

THE TRIPURA EDUCATIONAL INSTITUTIONS
(TAKING OVER OF MANAGEMENT)

BILL, 1973

Act At [21-3-1973]
BILL
Act

to provide for taking over for a limited period, in the public interest, of the management and control of the Ramthakur College, Agartala, and the Ramkrishna Mahavidyalaya, Kailashahar, Tripura, with a view to securing proper and efficient management thereof and in all matters incidental and ancillary thereto.

BE it enacted by the Legislative Assembly of Tripura in the Twenty fourth Year of the Republic of India as follows :—

1. (1) This Act may be called the Tripura Educational Institutions (Taking Over of Management) Act, 1973.

(2) It shall come into force at once.

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

- (a) “Administrator” means an administrator appointed under sub-section (2) of section 3 of the Act ;
- (b) “appointed day” means the 10th day of February, 1973 ;
- (c) “committee” means the committee appointed under sub-section (2) of section 3 of the Act ;
- (d) “educational institutions” mean the Ramthakur College, Agartala and the Ramkrishna Mahavidyalaya, Kailashahar, Tripura and shall be deemed to include all assets and properties belonging to such institutions, immediately before the appointed day, movable and immovable including lands, buildings, works, workshops, stores, instruments, machineries, vehicles, cash balances, reserve funds, investments and book debts and all other rights and interests arising out of such property and all

Short title and commencement,

Definitions.

books of accounts, registers, records and all other documents of whatever nature relating thereto and shall also be deemed to include all rights, leaseholds, powers, authorities, privileges, borrowings, obligations and liabilities of whatever kind owned or incurred by, or subsisting in respect of, such educational institutions immediately before the appointed day ;

- (e) "prescribed" means prescribed under the rules made under this Act.

Management and control of the educational institutions to vest in the State Government.

3. (1) On and from the appointed day, the management and control of the educational institutions shall vest, for a period of five years, in the State Government, and all persons responsible for the management and control of the business and affairs of such educational institutions immediately before the appointed day, shall cease to exercise such management and control and shall be deemed to have vacated their offices as such.

(2) (a) The State Government shall, on and from the appointed day, appoint an Administrator in respect of each of the educational institutions referred to in sub-section (1) to carry on, manage and administer the affairs and business of each such educational institution for and on behalf of the State Government :

Provided that the State Government may, if it thinks that the management and control of the educational institution concerned may be conducted in a more effective way, instead of appointing an Administrator, appoint a committee for the management and control of the educational institution.

(b) The committee referred to in clause (a) shall consist of the following members, namely :—

(i) The District Magistrate, of the district in which the educational institution is situated.....

Ex-officio Chairman.

(ii) Two officers of the State Government as nominated by the said Government of which one shall be from the Education Department.....

Members.

(iii) One person appointed by the State Government from amongst the members of the teaching staff of the educational institution concerned.....
Member.

(iv) The Principal of the educational institution concerned.....Ex-officio Member.

(c) The State Government shall appoint any member of the committee as Secretary to the Committee.

(3) On the vesting of the educational institutions in the State Government for the purpose of management and control under sub-section (1), every person, in whose possession, custody or control the said educational institutions or any part thereof may be, shall forthwith deliver possession of the same to the State Government or to such officer as the State Government may authorise in this behalf.

(4) If any person refuses or fails to comply with the provisions of sub-section (3) in respect of any of the educational institutions, the Administrator or the committee, as the case may be, of the educational institution concerned shall apply to a magistrate within whose jurisdiction such educational institution is situate, and such magistrate shall enforce the delivery of possession of such educational institution or part thereof, as the case may be, to the State Government or to the officer authorised under sub-section (3).

(5) Every person having possession, custody or control of any assets or property of the educational institutions on the appointed day shall deliver forthwith such assets or property to the Administrator or the committee, as the case may be, of the educational institution concerned or to any officer authorised by the State Government under sub-section (3).

(6) Any person who, on the appointed day, has in his possession or under his control any books, cheque books, papers or other documents relating to any of the educational institutions, shall deliver them up to the Administrator or the committee, as the case may be, of the educational institution concerned or to an officer authorised by the State Government under sub-section (3).

(7) Every person in charge of the management and control of any of the educational institutions immediately

before the appointed day shall, within ten days from that day or within such further time as the State Government may allow in this behalf, furnish to the State Government or to an officer authorised by the State Government under sub-section (3) a complete inventory of all the properties, assets, borrowings, liabilities and obligations of such educational institution standing to the credit of or against such institution immediately before the appointed day.

