

Nalini Devi Womens College Of Education (Taking Over Of Management) Act, 1991

24 of 1991

[16 October 1991]

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AN ACT TO PROVIDE FOR THE TAKING OVER OF MANAGEMENT OF THE AFFAIRS OF THE NALINI DEVI WOMEN'S COLLEGE OF EDUCATION AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO. Whereas the 'Nalini Devi Women's College of Education' of Bhubaneswar is a Registered Institution being registered under the Societies Registration Act, 1860 bearing No. PR-101 -101 of 1980-81 which ultimately merged the Nalini Devi Education trust bearing No. 7557, dated 8-9-1986; And whereas the Governing Body of the Nalini Devi Women's College vide its resolution, dated the 4th November, 1989 endorsing the resolution of the Nalini Devi Education Trust, dated the 28th October 1989, requested the State Government to take over the said Nalini Devi Woman's College with all its properties for the best interest of the staff and students with the condition that the institution should bear the name of Smt. Nalini Devi and the existing staff should be

taken over as Government staff; And whereas the State Government have no objection to take over the College along with its properties on the aforesaid two conditions; And whereas Nalini Devi Women's College of Education Trust is the only educational institution of its type in the State of Orissa established for imparting higher education to woman; And whereas there has been long standing demand from all sections of the public for taking over the said institution by the State Government in the public interest on account of mismanagement of the institution resulting in dharanas, hunger strike, law and order situation and litigations imparting the education, educational standards and educational character of the institution;: And whereas to overcome all the aforesaid problems and for smooth management of the College, to restore normalcy in the College and to ensure growth and excellence of the women students of the institution in the academic field and to provide for better Organisation and development of women education the Government in the larger interest of the public decided to take over the management with all its properties. BE it enacted by the legislature of the State of Orissa in the Forty-second Year of the Republic of India, as follows:- For the Bill see Orissa Gazette, Extraordinary, dated the 10th September 1991 (No. 1092)

1. Short Title And Commencement :-

(1) This Act may be called the Nalini Devi Womens College of Education (Taking over of Management) Act, 1991.

(2) It shall be deemed to have come into force on the 27th day of June, 1991.

2. Definitions :-

In this Act, unless the context otherwise requires-

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

(b) "College" means the Nalini Devi Womens College of Education, Bhubaneswar;

(c) "Government" means the Government of Orissa.

3. Taking Over Of Management Of Affairs Of College :-

(1) On the appointed day the College shall stand transferred to, and its properties both movable and immovable shall vest

absolutely in Government free from all encumbrances.

(2) On and from the date of such transfer the Management of the College shall vest in Government.

(3) The Government shall appoint an Administrator or any other officer to manage the affairs of the College.

(4) On and from the date of such transfer, Government shall be deemed to have been in actual physical possession of the land, houses, structures and all other immovable properties of the College.

4. Effect Of Taking Over Of Management :-

(1) On vesting of the Management in Government, the Governing Body in charge of the Management of the affairs of the College as on the date proceeding the date of its transfer shall be deemed to have been superseded and persons thereof holding office immediately before the date of vesting shall be deemed to have vacated their office as such on that date.

(2) The Administrator or any other Officer appointed under Subsection (3) of Section 3, as the case may be, shall exercise the powers and perform the functions of the Governing Body of the College.

5. No Right To Compensation For Termination Of Office :-

Person who ceases to hold office by reason of the provisions contained in Section 4, shall be entitled to any compensation for the loss of office.

6. Duty To Deliver Possession Of Property And Documents :-

(1) Every person ceasing to hold office under Section 4 and having possession, custody or control over any movable properties including cash or any books, documents or other papers relating to the College shall forthwith deliver the possession of such movable properties including cash books, documents and other papers, to the Administrator or the officer appointed under Sub-section (3) of Section 3, as the case may be, or to such person as may be authorised by him in this behalf.

(2) In case of non-delivery of possession under Sub-section (1) Government may take necessary steps for securing possession of the movable properties, cash, books, documents and other papers.

7. Absorption Of Employee :-

All teaching and non-teaching employees in the employment of the College as on the 1st day of April, 1990 shall be deemed to have been absorbed in Government service as employees of the College in their respective post with effect from the date of its transfer.

8. Overriding Effect Of Act :-

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other Law.

9. Power Of Government To Give Directions :-

Subject to the provisions of this Act, Government may, from time to time, give such directions to the Administrator or other officer appointed under Subsection (3) of Section 3, as they may deem fit, for the proper Management of the affairs of the College and the Administrator or the other Officer, as the case may be, shall comply with such directions.

10. Repeal And Savings :-

(1) The Nalini Devi Womens College of Education (Taking over of Management) Ordinance, 1991(Orisa Ordinance No.3 of 1991) is hereby repealed.

(2) Notwithstanding the repeal under Sub-section (1), anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under this Act.