

mÜkj izns”k gksE;ksiSfFkd fpfdRlk egkfo|ky; ¼vtZu vkSj
izdh.kZ micU/k½

अधिनियम, 1981

{उत्तर प्रदेश अधिनियम संख्या 21, सन् 1981}

**THE UTTAR PRADESH HOMOEOPATHIC MEDICAL COLLEGES
(ACQUISITION AND MISCELLANEOUS PROVISIONS) ACT, 1981**

[U. P. Act No. 21 of 1981]

mÜkj izns”k gksE;ksiSfFkd fpfdRlk egkfo|ky; ¼vtZu
vkSj izdh.kZ micU/k½ अधिनियम, 1981।

{उत्तर प्रदेश अधिनियम संख्या 21, सन् 1981}

„mÜkj izns”k fo/kku lHkk us fnukad 17 flrEcj] 1981 rFkk
mÜkj izns”k fo/kku ifj’kn~ us fnukad 21 flrEcj] 1981 dh cSBd esa
ikfjr fd;kA

^^Hkkjr dk lafo/kku** ds vuqPNsn 201 ds vUrxZr jk’V^aifr us
fnukad 23 vDVwcj] 1981 dks Lohd`fr iznku dh rFkk mÜkj izns”k
ljdkjh vlk/kkj.k xTV esa fnukad 24 vDVwcj] 1981 dks izdkf”kr
gqvkaA

dfri; xSj ljdkjh gksE;ksiSfFkd fpfdRlk egkfo|ky;ksa dk vtZu
vkSj izcU/k djus vkSj gksE;ksiSFkh fpfdRlk foKku eas f”k{kk dk
izkUrhdj.k djus vkSj mlls lEc) ;k vkuq’kafxo fo’k;ksa dk micU/k
djus ds fy;s

अधिनियम

pw;fd jkT; eas xSj ljdkjh gksE;ksiSfFkd fpfdRlk egkfo|ky;ksa
ds Nk= dkQh le; ls ,sls egkfo|ky;ksa dk izkUrhdj.k djus ds fy,
vkUnksyu djrs jgs gSa(

vkSj pw;fd bu egkfo|ky;ksa eas miyC/k f”k{kk dk Lrj] ITtk
vkSj v/;;u dh lqfo/kk mi;qDr ugha gS(

और चूँकि राज्य में आवश्यकता से अधिक महाविद्यालय केवल धन
लोलुपता केvfHkizk; ls pyk, tk jgs gSa vkSj gksE;ksiSfFkd foKku eas
fpfdRlk f”k{kk dk izkUrhdj.k djus vkSj mldk leqfpr laxu djus vkSj
,sls foKku eas f”k{kk ds Lrj vkSj mipkj eas lq/kkj djus और ऐसी
बुराइयों की पुनरावृत्ति को रोकने की दृष्टि से उन महाविद्यालयों का,
जो अधिकmi;ksxh gS] vtZu djuk vkSj ”ks”k egkfo|ky;ksa dks cUn
djuk vko”;d gS(

अतएव, अब, भारत गणराज्य के बत्तीसवें वर्ष में निम्नलिखित
अधिनियम बनाया जाताgS%&

v/;k;& ,d

izkjfEHkd

1-- यह अधिनियम उत्तर प्रदेश होम्योपैथिक चिकित्सा महाविद्यालय (अर्जन और प्रकीर्ण उपबन्ध) अधिनियम, 1981 कहा जायेगा।

(2) यह ऐसे दिनांक से प्रवृत्त होगा, जिसे राज्य सरकार अधिसूचना

2-- इस अधिनियम में:-

(क) "नियत दिन" का तात्पर्य धारा 1 की उपधारा (2) के अधीन अधिसूचित

$\frac{1}{4}[k\frac{1}{2} \wedge gksE;ksiSfFkd^{**} dk ogh vFkZ gksxk] tks mlds fy,] mUkj izns" k$ होम्योपैथी मेडिसिन अधिनियम, 1951 में दिया गया है;

$\frac{1}{4}x\frac{1}{2} \wedge \wedge vuqlwfpr egkfo|ky;^{**} dk rkRi;Z vulwph eas fofufnZ'V fdlh gksE;ksiSfFkd fpfdRlk egkfo|ky; ds lkFk\&lkFk mlls layXu ;k mlds lEcU/k eas iz;qDr fpfdRlk; vkSj vkS'k/kky; ls gS vkSj blds vUrxZr ,sls egkfo|ky; ds lEcU/k eas ;k mlds milk/ku ds :lk eas iz;qDr ;k mlls vuqc) leLr O;k[k;ku d{k] iz;ksx"kkkyk,a] iqLrdky;] Nk=kokl vkSj cksfMZax gkml Hkh gS($

1 mn~ns";ksa vkSj dkj.kksa ds fooj.k ds fy, mUkj izns" k vlk/kkj.k xtV fnukad 6
- flrFci 1980 nsflk:sA अधिसूचना सं० 7867-सेक-9/81-1019-50. दिनांक 11 दिसम्बर
11 fnlEcj] 1981 ls izo`Uk fd;k x;kA

{उत्तर प्रदेश होम्योपैथिक चिकित्सा महाविद्यालय (अर्जन और प्रकीर्ण उपबन्ध) अधिनियम, 1981}
;/kkjk 3&4À

