

R.G. Kar Medical College And Hospital Act, 1958

8 of 1958

[19 July 1958]

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PREAMBLE

An Act to make better provision for the control, management and maintenance of the institution, commonly known as the R. G. Kar Medical College, Calcutta, together with the hospitals and dispensaries attached thereto and used in connection therewith with a view to the promotion of public health and to ²[provide for that purpose for the taking over for a limited period of the management and the subsequent acquisition] of all the property belonging to the said institution or held for the benefit thereof.

Whereas it is expedient in the public interest to make better provision for the control, management and maintenance of the institution commonly known as the R. G. Kar Medical College, Calcutta, together with the hospitals and dispensaries attached

thereto and used in connection therewith with a view to the promotion of public health and to ³[provide for that purpose for the taking over for a limited period of the management and the subsequent acquisition] of all the property belonging to the said institution or held for the benefit thereof;

It is hereby enacted in the Ninth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

1. For Statement of Objects and Reasons, see the Calcutta Gazette, Extraordinary, of the 12th June, 1958, Part IVA, page 2159; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly, held on the 25th June, 1958, and the 2nd and 3rd July, 1958; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 8th, 9th and 10th July, 1958.

2. The words within the square brackets were substituted for the words "take over for that purpose for a limited period the management" by section 2 of the R. G. Kar Medical College and Hospital (Amendment) Act, 1976 (West Ben. Act XXXIII of 1976).

3. The words within the square brackets were substituted for the words "take over for that purpose for a limited period the management" by section 3, *ibid*.

1. Short title :-

This Act may be called the R. G. Kar Medical College and Hospital Act, 1958.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(1) "appointed day" means the 12th day of May, 1958;

¹(2) "Committee" means the R. G. Kar Medical College and Hospital Advisory Committee appointed under section 5A;

(3) "the institution" means the R. G. Kar Medical College, Calcutta, together with the the hospitals and 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, hospitals or dispensaries.

1. Clause (2) was substituted for the original clause by section 2 of the R. G. Kar Medical College and Hospital (Amendment) Act, 1970 (West Ben. Act IX of 1970).

3. Transfer :-

With effect from the appointed day and for a period of ¹[twenty years] thereafter ²[, or, in the case of acquisition of the institution under section 3A, till the date of such acquisition, whichever is earlier]-

(1) the institution together with-

(a) all lands thereof and appurtenant thereto and all buildings, erections and fixtures on such lands,

(b) all furniture, equipments, stores, drugs, monies and other assets of the institution, and

(c) all other properties and assets of the institution, which immediately before the appointed day vested in the Board of Trustees of the Medical Education Society of West Bengal, a Society registered under the Societies Registration Act, 1860,(XXI of 1860) shall stand transferred to the State Government and shall remain under the control and management of the State Government;

(2) all deeds of gift, endowment, bequest, trust or otherwise covering all properties and assets referred to in sub-clause (c) of clause (1) shall be construed as if they were executed in favour of the State Government;

(3) all contracts, debts and liabilities of the institution shall be deemed to be contracts, debts and liabilities of the State Government;

(4) the institution shall be run by the State Government as a State institution;

(5) persons employed in the institution and continuing in office immediately before the appointed day, shall, subject to such terms and conditions, not being less advantageous than what they were entitled to immediately before the appointed day, as may be determined by the State Government ³ XXX XXX XXX, be deemed to be employees of the State Government.

1. The words within the square brackets were substituted for the words "ten years" by section 3(a) of the R. G. Kar Medical College and Hospital (Amendment) Act, 1970 (West Ben. Act IX of 1970).

2. The words, figure and letter within the square brackets were inserted by section 4 of the R. G. Kar Medical College and Hospital (Amendment) Act, 1976 (West Ben. Act XXXIII of 1976).

3. The words "in consultation with the Committee" were omitted by section 3(b) of the R. G. Kar Medical College and Hospital (Amendment) Act, 1970 (West Ben. Act IX of 1970).

