



**The Uttar Pradesh Homeopathic Medical Colleges Taking Over of  
Management Act, 1979**  
Act 20 of 1979

**Keyword(s):**  
Administrator, Scheduled College

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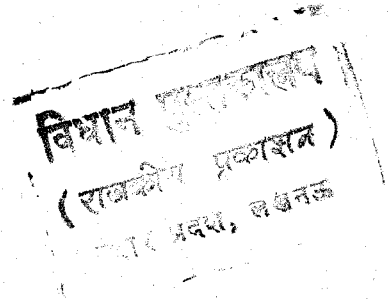
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THE UTTAR PRADESH HOMOEOPATHIC MEDICAL COLLEGES  
TAKING OVER OF MANAGEMENT ACT, 1979

(U. P. ACT NO. 20 OF 1979).

[Authoritative English Text of the Uttar Pradesh Homoeopathic Chikitsa  
Mahavidyalaya (Prabandh Grahan) Adhiniyam, 1979 (Uttar Pradesh Adhi-  
niyam Sankhya 20 of 1979)]

AN

ACT

to provide for the taking over, in the public interest, of the management of  
certain homoeopathic medical colleges for a limited period and for securing  
proper management thereof, and for matters connected therewith or  
incidental thereto.

IT IS HEREBY enacted in the Thirtieth Year of the Republic of India as  
follows :—

1. (1) This Act may be called the Uttar Pradesh Homoeopathic  
Medical Colleges (Taking over of Management) Act, 1979.

Short title and  
Commencement.

(2) It shall be deemed to have come into force on April 30, 1979.

2. In this Act—

Definitions.

(a) 'Administrator' means the person or body of persons appointed as  
the Administrator under section 4;

\*(For Statement of Objects and Reasons, please see Uttar Pradesh Gazette Extraordinary,  
dated May 26, 1979.

(Passed in Hindi by the Uttar Pradesh Legislative Council on May 25, 1979 and by the  
Uttar Pradesh Legislative Assembly on May 29, 1979).

(Received the assent of the President on June 11, 1979 under Article 201 of the Constitution  
of India and was published in Part I (a) of the Legislative Supplement of the Uttar Pradesh  
Gazette Extraordinary, dated June 13, 1979).

Price. 45 paise

(b) 'appointed day' means the date notified by the State Government for the purposes of section 3;

(c) 'scheduled college' means a homoeopathic medical college specified in the schedule and includes all assets, rights, leaseholds, powers, authorities, and privileges, and all properties movable and immovable, including lands, buildings, works, furnitures, equipments, drugs, stores, instruments, machinery, automobiles and other vehicles, cash and bank balances, reserve funds, investments, and book debts and all other rights and interests arising out of such property relating to such college, as were immediately before the appointed day in the ownership, possession, power or control of the person, society or other body running such college, and all books of accounts, registers and other documents of whatever nature relating thereto.

**Vesting of management of scheduled colleges in the State Government.**

3. On and from the appointed day, the management of all the scheduled colleges shall vest in the State Government for a period of one year from such date:

Provided that if the State Government is of opinion that in order to secure the proper management of any scheduled college, it is expedient that such management should continue to vest in the State Government after the expiry of the said period of one year, it may, by notification, extend the said period in respect of such college, so however, that the total period for which such management shall continue to vest in the State Government shall not, in any case exceed two years.

**Appointment of Administrators.**

4. (1) The State Government shall, as from the appointed day, appoint an Administrator of every scheduled college for the purposes of taking-over the management thereof, and the Administrator shall carry on the management of such college for and on behalf of the State Government.

(2) On the appointment of such Administrator all persons incharge of the management of the scheduled college immediately before the appointed day shall cease to be in-charge of such management and shall hand over such management to the Administrator.

(3) The State Government may issue such directions, (including directions as to initiating, defending or continuing any legal proceedings before any court, tribunal or other authority) to the Administrator as to his powers and duties as the State Government may deem fit.

(4) The Administrator of a scheduled college may, at any time, apply to the State Government for instructions as to the manner in which he shall conduct the management of such college or in relation to any matter arising in the course of such management.

(5) Notwithstanding anything contained in any other law for the time being in force, the Administrator shall have all the powers of the person or body (by whatever name called) in-charge of the management of the scheduled college under his management including the powers to dispose of any property or assets of such college.

(6) In particular and without prejudice to the provisions of sub-section (5), the Administrator shall also have the power—

(a) to appoint and terminate the services of a teacher or other employee of the scheduled college;

(b) to take disciplinary action (including the power or dismissal or suspension) against such teacher or employee;

(c) to manage the properties appurtenant to, or endowed to or for the purposes of, such college;

(d) to operate the bank accounts of such college and to realise fees from the students thereof.

**Duty to deliver possession.**

5. (1) Every person having possession, custody or control of any property relating to any scheduled college shall on appointment of the Administrator for such college be bound to deliver forthwith such property to the Administrator or to any officer or other employee of the State Government as may be authorised by the State Government in this behalf.

(2) Every person in-charge of the management of a scheduled college immediately before the appointed day shall, within ten days from that day or within such further period as the State Government may allow in this behalf, furnish to the Administrator a complete inventory of all the properties and assets (including particular of book-debts, investments and belongings) relating to such college immediately before the appointed day, and of all liabilities and obligations in relation to such college subsisting immediately before the appointed day and also of all agreements entered into relation to such college and in force immediately before the appointed day.

