



PARLIAMENT OF INDIA
RAJYA SABHA

47

**DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON HEALTH AND FAMILY WELFARE**

FORTY-SEVENTH REPORT

ON

**THE JAWAHARLAL INSTITUTE OF POST-GRADUATE MEDICAL
EDUCATION AND RESEARCH, PUDUCHERRY (AMENDMENT) BILL 2010**

(PRESENTED TO HON'BLE CHAIRMAN, RAJYA SABHA ON 29TH OCTOBER, 2010)
(FORWARDED TO HON'BLE SPEAKER, LOK SABHA ON 29TH OCTOBER, 2010)

(PRESENTED TO THE RAJYA SABHA ON 10TH NOVEMBER, 2010)
(LAID ON THE TABLE OF LOK SABHA ON 10TH NOVEMBER, 2010)

**RAJYA SABHA SECRETARIAT
NEW DELHI**

NOVEMBER, 2010/KARTIKA, 1932 (SAKA)

PARLIAMENT OF INDIA

RAJYA SABHA

DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON HEALTH AND FAMILY WELFARE

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AND RESEARCH, PUDUCHERRY (AMENDMENT) BILL 2010

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RAJYA SABHA SECRETARIAT
NEW DELHI

NOVEMBER, 2010/KARTIKA, 1932 (SAKA)

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COMPOSITION OF THE COMMITTEE (2009-2010)

RAJYA SABHA

1. Shri Brajesh Pathak - **Chairman**
2. Shri Janardan Dwivedi
3. Shrimati Viplove Thakur
4. Dr. Vijaylaxmi Sadho
5. Shri Balbir Punj
6. Dr. Prabhakar Kore
7. Shrimati Brinda Karat
8. Shrimati Vasanthi Stanley
9. Shri Rasheed Masood
- *10. Shrimati B. Jayashree

LOK SABHA

11. Shri Ashok Argal
12. Shrimati Sarika Devendra Baghel Singh
13. Shri Vijay Bahuguna
14. Shrimati Tabassum Hasan
15. Dr. Sanjay Jaiswal
16. Shri S. R. Jeyadurai
17. Dr. Kruparani Killi
18. Shri Nimmala Kristappa
19. Dr. Tarun Mandal
20. Shri Datta Meghe
21. Dr. Jyoti Mirdha
22. Dr. Chinta Mohan
23. Shrimati Jayshreeben Patel
24. Shri R.K. Singh Patel
25. Shri M. K Raghavan
26. Shri J. M. Aaron Rashid
27. Dr. Anup Kumar Saha
28. Dr. Arvind Kumar Sharma
29. Shrimati Meena Singh
30. Shri Pradeep Kumar Singh
31. Shri Ratan Singh

SECRETARIAT

Shrimati Vandana Garg,	Additional Secretary
Shri R.B.Gupta,	Director
Shrimati Arpana Mendiratta,	Joint Director
Shri Dinesh Singh,	Assistant Director
Shri Satis Mesra	Committee Officer

* nominated to the Committee w.e.f 21/9/2010

(i)

PREFACE

I, the Chairman of the Department-related Parliamentary Standing Committee on Health and Family Welfare, having been authorized by the Committee to present the Report on its behalf, present this Forty-seventh Report of the Committee on the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry (Amendment) Bill 2010.*

2. In pursuance of Rule 270 of the Rules of Procedure and Conduct of Business in the Council of States relating to the Department-related Parliamentary Standing Committees, the Chairman, Rajya Sabha, referred** Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry (Amendment) Bill 2010 (**Annexure**) as introduced in the Rajya Sabha on the 5th August, 2010 and pending therein, to the Committee on the 13th September, 2010 for examination and report, by 31st October 2010.

3. The Committee considered the Bill in two meetings held on the 27th September and 15th October 2010.

4. In its meeting held on the 27th September, 2010, the Committee heard the Secretary of the Department of Health and Family Welfare and the Director JIPMER. Thereafter, the Committee considered the draft Report and adopted the same on 15th October, 2010.

