

The Tripura Education Institutions (Acquisition of Right, Title and Interest) Act, 1980

TRIPURA

India

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Rule

THE-TRIPURA-EDUCATION-INSTITUTIONS-ACQUISITION-OF-RIGHT-TITLE-AND-INTEREST-OF-1980

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The Tripura Education Institutions (Acquisition of Right, Title and Interest) Act, 1980Last Updated 18th February, 2020An Act to provide in the public interest for the acquisition and transfer of the right, title and interest of certain educational institutions in Tripura, with a view to secure better and efficient management thereof and for matters connected therewith and incidental thereto.Be it enacted by the Legislative Assembly of Tripura in the Thirty-first year of Republic of India as follows :

Chapter I

1. Short title and commencement.

(1)This Act may be called the Tripura Education Institutions (Acquisition of Right, Title and Interest) Act, 1980.(2)It shall come into force at once.

2. Definitions.

- In this Act unless the context otherwise requires-(a)"appointed day" in relation to an educational institution means such day as the State Government may, by notification in the Official Gazette, appoint for such institutions ;(b)"educational institution" means the educational institutions specified in the Schedule appended to this Act ;(c)"Government" means the Government of Tripura ;(d)"Head of Educational Institution" means the Principal/Headmaster or any other Principal Academic Officer of an Institution by whatever name he may be called ;(e)"other employee" means

an employee of the educational institution who is not a teacher ;(f)"prescribed" means prescribed under the rules made under the Act;(g)"teacher" means a member of the teaching staff of the educational institution and includes a principal, Vice Principal, Headmaster or Assistant Headmaster ;(h)"Schedule" means the Schedule appended to this Act.

Chapter II

Vesting of Educational Institutions

3. Transfer and vesting in the State Government of the educational institutions.

(1)On the appointed day, the right, title and interest of the educational institutions shall, by virtue of this Act, stand transferred to and vested in the State Government.(2)Any person or authority responsible for the management and the control of the affairs of such educational institutions immediately before the appointed day shall cease to exercise such management and control over the educational institutions and shall be deemed to have vacated their office and the Government shall on and from the appointed day, manage control and administer the educational institutions in the same manner like other Government educational institutions of the same nature.

4. General effect of vesting.

(1)The educational institutions referred to in Section 3 shall be deemed to include all assets, rights, powers authorities and privileges and all properties, movable and immovable cash balance, reserve funds, books debts, investments and all other rights and interests in, or arising out of, such property as were immediately before the appointed day, in the ownership possession power or control of the educational institutions, and all books of accounts, registers records and all other documents of whatever nature relating thereto and shall be deemed to include all borrowings, liabilities (including the liability for the payment of any pension and other pensioner benefits to the persons employed to such educational institutions) and obligations of whatever kind than subsisting of the educational institutions.(2)Unless otherwise expressly provided by this Act, all deeds bonds, agreements power of attorney grant of legal representation and other instruments of whatever nature subsisting or having effect immediately before the appointed day, and to which any educational institution is a party or which any educational institution shall be of full force and effect against or in favour of the State Government had been a party thereto or as if they had been issued in favour of the State Government.(3)If on the appointed day, any suit appeal or other proceeding of whatever nature in relation to any of the educational institution which have been transferred to, and vested in the State Government under Section 3 is pending by or against any educational institution, the same shall not abate or be discontinued or be in any way prejudiced or be affected by reason of the transfer of the educational institution or of anything contained in this Act, but the suit, appeal or other proceedings may be continued, prosecuted and enforced by or against the State Government.

5. Special provision as to ascertain right and interest held by educational institution before the appointed day.

(1) Every right or interest in respect of any property (including a right under any lease or under any right of tenancy or any right under any arrangement to secure any premises for any purpose) which any educational institution held immediately before the appointed day, shall notwithstanding anything contained in any other law or in any agreement or instruments relating to such right or interest vest in and be held by the State Government on and after the appointed day on the same terms and conditions on which the education would have held as if this Act had not been passed. (2) On the expiry of the terms of any lease, tenancy or agreement referred to in sub-section (1), such lease or tenancy or agreement shall if so desired by the State Government, be renewed or continued so far as may be on the same terms and conditions on which the lease or tenancy or agreement was originally granted or entered into.

