

[Translation in English of “2001-ലെ പരിയാരം മെഡിക്കൽ കോളേജും ആശുപത്രിയും (ഭരണ നിർവ്വഹണത്തിനുവേണ്ടിയുള്ള കൈമാറ്റം) ആക്റ്റ്” published under the authority of the Governor.]

**ACT 15 OF 2001**

**THE PARIYARAM MEDICAL COLLEGE AND HOSPITAL  
(TRANSFER FOR ADMINISTRATION) ACT, 2001\***

*An Act to provide for the transfer, in the public interest, the administration of the establishment of the Pariyaram Medical College and Hospital to the Academy of Medical Sciences and Co-operative Hospital Complex, Pariyaram, Kannur District, with a view to ensure the proper working of Pariyaram Medical College and Hospital and for matters connected therewith or incidental thereto:*

*Preamble.*—WHEREAS, for the improvement of medical facilities in the northern Kerala and for establishing a Medical College at Co-operative sector, the Co-operative Hospital Complex and the Academy of Medical Sciences were established with Government participation;

AND WHEREAS, an extent of 48.1562 hectares of land comprised in R.S. No. 256/7 of Kadannappally Village in Kannur District, together with improvements thereon, was assigned by the Government to the Co-operative Hospital Complex for establishing the Pariyaram Medical College and Hospital;

AND WHEREAS, for the purpose of obtaining permission to the societies for establishing the Pariyaram Medical College from the Medical Council of India and the Central Government, the Government of Kerala have executed an undertaking that it will not takeover the management or acquire the Pariyaram Medical College after its establishment;

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\* Received the assent of the Governor on the 17<sup>th</sup> day of December, 2001 and published in the Kerala Gazette Extraordinary No. 505 dated 19<sup>th</sup> April, 2002.

AND WHEREAS, on the basis of the said undertaking the Medical Council of India and the Central Government have granted permission to the Academy of Medical Sciences for establishing Pariyaram Medical College;

AND WHEREAS, the Academy of Medical Sciences and the Co-operative Hospital Complex have established the Pariyaram Medical College and Hospital respectively and started functioning with effect from the academic year 1994-95;

AND WHEREAS, the management of the Academy of Medical Sciences and the Co-operative Hospital Complex was taken over by the Government for a limited period under the Kerala Co-operative Hospital Complex and the Academy of Medical Sciences (Taking over the Management) Act, 1997 (6 of 1997) with effect from the 9th day of February, 1997;

AND WHEREAS, the period of taking over the management of the two societies by Government was due to expire on the 9th day of February, 2001;

AND WHEREAS, before the expiry of the period of taking over the management of the societies by the Government, the Pariyaram Medical College and Hospital were acquired by the Government, under the provisions of the Pariyaram Institute of Medical Sciences and Advanced Studies in Tuberculosis and Chest Diseases Ordinance, 2000 (19 of 2000);

AND WHEREAS, in order to keep alive the provisions of the said Ordinance, Ordinance numbers 12 of 2001 and 22 of 2001 were promulgated by the Governor of Kerala on the 28th day of January, 2001 and the 13th day of March, 2001, respectively;

AND WHEREAS, the Government will have to pay compensation to the societies for the transfer and vesting in Government on the basis of the market value of the establishment, determined as per the provisions of the aforesaid Ordinance;

AND WHEREAS, after the promulgation of the aforesaid Ordinance the Medical Council of India has withdrawn their recognition to the Pariyaram Medical College;

AND WHEREAS, in order to comply with the provisions of the aforesaid Ordinance, Government will have to incur unaffordable amount by way of payment of compensation to the societies and for providing the required facilities to the Pariyaram Medical College and Hospital;

AND WHEREAS, the societies have represented that they are willing to provide all the required facilities to the Medical college, as specified by the Medical Council of India, for reviving the recognition of the Medical Council of India to the said college during the current academic year of 2001-2002, if the Pariyaram Medical College and Hospital are transferred to them;

AND WHEREAS, the provisions of the aforesaid Ordinance have ceased to operate with effect from the 17th day of July, 2001 by virtue of sub-clause (a) of clause (2) of Article 213 of the Constitution of India;

AND WHEREAS, in the interest of the public and in the interest of students studying in the Pariyaram Medical College and with a view to ensuring better facilities for the medical education and medical facilities in the northern part of the State, it was decided to entrust the administration of the Pariyaram Medical College and Hospital to the societies;

BE it enacted in the fifty-second year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Pariyaram Medical College and Hospital (Transfer for Administration) Act, 2001.

(2) It shall come into force at once.

