

The Tripura Educational Institutions

(Acquisition of Right Title and Interest) Act, 1980

As Amended Upto 3rd Amendment Act, dated 02.09.1987

Tripura Act No. 8 of 1980

*THE EDUCATIONAL
INSTITUTIONS*

*(ACQUISITION OF RIGHT,
TITLE AND INTEREST)
ACT, 1980*

**THE TRIPURA EDUCATIONAL INSTITUTIONS (ACQUISITION
OF RIGHT, TITLE AND INTEREST) ACT, 1980**

**AN
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 the Republic of India as follows :-

CHAPTER I

Short title and commencement. 1. (1) This Act may be called the Tripura Educational Institutions (Acquisition of Right, Title and Interest) Act, 1980.

(2) It shall come into force at once.

Definitions. 2. 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 educational Institution 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 this Act ;

- (g) "teacher" means a member of teaching staff of the Educational Institution and includes a Principal, Vice-Principal, Head Master or Assistant Head Master ;
- (h) "Schedule" means the Schedule appended to this Act.

CHAPTER II

Vesting of Educational Institutions.

3. (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.

Transfer and vesting in the State Government of the Educational Institutions.

(2) Any person or authority responsible for the management and 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 institution in the same manner like other Government educational institutions of the same nature.

4. (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, book 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 also be deemed to include all borrowings, liabilities (including the liability for the payment of any pension and other pensionary benefits to the persons employed to such educational institution) and obligations of whatever kind then subsisting of the educational institution.

General effect of vesting.

(2) Unless other wise 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 are in favour of an educational institution shall be of full force and effect against or in favour of the State Government as if 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 not abet 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.

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

5. (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 or in any agreement or instruments relating to such right or interests, vest in and be held by the State Government on and after the appointed day on the same terms and conditions on which the educational institution would have held as if this Act had not been passed.

(2) On the expiry of the terms of any lease, tenancy or arrangement referred to in sub-section (1), such lease or tenancy or arrangement 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 arrangement was originally granted or entered into.

Removal of doubts.

6. (1) For the removal of doubts, it is hereby declared that the provision of sections 3, 4 and 5 shall apply to the extent to which any property appertains to the Educational Institutions and to the right and powers acquired, and to deeds, liabilities and obligation incurred, and to contracts, agreements and other instruments made by the educational institution and to the legal^a 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 provision 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. No school, college or other educational institutions 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.

Educational Institution administered by the minority not to be acquired.

CHAPTER III

Payment of amount

8. (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, group of owners or authority of each educational institution :

Payment of amount to the educational institutions.

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) Where 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 to 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

Provision relating to employees

9. (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 educational institutions have vested under this Act and

Transfer of service of existing employees of educational institutions.

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 day, wholly or mainly in connection with educational institution before the appointed day, the question shall be referred, within a period to 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 services 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. (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 relateable to the employees — Provident fund, superannuation welfare fund etc.

- (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 funds 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 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. 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 decree or order of any court, tribunal or other authority. Effect of Act on other laws.

Duty to deliver possession of properties etc. 12. (1) Where any property appertaining to any educational institutions has been transferred to, and vested in, the State Government under this Act —

- (a) 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,
- (b) any person who, immediately before such vesting has, in his possession, custody or control, any books, documents or other papers relating to the educational institutions, shall be liable to account for the said books, documents and papers to the State Government and deliver them upto the State Government or to such person as the State Government may 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.

Contracts to continue unless terminated by State Government. 13. (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 of 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 writing, either terminate such contract or make such alternations or modifications therein as it may think fit :

Provided that the State Government shall not terminate any contract or may make alternations 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, alternation, or modifications, as the case may be.

Penalty. 14. 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 institutions ; or
- (c) wilfully with-holds or fails to furnish to the State Government of 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, registers 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 which may extend to Rs. 5,000/- or with both.

15. (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 :

Offences by educational institution.

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, or , 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.

- Protection of action taken in good faith.** 16. 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.** 17. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court shall take cognizance of any offence against, this Act except on a complaint, in writing, made by the State Government or any officer authorised in this behalf by the Government.
- Indemnity.** 18. Every officer of the State Government shall be indemnified by the State Government against all losses and expenses incurred by him, 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 remove difficulties.** 19. If any difficulty arises 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 a two years from the appointed day.
- Power to make rules.** 20. (1) The State Government may, by notification, make rules to carry out of 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 thirty 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 any thing previously done under that rule.