3A. Acquisition of the institution :-

¹[(1) The State Government may, if it so thinks fit, at any time within the period of twenty years referred to in section 3, acquire the institution by notification published in the Official Gazette.

(2) On and from the date on which the notification referred to in sub section (1) is published (hereinafter referred to as the date of vesting),-

(i) the institution together with-

(a) all lands thereof and appurtenant thereto and all buildings, erections and fixtures on such lands,

(b) all furniture, equipments, stores, drugs, monies and other assets of the institution, and

(c) all other properties and assets of the institution, which immediately before the appointed day vested in the Board of Trustees of the Medical Education Society of West Bengal, a Society registered under the Societies Registration Act, 1860,(XXI of 1860) shall stand transferred to and vest absolutely in the State Government free from all encumbrances;

(ii) all deeds of gift, endowment, bequest or trust, covering all properties and assets referred to in sub-clause (c) of clause (i), shall be construed as if they were executed in favour of the State Government;

(iii) the institution shall be run by the State Government as a State institution;

(iv) any contract, whether express or implied, or other arrangement, whether made under any statute or otherwise, in relation to the management of any property or other affair of the institution, and in force immediately before the date of vesting shall be deemed to have terminated on and from the date of vesting;

(v) every person who has been an employee of the institution before the date of vesting shall, on and from the date of vesting, become an employee of the State Government and shall hold office on the same terms and conditions 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 or until the terms and conditions of his service are duly altered by the State Government by rules made in this behalf: Provided that the services of every person who expresses his unwillingness to continue in service in terms of the provisions of this clause shall stand terminated with effect from the date of vesting or from any subsequent date to be notified by him; (vi)

notwithstanding anything contained in any law for the time being in force or in any contract, custom or usage, to the contrary, the transfer of the service of any employee of the institution to the service of the State Government shall not entitle such employee to any compensation on any account whatsoever and no claim in this behalf shall be entertained by any court, tribunal or other authority.

1. Sections 3A and 3B were added by section 5 of the R. G. Kar Medical College and Hospital (Amendment) Act, 1976 (West Ben. Act XXXIII of 1976).

3B. Amount to be paid :-

¹[(1) The State Government shall deposit, in cash, in the Court of the District Judge of 24-Parganas to the credit of the Board of Trustees of the Medical Education Society of West Bengal, a Society registered under the Societies Registration Act, 1860,(XXI of 1860) being owners of the properties of the institution, an amount calculated at the rate of rupees one hundred for every year or part thereof during which the management of the institution remained vested in the State Government, for the vesting in the State Government of such management, and the Court shall, upon application, authorise the State Government to utilise the amount so deposited for the persons who are beneficially entitled to the assets of the institution under the trust.

(2) The State Government shall also deposit in cash, in the said Court to the credit of the Board of Trustees of the Medical Education Society of West Bengal aforesaid, an amount equal to the sum of five thousand rupees for the transfer to, and vesting in, the State Government under section 3A, of the institution together with all its properties.

(3) For the avoidance of doubts it is hereby declared that the liabilities of the institution in relation to its properties which have vested in the State Government under section 3A, shall be met from the amount referred to in sub-section (2).

(4) In meeting the liabilities of the institution in relation to its properties which have vested in the State Government under section 3A, the Court shall distribute the amount referred to in sub-section (2), amongst the creditors of the institution, whether secured or unsecured, in accordance with their rights and interests, and if there is any surplus left after such distribution, the same shall be allowed by the Court, upon application, to be utilised by

the State Government for the persons beneficially entitled to the assets of the institution under the trust.

1. See foot-note 1 on page 157, ante.

4. Utilization of properties transferred to the State Government :-

¹[All properties of the institution transferred to the State Government under this Act shall be utilized for the purposes for which they were being utilized immediately before the appointed day by the institution and for such improvements of the institution as may be approved by the State Government:

Provided that if the State Government so directs, any such property may be utilized for any purpose of the institution other than the purpose for which it was being utilized immediately before the appointed day.