5. The Committee has relied on the following documents in finalizing the Report:

- (i) Background Note and Clause-by-Clause Note on the Bill received from the Department of Health and Family Welfare; and
- (ii) Presentation, clarification and Oral evidence by Secretary of the Department and the Director JIPMER;

6. On behalf of the Committee, I would like to acknowledge with thanks the contributions made by those who deposed before the Committee.

7. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

NEW DELHI

15 October, 2010

Asvina 23, 1932 (Saka)

BRAJESH PATHAK

Chairman,

*Department-related Parliamentary
Standing Committee on Health and Family Welfare*

* Published in Gazette of India Extraordinary part II Section 2, dated 5th August, 2010.

** Rajya Sabha Parliamentary Bulletin Part II, No 47225, dated 13th September 2010.

REPORT

The Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry (Amendment) Bill, 2010, (hereinafter referred to as the Bill), was introduced in the Rajya Sabha on the 5th August, 2010 and referred to the Committee for examination and report on the 13th September, 2010.

2. The Statement of Objects and Reasons appended to the Bill, reproduced below, gives the background justifying the need for bringing an amendment to the JIPMER, Puducherry Act, 2008.

“The Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry was declared as an institution of national importance by the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry Act, 2008. The Act was brought into force on the 14th July, 2008 by the Central Government under sub-section (2) of section 1 of the Act.

2. Prior to its incorporation as an autonomous body under section 4 of the aforesaid Act, the Institute was functioning as an institution under the Ministry of Health and Family Welfare. Hence, on the incorporation of the institution, every employee of the Institute prior to its conversion was given option under sub-section (1) of section 28 of the aforesaid Act to exercise his or her option within a period of one year from the date of commencement of the Act either to remain as an employee of the autonomous Institute or to opt out of the Institute and continue to remain as a Central Government employee. A number of employees of the institution have already exercised their option in terms of sub-section (1) of section 28 of the aforesaid Act. However, a total number of about 1241 representations from Group B, C and D employees have been received in the Ministry of Health and Family Welfare requesting for extension of the period for exercising the option to two years from the existing one year as provided by the said Act. Majority of the employees working in the Institute have not so far exercised their option.

3. In order to avoid any discrimination and to provide equal opportunity to all the employees, it has been decided to extend the benefit of enhanced option period from the existing one year to two and one-half years including those employees who have already exercised their option and to allow them to exercise option afresh. However, due to practical reasons this benefit of extension of time may be limited to only those employees who have not been transferred out of the Institute consequent upon the exercise of option by them.

4. It is proposed to amend sub-section (1) of section 28 of the aforesaid Act for extending the period of exercising option by the erstwhile employees of the Institute to two and one-half years from the existing one year from 14th July, 2008 *i.e.*, the date on which the provisions of the Act came into force. The proposed amendment will enable more time to the employees of the erstwhile institution to exercise their option either to remain as the employees of the new autonomous Institute or to opt out of the Institute and continue to remain as Central Government employees.”

3. The Committee would like to recall that JIPMER, Puducherry Bill 2007, declaring the Institute as an institution of national importance, was referred to it for detailed examination and report. The main objective for conferring statutory status to the Institute was to empower it with academic autonomy so that it may develop as a premier institution of medical education and research on the pattern of AIIMS/PGIMER, Chandigarh. It was envisaged that with appropriate delegated administrative and financial powers, it would grow into a model centre of excellence. During the course of its examination of the Bill, the Committee had received representations from different associations/unions of JIPMER and a number of political parties also approached the Committee, indicating grave apprehensions on the part of the employees about different provisions of the Bill. The Committee also had the opportunity to visit JIPMER, Puducherry from 1st to 4th July 2007 and held extensive discussions with all the stakeholders.

4. Strong reservations were voiced by the representatives of various unions/associations of JIPMER Hospital and Institute and also some political parties on clause 28 of the Bill relating to 'Transfer of service of existing employees'.

5. The general view was that terms and conditions of service including remuneration, leave, provident fund, retirement and other terminal benefits; the terms and conditions of absorption or deputation of employees of various services; protection of pay and other interests on promotion in certain cases in the event of absorption in the Institute were not properly safeguarded under the provisions of Clause 28 of the Bill. It was also emphasized that the time period given for an employee to exercise his/her option to remain an employee of the Central Government or to join the Institute should be extended to three years and not six months as given in the Bill. Taking note of the fact that framing of the terms and conditions of the Institute soon after being conferred autonomy would take some

time, the Committee had recommended that the employees may be permitted to exercise their option within one year.