$\frac{1}{4}k\frac{1}{2} fdlh vuqlwfpr egkfo|ky; ds lEcU/k eas] \wedge lkslkbVh^{**} dk rkRi;Z ,slh lkslkbVh] U;klh ;k vU; O;fDr ;k fudk; ls gS] ftleas ,sls egkfo|ky; dk LokfeRo vkSj mlds ckn dk;Z&dyki dk izcU/k vkSj fu;a=.k fufgr gksA$

v;/k;& nks

$vuqlwfpr egkfo|ky;ksa dk vtZu$

3&& $\frac{1}{4}l\frac{1}{2} fu;r fnu dks vkSj mlh fnu ls izR;sd vuqlwfpr egkfo|ky; vkSj mlds lkFk oh \&$

$vuqlwfpr egkfo|ky;ksa dk jkT; ljdkj eas fufgr$

$\frac{1}{4}d\frac{1}{2} ,slh leLr Hkwfe] ftl ij ,slk egkfo|ky; fLFkr gks vkSj mlls vuqyXu vU; leLr Hkwfe vkSj ,slh Hkwfe ij leLr Hkou] fuekZ.k vkSj fQDlpj($

$\frac{1}{4}[k\frac{1}{2} ,sls egkfo|ky; dk leLr QuhZpj] miLdj] LVksj] lkf/k=] midj.k] e;=] Hks'kt] vkS'kf/k] fuekZ.k&dk;Z] deZ"kkkyk] ifj;kstuk] vkVkseksckby] iqLrdsa] /ku vkSj vU; vkfLr;ka($

$\frac{1}{4}x\frac{1}{2} ,slh leLr vU; taxe vkSj LFkkoj lEifUk] ftlds vUrxZr QkeZ] पट्टा और समस्त अधिकार, शक्ितयां, प्राधिकार, विशेषाधिकार, आरक्षित निधि, विनिधान,cgh&_.k vkSj ,slh lEifUk eas ;k mlds lEcU/k eas ;k mlls mn~Hkwr gksus okys समस्त अन्य अधिकार और हित भी है, जो नियत दिन के ठीक पूर्व ऐसे महाविद्यालयds dk;Z&dyki ds izca/k ds izHkkjh iz"kkld ;k fdlh$

vU; O;fDr] lkslkbVh ;k fudk; ds LokfeRo] dCtk] "kfDr ;k fu;a=.k eas jgh gks]

jkT; ljdkj dks vUrfjr gks tk; xh vkSj iw.kZ:Ik ls mleas fufgr gksxh vkSj ,sls egkfo|ky; ds iz;kstuksa ds fy, iz;qDr dh tk;xhA

$\frac{1}{2}$ mi/kkj $\frac{1}{4}$ eas fufnZ'V leLr ;k fdlh lEifÜk vkSj vkfLr ds lEcU/k eas izR;sd nkufoys[k] foU;kl] olh;r] U;kl ;k vU; nLrkost dk] fu;r fnu ls] bl izdkj vFkZ yxk;k tk;xk ekuksa og jkT; ljdkj ds i{k eas fd;k ;k fu'ikfnr fd;k x;k gksA

(3) इस अधिनियम के उपबन्धों के अधीन रहते हुए, इस धारा में निर्दिष्ट प्रत्येक सम्पत्ति vkSj vkfLr] tks mi/kkj $\frac{1}{4}$ ds vk/kkj ij jkT; ljdkj eas fufgr gks xbZ gks] bl izdkj fufgr gksus ds vk/kkj ij lHkh .k] ck;/rk] cU/kd] izHkkj ;k /kkj.kkf/kdkj vkSj mls izHkkfor करने वाले अन्य भारों से मुक्त और उन्मोचित हो जायेगी और किसी न्यायालय या अधिकरण की,slh lEifÜk ds mi;ksx dks fdlh jhfr ls fucZfU/kr djus okyh izR;sd dqdhZ] O;kns"k] fMdzh ;k vkns"k dks okil fy;k x;k le>k tk;xkA

(4) इस अधिनियम के उपबन्धों के अधीन रहते हुए, नियत दिन के ठीक पूर्व सोसाइटी;kjk ;k mlds fo:) yfEcr okn ;k fo|eku fdlh dk;Zokgh ;k okn&gsrqd dks fu;r fnu ls] jkT; ljdkj }kjk ;k mlds fo:) mlh izdkj tkjh j[kk vkSj izo`Ük fd;k tk ldsxk] tSlk og ,slh lkslkbVh }kjk ;k mlds fo:) tkjh j[kk ;k izo`Ük fd;k tk ldrk FkkA ;fn यह अधिनियम प्रवृत्त न हुआ होता।

4&& $\frac{1}{4}$ fu;r fnu dks vkSj mlh fnu ls izR;sd vuqlwfpr egkfo|ky; dk iz`tklh ikT- lidki lkh slh ihfr ls fd;k tk;xk] tSlh ikT- lidki le>le- ii funs"k nsA

vuqlwfpr egkfo|ky;ksa dk iz`kklu

$\frac{1}{2}$ mi/kkj $\frac{1}{4}$ ds micU/kksa dh O;kidrk ij izfrdwy izHkko Mkys feuk jkT; ljdkj funs"k ns ldrh gS fd &

(क) एक या अधिक अनुसूचित महाविद्यालयों को बन्द कर दिया जायगा;

(ख) ऐसे दो या अधिक महाविद्यालयों को सम्मिलित या समामेलित कर दिया tk;xk(

{उत्तर प्रदेश होम्योपैथिक चिकित्सा महाविद्यालय (अर्जन और प्रकीर्ण उपबन्ध) अधिनियम, 1981} ;/kkjk 5&6A