1. Section 4 was substituted for original section by section 4 of the R. G. Kar Medical College and Hospital (Amendment) Act, 1970 (West Ben. Act IX of 1970).

5. Principal-Superintendent to be in charge of management and administration of the institution :-

¹[The Principal-Superintendent, R. G. Kar Medical College and Hospital, shall be in charge of the management and administration of the institution and he shall, in the discharge of his duties, act in accordance with such directions, if any, as may be issued by the State Government in this behalf.

1. Sections 5 and 5A were substituted for original section 5 by section 5 of the R. G. Kar Medical College and Hospital (Amendment) Act, 1970 (West Ben. Act IX of 1970).

5A. Appointment of Committee :-

¹[(1) The State Government shall, by notification in the Official Gazette, appoint a Committee to be called the R. G. Kar Medical College and Hospital Advisory Committee.

(2) The Committee shall consist of the following members, namely :-

(a) the Director of Health Services, West Bengal, ex-officio, who shall be the Chairman of the Committee;

(b) the Principal-Superintendent, Calcutta Medical College and

Hospital, ex-officio;

(c) two persons appointed by the State Government from amongst the senior members of the staff of the institution;

(d) one person to be nominated by the Corporation of Calcutta;

(e) one member of the Faculty in Medicine of the University of Calcutta nominated by the Vice-Chancellor of that University;

(f) two persons elected by the members of the Legislative Assembly of West Bengal from among themselves;

(g) four persons interested in medical education and public health nominated by the State Government; and

(h) the Principal-Superintendent, R. G. Kar Medical College and Hospital, Calcutta, ex-officio, who shall be the Secretary to the Committee.

(3) It shall be the duty of the Committee to advise the State Government on matters relating to the management of the institution.

1. Sections 5 and 5A were substituted for original section 5 by section 5 of the R. G. Kar Medical College and Hospital (Amendment) Act, 1970 (West Ben. Act IX of 1970).

6. Term of office of the members of the Committee :-

The members of the Committee, other than ex-officio members, shall hold office during the pleasure of the Governor:

Provided that any such member may resign his seat by giving notice in writing to the Chairman.

7. Casual vacancy :-

When the seat of a member of the Committee, other than an ex-officio member, becomes vacant by reason of removal, death or resignation, the vacancy shall be filled in the manner in which the seat was originally filled.

8. Conduct of business :-

¹[The business of the Committee shall be conducted in accordance with such rules as may be made by the State Government under this Act.

1. Section 8 was substituted for the original by section 6 of the R. G. Kar Medical College and Hospital (Amendment) Act, 1970 (West Ben. Act IX of 1970).

9. Removal of difficulties :-

If any difficulty arises in giving effect to the provisions of this Act or the rules made thereunder, the State Government may take such steps or issue such orders not inconsistent with this Act as may be necessary for the removal of the difficulty.

10. Power to make rules :-

The State Government may make¹rules for carrying out the purposes of this Act.

1. For the R. G. Kar Medical College and Hospital Rules, 1959, made under section 10 read section 8 of this Act see notification No. Medl/1525/IH-171/58, dated 19th February 1959, published in the Calcutta Gazette of 1959, Part 1, pages 885-886.

For the R. G. Kar Medical College (Admission of Students) Rules, 1960, made under section 10 of the Act, see notification No. Medl/6349/IH-125/59 Pt. II, dated the 6th July, 1960, published in the Calcutta Gazette of 1960, Part I, page 2479.

11. Repeal of West Bengal Ordinance III of 1958 and savings :-

(1) The R. G. Kar Medical College and Hospital Ordinance, 1958, is hereby repealed.

(2) Any rule made, any notification issued, any action taken or anything whatsoever done under any provisions of the said Ordinance shall be deemed to have been made, issued, taken or done under the corresponding provision of this Act, as if this Act were in force on the day on which such rule, notification, action or thing was made, issued, taken or done.