

PART I
DEPARTMENT OF LEGISLATIVE AFFAIRS
Notification

The 12th October, 1978

No. 47-Leg./78—The following Act of the Legislature of the State of Punjab received the assent of the President of India on the 7th October, 1978, and is hereby published for general information :—

PUNJAB ACT No. 32 OF 1978

THE PUNJAB GURU GOBIND SINGH MEDICAL COLLEGE,
FARIDKOT (ACQUISITION) AND MISCELLANEOUS
PROVISIONS ACT, 1978

AN
ACT

to provide, in the public interest, for the acquisition of the Guru Gobind Singh Medical College, Faridkot, with a view to securing proper functioning of that College and thereby ensuring better facilities for medical education and for matters connected therewith and incidental thereto.

WHEREAS the trust in respect of the Guru Gobind Singh Medical College was promoted with a donation of only one thousand one hundred rupees and the assets pertaining to the said College have grown out of grants by the State Government and other public funds ;

AND WHEREAS the said College has not been functioning properly and consequently the purpose of the grants made by the State Government to the said College has been frustrated and the State is, to that extent, denied the facilities for medical education ;

AND WHEREAS it is necessary in the public interest to provide for the acquisition of the said College with a view to securing proper functioning of that College and thereby ensuring better facilities for medical education ;

BE it enacted by the Legislature of the State of Punjab in the Twenty-ninth Year of the Republic of India as follows :—

CHAPTER I
PRELIMINARY

1. (1) This Act may be called the Punjab Guru Gobind Singh Medical College, Faridkot (Acquisition) and Miscellaneous Provisions Act, 1978. Short title and commencement,

(2) It shall be deemed to have come into force on the 14th day of July, 1978.

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

Definitions.

(a) "appointed day" means the date on which this Act comes into force ;

(b) "Guru Gobind Singh Medical College" means the institution known as the Guru Gobind Singh Medical College, Faridkot, together with the 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 ;

(c) "State Government" means the Government of the State of Punjab ;

(d) "trust" means the Guru Gobind Singh Educational Trust ;

- (e) "trust deed" means the trust deed executed on the 21st day of May, 1973, for creating Guru Gobind Singh Educational Trust and registered in the office of the Sub-Registrar, Kharrar, on 22nd May, 1973 ;
- (f) "trustees" means trustees, for the time being, of the Guru Gobind Singh Educational Trust.

CHAPTER II

ACQUISITION OF GURU GOBIND SINGH MEDICAL COLLEGE

Guru Gobind
Singh Medical
College, Paridkot
to vest in State
Government

3. (1) On the appointed day, the Guru Gobind Singh Medical College together with—

- (a) all lands, on which the said College stands, and all other lands appurtenant thereto and all buildings, erections and fixtures on such lands ;
 - (b) all furniture, equipments, stores, apparatuses and appliances, drugs, moneys and other assets of the said College ;
 - (c) all other properties and assets, movable and immovable including leases pertaining to the said College and all rights, powers, authorities and privileges, cash balances, reserve funds, investments and all other rights and interests in, or in relation to, or arising out of, such property as were, immediately before the appointed day, in the ownership, possession, power or control of the trust constituted under the trust deed or of the trustees or any other person in charge of the management of the affairs of the said College ; and
 - (d) all borrowings made by, or on behalf of, and all other liabilities and obligations of whatever kind, incurred in relation to, the said College and subsisting on the appointed day ;
- shall stand transferred to, and shall vest absolutely in, the State Government.

(2) Every deed of gift, endowment, bequest or trust or other document in relation to all or any of the properties, and assets, referred to in sub-section (1), shall, as from the appointed day, be construed as if it were made or executed in favour of the State Government.

(3) Subject to the other provisions contained in this Act, any property, referred to in sub-section (1), which by virtue of the provisions of that sub-section, has vested in the State Government, shall by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and other encumbrances affecting it, and any attachment, injunction or any decree or order of any court or tribunal restricting the use of such property in any manner shall be deemed to have been withdrawn.

(4) Subject to the other provisions contained in this Act, any proceeding or cause of action, pending or existing immediately before the appointed day, by or against the trustees or any other person, in relation to the said College, may, as from the appointed day, be continued and enforced by or against the State Government as it might have been enforced by or against the trustees or such other person if this Act had not been enacted, and shall cease to be enforceable by or against the trustees or such other person.

4. (1) The State Government shall give, in cash, to the trustees an amount equivalent to the sum of eleven thousand rupees for the transfer to, and vesting in, the State Government, under section 3, of the Guru Gobind Singh Medical College.

Payment of amount.

(2) The amount, referred to in sub-section (1), shall be paid within three months from the appointed day (hereafter in this section referred to as the specified period).

(3) The amount, referred to in sub-section (1), if not paid within the specified period, shall carry interest at the rate of four per cent per annum from the date of expiry of the specified period until the payment thereof.

5. On and from the appointed day, the Guru Gobind Singh Medical College shall be administered by the State Government as a Government institution.

Guru Gobind Singh Medical College to be administered as Government institution.

6. For the removal of doubts, it is hereby declared that nothing in this Act shall be deemed to affect any liability by way of breach of trust, or any penalty or punishment in respect of any offence, incurred by the trustees or any of the trustees in respect of anything done or omitted to be done by them or him at any time before the appointed day.

Liabilities for breach of trust etc. incurred by trustees not to be affected.

CHAPTER III

MISCELLANEOUS

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any law other than this Act or any decree or order of any court, tribunal or authority.

