget to be laid before the Board and the other particulars to be contained therein;
- (d) the time within which the State Government may approve or return the budget to the Board;
- (e) the manner of preparation, maintenance and publication of accounts;
- (f) the terms and conditions on which assets of the State Government may be transferred to the Board;
- (g) the conditions subject to which the Board may borrow any sum;
- (h) the date before which, the form in which, the interval at which and the manner on which reports shall be submitted to the State Government;
- (i) the time at which and the form and manner in which statistics, returns, particulars, statements and documents and papers shall be submitted;
- (j) the manner in which the Board shall be superseded and reconstituted;
- (k) any other matter which is required to be or may be prescribed under this Act."

*The Technicians' Studio Private Limited  
(Amendment) Bill, 2019.*

(Clause 5.)

Insertion of new  
Schedule.

5. To the principal Act, the following Schedule shall be added:—

**“ SCHEDULE A**

(See section 6A)

Manner of Constitution of the Board namely, West Bengal Board for Technicians' Studio, its function, budget, finance, accounts and audit and its dissolution etc.

PART ONE

**ESTABLISHMENT OF BOARD**

Constitution of  
Board.

1. (1) The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act, a Board by the name of the West Bengal Board for Technicians' Studio.

(2) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire and hold property both movable and immovable, enter into contract and do all things necessary for the purposes of this Act.

Composition of  
Board.

2. The Board shall consist of a Chairman who shall be the Minister-in-Charge of the Information and Cultural Affairs Department of the State Government or any other Minister as appointed by the Chief Minister of West Bengal and a Vice-Chairman to be appointed by the State Government and the following other members that is to say,—

- (a) Secretary, Information and Cultural Affairs Department, *ex officio*;
- (b) Secretary, Finance Department, *ex officio*;
- (c) Joint Secretary and Director of Film, Information and Cultural Affairs Department, *ex officio*;
- (d) one officer not below the rank of Joint Secretary of Information and Cultural Affairs Department;
- (e) three other persons as nominated by the State Government.

Removal of Vice-  
Chairman or  
Member.

3. (1) The names of the Vice-Chairman and other members appointed under section 2 shall be published in the *Official Gazette*.

(2) A member of the Board may at any time resign his office by writing under his hand addressed to the State Government:

Provided that the resignation shall not take effect until it is accepted.

(3) The State Government may, by notification in the *Official Gazette*, remove from Office the Vice-Chairman or any other member.

Grounds for  
disqualification of  
Vice-Chairman  
and Member.

4. A person shall be disqualified for being appointed or for continuing as the Vice-Chairman or a member of the Board, if he—



*The Technicians' Studio Private Limited  
(Amendment) Bill, 2019.*

*(Clause 5.)*

- (a) is of unsound mind;
- (b) is a bankrupt or an un-discharged insolvent;
- (c) has directly or indirectly by himself or by any partner, any share or interest in any contract or employment as the case may be, with, by or on behalf of, the Board;
- (d) is a Director, Secretary, Manager or other salaried officer of any incorporated company which has any share or interest in any contract or employment, as the case may be, with, by or on behalf of, the Board;
- (e) has been or is convicted of any offence involving moral turpitude:

Provided that a person shall not be disqualified under clause (c) or clause (d) or be deemed to have any share or interest in any incorporated company which has any share or interest in any contract or employment, as the case may be, with, by or on behalf of the Board, by reason only of his being a shareholder of such company if such person discloses to the State Government the nature and extent of the shares held by him.

Term of office  
and allowances  
etc.

5. (1) The Vice-Chairman and every other member not being an *ex officio* member shall hold office for a period of three years from the date of his appointment:

Provided that after expiry of the period of his appointment a person shall, unless disqualified, be eligible for re-appointment as Vice-Chairman or other member.

(2) Every member and Vice-Chairman shall receive such allowances as may be prescribed by the State Government.

(3) The Vice-Chairman may hold office in an honorary capacity or on payment of remuneration. Such remuneration and all other terms and conditions of service shall be such as may be prescribed by the State Government.

(4) The allowances to the members and the remuneration, if any, to the Vice-Chairman shall be paid from the fund of the Board.

Cessation of  
membership.

6. If a member,—

- (a) tenders his resignation in writing to the State Government; or
- (b) is absent without the permission of the Board from all the meetings of the Board for a period of three successive months,

he shall cease to be a member.

Disqualification  
or defect in  
appointment of  
Vice-Chairman or  
member not to  
violate act of  
proceeding of the  
Board.

7. No disqualification or defect in the appointment of any person acting as Vice-Chairman or other member of the Board shall be deemed to violate any act or proceeding of the Board, if such act or proceeding is otherwise valid, in accordance with the provisions of this Act.