6. Another suggestion received from the representatives of the JIPMER Employees union/association of Hospital and Institute was that, like some other autonomous bodies, the Bill should include a clause that would bring the Institute under the purview of Central Administrative Tribunal (CAT). They had also suggested that provisions should be made in the Act itself that absorbed staff shall be allowed to appeal before the CAT against the dismissal or any other order of the Secretary of the Ministry of Health and Family Welfare. It was clarified by the Department that allowing the employees of JIPMER, after their being absorbed in the Institute, to approach CAT for service matters would not be a matter of difficulty. The Committee had, accordingly, recommended that a specific sub-clause in this regard be incorporated in the body of the Bill. On the other issue of retirement benefits, categorical assurance was given by the Department that the absorbed employees on their retirement would be eligible for grant of pension from the Government as per extant rules in force.

7. The present Bill before the Committee proposes a small amendment by way of extending the period of exercising the option by the employees of the Institute from one year to two and one-half years.

8. With a view to understand the basis for bringing such an amendment in the JIPMER, Puducherry Act, the Committee heard the Secretary, Department of Health and Family Welfare at its meeting held on the 27th September, 2010. The Secretary dwelt at length on the factors necessitating the further extension of option period to the employees of the Institute. The Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry (JIPMER), Puducherry Act 2008, declaring the Institute to be an institution of national importance, came into force w.e.f 14th July,

2008. With the commencement of the Act, the employees were given a period of one year to exercise their option to become an employee of the Institute or to continue to remain an employee of the Central Government. The said time-line expired on 13th July, 2009. Thereafter, the Ministry had received representations from about 1241 employees belonging to Group 'B', 'C' and 'D' seeking more time for deciding whether they wanted to be integrated with the Institute or continue to remain as Central Government employees.

9. Explaining further, the Secretary stated that the apprehensions of the employees were mainly centered on their pensionary benefits and parity of service conditions with Central Government employees. It was also clarified that though the time period could have been extended under the Rules, the Ministry decided to bring about an amendment in the Act itself as the extension of time to be granted was to be a one-time affair. The proposal was, accordingly, sent to the Ministry of Law which took an inordinately long time, i.e. till March, 2010, to clear it. Subsequently, the Cabinet approval was obtained. Taking into account, chances of the Bill not being brought before Parliament during the Monsoon Session and thus the entire exercise ending in futility, it was considered expedient that the time period to exercise the option by the employees be extended to two and one-half years.

10. On being asked as to what could be the reasons warranting grant of further relaxation to the employees by giving them an extension of time beyond one year, the representatives of the Ministry informed the Committee that prior to JIPMER becoming an autonomous body, a number of Central Government employees, who hailed from various regions of the country, were serving at the Institute. These employees had certain apprehensions and misgivings pertaining to their future status, regarding education of their wards, pensionary provisions post autonomy, ability to move to Central Administrative Tribunal for grievance redressal etc. Even after the JIPMER, Puducherry Act coming into force in 2008, concerns of employees continued to persist which were being raised time and again by some employees unions and also

some public representatives, resulting in further delay in exercising of option by the employees.

11. Replying to a query relating to the group-wise total number of employees at the Institute and the break-up of those who have not exercised their option, the Department informed that out of a total of 2140 employees, a large number of employees belonging to Group B, C and D were yet to give their option as per the details given below:

Category	Existing Strength	Option to be in the Institute	Option to be in the Government	No option given
Group A	108	73	17	18
Group B	303	4	45	254
Group C	1034	1	11	1022
Group D	695	--	3	692
TOTAL	2140	78	76	1986

Explaining further, the Department informed that out of 2140 employees, only 78 had indicated their intention to continue with JIPMER, 76 had opted to continue with the Central Government while the remaining 1986 employees had not exercised their option so far. It was also stated that most of the employees had made up their mind and for those who had not given their option, they would be absorbed in the Institute automatically. It was pointed out that since the extension of time proposed in the amendment is a one-time affair, this chapter would be given a successful conclusion by January, 2011 i.e. the time by when the extension of two and one-half years would end.

