



**The Uttar Pradesh Homeopathic Medical Colleges (Acquisition and  
Miscellaneous Provisions) Act, 1981**  
Act 21 of 1981

**Keyword(s):**

Homoeopathy, Scheduled College, Society, Doctor

**Amendment appended: 7 of 2001**

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Dated Lucknow, October 24, 1981

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Homoeopathic Chikitsa Mahavidyalaya (Arjan Aur Prakirn Upbandh) Adhiniyam, 1981 (Uttar Pradesh Adhiniyam Sankhya 21 of 1981), as passed by the Uttar Pradesh Legislature and assented to by the President, on October 23, 1981 :

THE UTTAR PRADESH HOMOEOPATHIC MEDICAL COLLEGES  
(ACQUISITION AND MISCELLANEOUS PROVISIONS) ACT, 1981

[U. P. ACT NO. 21 OF 1981]

(AS PASSED BY THE UTTAR PRADESH LEGISLATURE)

AN

ACT

*to provide for acquisition and management of certain non-government homoeopathic medical colleges and to provincialise the education in the medical science of homoeopathy and for matters connected therewith or incidental thereto.*

WHEREAS, the students of non-government homoeopathic medical colleges in the State have been agitating for the provincialisation of such colleges for a long time;

AND, WHEREAS, the standard of education, equipment and facility for studies obtaining in these Colleges are not up to the mark ;

AND, WHEREAS, a large number of colleges than necessary are operating in the State with mercenary motives, and with a view to provincialise and properly organise the medical education in homoeopathic science and to improve the standard of education and treatment in such science and to prevent recurrence of such evils, it is necessary to acquire those colleges which are more useful and to close down the rest ;

NOW, THEREFORE, it is hereby enacted in the Thirty-second Year of the Republic of India as follows :—

CHAPTER I

*Preliminary*

1. (1) This Act may be called the Uttar Pradesh Homoeopathic Medical Colleges (Acquisition and Miscellaneous Provisions) Act, 1981.

(2) It shall come into force on such date of the State Government may, by notification, appoint in this behalf.

Short title and commencement.

2. In this Act—

Definitions.

(a) "appointed day" means the date notified under sub-section (2) of section 1 ;

(b) "Homoeopathy" shall have the meaning assigned to it in the Uttar Pradesh Homoeopathic Medicine Act, 1951 ;

(c) "Scheduled College" means a homoeopathic medical college specified in the Schedule together with the hospitals and dispensaries attached thereto or used in connection therewith, and includes all lecture-rooms, laboratories, libraries, hostels and boarding houses used in connection with or as accessories to, or adjuncts of such college ;

(d) "Society" in relation to a Scheduled college means the society, trustee or other person or body in which the ownership, management and control of the affairs of such colleges are vested.

CHAPTER II

*Acquisition of Scheduled Colleges*

3. (1) On and from the appointed day, every Scheduled College, together with—

**Vesting of Scheduled colleges in the State Government.**

(a) all lands on which such college stands and all other land appurtenant thereto, and all buildings, erections and fixtures on such lands ;

(b) all furnitures, equipments, stores, apparatuses, instruments, appliances, drugs, medicines, works, workshops, projects, automobiles, books, moneys and other assets of such college ;

(c) all other properties, movable and immovable including farms, leases and all rights, powers, authorities, privileges, reserve funds, investments, book-debts, and all other rights and interests in or in relation to or arising out of such property as were immediately before the appointed day, in the ownership, possession, power or control of the Administrator or any other person, society or body in charge of the management of the affairs of such college ;

shall stand transferred to and vest absolutely in the State Government and shall be applied for the purpose of such college.

(2) Every deed of gift, endowment, bequest, trust or other document in relation to all or any of the properties and assets referred to in sub-section (1) shall, as from the appointed day, be construed as if it were made or executed in favour of the State Government.

