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GOVERNMENT OF WEST BENGAL  
LAW DEPARTMENT  
Legislative

**West Bengal Act XL of 1989**

**THE RABINDRA CULTURAL INSTITUTIONS  
(TAKING OVER OF MANAGEMENT)  
(AMENDMENT) ACT, 1989.**

[Passed by the West Bengal Legislature.]

[Assent of the President of India was first published in the *Calcutta Gazette, Extraordinary*, of the 4th January, 1993.]

[4th January, 1993.]

*An Act to amend the Rabindra Cultural Institutions (Taking over of Management) Act, 1980.*

West Ben.  
Act LIII of  
1980.

WHEREAS it is expedient to amend the Rabindra Cultural Institutions (Taking over of Management) Act, 1980, for the purposes and in the manner hereinafter appearing;

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

1. (1) This Act may be called the Rabindra Cultural Institutions (Taking over of Management) (Amendment) Act, 1989.

Short title  
and  
commencement.

(2) It shall be deemed to have come into force on the 5th day of February, 1981.

2. In the long title of the Rabindra Cultural Institutions (Taking over of Management) Act, 1980 (hereinafter referred to as the principal Act), after the words “*management and control*”, the words “*and the subsequent acquisition*” shall be inserted.

Amendment  
of long title  
of West Ben.  
Act LIII of  
1980.

3. In the principal Act,—

(a) in the existing preamble, for the words “the taking over of the management of such institutions for a limited period;”, the words “the taking over for a limited period of the management and the subsequent acquisition of such institutions;” shall be substituted;

(b) after the existing preamble, the following preamble shall be inserted:—

Amendment  
of preamble.

“AND WHEREAS under article 300A of the Constitution of India, no person shall be deprived of his property save by authority of law;”.

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[West Ben. Act

(Sections 4-6.)

Amendment  
of section 1.

4. In section 1 of the principal Act, for the words and brackets “(Taking over of Management)”, the words and brackets “(Taking over of Management and subsequent Acquisition)” shall be substituted.

Amendment  
of section 3.

5. In sub-section (2) of section 3 of the principal Act, after the second proviso, the following proviso shall be added:—

“Provided also that in the case of acquisition of a notified Institution under section 3A, any notification issued under sub-section (1) or under the first proviso to this sub-section shall remain in force till the date of such acquisition.”.

Insertion of  
new sections  
3A and 3B.

6. After section 3 of the principal Act, the following sections shall be inserted:—

“Acquisition of 3A. (1) The Government may, if it so thinks fit, at notified any time within the period of vesting acquire a notified Institution. Institution by notification.

(2) On and from the date of the notification referred to in sub-section (1) (hereinafter referred to as the date of acquisition),—

- (i) the notified Institution acquired under sub-section (1) (hereinafter referred to as the Institution) shall stand transferred to, and vest absolutely in, the Government, free from all encumbrances;
- (ii) the institution shall be run by the Government as a State Institution;
- (iii) 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 affairs of the institution, and in force immediately before the date of acquisition shall be deemed to have terminated on and from the date of acquisition;
- (iv) every person (not being a part-time or over-aged employee) who has been an employee of the institution before the date of acquisition shall, on and from the date of acquisition, become an employee of the Government and shall hold office on the same terms and conditions as would have been admissible to him if there had been no such acquisition and shall continue to do so unless and until his employment under the Government is duly terminated or until the terms and conditions of his service are duly altered by the Government by rules made in this behalf:

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*(Section 6.)*

Provided that the services of every person who express his unwillingness to continue in service in terms of the provisions of this clause shall stand terminated with effect from the date of acquisition or from any other date to be notified by him;

(v) 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 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.

Acquisition. 3B. For the removal of doubts, it is hereby declared that without compensation. there shall not be paid any compensation for the acquisition of any notified Institution by authority of this Act under article 300A of the Constitution of India.”.

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