

HARYANA PRIVATE COLLEGES (TAKING OVER OF MANAGEMENT) ACT, 1978 (26 OF 1978)

1978 : Haryana Act 261 PRIVATE [EDUCATIONAL INSTITUTIONS] (TAKING OVER OF MANAGEMENT) 119 THE HARYANA PRIVATE I [EDUCATIONAL NSTITUTIONS] (TAKNG OVER OF MANAGEMENT) ACT, 1978 (Haryana Act No. 26 of 1978) TABLE OF CONTENTS SECTIONS : 2. 3. 4. 5. 6. 7. 8. 9. IO

11. Short title and commencement. Definitions. Power to take over management of [Educational Institutions]. Act not to apply to minority I [Educational Institutions]. Bar of Ju.risdiction. Protection of action taken in good faith. Liability of managing committee to punishment Cognizance of . Power to remove difficulty. Power to make rules. Repeal and Saving. Substituted by Haryana Act 16 of] 999. 1978 : Haryana Act 261 PRIVATE EDUCATIONAL INSTITUTIONS (TAKING OVER OF MANAGEMENT) ITHE HARYANA PRIVATE EDUCATIONAL m.STITUTIONS] (TAKING OVER OF MANAGEMENT) ACT, 1978 (Haryana Act No. 26 of 1978) [Received the assent of the President of India on the 31st October. 1978 and first published for general information in the Haryana Government Gazette (Extraordinmy) Legislative Supplement, Part I of 4th Novembet; 1978]. 1978 2 26 3 Short title The Haryana Private Educational institutions] (Taking ovcc of Manage- ment) Act, 1978. AN ACT 4 Whether repealed or otherwise affected by legislation Amended by Haryana Act (3 of 19822. Amended by Haryana Act 25 of 19843 Amended by Haryana Act 2 of] 9964. Amended by Haryana Act 1 6 of 9993 to provide for the management of private 7 [Educational Institutions] [BE it enacted by the Legislature of the State of Haryana in the Twenty- ninth Year of the Republic of India as follows :— 1. (1) This Act may be called the Haryana Private 7 [Educational Institutions] (Taking over of Management) Act, 1978. (2) It shall come into fome on such date as the State Government may, by notification, appoint. 121 Short title and commencement. Definitions. 2. 3. 4. 5. 6, 2. In this Act, unless the context otherwise requires,— For Statement of Objects and Reasons, see Haryana Government Ga.zette (Extra dated the 24th August, 1978, page 1173. For Statement of Objects and Reasons, see Haryana Governunt Gazette (Exüa.), dated the 13th March, 1982, page 3 IO. For Statement of Objects and Reasons, see Haryana Government Gazette (Extra.), dated the 3rd September, 1984, page 1448. For Statement of Objects and see Haryana Government Gazette (Extrd.), dated the 23rd March, 1995, page •h. For Statement of Objects and Reasons, see 'Haryana Government Gazette (Extra r), dated the 9th February, 1999, page 253. Omitted by Haryana Act 25 of 1984. Substituted by Haryana Act 16 of 1999. 22 Power to take PRIVATE 2[EDUCATIONAL INSTITUTIONS] (TAKING OVER OF MANAGEMENT) | 1978 : Haryana Act 26 (a) "Administrator" means an officer appointed by the State Government to take over the management of a college : institution" an institution which is not run by the Central Government, the State Government or a Local Authority and includes an institution, college or polytechnic being run and managed by individuals, societies, ü-usts or charitable societies whether aided or not and which is recognised by or filiated to the State Board of Technieal Education Haryana or the universities incorporated under the Haryana State Acts, as the case may be, imparting education in the field of medical, dental, ayurvedic, homeopathic, technical , engineering, business management and computer etc;] (c) 2["educational institution] property ' means all movable and immovable property belonging to, or in the possession of, a college and all other rights and interests in, or arising out, of such property, and includes land, bui [ding and its appurtenances, play grounds, hostels, furniture, books, appratus, maps, equipment, utensils, cash, reserve funds, invesfrment and bank balances; 3 'rmnaging committee" means the managing committee as defined (e) C) in the Haryana A filiated 2[Educational Insti tution] (Security of Service) Act, 1979;] "minority 2[Educational Institution]" means a 2[Educational Institution] established and ad.ministered by a minority having the right to do so under clause (1) of anicle 3() of the Constitution; and in relation to a college, the person by whatever name called, who is entrusted with the management of the affairs of the 3[Educationa} Institution] immediately before taking over the management under this Act. NNhenever the State Government, on receipt of a report from 3. over manage- the 4[University concened or State Board of Technical Education, Haryana ment Ofcolleges• as the case may be, or otherwise,] is satisfied that the managing committee or president of 2[educational has— 2. 3