*The Technicians' Studio Private Limited  
(Amendment) Bill, 2019.*

*(Clause 5.)*

Filling up of casual vacancies.

8. If any member including the Vice-Chairman is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise, the State Government may appoint another person to officiate for him and carry out his functions under this Act or any rule or regulation made thereunder.

Appointments of Chief Executive Officer, other officers and employees of the Board.

9. The Board shall have a Chief Executive Officer and such other officers and employees as the State Government may consider necessary for the efficient performance of the functions of the Board and all such appointment shall be made by the State Government.

Appointment, transfer and deputation to the Board.

10. The State Government may appoint or transfer or depute any of its employee to the Board without prejudice his service condition in terms of his pay.

Duties of Chief Executive Officer and other officers of the Board.

11. The Chief Executive Officer and other officers shall perform such duties as may be assigned to them by the Board and the Board may, from time to time, by order delegate, under such restriction, if any, as it may think fit to impose, any of its powers conferred on it by this Act, to the Chief Executive Officer and to other officers of the Board specified in the order.

Meeting of Board.

12. The Board shall meet and shall, from time to time, make such arrangements with respect to the day, time, notice and adjournment of its meetings as it thinks fit, subject to the following conditions, namely, —

- (a) an ordinary meeting shall be held at least once every month;
- (b) the Chairman may, whenever he thinks fit, call a special meeting;
- (c) the quorum for every meeting shall be five:

Provided that when a meeting has been adjourned to another date for want of quorum, no quorum shall be necessary in the case of the adjourned meeting;

- (d) every meeting shall be presided over by the Chairman and, in his absence, by the Vice-Chairman and in the absence of both the Chairman and the Vice-Chairman by any member chosen by the members present;
- (e) all questions at any meeting shall be decided by a majority of the members present and in case of equality of votes, the person presiding shall have and exercise a second or casting vote;
- (f) the minutes of proceedings of each meeting shall be recorded in a book to be provided for the purpose.

Contract made and entered into by Board.

13. (1) Every contract made by the Board shall be entered into in such manner and in such form as may be prescribed and ratified by the State Government and be signed by the Chairman on behalf of the Board.

(2) Subject to previous sanction of the State Government or any other rule which the State Government may make in this behalf, the Board may, by order, direct that the power to sign a contract shall be exercisable also by the Chief Executive Officer or any other officer specified by it in the order.

*The Technicians' Studio Private Limited  
(Amendment) Bill, 2019.*

(Clause 5.)

Functions of  
Board.

**14.** Subject to the provisions of this Act, the Board may, from time to time, incur expenditure and undertake works for the framing and execution of the primary functions and other such functions which are incidental or ancillary to the following primary functions:—

- (a) the maintenance, management and letting out or otherwise use of Studio Floors owned or occupied by the Board;
- (b) the construction and reconstruction of buildings and Studio Floors;
- (c) the acquisition by purchase, exchange or otherwise of any property necessary under this Act;
- (d) the welfare of the artists, technicians and other professionals of the television and film industries in the State of West Bengal in accordance with the Scheme made by the State Government and in such manner as may be prescribed;
- (e) the advancing of money for the purposes of different functions under this Act subject to the approval of the State Government;
- (f) any other affair for which the Board is entrusted by the State Government.

Allotment, lease  
or sale of Board  
premises and  
enter into  
agreement for  
acquisition by  
way of purchase,  
lease or exchange  
of rights and  
interests in land.

**15. (1)** The Board shall, with the prior permission of the State Government, take necessary measures to maintain, allot, lease, sell or otherwise use the Board premises in such manner as it may decide and shall collect rent, price, compensation and damages in respect thereof:

Provided that the leasing or allotment of Board premises shall be in accordance with the policy or norms of the State Government for the time being in force.

(2) Where any land is needed for the purpose of performing duties or functions of the Board, the Board may, with the prior permission of the State Government, enter into an agreement with any person for the acquisition by purchase, lease or exchange, of his rights and interests in such land either wholly or in part, on payment of such amount as may be fixed in accordance with the policy or norms of the State Government for the time being in force.

Compulsory  
acquisition of  
land by Board.

**16.** Subject to previous sanction of the State Government, the Board may also take steps for the compulsory acquisition of any land or any interest therein required for the execution of any function of the Board and such acquisition of any land or interest therein shall be deemed to be acquisition for a public purpose.

*Explanation.*—For the purposes of this section, the Board shall be deemed to be a local authority.



*The Technicians' Studio Private Limited  
(Amendment) Bill, 2019.*

(Clause 5.)

PART TWO

**BUDGET, FINANCE, ACCOUNTS AND AUDIT**

Laying of budget.      **17.** (1) The Chairman shall, at a special meeting to be held within the fifteenth day of the month of February in each year, lay before the Board, a budget of the Board for the next year.

