

THE RANGARAYA MEDICAL COLLEGE (TAKING OVER OF MANAGEMENT)
ACT, 1977

ACT No.17 OF 1977

ARRANGEMENT OF SECTIONS

Sections

CHAPTER 1
PRELIMINARY

1. Short title and commencement
2. Definitions
3. Act to override all other enactments etc.,

CHAPTER 2
TAKING OVER OF THE MANAGEMENT OF THE RANGARAYA
MEDICAL COLLEGE

4. Management of the Medical College to vest in the Government on the appointed day.
5. Appointment of Special Officer
6. Payment of rent for property during the period of management of the medical college
7. Appeal

CHAPTER 3
MISCELLANEOUS

8. Powers of entry and inspection and calling for information
9. Power to terminate contracts of employment
10. Contracts, etc. in bad faith may be cancelled or varied
11. Avoidance of voluntary transfers
12. Protection of action taken in good faith
13. Delegation of powers
14. Penalties
15. Offences by Companies
16. Power to make rules
17. Power to remove difficulties
18. Repeal of Andhra Pradesh Ordinance 6 of 1977

THE RANGARAYA MEDICAL COLLEGE (TAKING OVER OF MANAGEMENT)
ACT, 1977

ACT No.17 OF 1977

[23rd July, 1977]

AN ACT TO PROVIDE FOR THE TAKING OVER, IN THE PUBLIC INTEREST, OF THE MANAGEMENT OF THE RANGARAYA MEDICAL COLLEGE AT KAKINADA PENDING THE ACQUISITION OF THE SAID MEDICAL COLLEGE, WITH A VIEW TO SECURING THE PROPER MANAGEMENT OF THE SAID MEDICAL COLLEGE, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Legislature of the State of Andhra Pradesh in the Twenty-eighth Year of the Republic of India as follows:-

CHAPTER 1

PRELIMINARY

1. Short title and commencement - (1) This Act may be called the Rangaraya Medical College (Taking over of Management) Act, 1977.

(2) It shall be deemed to have come into force on the 29th April, 1977.

2. Definitions - In this Act, unless the context otherwise requires,-

(a) "appointed day" means the 30th day of April, 1977;

(b) "Government" means the State Government;

(c) "Medical College" means the Rangaraya Medical College at Kakinada;

(d) "notification" means a notification published in the Andhra Pradesh Gazette; and the word "notified" shall be construed accordingly;

(e) "person interested" includes any person claiming or entitled to claim an interest in the amount payable on account of the taking over of the management of the medical college;

(f) "private management" means the Medical Education Society and the Government Body of the Rangaraya Medical College, societies registered under the Societies Registration Act, 1860 (Central Act 21 of 1860) and having their registered offices at Kakinada;

(g) "Special Officer" means the officer appointed under section 5 to take over the management of the medical college.

3. Act to override all other enactments etc.- 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 or in any instrument having effect by virtue of any other law or in any judgment, decree or order of any court, tribunal or other authority.

CHAPTER 2

TAKING OVER OF THE MANAGEMENT OF THE RANGARAYA MEDICAL
COLLEGE

4. Management of the Medical College to vest in the Government on the appointed day - (1) On and from the appointed day, the management of the

Rangaraya Medical College at Kakinada shall vest, in the Government and shall continue to so vest for a period not exceeding 5 years, or until the Medical College is acquired, whichever is earlier.

(2) The Medical college shall be deemed to include all assets, rights and lease-holds, powers, authorities and privileges, and all property, movable and immovable, including lands, buildings, stores, instruments and vehicles, cash balances, reserve fund, investments and book debts and all other rights and interests arising out of such property as were, immediately before the appointed day, in the ownership, possession, power or control of the private management, and all books of account, registers and all other documents whatever nature relating thereto.

(3) Any contract, whether express or implied, or other arrangement, (not being a contract or agreement specified in section 10) in so far as it relates to the management of the medical college, and in force immediately before the appointed day, shall be deemed to have terminated on the appointed day.