6. Where any person having possession custody or control of any property relating to a scheduled college fails to deliver possession thereof to its Administrator or to the authorised officer or employee in accordance with section 5, the Administrator may apply to the Collector, and the Collector shall deliver possession over such property to the Administrator and may, for that purpose use or cause to be used, such force as may be necessary.

Power of Administrator to apply to the Collector for obtaining possession.

7. (1) Notwithstanding anything contained in any other law or in any contract or other instrument, if the Administrator is satisfied that the continuance in service of a teacher or other employee of a scheduled college is pre-judicial to the purposes of this Act or the interest of the college, he may at any time by notice without assigning any reason terminate his services:

Termination of appointment of teachers and other employees.

(2) The period of such notice shall be three months or the period specified in the conditions of service, if any, applicable to him, whichever is less :

Provided that the services of any such teacher or other employee may be terminated, without such notice or by a shorter notice, and on such termination, the teacher or other employee, as the case may be, shall be entitled to claim from the scheduled college a sum equivalent to the amount of his pay plus allowances, if any, for the period of notice or, as the case may be, for the period by which such notice falls short of the period of notice to which he is otherwise entitled under this sub-section at the same rates at which he was drawing the pay and allowances immediately before such termination.

(3) Any teacher or other employee aggrieved by an order of the Administrator under sub-section (1) may, within 30 days from the service of the order, prefer an appeal to the State Government whose decision thereon shall be final.

8. (1) The Administrator shall receive, from the funds of the scheduled college, such remuneration, as the State Government may, from time to time, fix.

Remuneration payable to the Administrator.

(2) The State Government may, at any time, change the Administrator of a scheduled college.

9. For the removal of doubts, it is hereby declared that,—

(a) no compensation or any other amount whatsoever shall be due or payable to the person, society or other body owning or managing any scheduled college in respect of its management remaining with the State Government for the temporary period in accordance with the provisions of this Act ;

No compensation payable for the taking over of management.

(b) no liability incurred in relation to any scheduled college, before the appointed day, shall be enforceable against the State Government or the Administrator.

10. (1) Notwithstanding anything contained in section 3, if it appears to the State Government, at any time before the expiry of the period referred to in that section, that the purposes of vesting of the management of all or any of the scheduled colleges in such Government have been fulfilled or that for any other reason, it is not necessary that such management should remain vested in that Government, it may, by notification, relinquish such management with effect from such date as may be specified in the notification.

Relinquishment of management.

(2) With effect from the date specified in the notification referred to in sub-section (1) or, as the case may be, after the expiration of the period referred to in section 3, the management of the scheduled college concerned shall revert to the person society or other body from whom such management was taken

over under section 3 or, if such person, society or other body has ceased to exist, to the person, society or other body upon whom the right to such management has devolved according to law.

Penalty.

11. Any person who,—

(a) having in his possession, custody or control any property relating to any scheduled college, wrongfully withholds such property from the Administrator or any person authorised under this Act; or

(b) wrongfully obtains possession of any such property; or

(c) wilfully retains any such property or removes or destroys it; or

(d) wilfully withholds or fails to deliver any books, papers, or other documents which may be in his possession, custody or control to the Administrator, or to any person authorised under this Act; or

(e) fails, without any reasonable cause, to furnish information or particulars in accordance with sub-section (2) of section 5;

shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

Offences by companies.

12. (1) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation*—For the purposes of this section—

(a) 'company' means any body corporate and includes a firm or other association of individuals; and

(b) 'director' in relation to a firm, means a partner in the firm.

Act to have overriding effect.

13. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Protection of action taken in good faith.

14. (1) No suit, prosecution or other legal proceeding shall lie against the Administrator or any officer or other employee of the State Government for anything which is in good faith done or intended to be done or deemed to be done under this Act.

2. No suit prosecution or other legal proceeding shall lie against the State Government or the Administrator or any other officer or employee of the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done or deemed to be done under this Act.

Repeal and Savings.

15. The State Government may, by notification make rules to carry out the provisions of this Act.

16. (1) The Uttar Pradesh Homoeopathic Colleges (Taking Over of Management) Ordinance, 1979 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under this Act, as if this Act were in force at all material times.

## SCHEDULE

[See SECTION 2, CLAUSE (c)]

1. Allahabad Homoeopathic Medical College, Allahabad.
2. Lal Bahadur Shastri Homoeopathic Medical College, Allahabad.
3. Daya Nand Janvadi Homoeopathic Medical College, Kanpur.
4. Kanpur Homoeopathic Medical College, Kanpur.
5. Dr. Brij Kishore Homoeopathic Medical College, Faizabad.
6. Mohan Homoeopathic Medical College, Lucknow.
7. Sri Durgaji Homoeopathic Medical College, Chandesar, Azamgarh.
8. Bajrang Lal Dalmia Homoeopathic Medical College, Lachchi Rampur, Azamgarh.
9. Ghazipur Homoeopathic Medical College, Ghazipur.
10. Homoeopathic Medical College, Malikapura, Ghazipur.
11. Tilakdhari Homoeopathic Medical College, Jaunpur.
12. Rani Ishwari Devi Homoeopathic Medical College, Jaunpur.
13. Gram Vikas Homoeopathic Medical College, Jaunpur.
14. Homoeopathic Medical College, Tigri Mankawala Nagina, Bijnor.
15. Kedarnath Girdhari Lal Khattri Homoeopathic Medical College, Muradabad.