



**The Birla College of Science and Education (Taking Over of Management) Act,
1979**

Act 15 of 1979

Keyword(s):

Better Management, Control, Maintenance

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West Bengal Act XV of 1979¹

THE BIRLA COLLEGE OF SCIENCE AND EDUCATION (TAKING OVER OF MANAGEMENT) ACT, 1979.

AMENDED

West Ben. Act XVIII of 2001.

[19th June, 1979.]

An Act to take over for a limited period the management of the institution known as the Birla College of Science and Education, ²[Kolkata], for the purpose of making better provisions for the control, management and maintenance thereof.

WHEREAS it is expedient in the public interest to make better provisions for the control, management and maintenance of the institution known as the Birla College of Science and Education, ²[Kolkata], with a view to promoting education and to take over for that purpose for a limited period the management of all the properties belonging to the said institution or held for the benefit or use thereof;

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

1. This Act may be called the Birla College of Science and Education (Taking over of Management) Act, 1979.

Short title.

2. In this Act, unless the context otherwise requires,—

Definitions.

- (a) "appointed day" means the date of publication of the order made under section 3;
- (b) "the institution" means the Birla College of Science and Education, ²[Kolkata], together with the lands, buildings, erections and fixtures constituting the same and includes all furniture, equipments, stores, moneys and other assets, and all lecture rooms, laboratories, libraries, hostels, and boarding houses, if any, held or used in connection with, or as accessories to, or as adjuncts of, the said Birla College of Science and Education.

3. (1) The State Government shall, by order published in the *Official Gazette*, take over the management and control of the institution.

Taking over of management of the institution.

(2) An order made under sub-section (1) shall remain in force for a period of two years from the date of its publication in the *Official Gazette*.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, Part IV of the 27th February, 1979, page 394; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 3rd April, 1979.

²The word within the square brackets was substituted for the word "Calcutta" by s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001), w.e.f. the 1st January, 2001.

(Sections 4-7.)

Management
by State
Government.

4. (1) Subject to sub-section (2) of this section, the institution shall remain under the management of the State Government for the period referred to in sub-section (2) of section 3 and shall be run for the purposes for which it was being run immediately before the appointed day.

(2) The State Government may, at any time before the expiry of the period referred to in sub-section (2) of section 3, make over the management to the Governing Body of the institution, constituted by the University of Calcutta in accordance with the provisions of the Calcutta University Act, 1966 and the Statutes made thereunder, with effect from such date as may be specified by the State Government by notification published in the *Official Gazette*; and the said date shall not be a date later than the period referred to in sub-section (2) of section 3.

West Ben.
Act II of
1966.

(3) The Administrator appointed under section 5 shall cease to function with effect from the date specified in the notification under sub-section (2).

Appoint-
ment of
Administra-
tor.

5. (1) The State Government shall, by order in writing, appoint an Administrator for managing the institution in accordance with the provisions of this Act and the rules made thereunder.

(2) The State Government may appoint one or more persons to assist the Administrator in carrying out his functions under this Act.

(3) The State Government shall by rules prescribe the terms and conditions of service of the Administrator and other person or persons who may be appointed to assist the Administrator.

Effect of
taking over
of
manage-
ment.

6. (1) Subject to such directions as the State Government may issue from time to time, the Administrator appointed under section 5 shall have all the powers of management and control in relation to the institution.

(2) (i) All persons constituting the Governing Body of the institution and all other persons exercising any power of management in relation to the institution immediately before the appointed day shall be deemed to have vacated their offices and shall cease to exercise such power;

(ii) all such persons who have in their possession, custody or control any asset or assets of the institution shall forthwith deliver possession of such asset or assets to the Administrator appointed under section 5.

Penalty.

7. Any person who—

(a) having in his possession, custody or control any property belonging to the institution, wrongfully withholds such property from the Administrator, or

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(Sections 8-12.)

- (b) wrongfully obtains possession of any property forming part of the property of the institution, or
- (c) wilfully withholds or fails to produce to any person authorised under this Act, any register, record or other documents which may be in his possession, custody or control, or
- (d) fails, without any reasonable cause, to submit any accounts, books or other documents, when required to do so,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

8. The Administrator appointed under section 5 shall have the power to institute, defend or take part in, any suit or proceeding by or against the institution.

Power to defend suits and proceedings.

9. No suit or prosecution or other legal proceeding shall lie against the State Government or the administrator or any other person appointed under section 5 for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Protection of action taken under this Act.

10. (1) The State Government may, on the application made by the Administrator in this behalf, advance moneys for the purpose of efficiently managing the institution and all such moneys shall be repayable with such interest as may be prescribed by rules.

Advances by the State Government.

(2) Any money advanced under sub-section (1) shall, subject to the prior payment of municipal rates and any sum due to Government on account of taxes or fees, be a first charge upon the properties of the institution.

11. The State Government may, if it is satisfied that it is necessary or expedient so to do, direct, by notification published in the *Official Gazette*, that the operation of all contracts, assurances of property, agreements, settlements, awards, standing orders or other instruments in force in relation to the institution immediately before the appointed day shall remain suspended and all rights, privileges, obligations and liabilities accruing or arising thereunder before the said date shall remain suspended or shall be enforceable with such modifications and in such manner as may be specified in such notification.

Contracts, agreements, etc., to remain suspended.

12. In computing the period of limitation for the enforcement of any right, privilege, obligation or liability referred to in section 11, the period during which it or the remedy for the enforcement thereof was suspended shall be excluded.

Period of limitation.

The Birla College of Science and Education (Taking over of Management) Act, 1979.

[West Ben. Act XV of 1979.]

(Sections 13, 14.)

Act to have overriding effect.

13. The provisions of this Act or any order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law or any instrument having effect by virtue of any other law.

Power to make rules.

14. (1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the management of the institution;
- (b) the terms and conditions of service of the Administrator and other person or persons appointed to assist the Administrator; and
- (c) the rate of interest in respect of money advanced by the State Government to the Administrator.