(3) Subject to the provisions of this Act, every property and asset referred to in this section, which by virtue of sub-section (1) has vested in the State Government shall, by force of such vesting, be freed and discharged from any debt, obligation, mortgage, charge or lien and other encumbrances affecting it, and every attachment, injunction, decree or order of any court or tribunal restricting the use of such property in any manner shall be deemed to have been withdrawn.

(4) Subject to the provisions of this Act, any proceeding or cause of action pending or existing immediately before the appointed day, by or against the society may, as from the appointed day, be continued and enforced by or against the State Government as it might have been continued or enforced by or against such society if this Act had not come into force.

4. (1) On and from the appointed day, every Scheduled College shall be administered by the State Government in such manner, as the State Government may, from time to time, direct.

**Administration of Scheduled Colleges.**

(2) Without prejudice to the generality of the provisions of sub-section (1), the State Government may direct that—

(a) one or more of the scheduled colleges shall be closed down ;

(b) two or more of such colleges shall be combined or amalgamated ;

(c) students of one or more of such colleges shall be transferred to or absorbed in other such colleges ;

(d) teachers and other employees of such colleges shall be transferred from one college to another.

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 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 anybody corporate and includes a firm, society or other association of individuals ; and

(b) "Director" in relation to a firm means a partner in the firm.

Protection of action taken in good faith.

13. No suit, prosecution or other legal proceedings shall lie against the State Government or any of its officers or other employees for anything which is in good faith done or intended to be done under this Act.

Cognizance of offences.

14. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court shall take cognizance of any offence under this Act, except on a complaint in writing made by the State Government or any officer authorised in this behalf, by that Government.

Savings in respect of minority institutions.

15. Nothing in this Act shall affect the right of any minority, referred to in Article 30 of the Constitution to establish and administer educational institutions of their choice for imparting instructions in homoeopathy subject to any law for the time being in force.

Power to make rules.

16. The State Government may, by notification, make rules for carrying out the purposes of this Act.

Repeal and savings.

17. (1) The Uttar Pradesh Homoeopathic Medical College, (Taking over of Management) Act, 1979 is hereby repealed.

(2) Notwithstanding such repeal, anything done or an action taken under the enactment repealed by sub-section (1), shall continue to be valid as if this Act has not come into force.

#### THE SCHEDULE

[See SECTION 2 (c)]

Serial no.	Name of the colleges
1.	Ghazipur Homoeopathic Medical College, Ghazipur.
2.	Kanpur Homoeopathic Medical College, Kanpur.
3.	Mohan Homoeopathic Medical College, Lucknow.
4.	Sri Durgaji Homoeopathic Medical College, Chandesar, Azamgarh.
5.	Sri Brij Kishore Homoeopathic Medical College, Faizabad.
6.	K. G. K. Homoeopathic Medical College, Moradabad.
7.	T. D. Homoeopathic Medical College, Jaunpur.
8.	Lal Bahadur Shastri Homoeopathic Medical College, Allahabad.
9.	Homoeopathic Medical College, Tigri Mankawala, Nagina, Bijnor.

By order,  
G. B. SINGH,  
Sachiv.

No. 763 (2)/XVII-V-1-1 (KA)-7-2001

*Dated Lucknow, March 28, 2001*

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Homoeopathic Chikitsa Mahavidyalaya (Arjan and prakirna Upbandh) Adhiniyam, 2000 (Uttar Pradesh Adhiniyam Sankhya 7 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 27, 2001.

**THE UTTAR PRADESH HOMOEOPATHIC MEDICAL COLLEGES  
(ACQUISITION AND MISCELLANEOUS PROVISIONS)  
(AMENDMENT) ACT, 2001**

**(U. P. ACT NO. 7 OF 2001)**

*[As passed by the Uttar Pradesh Legislature]*

AN  
ACT

*to amend the Uttar Pradesh Homoeopathic Medical Colleges  
(Acquisition and Miscellaneous Provisions) Act, 1981.*

IT IS HEREBY enacted in the Fifty-second Year of the Republic of India  
as follows:—

1. (1) This Act may be called the Uttar Pradesh Homoeopathic  
Medical Colleges (Acquisition and Miscellaneous Provisions) (Amendment)  
Act, 2001.