12. Director of JIPMER, who was also present in the meeting, apprised the Committee that majority of the faculty members had decided to stay with the Institute and about 20 among them wishing to continue as Central Government Health Service Employees had been already transferred. The Committee was given to understand

that the element of indecision mainly involved Group 'C' and 'D' employees. They did not want to leave the Institute as they had been settled in Puducherry for a considerable period of time and by opting for remaining with Central Government, they were liable to be transferred. At the same time, benefits as Central Government employees were also proving to be very attractive. Lack of clarity of applicability of such benefits to the Institute employees had resulted in such a conflicting scenario. He cited the case of 40 nurses who had opted to remain as Central Government employees earlier and were now worried that they would be transferred out of Puducherry. The amendment would also give an opportunity to those employees who had already exercised their option but not transferred out of the Institute to exercise their option afresh. It was pointed out that most of the nurses who wished to be given a chance to revisit their decision were senior nurses who were presently working at the Institute. Not only these nurses would be a satisfied lot but the Institute would also stand to gain from their rich experience if they were allowed to stay back.

13. On a specific query about the apprehensions of the employees regarding pensionary benefits, it was informed that the matter was taken up with the Department of Personnel and Training, Pensions and Administrative Reforms to ensure grant of pensionary benefits to JIPMER employees under Rule 37 (A) as was done in erstwhile Departments of Government of India like the Department of Telecommunication when it was converted into BSNL. However, the Department's proposal to amend the pension rule to facilitate the JIPMER employees to get their pension from the Consolidated Fund of India was rejected by DOPT on the ground that enough safeguards had already been made available to the employees and hence it felt that there could not be any justification for considering the proposal on the lines of BSNL employees.

14. With regard to the employees' suggestion regarding inclusion of Central Administrative Tribunal (CAT) as the appellate authority for grievance redressal, the Department stated that the issue had already been resolved and a formal notification

would be issued by the DoPT. It was clarified by the Department that all the employees of JIPMER would be getting additional facilities after the enactment of JIPMER Act. The Committee was also given to understand that pay structure of JIPMER doctors would be the same as given to doctors at AIIMS and PGIMER, Chandigarh. Not only this, as decided in the first Standing Finance Committee of the Institute, allowances given to JIPMER doctors would be at par with those given to AIIMS and PGIMER doctors.

15. Taking into account the entire gamut of issues surrounding Section 28 of the JIPMER Act, 2008, the Committee has the following observations to make:-

15.1 The Committee stands by its observation that a period of one year should have been sufficient for exercising of option by the employees as to whether they wanted to remain as employees of JIPMER or to continue as employees of Central Government. The Committee finds that the apprehensions of the employees regarding the pensionary benefits as well as other conditions of service are adequately covered under Regulations 41 and 43 of the JIPMER, Puducherry Regulations, 2008 as notified on the 4th August 2008 in the Gazette of India. With regulations also being notified as early as on the 4th August 2008, within a very short span of 20 days after the enactment of the Act, the Committee fails to comprehend the reasons for the element of indecision persisting for such a long time. The Committee observes that if the Ministry had been explicit in providing this information to the employees at the outset along with Institute authorities playing a pro-active role, it would have been a different story today.

15.2 Another area of concern for the Committee is the inordinate delay in getting such a simple amendment proposal cleared from the Ministry of Law. It speaks volumes of the laid back manner in which the entire matter was dealt with by the nodal Ministry and is indicative of lack of proper inter-ministerial coordination. Not only this, the Committee is constrained to observe that with 1986 employees

out of a total of 2140 employees of the Institute continuing to remain undecided, functioning of the Institute must also be somewhat adversely affected.

15.3 The Committee would also like to mention here that it has been three years since the Committee had presented its report on the JIPMER, Puducherry Bill, 2007 to the Parliament. The recommendation of the Committee relating to incorporation of provision in the Act relating to CAT as the appellate authority should have been settled with the Department of Personnel and Training much earlier. During evidence at its meeting held on the 27th September 2010, the representatives of the Department had informed the Committee that the issue relating to CAT had been cleared. However, the notification regarding the same was yet to come out. The Committee safely concludes from the above that the issues have been cleared only recently. The Committee is of the view that the notification regarding the CAT as appellate authority for JIPMER employees needs to be published at the earliest so as to bring more clarity in the matter and dispel any further doubts of the employees.

