

THE UTTAR PRADESH UNAUTHORISED MEDICAL EDUCATIONAL INSTITUTIONS (PREVENTION) ACT, 1973¹

[U. P. ACT NO.5 of 1973]

Amended by U.P. Act No. 37 of 1975

[Passed in Hindi by the Uttar Pradesh Legislative Council on December 14, 1972, and with amendments by the Uttar Pradesh Legislative Assembly on January 12, 1973 which were approved by the Uttar Pradesh Legislative Council on January 15, 1973.]

Received the assent of the Governor on January 22, 1973 under Article 200 of 'the Constitution of India', and was published in the Uttar Pradesh Gazette Extraordinary dated January 22, 1973]

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ACT

to prohibit the promotion and opening of and the charging of fee for admission to and for tuition in unauthorized medical institutions, and provide for matters connected therewith or ancillary thereto

It is hereby enacted in the Twenty-third Year of the Republic of India as follows :-

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| Short title and extent | 1- | (1) This Act may be called the Uttar Pradesh Unauthorized Medical Educational Institutions (Prevention) Act, 1973.
(2) It extends to the whole of Uttar Pradesh. |
| Penalty for opening etc. of unauthorised medical colleges | 2- | <p>If any person other than a person authorized under section 3 of the Indian Medical Degrees Act, 1916, to confer, grant or issue degree, diploma, licence, certificate or other document referred to in that section :-</p> <p>(a) permits, opens, organizes, maintains or manages any institution professing to undertake, conduct, provide or offer any instruction in Western Medical Science; or</p> <p>(b) admits or offers admission on payment of fee (by what ever name called) or without such payment to any course of instruction in Western Medical Science; or</p> <p>(c) makes any arrangement or holds out that arrangements have been made for lectures or tutorials or for experiments in any laboratory with a view to imparting instruction in Western Medical Science; or</p> <p>(d) receives any subscription, donation or fee (by whatever name called) in respect of any such institution, course or arrangement as is referred to in clause (a) clause (b) or clause (c),</p> |

he shall be punishable with rigorous imprisonment for a period of 3 years or with fine which may extend to Rs. 2,000 or with both.

Explanation-- In this section the expression "Western Medical Science" has the same meaning as in the Indian Medical Degrees Act, 1916.

1. For S. O. R. see Gazette dated 13th December, 1973.

Penalty etc. in
relation to
unauthorized
medical
colleges
opened before
November 24,
1972

3-

(1) Where any person has opened or organized or permitted to be opened or organized any institution professing to undertake, conduct, provide or offer instruction in Western Medical Science and admitted students on payment of subscription, donation or fee (by whatever name called) to any course of instruction or arrangements for lectures or tutorials or for experiments with a view to imparting instruction in Western Medical Science before November 24, 1972, and the maintenance or management of such institutions or the making of such arrangements after the said date has become punishable under section 2, then --

(a) any subscription, donation or fee so received, or the unspent Spent amount thereof as well as any property or assets including any building, laboratory or equipment acquired by such person out of the moneys received as subscription, donation or fee shall within fifteen days from the commencement of this Act be delivered to the Director of Medical and Health Services, Uttar Pradesh (hereinafter in this section referred to as the Director), who shall hold it in trust for being distributed or utilized as hereinafter provided;

[(b) arrangements shall be made for coaching students admitted as aforesaid for preparing them to appear at a special test for admission to the recognized medical colleges of the State, and the expenditure incurred on such coaching and holding the test shall be deducted from the moneys referred to in clause (a), and any student may on or before [March 31, 1982]² apply to the Director for refund of the balance of the sum paid by him, and the Director may refund such proportion thereof as may be available pro rata for him out of the unspent amount;]¹

[(c) The Director shall dispose of the property and assets (other than cash) and convert the same into cash for being **distributed pro-rata among the** said students after discharging the outstanding liabilities, if any, of the person, incurred in connection with the opening, organizing or running such institution before November 24, 1972 and defraying the expenses incurred in taking such steps;]³

(d) if any sum of money and other property and assets remain at he disposal of the Director after he has taken action under the foregoing clauses, he may utilise it for purposes connected with the provision of instruction in the Western Medical Science;

(e) the Director may require any such person to produce before him any book of account, register or other document relating to such institution or arrangements or to such subscription, donation or fee as are referred ,to in clause (a) ;

(f) the Director or any person authorised by him in that behalf may enter and search any building Or other place where the Director or such person has reason to believe that such books, registers and other documents are kept and the provisions of sections 102, 103 and 165 of the Code of Criminal Procedure, 1898 shall Mutatis Mutandis apply in relation to any entry or search under this section as they apply in relation to any entry or search under the said Code;

1. Subs. and be deemed always to have been subs. by section 2 of U.P. Act No. 37 of 1975.

2. Subs. by section 2 (b) of U.P. Act No. 26 of 1982.

3. Subs. by section 2 (c) ibid,

[The Uttar Pradesh Unauthorized Medical Educational Institutions (Prevention) Act, 1973 [Section 4-6]

(g) the Director may issue a notice to any bank or other person with whom any money as aforesaid has been deposited by a person referred to in clause (a) calling upon him to desist from paying the amount to such person, and instead to pay it in the Court of Civil Judge having jurisdiction, and if the person to whom notice is issued does not comply with such notice, then the said court may, on an application by the Director in that behalf, order him to comply with the terms of the said notice, and on such order, the Court may issue execution as though such order were a decree against that person and the provisions of rules 133 to 140 of Order 21 in the First Schedule to the Code of Civil Procedure, 1908, shall Mutatis Mutandis apply in relation to such notice or order and the Director shall be deemed to be decree holder.

(2) Any person who --

(a) fails to pay or deliver any sum or other property or asset referred to in clause (a) of sub-section (1) within the time specified therein to the Director; or

(b) fails to produce before the Director any book of account register or other document as required under clause (e) of sub-section (1) ; or

(c) obstructs or prevents the Director or any person authorised by him from performing any of the functions specified in clause (f) of sub-section (1);

shall be punishable with rigorous imprisonment for a period of three years or with fine which may extend to two thousand rupees or with both.

Offences by
companies

4-

(1) If the person committing an offence under this Act, is a company, the company as well as every person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence 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 exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any such offence has been committed and it is proved that the offence has been committed with the consent or connivance of or that the commission of the offence 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 also 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.

Complaint on
behalf of the
State Government

5-

No prosecution for an offence punishable under this Act shall be instituted except on a complaint by or on the authority of the State Government.

Repeal of U.P.
Ordinance No.
19 of 1972

6-

The Uttar Pradesh Unauthorised Medical Educational Institutions (Prevention) Ordinance, 1972, is hereby repealed.