

# ACT No. XIII OF 1922.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 29th March, 1922.)

An Act to provide for the incorporation of Trustees for the European Hospital for mental diseases at Ranchi, and to make provision for other matters in relation thereto.

WHEREAS it is expedient to provide for the incorporation of Trustees for the European Hospital for mental diseases at Ranchi, and to make provision for other matters in relation thereto; It is hereby enacted as follows:—

1. (1) This Act may be called the Ranchi Mental Hospital Act, 1922. Short title and commencement.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "the Board" means the Board of Trustees for the European Hospital for mental diseases at Ranchi constituted under this Act;

(b) "the Chairman" means the Chairman of the Board;

(c) "the Hospital" means the European Hospital for mental diseases established at Ranchi in the province of Bihar and Orissa;

(d) "land"

1

[Price three annas and three pies.]

Ranchi Mental Hospital. [ACT XIII

(d) "land" means land as defined in section 3 of the Land Acquisition Act, 1894; I of 1894.

(e) "the Local Government" means the Local Government of Bihar and Orissa;

(f) "the Superintendent" means the Superintendent of the Hospital appointed by the Local Government; and

(g) "Trustee" means a member of the Board.

Incorporation  
of Trustees.

3. Subject to the provisions of this Act, the entire management and control of the Hospital shall, on and from the date on which this Act comes into force, be vested in a Board to be called "the Trustees for the European Hospital for mental diseases at Ranchi," and the Board shall be a body corporate having perpetual succession and a common seal, with power to acquire and hold property both moveable and immoveable and to contract, and shall by the said name sue and be sued.

Constitution  
of the Board.

4. (1) The Board shall consist of fourteen Trustees, namely:—

(a) a Chairman appointed by the Local Government;

(b) four Trustees appointed by the Local Government of Bengal;

(c) two Trustees appointed by each of the Local Governments of the United Provinces of Agra and Oudh, the Punjab and Bihar and Orissa;

(d) one Trustee appointed by the Local Government of the Central Provinces;

(e) one Trustee elected by the Council of the Company which was at the commencement of this Act registered under the Indian Companies Act, 1913, by the name VII of 1913. of the European Association; and

(f) one Trustee elected by the Anglo-Indian and Domiciled European Association (Bengal), Limited.

(2) The Superintendent shall be *ex-officio* Secretary of the Board.

5. (1) On

5 (1) On the date on which this Act comes into force, the Governor General in Council shall pay to the Board a sum of three and a half lakhs of rupees by way of loan, which sum shall be repaid by the Board, together with any interest or costs due in respect thereof, in accordance with such terms and conditions as the Governor General in Council may fix.

Initial loan  
to the Board.

IV of 1912.

(2) Any amount which is repaid or is repayable in any year under sub-section (1) shall be taken into account in the calculation of the amount attributable to the cost of maintenance, as defined in section 3 of the Indian Lunacy Act, 1912, of the lunatics detained in the Hospital in that year.

6. (1) The Governor General in Council may, on such terms and conditions as he may fix, make further loans to the Board for the carrying out of any works in connection with the Hospital which have been sanctioned in accordance with the provisions of any rules made under this Act, and the Board shall repay the money borrowed, together with any interest or costs due in respect thereof, according to the terms and conditions of the loan.

Loans to the  
Board for  
specific pur-  
poses.

(2) Save as provided in section 5 and sub-section (1), the Board shall not borrow money upon or otherwise charge its funds.

IV of 1912.

7. On and from the date on which the provisions of this Act come into force, all monies payable under the Indian Lunacy Act, 1912, on account of the cost of maintenance of any lunatic in the Hospital shall be paid to the Board.

Other income.

I of 1894.

8. The Local Government may, at the request of the Board acquire, under the provisions of the Land Acquisition Act, 1894, any land which it is satisfied is required by the Board for the purposes of the Hospital, and, on payment by the Board of the compensation awarded under that Act and of the charges incurred by the Local Government in connection with the proceedings, the land shall vest in the Board.

Acquisition  
of land.

9. Subject to the provisions of this Act and of any rules made hereunder, the Board shall maintain

Establish-  
ment.

such

*Ranchi Mental Hospital.* [ ACT XIII

such staff of officers and servants as may in its opinion be necessary for the proper management and up-keep of the Hospital, and shall assign to them such pay and allowances as it thinks fit.

Contributions  
for pensions,  
etc.