(4) All persons, in whom the management of the medical college vests immediately before the appointed day, shall, as from that day, cease to be so vested and shall be deemed to have vacated their offices as such on the appointed day.

(5) Notwithstanding anything in any other law for the time being in force, no person in respect of whom any contract of management or other arrangement is terminated by reason of the provisions contained in sub-section (3), or who ceases to hold any office by reason of the provisions contained in sub section (4), shall be entitled to claim any compensation for the premature termination of the contract of management or other arrangement or for the cessation of management or for the loss of office, as the case may be.

(6) Notwithstanding any judgment, decree or order of any court, tribunal or other authority or anything contained in any other law for the time being in force, every person in whose possession or custody or under whose control the medical college or any part thereof, or any properties attached thereto, may be immediately before the appointed day, shall, on the appointed day, deliver possession of the medical college or such part thereof, or any properties attached thereto, as the case may be, to the Special Officer, or where no Special Officer has been appointed, to such other person as the Government may direct.

(7) For the removal of doubts, it is hereby declared that any liability incurred by the private management in relation to the medical college before the appointed day shall be enforceable against the private management and not against the Government or the Special Officer.

5. Appointment of Special Officer - (1) The Government may, as soon as it is convenient administratively so to do, appoint any officer or any other person as the Special Officer of the medical college for the purpose of carrying on the management of such medical college and the Special Officer so appointed shall carry on the management of the medical college for and on behalf of the Government.

(2) On the appointment of the Special Officer under sub-section (1), the management of the medical college shall vest in the Special Officer and all persons in charge of the management of such medical college immediately before such appointment shall cease to be in charge of the management and shall be bound to deliver such management to the Special Officer together with

all assets, books of account, registers and other documents in their custody relating to such medical college.

(3) The Government may issue such directions (including directions as to initiating, defending or continuing any legal proceedings before any court, tribunal or other authority) to the Special Officer as to his powers and duties as the Government deem to be desirable in the circumstances of the case, and the Special Officer may also apply to the Government at any time for instructions as to the manner in which he shall conduct the management of the medical college or in relation to any other matter arising in the course of such management.

(4) Any person who, on the appointed day, has in his possession or under his control any books, papers or other documents relating to the medical college, including the minutes books containing the resolution of the persons in charge of the management thereof before the appointed day, the current cheque books relating to the medical college, any letters, memoranda notes or other communications between him and the private management in relation to the medical college, shall, notwithstanding anything in any other law for the time being in force, be liable to account for the books, papers and other documents to the Special Officer and shall deliver them to the Special Officer, or to any such person as may be authorised by the Government in this behalf.

(5) Every persons in charge of the management of the medical college immediately before the appointed day shall, within ten days from that day or within such further period as the Government may allow in this behalf, furnish to the Special Officer a complete inventory of all the properties and assets (including particulars of book debts, investments and belongings) forming part of the medical college immediately before the appointed day and of all the liabilities and obligations of the private management in relation to the medical college, subsisting immediately before that day, and also of all agreements entered into by the private management in relation to the medical college and in force immediately before that day.

(6) The Special Officer shall hold office during the pleasure of the Government and shall receive from the funds of the medical college such remuneration as may be fixed by the Government.

6. Payment of rent for property during the period of management of the medical college - The Government shall, during the period when the management of the medical college remains vested in them under this Act, pay to the person interested in respect of any property the possession of which is deliver to the Special Officer or other persons under sub-section (6) of section 4, such sum as is equal to the rent which would have been payable for its use and occupation, if it is an immovable property, or for its use, if it is a movable property, had it been taken on lease for that period:

Provided that where the said sum is not settled by any agreement, the matter shall be referred to the arbitrator appointed by the Government for making an award in this behalf.