6. Removal of doubts.

(1) For the removal of doubts it is hereby declared that the provisions of Sections 3, 4 and 5 shall apply to the extent to which any property appertains to the educational institutions and the right and powers acquired and to deeds liabilities and obligations incurred and to contracts, agreements and other instruments made by the educational institution and to the legal proceedings, relating to those matters pending in any Court or Tribunal. (2) If any question arises as to whether any property appertains, immediately before the appointed day to any educational institution, or whether any rights powers, deeds liabilities or obligations were acquired or incurred or any contract, agreement or other instrument was made by any educational institution for the purposes of management and administration or whether any document relates to those purposes or whether the provisions of Section 7 apply in relation to any property, the question shall be referred to the State Government which shall after giving a reasonable opportunity of being heard to the person interested in the matter, decide it in such manner as it may think fit.

7. Educational institution administered by the minority not to be acquired.

- No school, college, or other educational institution established and administered by the minorities whether based on religion or language shall be acquired by the State Government under this Act and nothing in this Act shall apply to such school, college or other educational institution.

Chapter III

Payment of Amount

8. Payment of amount to the educational institutions.

(1) For the transfer to and vesting in the State Government under Section 3 of the right title and interest of the educational institutions, there shall be paid by the State Government an aggregate

amount not exceeding Rs. 60,000 as may be determined by the State Government to the owner or group of owners or authority of each educational institution :Provided that in determining the amount under this sub-section the properties whether movable or immovable, acquired by the educational institution, either by way of gift or with the help of donations from any person, institution or authority shall be excluded.(2)Whether any owner, group of owners or authority received grants from the Government for acquiring assets both movable and immovable of any educational institution then-(a)where the amount of grant is equal to or in excess of the amount determined by the State Government under sub-section (1), such owner group of owners or authority shall not be entitled to any compensation under that sub-section ;(b)where the amount of grant is less than the amount determined under sub-section (1), such owner group of owners or authority shall be entitled to an amount which falls short of the amount determined under sub-section (1).

Chapter IV

Provisions Relating to Employees

9. Transfer of service of existing employees of educational institutions.

(1)Every teacher and every other employee of educational institution who was immediately before the appointed day, employed by the educational institution shall on the appointed day, become a teacher or other employee as the case may be, of the State Government in which the right, title and interest of the educational institutions have vested under this act and shall hold office or service under the State Government on the same terms and conditions and with the same right to pension gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the State Government is duly terminated after giving notice of three months or the salary for three months in lieu thereof or until his remuneration and condition of service are duly altered by the State Government:Provided that every such teacher or other employee shall within a period of six months or such further period beyond six months as may be fixed by the State Government, from the appointed day, exercise his option either to be retrenched from service or to be absorbed in the service of the Government on such terms and conditions as may be offered to him by the State Government:Provided further that when any teacher or other employee has been absorbed in the service of the Government under the first proviso then-(i)any service rendered by any such teacher or other employee immediately before the appointed day shall be deemed to be service rendered in connection with the affairs of the State ;(ii)the State Government may employ any such teacher or other employee in the discharge of such function as the State Government may think proper and every such teacher or other employee shall discharge those functions accordingly.(2)If any question arises as to whether any teacher or other employee was employed wholly or mainly in connection with educational institution before the appointed day, the question shall be referred within a period of two years from the appointed day, to the State Government, which shall after giving a reasonable opportunity of being heard to the person concerned in the matter, decide it in such manner as it thinks fit and such decision shall be final.(3)Notwithstanding anything contained in the Payment of Gratuity Act, 1972 or in any other law for the time being in force, the transfer of the service of any teacher or other employee under

sub-section (1) shall not entitle any such teacher or other employee to any compensation or gratuity under those Acts or such other law, and no such claim shall be entertained in any Court, Tribunal or other authority.