**10.** Where any person in the service of Government is appointed as an officer or servant of the Board, the Board shall—

- (a) if his services are wholly lent or transferred, meet in addition to his pay and allowances any charges prescribed or authorised by any rules for the time being in force under the provisions of section 96B of the Government of India Act regarding contributions towards pensions or gratuities and leave allowances, and
- (b) if he is employed partly by Government and partly by the Board, meet such proportion of such pay and allowances and charges as may be determined by the Local Government.

Trustees and  
servants to  
be public  
servants.

**11.** Every Trustee and every officer and servant of the Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

Returns.

**12.** The Local Government may call upon the Board to furnish it with any extract from any proceedings of the Board or from any record under the control of the Board, or with any statistics concerning the administration of the Hospital, and the Board shall thereupon furnish the same without unreasonable delay.

Control and  
supersession  
of the Board.

**13.** (1) If the Local Government, after such inquiry as it may deem fit, is satisfied—

- (a) that any of the duties imposed or powers conferred upon the Board by or under this Act has not been performed or exercised, or has been performed or exercised in an imperfect, inefficient or unsuitable manner; or
- (b) that adequate financial provision has not been made for the performance of any such

such duty or for the proper maintenance of the Hospital ;

it may, by order in writing, direct the Board, within such period as may be specified in the order, to make arrangements to the satisfaction of the Local Government for the proper performance of any such duty or the proper exercise of any such power, or to make financial provision to the satisfaction of the Local Government for the performance of any such duty or for the maintenance of the Hospital, as the case may be ; and the Board shall thereupon comply with such direction.

(2) On the failure of the Board to comply with any such direction, the Local Government or any person appointed by the Local Government in this behalf may perform such duty or exercise such power or make such provision, as the case may be, and the Local Government may attach the funds of the Board or any portion thereof and may apply the same to meet any charges incurred in the performance of such duty or the exercise of such power, or in the making of such provision, as the case may be.

(3) On the repeated failure of the Board to comply with such directions, or if the Board otherwise exceeds or abuses its powers, the Local Government may, with the previous sanction of the Governor General in Council, by notification in the Gazette of India and in the Bihar and Orissa Gazette, declare the Board to be incompetent or to have exceeded or abused its powers, as the case may be, and direct that the Board shall be superseded for such period as may be specified in the notification.

(4) When the Board is superseded under the provisions of sub-section (3)—

(a) all Trustees shall, from the date of the publication of the notification under that sub-section, vacate their offices as Trustees

(b) all powers and duties of the Board shall, during the period of supersession, be exercised and performed by such person or persons

persons as the Local Government may appoint in this behalf ;

(c) all funds and other property vested in the Board shall, during the period of super-session, vest in the Local Government on behalf of His Majesty ; and

(d) before the expiration of the period of super-session, elections shall be held and appointments made for the purpose of reconstituting the Board.

(5) If the Local Government is informed by the Governor General in Council that the Board has made default in the repayment of any sum due on account of a loan under section 5 or section 6, the Local Government shall forthwith exercise such of its powers under sub-sections (1) and (2) as may be necessary for the purpose of enforcing such repayment.

**14.** The Local Government may, with the previous sanction of the Governor General in Council, by notification in the Gazette of India and in the Bihar and Orissa Gazette, declare that, with effect from such date as may be specified in the notification, the Board shall be dissolved, and, on the making of such declaration, all funds and other property vested in the Board shall vest in the Local Government on behalf of His Majesty. Dissolution of the Board.

**15.** The Governor General in Council may make rules prescribing— Power of the Governor General in Council to make rules.

(a) the qualifications for being appointed a Trustee ;

(b) the circumstances in which and the authority by which any Trustee may be removed ;

(c) the filling of any vacancy in the office of a Trustee, whether temporary or otherwise ;

(d) the term of office of Trustees ; and

(e) the allowances, if any, payable to the Trustees from the funds of the Board on account

account of attendance at meetings of the Board.

**16. (1)** The Local Government may, subject to rules made under section 15, make rules for the purpose of carrying into effect all or any of the provisions of this Act. Power of the Local Government to make rules.