15.4 The Committee, after analyzing the entire gamut of the issues surrounding the proposed amendment and taking into account the welfare of the employees and the public interest at large and also given the acute shortage of trained skilled and experienced healthcare personnel in government hospitals across the country, approves the amendment to extend the time-period from “one year” to “two and one-half years”, as proposed in the Bill.

RECOMMENDATIONS AND OBSERVATIONS AT A GLANCE

Taking into account the entire gamut of issues surrounding Section 28 of the JIPMER Act, 2008, the Committee has the following observations to make:-

The Committee stands by its observation that a period of one year should have been sufficient for exercising of option by the employees as to whether they wanted to remain as employees of JIPMER or to continue as employees of Central Government. The Committee finds that the apprehensions of the employees regarding the pensionary benefits as well as other conditions of service are adequately covered under Regulations 41 and 43 of the JIPMER, Puducherry Regulations, 2008 as notified on the 4th August 2008 in the Gazette of India. With regulations also being notified as early as on the 4th August 2008, within a very short span of 20 days after the enactment of the Act, the Committee fails to comprehend the reasons for the element of indecision persisting for such a long time. The Committee observes that if the Ministry had been explicit in providing this information to the employees at the outset along with Institute authorities playing a pro-active role, it would have been a different story today.

(Para 15.1)

Another area of concern for the Committee is the inordinate delay in getting such a simple amendment proposal cleared from the Ministry of Law. It speaks volumes of the laid back manner in which the entire matter was dealt with by the nodal Ministry and is indicative of lack of proper inter-ministerial coordination. Not only this, the Committee is constrained to observe that with 1986 employees out of a total of 2140 employees of the Institute continuing to remain undecided, functioning of the Institute must also be somewhat adversely affected.

(Para 15.2)

The Committee would also like to mention here that it has been three years since the Committee had presented its report on the JIPMER, Puducherry Bill, 2007 to the Parliament. The recommendation of the Committee relating to incorporation of provision in the Act relating to CAT as the appellate authority should have been settled with the Department of Personnel and Training much earlier. During evidence at its meeting held on the 27th September 2010, the representatives of the Department had informed the Committee that the issue relating to CAT had been cleared. However, the notification regarding the same was yet to come out. The Committee safely concludes from the above that the issues have been cleared only recently. The Committee is of the view that the notification regarding the CAT as appellate authority for JIPMER employees needs to be published at the earliest so as to bring more clarity in the matter and dispel any further doubts of the employees.

(Para 15.3)

The Committee, after analyzing the entire gamut of the issues surrounding the proposed amendment and taking into account the welfare of the employees and the public interest at large and also given the acute shortage of trained skilled and experienced healthcare personnel in government hospitals across the country, approves the amendment to extend the time-period from “one year” to “two and one-half years”, as proposed in the Bill.

(Para 15.4)

MINUTES

II SECOND MEETING

The Committee met at 12.00 (Noon) on Monday, the 27th September, 2010 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

RAJYA SABHA

1. Shri Brajesh Pathak - **Chairman**
2. Shri Janardan Dwivedi
3. Shrimati Viplove Thakur
4. Dr. Vijaylaxmi Sadho
5. Shri Balbir Punj
6. Shri Rasheed Masood
7. Shrimati B. Jayashree

LOK SABHA

8. Shrimati Sarika Devendra Singh Baghel
9. Shri Vijay Bahuguna
10. Dr. Sanjay Jaiswal
11. Dr. (Shrimati) Kruparani Killi
12. Shri Datta Meghe
13. Shri R.K.Singh Patel
14. Shri M. K Raghavan
15. Shri J.M. Aaron Rashid
16. Dr. Anup Kumar Saha
17. Shrimati Meena Singh

WITNESSES

Representatives from Department of Health and Family Welfare

1. Ms.K. Sujatha Rao Secretary
2. Shri Keshav Desiraju Addl. Secretary
3. Debasish Panda Joint Secretary

Representative from Jawaharlal Institute of Post-Graduate Medical Education and Research, (JIPMER).