(ग) ऐसे एक या अधिक महाविद्यालयों के छात्रों को ऐसे अन्य महाविद्यालयों eas LFkkukUrfjr ;k vkesfyr dj fn;k tk;xk(

$\frac{1}{4}$ k $\frac{1}{2}$,sls egkfo|ky;ksa ds v;/kidksa vkSj vU; deZpkfj;ksa dk LFkkukUrj.k ,d egkfo|ky; ls nwljs egkfo|ky; eas dj fn;k tk;xkA

5&& $\frac{1}{4}$ izR;sd O;fDr] fllds dCts] vfHkj {kk ;k fu;a=.k eas fu;r fnu dks /kkjk 3

dCtk nsus dk

drZO;

में निर्दिष्ट कोई सम्पत्ति या आस्ति हो, ऐसी सम्पत्ति या आस्ति कलक्टर या ऐसे अन्य अधिकारी dks] fls jkT; ljdkj }kjk bl fufeÜk

izkf/kd'r fd;k tk;] rRdky ifjnÜk dj nsxk vkSj कलक्टर या यथापूर्वोक्त ऐसा अन्य अधिकारी, ऐसा परिदान प्राप्त करने के लिए ऐसे बल का;ksx dj ldrk gS] tSlk vko";d gksA

$\frac{1}{4} \frac{1}{2}$,slk O;fDr] filds dCts] vfHkj {kk ;k fu;a=k eas fu;r fnu dh /kkjk 3 eas fufnZ'V fdlh lEifÜk ls lEcfU/kr dksbZ cgh] dkxt&i= ;k vU; nLrkost gks] mudk लेखा-जोखा, कलक्टर को या ऐसे अन्य अधिकारी को, जिसे राज्य सरकार द्वारा इस निमित्त izkf/kd'r fd;k tk;] nsus dk ftEesnkj gksxkA

(3) इस अधिनियम में दिए गये अन्य उपबन्धों पर प्रतिकूल प्रभाव डाले बिना, राज्य ljdkj ds fy, ;g fof/kiw.kZ gksxk fd og ,slh leLr lEifÜk;ksa vkSj vkfLr;ksa dk] tks bl अधिनियम के अधीन उसे अन्तरित और उसमें निहित की गई है, कब्जा लेने के लिए समस्त vko";d dk;Z okgh djsA

6&& $\frac{1}{4} \frac{1}{2}$ /kkjk 7 ds micU/kksa ds v/khu jgrs gq,] ,slk izR;sd v;/kid ;k vU; deZpkjh] tks fu;r fnu ds Bhd iwoZ fdlh vuqlwfpr egkfo|ky; deZpkjh gks tk; xk vkSj viuk in mlh dk;Z of/k ds fy,] mlh ikfjJfed ij vkSj mUgha निबन्धों और शर्तों पर और पेशन, उपदान और अन्य विषयों के सम्बन्ध में उन्हीं अधिकारों और fo"ks'kkf/kdkjksa ds lkFk /kkjk.k djrk jgsxk] te rd fd mldk fu;kstu lE;d :lk ls lekIr u dj fn;k tk; ;k te rd fd mlds ikfjJfed] fucU/ku vkSj "krksZa dks jkT; ljdkj }kjk lE;d :lk ls ifjofrZr u dj fn;k tk; %

v;/kid vkSj vU; deZpkjh jkT; ljdkj ds deZpkjh gks tk;saxs

ijUrq ;fn ,slk vUrj.k fdlh ,sls v;/kid ;k vU; deZpkjh dks Lohdkj u gks rks og fu;r fnu ls ,d ekl ds Hkhrj jkT; ljdkj dks bl vk"kk; dh lwpuk nsxk vkSj rnqijkUr mldk fu;kstu fu;r fnu ls lekIr gks tk; xk %

ijUrq ;g vkSj fd ;fn fdlh v;/kid ;k vU; deZpkjh ds fu;kstu dh lekflr iwoZorhZ ijUrqd ds vuqlkj dh tkrh gS rks ,slk v;/kid ;k deZpkjh] mi/kkjk $\frac{1}{4} \frac{1}{2}$ ds micU/kksa ds v/khu jgrs gq,] fuEufyf[kr dk gdnkj gksxk %&

$\frac{1}{4} \frac{1}{2}$ LFkk;h deZpkjh dh n"kk eas rhu ekl ds osru ds cjkcj vkSj fdlh vU; deZpkjh dh n"kk eas ,d ekl ds osru ds cjkcj /kujkf"kk vkSj

$\frac{1}{4}$ [k $\frac{1}{2}$ vU; izlqfo/kk,a] tks ,sls egkfo|ky; eas mldh foxr lsokvksa ds dkj.k mls izkIr gksrh] ;fn mlds fu;kstu dh lekflr bl izdkj u dh xbZ gksrhA

$\frac{1}{4} \frac{1}{2}$ mi/kkjk $\frac{1}{4} \frac{1}{2}$ ds v/khu fdlh v;/kid ;k vU; deZpkjh ds lsokvksa ds vUrj.k ;k lsok lekflr ls og la;qDr izkUr; vkS|ksfxd >xM+ksa dk ,sDV] 1947 ;k rRle; izo`Ük fdlh vU; fof/k ds v/khu fdlh izfrdj dk gdnkj ugha gksxk vkSj bl izdkj dk dksbZ nkok किसी न्यायालय, अधिकरण या अन्य प्राधिकारी द्वारा ग्रहण नहीं किया जायगा।

