

West Bengal Act XVII of 1967

THE CALCUTTA NATIONAL MEDICAL COLLEGE AND HOSPITAL ACT, 1967.

AMENDED West Ben. Act XXXIV of 1976.

[31st July, 1967.]

An Act to make better provision for the control, management and maintenance of the institution commonly known as the Calcutta National Medical College, together with the hospitals and dispensaries attached thereto and used in connection therewith with a view to promoting public health and to [provide for that purpose for the taking over for a limited period of [the management and the subsequent acquisition] of all the property belonging to the said institution or held for the benefit thereof

WHEREAS it is expedient in the public interest to make better provision for the control, management and maintenance of the institution commonly known as the Calcutta National Medical College, together with the hospitals and dispensaries attached thereto and used in connection therewith with a view to promoting public health and to [provide for that purpose for the taking over for a limited period of the management and the subsequent acquisition] of all the property belonging to the said institution or held for the benefit thereof;

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

1. This Act may be called the 'Calcutta National Medical' College and Hospital Act, 1967.

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

Definitions

- (a) "appointed day" means the 9th day of June, 1967;
- (b) "the institution" means the Calcutta National Medical College together with its hospitals, clinics and dispensaries attached thereto and used in connection therewith and includes all lecture rooms, museums, laboratories, libraries, hostels and boarding houses used in connection with or as accessories to or adjuncts of the said college, hospitals, clinics or dispensaries.

For Statement of Object and Reasons, see *Calcutta Gazette, Extraordinary*, Part IVA or the 22nd June, 1967, pages 1927-1928; for proceedings of the West Bengal Legislative Assembly, see the proceedings of meeting of that Assembly held on 8th July, 1967.

Words within the square brackets were substituted for the words "take over for that purpose for a limited period the management" by ss. 2 and 3 of the Calcutta National Medical College and Hospital (Amendment) Act, 1976 (West Ben. Act XXXIV of 1976).

(SecHorn 3, 3A.)

Transfer.

3. With effect from the appointed day and for a period of ten years thereafter[, or, in the case of acquisition of the institution under section 3A, till the date of such acquisition, whichever is earlier]ô

- (1) the institution together withô
 - (a) all lands thereof and appurtenant thereto and all buildings, erections and fixtures on such lands,
 - (b) all furniture, equipments, stores, drugs, moneys and all other assets of the institution,
 - (c) all other properties and assets of the institution, which immediately before the appointed day vested in the Board of Trustees of the Calcutta National Medical Institute, a society registered under the Societies Act, 1860,^{1860,} shall stand transferred to the State Government and shall remain under the control and management of the State Government;
- (2) all deeds of gift, endowment, bequest, trust or otherwise covering all properties and assets referred to in sub-clause (c) of clause (1) shall be construed as if they were executed in favour of the State Government;
- (3) all contracts, debts and liabilities of the institution shall be deemed to be contracts, debts and liabilities of the State Government;
- (4) all persons in charge or (he management of ihe institution immediately before the appointed day shall be deemed to have vacated their offices;
- (5) the institution shall be run by the State Government as a State institution.

Acquisition

²3A. (1) The State Government may, if it so thinks fit, at any time within the period of ten years referred to in section 3, acquire the institution by notification published in the *Official Gazette*.

(2) On and from the date on which the notification referred to in sub-section (1) is published (hereinafter referred to as the date of vesting),ô

- (i) ihe institution together withô
 - (a) all lands thereof and appurtenant thereto and all buildings, erections and fixtures on such lands,

¹Words, figure and teller wiilin ihe square bracketed were inserted by s. A of ihe Calcutta National Medical College and Hospital (Amendment) Act, 1976 (West Ben. Act XXXfV of 1976).

²Sections 3A and 3B were inserted bj's. 5. *ibid.*

(Section 3A.)