Act to override all other enactments.

8. (1) Every officer or other employee, who, immediately before the appointed day, is employed in, or in connection with the affairs of, the Guru Gobind Singh Medical College shall become, as from the appointed day, an officer or other employee, as the case may be, of the State Government, and shall hold his office by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, gratuity and other matters as he would have held, if this Act had not been enacted, and shall continue to do so unless and until his employment under the State Government is duly terminated or until his remuneration, terms and conditions are duly altered by the State Government :

Provisions relating to officers and other employees of Guru Gobind Singh Medical College.

Provided that, if the alteration so made is not acceptable to any such officer or other employee, his employment may be terminated by the State Government by giving not less than three months' notice or by paying an amount equivalent to three months' remuneration :

Provided further that nothing contained in this sub-section shall apply to any officer or other employee who has, by notice in writing given to the State Government within thirty days next following the appointed day, intimated his intention of not becoming an officer or other employee of the State Government.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any officer or other employee, employed in, or in connection with

the affairs of, the Guru Gobind Singh Medical College to the State Government shall not entitle any such officer or other employee to any compensation under that Act, or any other law, and no such claim shall be entertained by any court, tribunal or other authority.

(3) For the persons who, immediately before the appointed day, were the trustees for any pension, provident or gratuity fund or any other like fund constituted for the officers or other employees of the Guru Gobind Singh Medical College, there shall be substituted as trustees such persons as the State Government may, by general or special order, specify.

Effect of contracts,
etc.

9. (1) All contracts, deeds, bonds, agreements, powers of attorney, grants of legal representation and other instruments of whatever nature, subsisting or having effect immediately before the appointed day, and to which the trustees or, as the case may be, any person on behalf of the trustees is a party, or which are in favour of the trustees shall, in so far as they relate to any purpose, or affairs, of the Guru Gobind Singh Medical College, be of as full force and effect against, or in favour of, the State Government, and may be enforced or acted upon as fully and effectually as if in place of the trustees, the State Government had been a party thereto or as if they had been issued in favour of the State Government.

(2) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to the Guru Gobind Singh Medical College, or any affair of the said College, is pending by, or against, the trustees or any other person, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the said College to the State Government, or of anything contained in this Act; but the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the State Government.

Contracts in bad
faith or detrimental to the interests
of Guru Gobind
Singh Medical
College to be
cancelled or
varied.

10. (1) Notwithstanding anything contained in section 9, the State Government may, if satisfied after such inquiry as it may think fit, that any contract or agreement entered into before the appointed day between the trustees or any other person acting on behalf of the trustees, in relation to Guru Gobind Singh Medical College, or any affairs connected with the said College, has been entered into in bad faith, or is detrimental to the interests of the said College, 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 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 a reasonable opportunity of being heard.

(2) Any person, aggrieved by an order made under sub-section (1), may, within a period of thirty days of the date on which the order is communicated to him, make an application to the principal court of civil jurisdiction within the local limits of whose jurisdiction the Guru Gobind Singh Medical College is situated, for the variation or reversal of such order and thereupon such court may confirm, modify or reverse such order.

Duty to deliver
possession of
property etc.

11. (1) On the transfer to, and the vesting in, the State Government of the Guru Gobind Singh Medical College,—

(a) the trustees and every person in whose possession, custody or control any property or asset specified in sub-section (1) of section 3 may be, shall deliver the same to such officer or other person as may be authorised by the State Government in this behalf ;

- (b) the trustees and every person who, immediately before such vesting has in his possession, custody or control any books, documents or other papers relating to the Guru Gobind Singh Medical College, shall be liable to account for the said books, documents and papers to the State Government and shall deliver them up to the State Government or to such officer or other person as may be authorised by the State Government in this behalf.

(2) Without prejudice to the other provisions contained in this section, it shall be lawful for the State Government to take all necessary steps for taking possession of all properties and assets which have been transferred to, and vested in it under this Act.

12. Any person who, —

Penalty.

- (a) having in his possession, custody or control any property held for the purposes of the Guru Gobind Singh Medical College wrongfully withholds such property from the State Government ; or
- (b) wrongfully obtains possession of, or retains, any property held for the purposes of the said College ; or
- (c) wilfully withholds or fails to furnish to the State Government any books, documents or other papers relating to the said College ; or
- (d) fails to deliver to the State Government any assets, books or other documents in his possession, custody or control relating to the said College ; or
- (e) wrongfully removes or destroys any property held for the purposes of the said College ; or
- (f) wrongfully uses any property held for the purposes of the said College ;

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

13. (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 the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Offences by companies.

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 any 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.

Protection of
action taken in
good faith.

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

Cognizance of
offences.

15. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court shall take cognizance of any offence under this Act except on a complaint, in writing, made by the State Government or any officer authorised in this behalf by the State Government.

Indemnity.

16. Every officer of the State Government shall be indemnified by the State Government against all losses and expenses incurred by him in, or in relation to, the discharge of his duties under this Act except such as have been caused by his own wilful act or default.

Power to make
rules.

17. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be, after it is made, before the House of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Repeal and saving.

18. (1) The Punjab Guru Gobind Singh Medical College, Faridkot (Acquisition) and Miscellaneous Provisions Ordinance, 1978 (Punjab Ordinance No. 12 of 1978), is hereby repealed.

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

INDERJIT LAL AHLUWALIA,

Additional Secretary to Government, Punjab,
Department of Legislative Affairs.