{उत्तर प्रदेश होम्योपैथिक चिकित्सा महाविद्यालय (अर्जन और प्रकीर्ण उपबन्ध) अधिनियम, 1981} ;/kkjk 7&8A

(3) यदि इस अधिनियम के प्रारम्भ के पश्चात् किसी समय किसी अनुसूचित egkfo|ky; eas fdlh v;/kid ;k vU; deZpkjh ds in eas dksbZ fjdR gksrh gS vkSj ,sls izkjEHk ds fnukad ds Bhd iwoZorhZ fnukad

dks fdlh gksE;ksiSfFkd egkfo|ky; eas $\frac{1}{4}$ vuqlwfpr egkfo|ky; ls fHkUu $\frac{1}{2}$ lsokjr dksbZ v/;kid ;k vU; deZpkjh mlh dksfV ;k Js.kh ds fdlh ,sls in ij fu;qfDr ds fy, vkosnu djrk gS rks ,slk v/;kid ;k deZpkjh vU; vkosndkas की तुलना में अधिमान का हकदार होगा, बशर्ते वह उस पद के लिए विहित न्यूनतम अर्हताएं पूरीdjrk gksA

7-- (1) इस अधिनियम में किसी बात के होते हुए भी, नियत दिन से ठीक
;k mUgsa nh xbZ osruo`f) dh ;FkkFkZrk dk iqufoZyksdu djus ds fy,
jkT; ljdkj fdlh अधिकारी को नाम-निर्दिष्ट कर सकती है या कोई समिति
नियुक्त कर सकती है और यदि ऐसे अधिकारी या समिति की रिपोर्ट और
प्रभावित अध्यापकों या अन्य कर्मचारियों से इस विषय में izkIr fdlh
vH;kosnu ij fopkj djus ds lk"pkr~ dksbZ fu;qfDr ;k osruo`f) jkT;
ljdkj dks ;FkkFkZ u izrhr gks rks og] ;FkkfLFkfr] ,sls v/;kid ;k
deZpkjh dh lsok lekIr dj ldrh gS ;k osruo`f) dks jn~n dj ldrh gS vkSj
,slh izR;sd lsok&lekfIr ij /kkjk 6 dh mi/kkj $\frac{1}{2}$ ds micU/k ykxw
gksaxsA

dfri; fu;qfDr;ksa
vkfn dk iqufoZyksdu

$\frac{1}{2}$ vius LokfeRok/khu fdlh ,slh lEifUk ;k vkfLr ds lEcU/k
eas] tks /kkjk 3 ds v/khu jkT; ljdkj eas fufgr gks] fdlh lkslkbVh }kjk
fdlh lsok] fodz; ;k lEHkj.k ds fy, dh xbZ izR;sd lafonk] tks fu;r fnu ds
Bhd iwoZ izo`Uk jgh gks] fu;r fnu ls ,d lkS vLlh fnu dh vof/k dh
lekfIr ds fnu dks vkSj mlh fnu ls izHkkoh u jg tk;] tc rd fd ,slh
lafonk dk] mDr vof/k dh lekfIr ds iwoZ jkT; ljdkj }kjk fyf[kr :lk ls
vuqleFkZu u dj fn;k tk; vkSj ,slh lafonk ;k vuqleFkZu djus eas jkT;
ljdkj ,slk ifjorZu ;k mikUrj dj ldrh gS] ftls og mfpr le>s %

ijUrj jkT; ljdkj rc rd fdlh lafonk dk vuqleFkZu djus eas =qfV
ugha djsxh vkSj u mleas dksbZ ifjorZu ;k mikUrj djsxh &

$\frac{1}{4}$ tc rd fd mldk ;g lek/kku u gks tk; fd ,slh lafonk
vuqfpr :lk ls nqHkZj gS ;k vln~HkkoiwoZd dh xbZ gS ;k jkT;
ljdkj ds fgrksa ds fy, gkfudj gS] vkSj

$\frac{1}{4}$ [k $\frac{1}{2}$ tc rd lafonk ds i{kdkjksa dks lquokbZ dk
;qfDr;qfDr volj u ns fn;k x;k gks vkSj lafonk dk vuqleFkZu
djus ls bUdkj djus ;k mleas dksbZ ifjorZu ;k mikUrj djus ds
dkj.kksa dks vfHkfyf[kr u dj fn;k tk;A

v/;k;&rhu

u, egkfo|ky; [kksyus dk fu'ks/k

8&& lafo/kku ds vuqPNsn 30 ds micU/kksa ds v/khu jgrs gq.] dsUnzh;
ljdkj ;k jkT; ljdkj }kjk izkf/kd`r O;fDr ls fHkUu dksbZ O;fDr fu;r fnu dks

u;s gksE;ksiSfFkd
egk& fo|ky;
I Fkkfir uoha fid`c

$\frac{1}{4}$ gksE;ksiSfFkh eas fdlh f'k{k.k dk;Z dk Hkkj
ysus ;k mlds lapkyu] mldh O;oLFkk ;k izLFkkiuk dh izO;atuk
djus okyh fdlh laLFkk dks u rks [kksysxk] u mldk laxBu]
vuqj{k.k ;k izcU/k djsxk vkSj u mls [kqyok;sxk ;k u mldk
laxBu] vuqj{k.k ;k izcU/k dj;sxk(