10. Provident Fund, Superannuation, Welfare Fund, etc.

(1) Where a provident superannuation welfare or other fund has been established by an educational institution for the benefit of the persons employed by it, the moneys relatable to the employees-(i) whose services are transferred by or under this act to the State Government, or (ii) who are in receipt of pension or other pensionary benefit immediately before the appointed day, shall, out of the money standing on that day to the credit of such provident, superannuation welfare or other fund stand transferred to and vested in, the State Government free from any trust that may have been constituted by the educational institution in respect thereof. (2) The moneys which stand transferred in sub-section (1) to the State Government shall be dealt with by the State Government in such manner as may be prescribed. (3) The State Government shall, as soon as may be, after the educational institution becomes vested in it, constitute, in respect of moneys and other assets which are transferred to and vested in it under this section, one or more trusts having objects as similar to the objects of the existing trust, as in the circumstances may be practicable, so however, that the rights and interests of the beneficiary of the trust referred to in sub-section (1) are not in any way, prejudiced or diminished. (4) Where all moneys and other assets belonging to an existing trust are transferred to, and vested in the State Government under this section, the trustees of such trust shall, as from the date of such vesting stand discharged from the trust except as respects things done or omitted to be done before the date of such vesting .

Chapter V

Miscellaneous

11. Effect of Act on other laws.

- 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 instruments having effect by virtue of any law other than this act, or in any other decree or order of any Court, Tribunal or other authority.

12. Duty to deliver possession of properties etc.

(1) Where any property appertaining to any educational institutions has been transferred to, and vested in the State Government under this Act, -(i) every person in whose possession custody or control any such property may be, shall on demand by the State Government deliver the property to the State Government forthwith ; (ii) any person who, immediately before such vesting has, in his possession custody or control any books documents or other papers relating to the educational institution shall be liable to the accounts for the said books, documents and papers to the State Government and shall deliver them up to the State Government or such person as the State Government authorise in this behalf. (2) Without prejudice to 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 which have been delivered to and vested in it under this Act.

13. Contracts to continue unless terminated by the State Government.

(1) Every contract entered into by an educational institution for any service, sale or supply, and in force immediately before the appointed day, shall, unless terminated under sub-section (2) within a period of two years from the appointed day continue to be in full force and effect against or in favour of the State Government. (2) The State Government may if it is of opinion that any contract referred to in sub-section (1) is unduly onerous or has been entered into in bad faith or is detrimental to the interest of the Government by order in writing, either terminate such contract or make such alteration or notifications therein as it may think fit : Provided that the State Government shall not terminate any contract or may make alterations or modifications therein except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for such termination alteration or modifications as the case may be.

14. Penalty.

- Any person who-(a) having in his possession custody, or control any property forming part of any educational institution, wrongfully withholds such property from the State Government, (b) wrongfully obtains possession of, or retains any property forming part of any educational institution, or (c) wilfully withholds or fails to furnish to the State Government or any person specified by the State Government any books, documents or other papers relating to any educational institution which may be in his possession custody or control; or (d) fails to deliver to the State Government any assets, books of account register or other documents in his possession custody or control relating to any educational institution ; or (e) wrongfully uses any property forming part of any educational institution; or (f) wrongfully removes or destroys any property forming part of any educational institution, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to Rs. 5,000 or with both.

15. Offences by educational institution.

(1) Where an offence under this Act, has been committed by an educational institution, every person, who at the time the offence was committed, as in charge of, and was responsible to, the educational institution for the conduct of the business of the educational institution, as well as the educational institution, 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 any offence under this Act, has, been committed by an educational institution 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 teacher, employee or other officer of the educational institution, such teacher employee or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and

punished accordingly.

16. Protection of action taken in good faith.

- 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.

17. Cognizance of offences.

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

18. Indemnity.

- 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 willful act or default.

19. Power to remove difficulties.

- If any difficulties arise in giving effect to the provisions of this Act the State Government may, by order not inconsistent with the provisions of this Act remove the difficulty :Provided that no such order shall be made after the expiry of two years from the appointed day.

20. Power to make rules.

(1)The State Government may, by notification make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :(a)the terms and conditions of the service of persons employed in the educational institution :(b)any other matter which may be or required to be prescribed.(3)Every rule made by the Government under this Act shall be laid after it is made, before the State Legislative Assembly while it is in session for a total period of third days, which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or successive sessions as aforesaid the Legislative Assembly make any modification in the rule by way of amendment or repeal, 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 repeal shall be without prejudice to the validity of anything previously done under that rule.

Schedule

[See Section 2(b)]Name of the Educational Institutions

- 1. Ramthakur College, Agartala.**
- 2. Ramkrishna Mahavidhayala, Kailashahar.**
- 3. Belonia College, Belonia.**