Short title and  
commencement

(2) It shall be deemed to have come into force on February 15, 2001.

Amendment of  
section 2 of  
U.P. Act no. 21  
of 1981

2. In section 2 of the Uttar Pradesh Homoeopathic Medical Colleges (Acquisition and Miscellaneous Provisions) Act, 1981, hereinafter referred to as the principal Act, after clause (b), the following clause shall be inserted, namely:—

“(bb) ‘National Homoeopathic Medical College’ means the National Homoeopathic Medical College, Lucknow together with the hospital and dispensary attached thereto or used in connection therewith, and includes all lecture rooms, laboratories, libraries, hostels and boarding houses used in connection with or as accessories to, or adjuncts of such college;”

Amendment of  
section 4

3. In section 4 of the principal Act,—

(a) in sub-section (2) after clause (b) the following clause shall be inserted, namely:—

“(bb) any of the scheduled colleges and the National Homoeopathic Medical College shall be combined or amalgamated;”

(b) for clauses (c) and (d) the following clauses shall be substituted, namely:—

“(c) students of one or more scheduled colleges or National Homoeopathic Medical College shall be transferred from one college to another or absorbed in any other such college;

(d) teachers or other employees of any scheduled college or National Homoeopathic Medical College shall be transferred from one college to another;

(e) any post of teachers or other employees of any scheduled college or National Homoeopathic Medical College shall be transferred from one college to another;”

(c) after sub section (2), the following sub-sections shall be inserted, namely :—

“(3) The *inter se* seniority of each category of employees other than teachers of the colleges combined or amalgamated under clause (b) or clause (bb) of sub-section (2) shall be determined from the date of their substantive appointment in their respective cadre. If the date of substantive appointment of two or more such employees is the same, the employee senior in age shall be senior.

(4) It shall be lawful for the State Government to abolish, leave unfilled, or hold in abeyance, any vacant post of teachers or other employees of any scheduled college or National Homoeopathic Medical College or colleges combined or amalgamated under clause (b) or clause (bb) of sub-section (2) and no person shall be entitled to claim any appointment in such post.”

Repeal and  
savings

4. (1) The Uttar Pradesh Homoeopathic Medical Colleges (Acquisition and Miscellaneous Provisions) (Amendment) Ordinance, 2001 is hereby repealed.

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

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#### STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Homoeopathic Medical Colleges (Acquisition and Miscellaneous Provisions) Act, 1981 has been enacted to provide for acquisition and management of certain Non-Government Homoeopathic Medical Colleges and to provincialise the education in the medical science of homoeopathy. By the said Act nine Homoeopathic Medical Colleges specified in the Schedule to the Act, were transferred to and vested in the State Government. The National Homoeopathic Medical College was already owned

by the State Government. Some of the said nine Medical Colleges did not fulfil the standards prescribed by the Central Council of Homoeopathy and the State Government owing to financial constraints, was not in a position to make grants to such colleges for enabling them to fulfil the standards prescribed by the Central Council of Homoeopathy. It was, therefore, decided to amend the said Act mainly to empower the State Government to combine or amalgamate one or more of the scheduled colleges and the National Homoeopathic Medical College, as also to provide for the transfer of the students, teachers or other employees and the posts of teachers or of other employees from a scheduled college to another scheduled college or the National Homoeopathic Medical College and *vice-versa*.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision. The Uttar Pradesh Homoeopathic Medical Colleges (Acquisition and Miscellaneous Provisions) (Amendment) Ordinance, 2001 (U. P. Ordinance no. 4 of 2001) was promulgated by the Governor on February 15, 2001.

This Bill is introduced to replace the aforesaid Ordinance.

By order,  
Y. R. TRIPATHI,  
Pramukh Sachiv.