$\frac{1}{4}$ [k $\frac{1}{2}$ gksE;ksiSfFkh eas fdlh f'k{k.k ikB~;dze eas]
pkgs Qhl dk Hkqxrku djus ij ;k ,sls Hkqxrku ds fcuk] u rks
dksbZ HkrhZ djsxk vkSj u HkrhZ djus dh izLFkkiuk djsxk(

{उत्तर प्रदेश होम्योपैथिक चिकित्सा महाविद्यालय (अर्जन और प्रकीर्ण उपबन्ध) अधिनियम, 1981}
 /kkjk 9&12A

$\frac{1}{4}x\frac{1}{2}$ gksE;ksiSFkh eas f'k{k.k iznku djus okyh
 laLFkk ds lEcU/k eas dksbZ nku] vfHknku ;k Qhl $\frac{1}{4}$ pkgs mls
 fdlh Hkh uke ls iqdkjk tk; $\frac{1}{2}$ ugha ysxk(

$\frac{1}{4}k\frac{1}{2}$ gksE;ksiSFkh eas f'k{k.k iznku djus dh n'fV
 ls O;k[ku] ijh{kk ds fy, rS;kj djkus ;k v;kiu dk ;k fdlh
 iz;ksx"kkkyk eas iz;ksx djus dk u rks dksbZ izcU/k djsxk vkSj
 u ;g izdV djsxk fd ,slk izcU/k fd;k x;k gSA

9&& /kkjk 8 ds micU/kksa dk mYya?ku djus okyk izR;sd O;fDr
 dkikokl lel ftdh vof/k rhu o'kZ rd gks ldrh gS ;k tqekZus lel tks nks otki
 ;k nksuksa ls n.Muh; gksxkA

/kkjk 8 ds
 mYya?ku ds fy,

v;k; & pkj

izdh.kZ

10-- तत्समय प्रवृत्त किसी अन्य विधि में या इस अधिनियम से भिन्न किसी
 की किसी डिग्री या आदेश में इस अधिनियम से असंगत किसी बात के
 होते हुए भी, इस अधिनियम के उपबन्ध प्रभावी होंगे।

अधिनियम के उपबन्धों
 का अधिभावी प्रभाव

11&& ,slk O;fDr] tks &&

"kkfLr

$\frac{1}{4}d\frac{1}{2}$ fdlh vuqlwfr egkfo|ky; ds iz;kstuksa ds fy, /k'r fdlh
 lEifÜk ;k vkfLr dks vius dCts] vfHkj{kk ;k fu;a=.k esa j[krs gq, ,slh
 lEifÜk ;k vkfLr dks /kkjk 5 dh mi/kkjk $\frac{1}{4}1\frac{1}{2}$ ds mYya?ku eas lns'k
 fo/kkfjr djrk gS(;k

$\frac{1}{4}[k\frac{1}{2}$ fdlh vuqlwfr egkfo|ky; ds iz;kstuksa ds fy, /k'r fdlh
 lEifÜk ;k vkfLr ij lns'k dCtk ysrg gS ;k cuk, j[krk gS] ;k

$\frac{1}{4}x\frac{1}{2}$ fdlh vuqlwfr egkfo|ky; ds lEcU/k eas vius dCts]
 vfHkj{kk ;k fu;a=.k ds v/khu fLFkr dksbZ cgh] dkxt&i= ;k vU;
 nLrkost /kkjk 5 dh mi/kkjk $\frac{1}{4}2\frac{1}{2}$ ds mYya?ku eas tku&cw>dj fo/kkfjr
 djrk gS ;k mudk ys[kk&tk[k nsus eas foQy jgrk gS] ;k

$\frac{1}{4}k\frac{1}{2}$ fdlh vuqlwfr egkfo|ky; ds iz;kstuksa ds fy, /k'r fdlh
 lEifÜk dk lns'k mi;ksx djrk gS] mls gVkrk gS ;k u'V djrk gS]
 dkjkokl ls ftdh vof/k nks o'kZ rd gks ldrh gS ;k tqekZus ls] tks rhu
 gtkj :Ik;s rd gks ldrh gS ;k nksuksa ls n.Muh; gksxkA

12-- जहां इस अधिनियम के अधीन कोई अपराध किसी कम्पनी द्वारा किया गया हो, dEiuh
 }kjk vijk/k

ogka ,sls izR;sd O;fDr dks] tks vijk/k fd;s tkus ds le; dEiuh dk
 izHkkjh jgk gks vkSj mlds dk;Z lapkyu ds fy, mlds izfr mÜkjnk;h
 jgk gks vkSj dEiuh dks Hkh vijk/k dk nks'kh le>k tk;sxk vkSj
 rn~uqlkj muds fo:) dk;Zokgh dh tk ldsxh vkSj n.M fn;k tk ldsxk %

ijUrq bl mi/kkjk dh fdlh ckr ls ,slk dksbZ O;fDr n.Muh; ugha
 gksxk] ;fn og ;g lkfer dj ns fd vijk/k fcuk mldh tkudkj ds fd;k x;k
 Fkk ;k mls ml vijk/k ds fuokj.k ds fy, lHkh lE;d rRijrk cjrH FkhA

(2) उपधारा (1) में किसी बात के होते हुए भी, जहां इस अधिनियम
 के अधीन कोई vijk/k fdlh dEiuh }kjk fd;k x;k gks vkSj ;g lkfer gks tk;

fd vijk/k dEiuh ds किसी निदेशक, प्रबन्धक, सचिव या अन्य अधिकारी की सहमति या मौनानुमति से किया गया है; k mldh vksj ls dksbZ mis {kk fd;s tkus ds dkj.k gqvk gS] ogka ,sls funs"kd] izcU/kd] lfpo या अन्य अधिकारी को उस अपराध का दोषी समझा जायेगा और तदनुसार उसके विरुद्ध dk;Zokgh dh tk ldsxh vkSj n.M fn;k tk ldsxhA