7. Appeal - Any party aggrieved by the award of an arbitrator made under section 6 may, within ninety days from the date of communication of the award, prefer an appeal to the High Court:

Provided that the High Court may entertain an appeal after the expiry of the period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

CHAPTER 3
MISCELLANEOUS

8. Powers of entry and inspection and calling for information - The Special Officer or any other officer subordinate to him, who is authorised by him in this behalf, may, for the purpose of taking possession of the medical college and the properties attached thereto, under this Act, -

- (a) enter and inspect such medical college;
- (b) by order, require any person to furnish to the officer such information in his possession relating to the medical college, as may be specified in the order.

9. Power to terminate contractors of employment - If the Special Officer is of opinion that any contract of employment entered into by the private management in relation to the medical college at any time before the appointed day is unduly onerous, he may, by giving to the employee one month's notice in writing or salary or wages for one month in lieu thereof, terminate such contract of employment.

10. Contracts, etc. in bad faith may be cancelled or varied - (1) If the Government are satisfied, after such enquiry as they may think proper, that any contract or agreement entered into at any time within a period of two years immediately preceding the appointed day, between the private management in relation to the medical college and any other person, in relation to any service, sale or supply to, or by, the medical college and in force immediately before the appointed day, has been entered into in bad faith, or is detrimental to the interests of the medical college, they may make, within one hundred and eighty days from the appointed day, an order cancelling or varying (either unconditionally or subject to such conditions as they may think fit to impose) such contract or agreement and thereafter the contract or agreement shall have effect accordingly:

Provided that no contract or agreement shall be cancelled or varied except after giving to the parties to the contract or agreement an opportunity or making a representation in this regard.

(2) Any person aggrieved by an order made under sub-section (1) may, within sixty days from the date of communication of the order, make an application to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the medical college is situated for the variation or reversal of such order and there upon such court may confirm, modify or reverse such order.

11. Avoidance of voluntary transfers - Any transfer of property, movable or immovable, or any delivery of goods made by or on behalf of the medical college (not being a transfer or delivery made in the ordinary course of transaction or in favour of a purchaser for valuable consideration and in good faith), if made within a period of one year immediately preceding the appointed day, shall be void as against the Government or the Special Officer, as the case may be.

12. Protection of action taken in good faith - (1) No suit, prosecution or other legal proceeding shall lie against the Government or the Special Officer or any officer or other employee of the Government or the Special Officer in respect of anything which is in good faith done or intended to be done under this Act or the rules or orders made thereunder.

(2) No suit or other legal proceeding shall lie against the Government or the Special Officer or any other officer or employee of the Government or the Special Officer for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act or the rules or orders made thereunder.

13. Delegation of powers - (1) The Government may, by notification, direct that all or any of the powers exercisable by them under this Act (except under sections 16 and 17) may also be exercised by any person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Government.

14. Penalties - (1) Any person who -

(a) having in his possession or custody or under his control any property attached to the medical college, wrongfully withholds such property from the Special Officer or any person authorised under this Act, or

(b) wrongfully obtains possession of any such property, or

(c) wilfully retains any property forming part of the medical college or removes or destroys it, or

(d) wilfully withholds from, or fails to deliver to, the Special Officer or any person authorised under this Act, any assets, books of account, registers, papers or other document relating to the medical college, which may be in his possession, power or custody or under his control, or

(e) fails without any reasonable excuse, to furnish information or particulars as provided in this Act, or

(f) fails to comply with any direction made under this Act, shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to ten 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 Government or an officer authorised by the Government in this behalf.

15. Offences by Companies - (1) Where an offence under this Act has been committed by a company, every person, who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or

other officer of the company, such director, manager secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purposes of this section,-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

16. Power to make rules - (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall, immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session, or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule shall, from the date on which the modification or annulment is notified here effect only in such modified form, or shall stand annulled as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

17. Power to remove difficulties - If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order, published in the Andhra Pradesh Gazette, make such provisions not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for the removal of the difficulty :

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

18. Repeal of Andhra Pradesh Ordinance 6 of 1977 - (1) The Rangaraya Medical College (Taking over of Management) Ordinance, 1977, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act.