4. Substituted by Haryana Act 13 of 1982. Substituted by Haryana Act 2 of 1996 and further substituted by Haryana Act 16 of 1999. Substituted by Haryana Act 2 Of 1996 Substituted by Haryana Act 16 of 1999. 1978 : Haryana Act 26] PRIVATE 2 [EDUCATIONAL INSTITUTIONS] (TAKING OVER OF MANAGEMENT) 123 11 (a) neglected to perform or persistently made default in the performance of duties and functions imposed on it by the State Board of Technical Education, Haryana or by the Universities incorporated under the Haryana State Acts, or the statutes, ordinances or regulations made thereunder ; or] (b) failed to carry out any order passed or directive issued by the State Government or any order passed by the Director under the Haryana Affiliated '[Educational Institutions] (Security of Service) Act, 1979; or (c) exceeded or abused its or his powers ; and that it is expedient in the interest of 2[educational institution] education to take over the management of Such 21 Educational institution], the State Government may, after giving the managing committee or the president ..., is such 2[educational institution], a reasonable opportunity of showing cause against the proposed action, and after considering the reply, if any, made by the managing committee or the president of such college, as the case may be, make an order for taking over the management of such 2[educational institution] by an Administrator, for a period not exceeding three years, as it may deem fit.] (2) Whenever the management of any 2[educational institution] is taken over under sub-section (1) every person in charge of the management of such 2 [educational institution] immediately before its management is taken over, shall deliver the possession of the 2[educational institution] property to the Administrator. (3) After taking over the management of a 2[educational institution] under this section, the Administrator shall exercise all the powers of the managing committee and the president in respect of the 2 [educational institution] taken over.] (4) During the period, the 2[Educational Institution] remains under the management of an Administrator,— 2 (a) the managing committee and the president shall cease to exercise powers and functions of management over the affairs of the 2[educational institution] as long as the management vests in the Administrator, (b) the service conditions of the employees of the 2[educational institution] who were in employment immediately before the date on which the management was taken over, shall not be varied to their disadvantage; Substituted by Haryana Act 16 of 1999. Substituted by Haryana Act 2 of 1996 and further substituted by Haryana Act 16 of 1999. 124 PRIVATE I [EDUCATIONAL INSTITUTIONS] (TAKING OVER OF MANAGEMENT) | 1978 : Haryana Act 26 (c) all educational facilities, which the 2[educational institution] had been affording immediately before such management was taken over, shall continue to be afforded ; (d) the 1[educational institution] fund, pupils' fund, management fund and any other existing fund shall continue to be available to the Administrator for being spent for the purposes of the (educational institution] (e) without prejudice to the generality of the provisions of sub- section (3) of section 3 of the Act, no decision or resolution of the managing committee made after the date of the show cause notice issued under sub-section (1) of section 3 shall be given effect to unless approved by the Administrator; and On the Administrator report to the State Government all such decisions and his orders thereon and it shall be open to the State Government to confirm, modify or reverse the order of the Administrator. (5) The State Government may, at any time before the expiry of the period for which the management of the '[educational institution] is taken over, and shall, on the expiry of the period for which the management of a t [educational institution] is taken over, hand over the management along with the t[educational institution] property to the duly constituted managing committee of the I [educational institution]. Act not to apply 4. Nothing contained in this Act shall apply to any minority 1[educational to minority 1[educational institution] Bar to jurisdiction. Protection of action taken in good faith. Liability of managing committee to punishment

5. No Civil Court shall have jurisdiction in respect of any matter in relation to which the Administrator is empowered by or under this Act to exercise any power and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act

6. No suit, prosecution or other legal proceedings shall lie against the Government or the Administrator or any other person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder. 7. (1) If the president or the managing committee, as the case may be of any 1[educational institution]— (a) omits or fails without any reasonable excuse to carry out any order made under this Act; or (b) omits or fails to deliver any '[educational institution] property to the Administrator or any officer authorised by him in Substituted by Haryana Act 2 of 1996 and further substituted by Haryana Act 16 of 1999. 1978 Haryana Act 26} 1[EDUCATIONAL INSTITUTIONS]

PRIVATE (TAKE OVER OF MANAGEMENT) 125 the president or the managing committee, as the case may be, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both. (2) If the person committing an offence under this Act is a managing committee, every person, who at the time the offence was committed, was a member or office-bearer shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly : Provided that nothing in this sub-section shall render any such person liable to be prosecuted if he shows that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act 2 of 1974), (a) no court inferior to that of a Judicial Magistrate of 1st Class shall try any offence under this Act; (b) no court shall take cognizance of any such offence except with the previous sanction of the State Government or such other officer as the State Government may, by general or special order specify in this behalf

9. If any difficulty arises in giving effect to the provisions of this Act, the power to State Government may, by order to be published in the Official Gazette, make or give such directions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions 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 session immediately following, the House agrees in making any modification in the rule or the House decides that rule should not be made, the rule shall thereupon 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 under that rule

11. The Haryana Private Colleges (Taking Over of Management) Act, 1978 (Haryana Act 4 of 1978), is hereby repealed. Substituted by Haryana Act 2 of 1996 and further substituted by Haryana Act 16 of 1999.