(2) The Board shall consider the budget laid before it and sanction it with or without modifications.

(3) Every budget sanctioned by the Board shall be submitted to the State Government for approval, within thirty days from the date of passing of the budget by the Board, the State Government may approve the budget or return it with recommendation for such modification as the State Government may deem fit and proper. The Board shall forthwith make such modification in the budget and submit the budget to the State Government for approval.

Preparation of budget.      **18.** Every such budget shall be prepared in such form as may be prescribed and shall make provisions for—

- (i) the execution of the work proposed to be undertaken by the Board;
- (ii) the due fulfilment of all liabilities of the Board; and
- (iii) the efficient administration of the Board under this Act,

and shall contain a Statement showing the estimated receipts and expenditure on capital and revenue accounts for the next year, and such other particulars as may be prescribed.

Supplementary budget.      **19.** (1) Subject to the provisions of this Act, supplementary budget may be laid before the Board for consideration and approval.

(2) Every supplementary budget sanctioned by the Board shall be submitted to the State Government.

Fund of Board.      **20.** (1) The Board shall have a fund and such fund shall be maintained through bank account to be maintained in any nationalised bank in the branch at Kolkata in consultation with the State Government:

Provided that the Government fund including grant-in-aid as may be received by the Board from the State Government shall be maintained and operated through deposit account to be opened in consultation with the State Government.

(2) The Board may accept grants, subventions, donations and gifts from any competent person or authority for all or any of the purposes of this Act. All money received by the Board shall be deposited in the fund of the Board.

(3) The State Government may make grant to the Board for its smooth functioning.

*The Technicians' Studio Private Limited  
(Amendment) Bill, 2019.*

(Clause 5.)

Vesting or transferring of assets and liabilities by the State Government to Board.

21. (1) Subject to the terms and conditions as laid down and published in the *Official Gazette* of the State, the State Government may vest and/or transfer such assets and liabilities of the State Government to the Board.

(2) All property, fund and all other assets vested in the Board shall be held and applied by it, subject to the provisions and for the purposes of this Act.

Subventions by the State Government to Board.

22. The State Government may make subventions to the Board for the purposes of this Act on such terms and conditions as the State Government may determine.

Borrowings by Board subject to previous sanction of the State Government.

23. Subject to the previous sanction of the State Government, the Board may borrow any sum from any Bank in Kolkata or other Government financial institutions, for the purpose of this Act.

Priority over all other debts incurred by Board.

24. Notwithstanding anything contained in any other law for the time in force, every debt arising out of any loan obtained by the Board from the State Government and banks and other financial institutions for carrying out the purposes of this Act—

(a) shall have priority over all other debts, whether secured or unsecured, incurred by the Board, and

(b) shall be a preferential debt within the meaning of the Companies Act, 2013, and

13 of 2013.

such debts rank equally amongst themselves and be paid in full out of the assets of the Board unless such assets are insufficient to meet them in which case they shall abate in equal proportions.

Maintenance of books of accounts.

25. The Board shall, in consultation with the State Government, prepare and maintain proper books of account and such other books, and shall prepare an annual Statement of Accounts, in such manner as may be prescribed.

Audit of accounts of Board.

26. (1) The Board shall cause its accounts to be audited annually by an auditor to be appointed by the State Government. The auditor so appointed shall have the right to demand the production of books, accounts, vouchers, documents and other papers, and to inspect any of the offices of the Board.

(2) As soon as the accounts of the Board have been audited, the Board shall send a copy thereof together with a copy of the report of the auditor thereon to the State Government, and shall cause the accounts to be published in the prescribed manner.

(3) The Board shall comply with such directions as the State Government may, after perusal of the report of the auditor, think fit to issue.



*The Technicians' Studio Private Limited  
(Amendment) Bill, 2019.*

(Clause 5.)

Special audit of  
accounts of Board.

**27.** The State Government shall have every authority to direct a special audit to be made by such person as it thinks fit of the accounts of the Board relating to any particular transaction or a class or series of transactions or to a particular period.

Arrear of land  
revenue.

**28.** Any sum due to the Board from any individual firm, company, or association, or body of individuals, whether incorporated or not, shall be recoverable as an arrear of land revenue in the manner provided in the Bengal Public Demand Recovery Act, 1913.

Ben. Act III of  
1913.

Submission of  
report to State  
Government.

**29.** The Board shall, before such date and in such form and at such interval as may be prescribed, submit to the State Government a report which may include such statistics, returns, particulars, statements, documents or papers in regard to any or all existing works or projects undertaken by the Board for the purpose of the Act and such report may be published by the State Government in such manner as may be prescribed by the rules made under this Act.