SCHEDULE **[Sec Section 2 (b)]**

Name of the Educational Institutions —

1. Ramthakur College, Agartala.
2. Ramkrishna Mahavidyalaya, Kailashahar.
3. Belonia College, Belonia.
- ¹[4 Katlamara High School and its attached Primary School, Simna, Tripura.
- ²[5 Hindi Higher Secondary School and its attached Primary School, Kunjaban Road, Abhaynagar, Agartala, Tripura.
- ³[6 Santirbazar High School, Santirbazar, Belonia, Tripura.

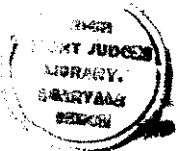
Inserted by Amendment Act, 1984 vide Govt. of Tripura, Law Department No. F. 1(3)-LAW/LEG/86 dated 1-3-86.

Inserted by Second Amendment Act, 1986 vide Govt. of Tripura, Law Department No. F. 1(2)-LAW/LEG/87 dated 28-3-87.

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1. *Inserted by The Tripura Educational Institutions (Acquisition of Right, Title and Interest) (Amendment) Act, 1984, w.e.f. 24.1.1986.*
 2. *Inserted by The Tripura Educational Institutions (Acquisition of Right, Title and Interest) (Second Amendment) Act, 1986, w.e.f. 4.3.1987.*
 3. *Inserted ibid.*

LIST OF AMENDMENTS

1. The Tripura Educational Institutions (Acquisition of Right, Title and Interest) (Amendment) Act, 1984, w.e.f. 24.1.1986.
2. The Tripura Educational Institutions (Acquisition of Right, Title and Interest) (Second Amendment) Act, 1986, w.e.f. 4.3.1987.



Tripura Act No. 3 of 1986.

THE TRIPURA EDUCATIONAL INSTITUTIONS (ACQUISITION OF RIGHT, TITLE AND INTEREST) (AMENDMENT) ACT, 1984.

AN

ACT

to amend the Tripura Educational Institutions (Acquisition of Right, Title and Interest) Act, 1980 to provide, in the public interest, for the acquisition and transfer of the right, title and interest of one more educational institution 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 Tripura Legislative Assembly in the Thrity Fifth Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Tripura Educational Institutions (Acquisition of Right, Title and Interest) (Amendment) Act, 1984.

(2) It shall come into force at once.

Amendment of the Schedule.

2. In the Schedule to the Tripura Educational Institutions (Acquisition of Right, Title and Interest) Act, 1980, the following shall be added after the existing entry "3 Belonia College, Belonia" namely :—

"4. Katlamara High School and its attached Primary School, Simna, Tripura".

By order of the Governor,

S. R. Sinha

Deputy Secretary, Law.



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Agartala, Tuesday, April 7, 1987 A. D.
Chaitra 17, 1909 S. E.

GOVERNMENT OF TRIPURA
LAW DEPARTMENT

No. F. 1(2)-LAW/LEG/87

Dated, Agartala, the 28th March, 1987.

The following Act of the Tripura Legislative Assembly received assent of the President on 4-3-1987 and is hereby published for general information.

S. R. Sinha
Deputy Secretary to the
Government of Tripura.

TRIPURA ACT NO. 2 OF 1987.

The Tripura Educational Institutions (Acquisition of Right, Title and Interest) (Second Amendment) Act, 1986.

AN

ACT

to amend further the Tripura Educational Institutions (Acquisition of Right, Title and Interest) Act, 1980, to provide in the public interest, for the acquisition and transfer of the right, title and interest of two more educational institutions in Tripura, with a view to securing better and efficient management thereof and for matters connected therewith and incidental thereto.

Be it enacted by the Tripura Legislative Assembly in the thirty seventh year of the Republic of India as follows ;

Short title and
commencement

1. (1) This act may be called the Tripura Educational Institutions (Acquisition of Right, Title and Interest) (Second Amendment) Act, 1986.
- (2) It shall come into force at once.

Amendment of
the Schedule.

2. In the schedule to the Tripura Educational Institutions (Acquisition of Right, Title and Interest) Act, 1980 after the existing entry "4. Katlamara High School and its attached Primary School, Simna, Tripura" the following shall be added namely :—

"5. Hindi Higher Secondary School and its attached Primary School, Kunjaban Road, Abhaynagar, Agartala, Tripura.

6. Santirbazar High School, Santirbazar, Belonia, Tripura".



AS INTRODUCED IN THE TRIPURA
LEGISLATIVE ASSEMBLY

Tripura Bill No. 11 of 1987.

The Tripura Educational Institutions (Acquisition of Right, Title and Interest) (Third Amendment) Bill, 1987.

A
BILL

to amend further the Tripura Educational Institutions (Acquisition of Right, Title and Interest) Act, 1980 to provide, in the public interest, for the acquisition and transfer of the right, title and interest of six more educational institutions in Tripura, with a view to securing better and efficient management thereof and for matters connected therewith and incidental thereto.