Powers and duties of the Administrator or the committee.

4. (1) The State Government may issue such directions to the Administrator or the committee, as the case may be, of the educational institution concerned as to his or its powers and duties as the State Government deems desirable and the Administrator or the committee, as the case may be, may also apply to the State Government at any time for instructions as to the manner in which he or it shall conduct the affairs and business of the educational institution concerned.

(2) Subject to the other provisions of this Act and to the control of the State Government, the Administrator or the committee shall be entitled to exercise such powers of management and control, in relation to the educational institution concerned, as were exercised by the persons in charge of the management and control of such educational institution immediately before the appointed day, and as may be prescribed.

(3) Subject to the control of the State Government, the Administrator or the committee, as the case may be, shall take such steps and discharge such duties as may be necessary for the purposes of efficiently controlling, managing and administering the business and affairs of the educational institution concerned and as may be prescribed.

(4) Subject to the control of the State Government, the Administrator or the committee, as the case may be, may, for effectively carrying out the purposes of this Act, add to the educational institution concerned such new works, furniture, equipments, stores, lands and buildings, as he or it may consider necessary.

The employees of the educational institutions to continue in service.

5. The persons who were in the employ of the educational institutions, referred to in sub-section (1) of section 3, immediately before the appointed day shall continue to remain in service on terms and conditions not being less advantageous to those in force immediately before the appointed day,

unless the State Government, in the interest of such educational institution, otherwise determines.

Allotment of money by the State Government to educational institutions.

6. The State Government may, on application made by the Administrator or the committee, as the case may be, in this behalf, allot money either by way of grant or advance to the educational institution concerned, on such terms and conditions as the State Government may determine for the purpose of enabling the Administrator or the committee to manage efficiently the affairs and business of the said educational institution.

Management and control of the educational institution to revert.

7. On the expiry of the period for which the management and control of the educational institutions has been taken over under sub-section (1) of section 3 of this Act or on any date earlier to the date of the expiry of such period, as the State Government may direct, the management and control of such educational institutions shall respectively revert to a duly constituted managing committee or governing body, as the case may be.

Penalty.

8. (1) Whoever contravenes any of the provisions of this Act shall, on conviction before the magistrate, be punishable, without prejudice to any other penalty to which he may be liable under any other law for the time being in force, with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the State Government or of an officer authorised by the State Government in this behalf.

Act to have overriding effect.

9. The provisions of this Act, or any notification, order or rule made thereunder, shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any other law or any decree or order of any court.

Protection of action taken in good faith.

10. No suit, prosecution or other legal proceeding shall lie against the Administrator or the committee, or any officer or other employee of the State Government, or the educational institutions, for anything which is in good faith done or intended to be done under this Act.

11. The Administrator or the committee shall have the power to institute, defend or take part in any suit or proceedings by or against the educational institution concerned.

and etc. suits,
and proceedings.

Power to re-
move difficul-
ties.

12. If, within one year from the appointed day, any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order as occasion requires, do anything, not inconsistent with the provisions of this Act, which appears to it to be necessary for the purpose of removing such difficulty.

Power to make
rules.

13. (1) The State Government may, by notification, make rules to carry out the purposes of this Act.

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

- (a) power of control, management and administration of the educational institutions ;
- (b) the terms and conditions of service of persons employed in the educational institutions ;
- (c) the tenure of membership of the members of the committee and the procedure to be followed in conducting the business of the committee ;
and
- (d) any other matter which may be, or is required to be, prescribed.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislative Assembly, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the Legislative Assembly makes any modification in the rule by way of amendment or repeal, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or repeal shall be without prejudice to the validity of anything previously done under that rule.

Repeal and savings.

14. (1) The Tripura Educational Institutions (Taking Over of Management) Ordinance, 1973 is hereby repealed.

Ordinance 1 of 1973.

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been validly done or taken under this Act as if this Act had come into force on the 10th day of February, 1973.

This bill was passed by the Tripura Legislative Assembly on the:— 20 MAR 1973

Dated, the 20th March, 1973 Speaker.

I reserve the Bill for the consideration of the President

Governor, Tripura,

Date... 29.3.73

I assent to this Bill.

April 21, 1973.

President.