{उत्तर प्रदेश होम्योपैथिक चिकित्सा महाविद्यालय (अर्जन और प्रकीर्ण उपबन्ध) अधिनियम, 1981}
{धारा 13-अनुसूची}

Li'Vhdj.k& bl /kkjk ds iz;kstuksa ds fy, &

$\frac{1}{4}d\frac{1}{2}$ ^dEiuh*^ dk rkRi;Z fdlh fuxfer fudk; ls gS vkSj
blds vUrxZr dksbZ QeZ] lkslkbVh ;k O;fDr;ksa dk vU;
leqnk; Hkh gS(vkSj
 $\frac{1}{4}[k\frac{1}{2}$ fdlh QeZ ds lEcU/k eas] ^funs"kd^ dk rkRi;Z ml QeZ
ds Hkkxhnkj ls gSA

13-- इस अधिनियम के अधीन सद्भावना से किये गये या किये जाने के लिए आवश्यक किसी कार्य के लिए राजस्व सरकार या राज्य सरकार द्वारा इस निमित्तप्राधिकृत किसी अधिकारी द्वारा की गयी किसी लिखित परिवाद के बिना नहीं करेगा।

ln~Hkkouk ls fd;s
x;s dk;Z dk laj{k.k

14&& n.M izfdz;k lafgrk] 1973 eas fdlh ckr ds gksrs gq, dksbZ U;k;ky; bl vijk/k dk laKku

अधिनियम के अधीन किसी अपराध का संज्ञान राज्य सरकार या राज्य सरकार द्वारा इस निमित्तप्राधिकृत किसी अधिकारी द्वारा की गयी किसी लिखित परिवाद के बिना नहीं करेगा।

15-- इस अधिनियम की कोई बात होम्योपैथी में तत्समय प्रवृत्त किसी विधि के अपेक्षा में किसी शैक्षणिक संस्था को स्थापित और प्रशिक्षित करने के अधिकार को izHkkfor ugha djsxhA

vYila[:d laLFkkvksa
ds ckjs eas O;ko`fUk

16-- राज्य सरकार इस अधिनियम के प्रयोजनों को कार्यान्वित करने के लिए नियम बनाने की शक्ति अधिसूचना द्वारा नियम बना सकती है।

17-- (1) उत्तर प्रदेश होम्योपैथिक चिकित्सा महाविद्यालय (प्रबंध ग्रहण) अधिनियम, 1979 ,rn~}kjk fujflr fd;k tkrk gSA

(2) ऐसे निरसन के होते हुए भी, उपधारा (1) द्वारा निरसित अधिनियमिति के अधीनकृत कोई कार्य या कार्यवाही विधिमान्य बनी रहेगी, मानो यह अधिनियम प्रवृत्त न हुआ हो।

vuqlwph

:/kkjk 2 $\frac{1}{4}x\frac{1}{2}$ nsf[k;sA

dze la0	egkfo ky;ksa ds uke
1	xkthiqj gksE;ksiSfFkd esfMdy dkWyst] xkthiqjA
2	dkuiqj gksE;ksiSfFkd esfMdy dkWyst] dkuiqjA
3	eksgu gksE;ksiSfFkd esfMdy dkWyst] y[kuAA
4	Jh nqzkZ th gksE;ksiSfFkd esfMdy dkWyst]
5	pUnz"ks[kj] vktex<+A Mk0 c`td"ksj
6	gksE;ksiSfFkd esfMdy dkWyst] QStkcknA
7	ds0 th0 ds0 gksE;ksiSfFkd esfMdy dkWyst]
8	eqjknkckjA
9	Vh0Mh0 gksE;ksiSfFkd esfMdy dkWyst] tkSuiqjA

THE UTTAR PRADESH HOMOEOPATHIC MEDICAL COLLEGES (ACQUISITION AND MISCELLANEOUS PROVISIONS) ACT, 1981

[U. P. ACT NO. 21 OF 1981]

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on September 17, 1981 and by the Uttar Pradesh Legislative Council on September 21, 1981.

Received the assent of the President on October 23, 1981 under Article 201 of 'the Constitution of India' and was published in the Uttar Pradesh Gazette Extraordinary, dated October 24, 1981]

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to provide for acquisition and management of certain non-government homoeopathic medical colleges and to provincialise the education in the medical science of homoeopathy and for matters connected therewith or incidental thereto.

WHEREAS, the students of non-Government homoeopathic medical colleges in the State have been agitating for the provincialisation of such colleges for a long time;

AND, WHEREAS, the standard of education equipment and facility for studies obtaining in these Colleges are not upto the mark;

AND WHEREAS a large number of colleges than necessary are operating in the state with mercenary motives, and with a view to provincialise and properly organize the medical education in homoeopathic science and to improve the standard of education and treatment in such science and to prevent recurrence of such evils, it is necessary to acquire those colleges which are more useful and to close down the rest;

NOW, THEREFORE, it is hereby enacted in the Thirty-second Year of the Republic of India as follows--

CHAPTER I Preliminary

Short title and commencement

1- (1) This Act may be called the Uttar Pradesh Homoeopathic Medical Colleges (Acquisition and Miscellaneous Provisions) Act, 1981.

(2) It shall come in to force on such date as the State Government may, by notification, appoint in this behalf.

