



The Chanchal College (Taking Over of Management) Act, 1976

Act 37 of 1976

Keyword(s):

Proper Management, Promoting Education, Taking over of Management

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West Bengal Act XXXVII of 1976¹

THE CHANCHAL COLLEGE (TAKING OVER OF MANAGEMENT) ACT, 1976.

[19th June, 1976.]

An Act to secure the proper management of the institution, with a view to promoting education, known as the Chanchal College at Chanchal, in the district of Malda, and to take over for that purpose for a limited period the management of the said institution.

WHEREAS it is expedient to secure the proper management of the institution, with a view to promoting education, known as the Chanchal College at Chanchal, in the district of Malda, and to take over for that purpose for a limited period the management of the said institution;

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

1. This Act may be called the Chanchal College (Taking over of Management) Act, 1976.

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 property known as Chanchal College at Chanchal, in the district of Malda, together with the lands, buildings, erections and fixtures constituting the same and includes—

(i) all furniture, equipments, stores, monies and other assets,

(ii) all lecture rooms, laboratories, libraries, hostels, boarding houses, etc.,

which immediately before the appointed day were held in connection with, or for the purpose of management of, the said College.

3. (1) The State Government may, by an order published in the *Official Gazette*, take over the management of the institution and appoint an officer not below the rank of a Deputy Collector (hereinafter referred to as the Administrator) for managing the institution in accordance with the provisions of this Act and the rules made thereunder.

Taking over of management of the institution.

(2) An order made under sub-section (1) shall remain in force for a period of three 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 8th March, 1976, page 1206; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 5th April, 1976.

(Sections 4-9.)

Effect of an order made under section 3.

4. With effect from the appointed day—
- (i) the administrator shall have all the powers of management in relation to the institution;
 - (ii) all persons exercising any power of management in relation to the institution, immediately before the appointed day, including the members of the governing body, shall cease to exercise such powers.

Reversion of the institution after the expiry of the period of management.

5. 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 and upon the expiry of the said period the same shall revert to the owners thereof.

Persons to assist the Administrator.

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

Penalty.

7. (1) 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
 - (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 document 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.

(2) All offences under this section shall be cognizable.

Power to defend suits and proceedings.

8. The Administrator shall have the power to institute, defend or take part in, any suit or proceeding by or against the owners of the institution.

Advances by State Government.

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

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(Sections 10-14.)

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

10. The State Government may, if it is satisfied that it is necessary or expedient so to do, direct, by notification, 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.

11. A notification issued under section 10 shall have effect notwithstanding anything to the contrary contained in any other law, agreement or instrument or any decree or order of any court, tribunal, officer or other authority.

Overriding effect of notification under section 10.

12. Any remedy for the enforcement of any right, privilege, obligation or liability referred to in section 10 and suspended or modified by a notification under that section shall, in accordance with the terms of the notification, remain suspended or modified, and all proceedings relating thereto pending before any court, tribunal, officer or other authority shall accordingly be stayed or be continued subject to such modification so, however, that on the notification ceasing to have effect—

Suspension or modification of certain remedies, etc.

(a) any right, privilege, obligation or liability so suspended or modified shall revive and be enforceable as if the notification had never been issued; and

(b) any proceeding so stayed shall be proceeded with subject to the provisions of any law which may then be in force from the stage which had been reached when the proceeding was stayed.

13. In computing the period of limitation for the enforcement of any right, privilege, obligation or liability referred to in section 10, the period during which it or the remedy for the enforcement thereof was suspended, shall be excluded.

Period of limitation.

14. No suit, prosecution or other legal proceeding shall lie against the State Government or the Administrator or any other person for anything which is in good faith done or intended to be done under this

Protection of action taken under this Act.

*The Chanchal College (Taking over of Management)
Act, 1976.*

[West Ben. Act XXXVII of 1976.]

(Sections 15, 16.)

Power to
remove
difficulties.

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

Power to
make rules.

16. (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 persons appointed for carrying out the purposes of this Act, and
 - (c) any other matter which has to be, or may be, prescribed by rules.
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