21 of 1860,

- (b) all furniture, equipments, stores, dmgs, monies and other assels of (he institution, and
- (c) all other properties and assets of the institution, which immediately before ihe appointed day vested in the Board of Trustees of the Calcutta National Medical Institute, a society registered under the Societies Registration Act, 1860, shall stand transferred to and vest abosolutely in the State Government free from all encumbrances;
- (ii) all deeds of gift, endowment, bequest or trust, covering all properties and assets referred to in sub-clause (c) of clause (i), shall be construed as if they were executed in favour of the State Government;
- (iii) the institution shall be run by the State Government as a State institution;
- (iv) any contract, whether express or implied, or other arrangement, whether made under any statute or otherwise, in relation to the management of any property or other affair of the institution, and in force immediately before the date of vesting shall be deemed to have terminated on and from the date of vesting;
- (v) every person who has been an employee of the institution before the date of vesting shall, on and from the dale of vesting, become an employee of the State Government and shall hold office on the same terms and conditions as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the State Government is duly terminated or until (he terms and conditions of his service are duly altered by the State Government by rules made in this behalf:

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Provided that the services of every person who expresses his unwillingness to continue in service in terms of the provisions of this clause shall stand terminated with effect from the date of vesting or from any other date to be notified by him;
- (vi) notwithstanding anything contained in any law for the lime being in force or in any contract, custom or usage, to the contrary, the transfer of the service of any employee of the institution to the service of the State Government shall not entitle such employee to any compensation on any account whatsoever and no claim in this behal f shall be entertained by any court, tribunal or other authority.

(Sections 3B, atid 4-6.)

Amount to
be paid.

¹3B, (1) The State Government shall deposit, in cash, in the Court of the District Judge of 24-Parganas to the credit of the Board of Trustees of the Calcutta National Medical Institute, a society registered under the Societies Registration Act, 1860, being owners of the properties of the institution, an amount calculated at the rate of rupees one hundred for every year or part thereof during which the management of the institution remained vested in the State Government, for the vesting in the State Government of such management, and the Court shall, upon application, authorise the State Government to utilise the amount so deposited for the persons who are beneficially entitled to the assets of the institution under the trust,

21 of 1860.

(2) The State Government shall also deposit in cash, in the said Court to the credit of the Board of Trustees of the Calcutta National Medical Institute aforesaid, an amount equal to the sum of five thousand rupees for the transfer to, and vesting in, the State Government under section 3A, of the institution together with all its properties.

(3) For the avoidance of doubts it is hereby declared that the liabilities of the institution in relation to its properties which have vested in the State Government under section 3A, shall be met from the amount referred to in sub-section (2).

(4) In meeting the liabilities of the institution in relation to its properties which have vested in the State Government under section 3A, the Court shall distribute the amount referred to in sub-section (2), amongst the creditors of the institution, whether secured or unsecured, in accordance with their rights and interests, and if there is any surplus left after such distribution, the same shall be allowed by the Court, upon application, to be utilised by the State Government for the persons beneficially entitled to the assets of the institution under the trust.

Use of
properties
transferred to
the State
Government,

4. All properties transferred to the State Government under this Act shall be utilised for the purposes for which they were being used immediately before the appointed day.

Removal of
difficulties.

5. If any difficulty arises in giving effect to the provisions of this Act or the rules made thereunder, the State Government may take such steps or issue such orders not inconsistent with this Act as may be necessary for the removal of the difficulty.

Power to make
rules.

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

¹See Joint Note 2 on page 134, *ibid*.

XVII or 1967.]

(Section 7.)

(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 persons employed in the institution.

(3) Until rules are made under clause (b) of sub-section (2), persons employed in the institution shall continue to remain under the terms and conditions of service in force immediately before the appointed day.

West Ben, 7. (I) The Calcutta National Medical College and Hospital Repeal and 1967^{mot} Ordinance, 1967 is hereby repealed.

savings.

(2) 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 commenced on the 9th day of June, 1967.