Definitions

2-

In this Act-

(a) "appointed day" means the date notified under sub-section (2) of section 1:

(b) "Homeopathy" shall have the meaning assigned to it in the Uttar Pradesh Homeopathic Medicine Act, 1951;

(c) "Scheduled College" means homoeopathic medical college specified in the schedule together with the hospitals and dispensaries attached thereto or used in connection therewith and includes all lecture-rooms, laboratories, libraries, hostels and boarding house used in connection with or as accessories to or adjuncts of such college;

1. For Statement of Objects and Reasons, see Uttar Pradesh Gazette

2. The Act has been enforced w. e. f. December 11, 1981 vide notification no. 7867-scc.-9/V-81-1019-80, dated December 11, 1981.

[The Uttar Pradesh Homoeopathic Medical Colleges [Section 3-4]
(Acquisition anti Miscellaneous Provisions) Act, 1981]

(d) "Society" in relation to a Scheduled College means the society, trustee or other person or body in which the ownership, management and control of the affairs of such colleges are vested.

CHAPTER II

Acquisition of Scheduled Colleges

Vesting of

3-

(1) On and from the appointed day, every Scheduled College, together with-

Scheduled
college in the
State
Government

- (a) all lands on which such college stands and all other land appurtenant thereto, and all buildings, erections and fixtures on such lands,
- (b) all furniture's, equipments, stores, apparatuses, instruments, appliances, drugs, medicines, works, work-shops, projects, automobiles, books, moneys and other assets of such college;
- (c) all other properties, movable and immovable including farms, leases and all rights, powers authorities, privileges, reserve funds, investments, book-debts, and all other rights and interests in or in relation to or arising out of such property as were immediately before the appointed day, in the ownership, possession, power or control of the Administrator or any other person, society or body in charge of the management of the affairs of such college;

shall stand transferred to and vest absolutely in the State Government and shall be applied for the purpose of such college.

(2) Every deed of gift, endowment, bequest, trust or other document in relation to all or any of the properties and assets referred to in sub-section (1) shall, as from the appointed day, be construed as if it were made or executed in favour of the State Government.

(3) Subject to the provisions of this Act, every property and assets referred to in this section, which by virtue of sub-section (1) has vested in the State Government shall, by force of such vesting, be freed and discharged from any debt, obligation, mortgage, charge or lien and other encumbrances affecting it, and every attachment; injunction, decree or order of any court or tribunal restricting the use of such property in any manner shall be deemed to have been withdrawn.

(4) Subject to the provisions of this Act, any proceeding or cause of action pending or existing immediately before the appointed day, by or against the society may, as from the appointed day, be continued and enforced by or against the State Government as it might have been continued or enforced by or against such society if this Act had not come into force.

Administration
of scheduled
Colleges

4-

(1) On and from the appointed day every Scheduled College shall be administered by the State Government in such manner, as the State Government may from time to time, direct.

(2) Without prejudice to the generality of the provisions of sub-section (1), the State Government may direct that-

- (a) one or more of the scheduled colleges shall be closed down;
- (b) two or more of such colleges shall be combined or amalgamated;

[The Uttar Pradesh Homoeopathic Medical Colleges [Section 5-6]
(Acquisition and Miscellaneous Provisions) Act, 1981]

(c) students of one or more of such colleges shall be transferred to or absorbed in other such colleges;

(d) teachers and other employees of such colleges shall be transferred from one college to another.

Duty to deliver
possession

5-

(1) Every person having possession, custody or control of any property or assets referred to in section 3 on the appointed day shall deliver forthwith such property or asset to the Collector or to such other officer as may be authorized by the State Government in this behalf, and the Collector or such other officer as aforesaid may use such force as may be necessary for obtaining such delivery.

(2) Any person who on the appointed day, has in his possession, custody or control any books papers or other documents relating to any property referred to in section 3 shall be liable to account for the same to the Collector or to such other officer as may be authorized by the State Government in this behalf.

(3) Without prejudice to the other provisions contained in this Act it shall be lawful for the State Government to take all necessary steps for taking possession of all properties and assets which have been transferred to and vested in it under this Act.

Teachers and other employees to become employees of State Government

6- (1) Subject to the provisions of section 7, every teacher or other employee who, immediately before the appointed day is employed in or in connection with the affairs of any scheduled college shall become, as from the appointed day, a teacher or other employee, as the case may be, of the State Government and shall hold his office by the same tenure at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, gratuity and other matters as he would have held if this Act had not come into force, and shall continue to do so unless and until his employment is duly terminated or until his remuneration, terms and conditions are duly altered by the State Government:

Provided that if such transfer is not acceptable to any such teacher or other employee, he may intimate to the State Government to that effect within one month from the appointed day and thereupon his employment shall stand terminated with effect from the appointed day :

Provided further that if the employment of teacher or other employee is terminated in accordance with the preceding proviso such teacher or employee shall, subject to the provisions of sub-section (2) be entitled--

(a) to an amount equivalent to three months salary in the case of permanent employee and one month's salary in the case of any other employee; and

(b) to other benefits which could have accrued to him because of his past services in such college, had his employment not been so terminated.

(2) The transfer or termination of the services of any teacher, or other employee under sub-section (1) shall not entitle him to any compensation under the U. P. Industrial Disputes Act, 1947 or any other law for the time being in force, and no such claim shall be entertained by any court, tribunal or other authority.