### PART THREE

#### MISCELLANEOUS

Valuation of  
assets and  
liabilities of  
Board at the end  
of every five  
years.

**30.** The Board shall, at the end of every five years, have a valuation of its assets and liabilities made by a valuer appointed with the approval of the State Government:

Provided that it shall be open to the State Government to direct a valuation to be made at any time as it may consider necessary.

Power of Board to  
make regulations.

**31.** (1) Subject to the other provisions of this Act and rules made thereunder, the Board may, from time to time and with the previous sanction of the State Government, make regulations for the following purposes:—

- (a) the management and use of buildings constructed under this Act;
- (b) the principles to be followed in allotment of tenements and premises;
- (c) regulating its procedure and the disposal of its business;
- (d) the conditions of service of the employees of the Board other than those taken over and employed under the State Government.

(2) If it appears to the State Government that it is necessary or desirable for carrying out the purposes of this Act to make any regulation in respect of matters specified in this Act or to amend any regulation made under this Act, it may call upon the Board to make such regulation or amendment within such time as it may specify. If the Board fails to make such regulation or amendment within the time specified, the State

*The Technicians' Studio Private Limited  
(Amendment) Bill, 2019.*

(Clause 5.)

Government may itself make such regulation or amendment and the regulation or the amendment so made shall be deemed to have been made by the Board under this Act.

Members, officers and employees of Board to be public servants. **32.** All members, officers and employees of the Board shall be deemed, when acting or purpo rting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Directions given by State Government to Board. **33.** The State Government may give the Board such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act and it shall be the duty of the Board to comply with such direction.

Supersession and reconstitution of Board. **34.** (1) If in the opinion of the State Government the Board fails or neglects to perform its duties and obligations, it shall be lawful for the State Government to supersede and reconstitute the Board in the manner as may be prescribed.

(2) After supersession of the Board and until it is reconstituted, the powers, duties and functions of the Board under this Act shall be carried on by the State Government or by such officer or officers as the State Government may appoint for this purpose.

Act not apply. **35.** For the removal of doubts, it is hereby declared that the West Bengal Premises Tenancy Act, 1997,—

West Bengal Act  
XXXVII of 1997.

(a) shall not apply to any land or building belonging to or vested in the Board;

(b) shall not apply as against the Board to any tenancies or other like relationship created by the Board in respect of such land or building;

but shall apply to any land or building let out in favour of the Board.

#### PART FOUR

#### DISSOLUTION OF THE BOARD

Dissolution of Board. **36.** (1) The State Government may, by notification in the *Official Gazette*, declare that the Board shall be dissolv ed with effect from such date as may be specified in the notification.

(2) With effect from the date specified in the notification,—

(a) all properties, funds and dues which are vested in or realizable by the Board shall vest in and be realizable by the State Government;

*The Technicians' Studio Private Limited  
(Amendment) Bill, 2019.*

*(Clause 5.)*

- (b) all liabilities enforceable against the Board shall be enforceable against the State Government to the extent of the properties, funds and dues vested in and realized by the State Government;
- (c) nothing in this section shall affect the liability of the State Government in respect of loans or debentures guaranteed under this Act."

**STATEMENT OF OBJECTS AND REASONS.**

The Technicians' Studio Private Limited (Amendment) Bill, 2019, has been framed with a view to making the following amendments in the Technicians' Studio Private Limited Act, 1980 (West. Ben. Act XXVIII of 1980) (hereinafter referred to as the said Act), for the purpose of effective management of the said Act, by way of:—

- (a) constituting a new statutory authority like Board, namely, the West Bengal Board for Technicians' Studio, for the purpose of vesting general superintendence, direction, control and management of the affairs and business of the said studio in the Board;
- (b) simplifying the operation of the said studio and making provisions for better control of the State Government over the affairs of the Technicians' Studio.

2. The Bill has been framed with the above objects in view.

KOLKATA,  
*The 28th February, 2019.*

MAMATA BANERJEE,  
*Member-in-charge.*

**FINANCIAL MEMORANDUM.**

The estimated annual financial implication for constitution of the Board, namely, the West Bengal Board of Technicians' Studio, is Rs. 19,37,000/- (rupees nineteen lakhs thirty-seven thousand) which will be borne by the Technicians' Studio from its revenue.

However, there is an insignificant financial implication involved in giving effect to the provisions of the Bill and the same shall be made in due course in the budget, in consultation with the Finance Department.

KOLKATA,  
*The 28th February, 2019.*

MAMATA BANERJEE,  
*Member-in-charge.*

By order of the Governor,

AKHILESH KUMAR PANDEY,  
*Secy.-in-charge to the Govt. of West Bengal,  
Law Department.*