Be it enacted by the Tripura Legislative Assembly in the thirty eighth year of the Republic of India as follows :—

Short title and
commencement.

1. (1) The Act may be called the Tripura Educational Institution (Acquisition of Right, Title and Interest) (Third Amendment) Act, 1987.

(2) It shall come into force at once.

Amendment of
the schedule.

2. In the schedule to the Tripura Educational Institutions (Acquisition of Right, Title and Interest) Act, 1980 after the existing entry "6 Santirbazar High School, Santirbazar, Belonia, Tripura" the following shall be added, namely :—

- "7. Ramkrishna Ashram Vidyamandir Junior High School (Classes VI to VIII), Dhaleswar, Agartala, West Tripura.
8. Vivekananda Vidyamandir, Dhaleswar, Agartala, West Tripura.
9. Jatindra Kumar Junior High School and its attached Primary School, Purba Noagaon, Ranirbazar, West Tripura.
10. Jolaibari Higher Secondary (Class XII) School, Jolaibari, South Tripura.
11. Bishalgarh Class XII School and its attached Primary School, Routhkhala, Bishalgarh, West Tripura.
12. Karaimura Class XII school and Karaimura Primary School, Krishnakishorenagar, West Tripura."

STATEMENT OF OBJECTS AND REASONS

The Tripura Educational Institutions (Acquisition of Right, Title and Interest) Act, 1980. The Tripura Educational Institutions (Acquisition of Right, Title and Interest) (Amendment) Act, 1984 and The Tripura Educational Institutions (Acquisition of Right, Title and Interest) (Second Amendment) Act, 1986 were enacted to provide, in public interest, for the acquisition of right, title and interest of certain educational institutions in Tripura by the State Government with a view to securing better and efficient management thereof. In accordance with the provisions of the Act, the right, title and interest in respect of five educational institutions, namely, Ramthakur College, Agartala, Belonia College, Belonia, Ramkrishna Mahavidyalaya, Kailashahar, Katlamara High School and its attached Primary School, Simna and Santirbazar High School, Santirbazar, Belonia, Tripura in Serial No. 1 to 4 and Serial No. 6 in the schedule to the aforesaid Act have already been acquired by the State Government.

2. The State Government considers it expedient to acquire, in public interest, the right, title and interest of (i) Ramkrishna Ashram Vidyamandir Junior High School (Classes-VI to VIII), Dhaleswar, Agartala, West Tripura (ii) Vivekananda Vidyamandir, Dhaleswar, Agartala, West Tripura, (iii) Jatindra Kumar Junior High School and its attached Primary School, Purba Noagaon, Ranirbazar, West Tripura (iv) Jolajbari Higher Secondary (Class XII) School, Jolajbari, South Tripura (v) Bishalgarh Class XII School and its attached Primary School, Routhkhala, Bishalgarh, West Tripura and (vi) Karaimura Class XII School and Karaimura Primary School, Krishnakishorenagar, West Tripura. All these institutions, except the Vivekananda Vidyamandir, Dhaleswar, Agartala, West Tripura are Government aided privately managed educational institutions. The Vivekananda Vidyamandir, Dhaleswar, Agartala, West Tripura is a privately managed educational institution. The three institutions at (i), (ii) & (iii) above are now being managed by the Managing Committee. The other three institutions are now being run by Administrators appointed by the Government from time to time by superseding the Managing Committee. If the right, title and interest of these institutions are acquired by the State Government under the provision of aforesaid Act, it will enable the State Government to exchange teachers with other Government Institutions to improve the standard of education in these institutions and to further develop the institutions. It is, therefore, necessary to amend the schedule to the aforesaid Act by inserting the names of the aforesaid institutions in the schedule to the Act, for the purpose of acquiring the right, title and interest of these institutions.

3. The Bill seeks to achieve the aforesaid objects.

Dasaratha Deb
Deputy Chief Minister,
Tripura.

TECHNICAL REPORT

The subject matter of the Bill is relatable to Entry 25 of the Concurrent list (List-III) of the Seventh Schedule to the Constitution of India. As however, it relates to the acquisition of certain right in some property by the State, it comes under sub-clause (a) of Clause (1) of Article 31A of the Constitution of India and attracts the first proviso to the said clause. As such, the Bill will have to be reserved for consideration of the President to receive his assent, under the first proviso to Article 31A of the Constitution.

FINANCIAL MEMORANDUM

If the Bill is enacted and brought into operation, there shall be expenditure from the Consolidated Fund of the State. It may not be possible to ascertain the exact amount of expenditure at present. However, the approximate yearly amount of expenditure for the same is estimated at Rs. 45,46,400/- under Non-Plan and Rs. 6,00,000/- under Plan.