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

(a) “Academy of Medical Sciences” means the society known as the Academy of Medical Sciences, Pariyaram, Kannur District and registered with

Certificate of Registration No. 503 of 1993, under the Societies Registration Act, 1860 (Central Act XXI of 1860);

(b) “Board of Control” means the Board of Control appointed by the Government under section 3 of the Kerala Co-operative Hospital Complex and the Academy of Medical Sciences (Taking over the Management) Act, 1997 (6 of 1997);

(c) “Bye laws” means the bye laws of the Co-operative Hospital Complex;

(d) “Co-operative Hospital Complex” means the Co-operative Society known as the Kerala State Co-operative Hospital Complex and Centre for Advanced Medical Services Limited, Kannur, registered with certificate of registration No. 4386 of 1992, under the Kerala Co-operative Societies Act, 1969 (21 of 1969);

(e) “Establishment” means the Pariyaram Medical College established under the Memorandum of Association and Rules and Regulations of the Academy of Medical Sciences and the Hospital established by the Co-operative Hospital Complex together with the dispensaries attached thereto and used in connection therewith and includes all buildings, lecture-rooms, museums, laboratories, libraries, hostels and boarding houses used in connection with or as accessories to or adjuncts of the said Medical College and Hospital, all assets excluding land, rights, powers, authorities and privileges, furniture, stores, equipments, automobiles and other vehicles, cash balance, reserve fund, investments and book debts and all other movable rights and interests in the Medical College and Hospital now in possession and control of the Government;

(f) “Government” means the Government of Kerala;

(g) “Hospital” means the hospital established by the Co-operative Hospital Complex;

(h) “Memorandum of Association” means the Memorandum of Association of the Academy of Medical Sciences;

(i) “Pariyaram Medical College” means the medical College established by the Academy of Medical Sciences;

(j) “Societies” means the Co-operative Hospital Complex and the Academy of Medical Sciences;

(k) “State” means the State of Kerala.

3. *Administration of establishment to transfer in societies.*—(1) Notwithstanding anything contained in any other law for the time being in force, or in any judgment, decree or order of any Court or in any contract or other document, on the date of commencement of this Act,—

(a) the establishment as defined in clause (e) of section 2 together with all borrowings made by or on behalf of, and all other liabilities and obligations of whatever kind, incurred in relation to the Pariyaram Medical College and Hospital and subsisting on such date, shall stand transferred to and shall vest absolutely in the societies;

(b) the Pariyaram Medical College shall be administered by the Academy of Medical Sciences as an institution owned by the societies.

(2) In administering the Pariyaram Medical College as an institution of the societies, regard shall be had to the purpose for which that institute was set up by the societies in pursuance of the Memorandum of Association.

(3) All expenses so far incurred by the Government for the administration of the Pariyaram Medical College and Hospital may be determined by the Government, within three months from the date of commencement of this Act, and the amount so determined shall be treated as Government contribution to the share capital of the respective societies.

4. *Contracts or orders in bad faith or detrimental to the interest of Pariyaram Medical College and Hospital to be cancelled or varied.*—(1) Notwithstanding anything contained in this Act, the Government may, on application from the societies, if satisfied after such inquiry as it may think fit,

that any contract or agreement entered into before the commencement of this Act by the Board of Control or any member thereof, in relation to the Pariyaram Medical College and Hospital or any affairs connected with the Medical College and Hospital or any orders of the Board of Control in relation to any affairs connected with that College and Hospital, has been entered into or passed in bad faith, or is detrimental to the interests of the Pariyaram Medical College and Hospital, it may make an order cancelling or varying (either unconditionally or subject to such conditions, as it may think fit to impose for the purpose) such contract or agreement or order and thereafter the contract or agreement or order shall have effect accordingly:

Provided that no contract or agreement or order shall be cancelled or varied except, after giving to the parties to the contract or agreement or order a reasonable opportunity of being heard.

(2) Any person aggrieved by an order made under sub-section (1) may make an application to the Principal Court of civil jurisdiction within the local limits of whose jurisdiction the Pariyaram Medical College and Hospital is situate, for the variation or reversal of such order and thereupon the Court may pass such orders as it thinks proper either confirming, modifying or reversing such order.

*5. Provisions relating to officers and other employees of Pariyaram Medical College and Hospital.*— Every officer or other employee, who, immediately before the coming into force of this Act, is employed in or in connection with the affairs of the Pariyaram Medical College and Hospital shall become, as from the date of commencement of this Act, an officer or other employee, as the case may be, of the societies and shall hold his office by the same tenure, at the same remuneration and upon the same terms and conditions as he would have held, if this Act had not been passed and shall continue to do so unless and until his tenure, remuneration, terms and conditions are duly altered by the societies.

6. *Provisions relating to students studying in Pariyaram Medical College.*—Every student studying in the Pariyaram Medical College and admitted in the Pariyaram Medical College immediately before the commencement of this Act shall be entitled to continue and complete his course of study on the same terms and conditions and with the same rights and privileges as if this Act had not been passed.

7. *Act to override all other enactments.*—The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any Court, Tribunal or Authority.

8. *Special provision for maintenance of T.B. Sanatorium.*—(1) The Academy of Medical Sciences shall continue to maintain the T.B. Sanatorium working in the premises of the Pariyaram Medical College and provide free treatment to the T.B. patients described in document No. 812 of 1950 dated the 5th day of June 1950 created by the late Sri Samual Aaron.

(2) Notwithstanding anything contained in this Act, the Government may give such directions to the societies, as the Government may deem fit, for the proper administration of the T.B. Sanatorium referred to in sub-section (1).

9. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, as occasion requires, do anything not inconsistent with the provisions of this Act which appears to them to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date on which this Act came into force.