[The Uttar Pradesh Homoeopathic Medical Colleges
7-8] (Acquisition anti Miscellaneous Provisions) Act, 1981]

[Section

(3) If any vacancy occurs in the post of a teacher or other employee in any scheduled college at any time after the commencement of this Act and a teacher or other employee serving In any homoeopathic medical college (other than a scheduled college) on the date immediately preceding the elate of such commencement applies for appointment to any such post carrying the same rank or grade, then such teacher or employee shall be entitled to a preference over other applicants provided he fulfils the minimum qualifications prescribed therefor.

Review of certain appointments, etc.

7- (1) Notwithstanding anything contained in this Act, the State Government may nominate any officer or appoint a committee to review the genuineness of all appointments made or increments of salary given to the teachers or other employees of a scheduled college within the period of two years immediately

preceding the appointed day, and if after considering the report of such officer or committee and representations that may be received in that behalf from the teachers or other employees affected, an appointment made or increment given does not appear to the State Government to be genuine it may terminate the services of such teacher or employee or cancel the increment, as the case may be, and the provision of sub-section (2) of section 6 shall apply to every such termination.

(2) Every contract entered into by a Society in relation to any property or asset owned by it, which is vested in the State in force immediately before the appointed day, shall, on and from the expiry of a period of one hundred and eighty days from the appointed day cease to have effect, unless such contract is, before the expiry of that period, ratified in writing by the State Government and in ratifying such contract the State Government may make such alteration or modification as it may think fit:

Provided that the State Government shall not omit to ratify a contract and shall not make any alteration or modification therein-

(a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the State Government; and

(b) except after giving the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

CHAPTER III

Prohibition of opening of new colleges

New
homoeopathic
colleges not to
be established

8- Subject to the provisions of Article 30 of the Constitution no person other than a person authorized by the Central Government or the State Government shall, on or after the appointed day-

(a) open, organize, maintain or manage or cause to be opened, organized, maintained or managed any college professing to undertake, conduct, provide or offer any instruction in homoeopathy;

(b) admit or offer admission on payment of fee or without such payment, to any course of instruction in homoeopathy;

[The Uttar Pradesh Homoeopathic Medical Colleges
9-12] (Acquisition and Miscellaneous Provisions) Act, 1981]

[Section

(c) receive any donation, subscription or fee (by whatever name called) in respect of any institution imparting instructions in homoeopathy;

(d) make any arrangement or hold out that arrangements have been made for lecture, coaching or tuition or for experiments in, any laboratory with a view to imparting instructions in homoeopathy.

Penalty for
contravention
of section 8

9- Every person who contravenes the provision of section 8 shall be punishable with imprisonment for a period which may extend to three years or with fine which may extend to two thousand rupees or with both.

CHAPTER

R IV

Miscellaneous

Provisions of the Act to have overriding effect	10-	The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any instrument having effect by virtue of any law other than this Act or any decree or order or any court, tribunal or authority.
Penalties	11-	Every person Who- (a) having in his possession, custody or control any property or assets held for the purposes of a schedule college wrongfully withholds such property or asset in contravention of sub-section (1) of section 5; or (b) wrongfully obtains possession of or retains any property or asset held for the purposes of any scheduled college; or (c) wilfully withholds or fails to account for any book, paper or other document in his possession, custody or control relating to a scheduled college, in contravention of sub-section (2) of section 5; or (d) wrongfully uses, removes or destroys any property held for the purposes of a scheduled college; shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to three thousand rupees or with both.
Offences by companies	12-	(1) Where any offence under this Act is committed by a company, every person who, at the time of the offence was committed, was incharge of, and was responsible to the company for the conduct of the business of the company, as well as the company 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 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 a company, 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 director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
[The Uttar Pradesh Homoeopathic Medical Colleges [Section 13- Schedule] (Acquisition anti Miscellaneous Provisions) Act, 1981]		
Explanation-- For the purposes of this section --		
(a) "Company" means any body corporate and includes a firm, society or other association Of individuals; and (b) "Director" in relation to a firm means a partner in the firm.		
Protection of action taken in good faith	13-	No suit, prosecution or other legal proceedings 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	14-	Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court shall take cognizance of any offence under this Act, except on a complaint in writing made by the State Government or any officer authorized in this behalf, by that Government.
Savings in respect of minority	15-	Nothing in this Act shall affect the right of any minority, referred to in Article 30 of the Constitution to establish and administer educational institutions of their choice for imparting instructions in homoeopathy subject to any law for the time

being in force.

Power to make
rules

The State Government may by notification, make rules for carrying out the purposes of this Act.

Repeal and
savings

17-

(1) The Uttar Pradesh Homoeopathic Medical College (Taking over of Management) Act, 1979 is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the enactment repealed by sub-section (1) shall continue to be valid as if this Act has not come into force.



**THE
SCHEDULE
[See section
2(c)]**

Serial No.	Name of the colleges
1.	Ghazipur Homoeopathic Medical College, Ghazipur.
2.	Kanpur Homoeopathic Medical College, Kanpur.
3.	Mohan Homoeopathic Medical College, Lucknow.
4.	Sri Durgaji Homoeopathic Medical College, Chandesar,
Azamgarh.	5. Sri Brij Kishore Homoeopathic Medical College,
	Faizabad.
6.	K. G. K. Homoeopathic Medical College,
Moradabad,	7. T. D. Homoeopathic Medical
	College, Jaunpur.
8.	Lal Bahadur Shastri Homoeopathic Medical College,
Allahabad.	9. Homoeopathic Medical College, Tigri
	Mankawala, Nagina, Bijnor.