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

- (a) for fixing the minimum number of meetings of the Board during any year ;
- (b) for requiring the maintenance by the Board or the Managing Committee of the Board of a record of all business transacted and the submission of copies of such record to the Local Government or to any other specified authority ;
- (c) for defining the powers of the Board, the Managing Committee of the Board, the Chairman and the Superintendent, respectively, to enter into contracts which shall be binding on the Board, and the manner in which such contracts shall be executed ;
- (d) for sanctioning works in connection with the Hospital, and for prescribing the preparation of estimates of such works before work is commenced and the authority by which such estimates shall be sanctioned ;
- (e) for the procedure to be observed in calling for and considering tenders ;
- (f) for requiring the preparation of schedules of the staff of officers and servants of the Board ;
- (g) for defining the powers of the Board, the Managing Committee of the Board, the Chairman and the Superintendent, respectively, in respect of the appointment, promotion and dismissal of officers and

servants

- servants of the Board, and in respect of the creation and abolition of appointments of such officers or servants ;
- (h) for regulating the grant of leave to officers and servants of the Board, and the payment of leave allowances to such officers and servants, and the remuneration to be paid to any person appointed to act for any officer or servant to whom leave is granted ;
  - (i) for regulating the payment of pensions, gratuities, compassionate allowances and travelling allowances to officers and servants of the Board ;
  - (j) for prescribing the establishment and maintenance of a provident fund for the officers and servants of the Board, and for the deduction of subscriptions to such provident fund from the pay and allowances of such officers or servants, other than Government servants whose services have been lent or transferred to the Board ;
  - (k) for prescribing the preparation of budget estimates of the annual receipts and expenditure of the Board and of supplementary estimates of expenditure not included in the budget estimates, and the manner in which such estimates shall be sanctioned and published ;
  - (l) for defining the powers of the Board, the Managing Committee of the Board, the Chairman and the Superintendent, respectively, in regard to the expenditure of the funds of the Board, whether provision has or has not been made in the budget estimates or by re-appropriation for such expenditure, and in regard to the re-appropriation of estimated savings in the budget estimates of expenditure ;
  - (m) for prescribing the maintenance of accounts of the receipts and expenditure of the Board and providing for the audit of such accounts ;

(n) for



- (n) for prescribing the manner in which payments are to be made by or on behalf of the Board, and the officers by whom orders for making deposits or investments or for withdrawals or disposal of the funds of the Board shall be signed ; and
- (o) for determining the custody in which the current account of the Board shall be kept, and the bank or banks at which surplus monies at the credit of the Board may be deposited at interest, and the conditions on which such monies may be otherwise invested.

17. Subject to any rules made under sections 15 and 16, the Board may, with the previous sanction of the Local Government, make rules to provide for all or any of the following matters, namely :—

Powers of the Board to make rules.

- (a) for the constitution of a Managing Committee and the delegation thereto of any powers exercisable under this Act by the Board ;
- (b) for prescribing the method of appointment, removal and replacement and the term of office of members of the Managing Committee, and for the filling of vacancies therein ;
- (c) for the appointment of the dates, times and places for meetings of the Board and the Managing Committee, and for regulating the procedure to be observed at such meetings ;
- (d) for determining the amount and nature of the security, if any, to be demanded from officers or servants of the Board, and the circumstances in which such security may be demanded ;
- (e) for determining the times at which, and the circumstances in which, payments may be made out of the provident fund, and the conditions on which such payments shall relieve the fund from further liability ;

(f) for

*Ranchi Mental Hospital.* [ ACT XIII OF 1922.]

- (f) for determining the contribution, if any, payable from the funds of the Board to the provident fund ;
- (g) for regulating generally all matters incidental to the provident fund and the investment thereof ; and
- (h) for defining the powers and duties of the Secretary of the Board.

Rules to be made after previous publication.

**18.** All rules made under this Act shall be made subject to the condition of previous publication, and shall be published in the Gazette of India and in the Bihar and Orissa Gazette, and on such publication shall have effect as if they were enacted in this Act.

Notice of suits against the Board, etc.

**19.** No suit shall be instituted against the Board or any Trustee or any officer or servant of the Board, or any person acting under the direction of the Board or of the Chairman or of any such officer or servant, in respect of any act purporting to be done under this Act or any rule made hereunder until the expiration of one month after written notice has been delivered or left at the office of the Board or at the office or place of abode of such officer or servant, stating the cause of action, the name and place of abode of the complainant and the relief which he claims, and unless the plaint contains a statement that such notice has been so delivered or left.

Validation.

**20.** No act done or proceedings taken under this Act shall be questioned on the ground merely of—

- (a) the existence of any vacancy in or any defect in the constitution of the Board or the Managing Committee ; or
- (b) any person having ceased to be a Trustee ;  
or
- (c) any omission, defect or irregularity not affecting the merits of the case.

IV of 1912.

**21.** For all the purposes of the Indian Lunacy Act, 1912, the Hospital shall be deemed to be an asylum established by the Government. Classification of Hospital.