Dr. K.S.V.K. Subba Rao, Director

SECRETARIAT

- | | |
|----------------------------|----------------------|
| Shrimati Vandana Garg | Additional Secretary |
| Shri R. B. Gupta | Director |
| Shrimati Arpana Mendiratta | Joint Director |
| Shri Dinesh Singh | Assistant Director |
| Shri Satis Mesra | Committee Officer |

2. At the outset, the Chairman welcomed Members of the Committee and apprised them of the agenda of the meeting.

3. * * *

4. Thereafter, the Committee heard the Secretary, other senior officers of the Ministry of Health and Family Welfare and the Director, JIPMER on the Jawaharlal Institute of Post-Graduate Medical Education and Research, (JIPMER) Puducherry (Amendment) Bill-2010 referred to the Committee. The aforesaid Bill proposes to amend Section 28(1) of the JIPMER, Puducherry Act, 2008 by extending the period for exercising the option by the JIPMER employees either to continue to remain an employees of the Central Health Service or to join the JIPMER from one year to two and one half years.

5. During the course of the evidence, the Members sought clarifications on a number of issues like- the reasons for delay in exercising the option by the employees under Section 28 of the JIPMER Act; scope of pensionary benefits to the JIPMER employees; rules and regulations governing JIPMER employees; provisions empowering the employees to move Central Administrative Tribunal (CAT); and the number of employees who were yet to exercise their option etc. The Secretary and other officers of the Ministry replied to the queries raised by Members. They also assured to furnish a copy each of the Rules and Regulations framed under the JIPMER Act, 2008.

6. A verbatim record of the proceedings of the meeting was kept.

7. * * *

*** Relates to other matters

**IV
FOURTH MEETING**

The Committee met at 3.00 *p.m.* on Friday, the 15th October, 2010 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

RAJYA SABHA

1. Shri Brajesh Pathak - **Chairman**
2. Shrimati Viplove Thakur
3. Dr. Vijaylaxmi Sadho
4. Dr. Prabhakar Kore
5. Shrimati Vasanthi Stanley
6. Shri Rasheed Masood

LOK SABHA

7. Shri Ashok Argal
8. Shrimati Sarika Devendra Singh Baghel
9. Shri Vijay Bahuguna
10. Dr. (Shrimati) Kruparani Killi
11. Shri N. Kristappa
12. Dr. Tarun Mandal
13. Shrimati Jayshreeben Patel
14. Shri R.K.Singh Patel
15. Shri M. K Raghavan
16. Dr. Anup Kumar Saha

SECRETARIAT

Shrimati Vandana Garg	Additional Secretary
Shri R. B. Gupta	Director
Shrimati Arpana Mendiratta	Joint Director
Shri Dinesh Singh	Assistant Director
Shri Satis Mesra	Committee Officer

2. The Chairman welcomed Members of the Committee and informed them about the agenda of the meeting, i.e. consideration and adoption of draft 47th Report on the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry (Amendment) Bill, 2010. He invited Members to share their specific suggestions for improvements and incorporation in the Draft Report. * * *

3. The Committee then considered the draft Report on the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry (Amendment) Bill, 2010 and after a brief discussion adopted the same. The Committee authorized the Chairman of the Committee to present the Report to the Hon'ble Chairman, Rajya Sabha on a date to be finalized in consultation with the office of the Hon'ble Chairman.

4. * * *

*** Relates to other matters

ANNEXURE

Bill No. XLII of 2010

THE JAWAHARLAL INSTITUTE OF POST-GRADUATE MEDICAL
EDUCATION AND RESEARCH, PUDUCHERRY (AMENDMENT)
BILL, 2010

A

BILL

*to amend the Jawaharlal Institute of Post-Graduate Medical Education and Research,
Puducherry Act, 2008.*

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. This Act may be called the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry (Amendment) Act, 2010. Short title.

2. In section 28 of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry Act, 2008, in sub-section (1),— Amendment
of section 28
of Act 19 of
2008.

(a) for the words “one year”, at both the places where they occur, the words
“two and one-half years” shall be substituted;

(b) in the proviso, for the words “Provided that”, the following shall be substituted, namely:—

“Provided that the employees, who have, or as the case may be, who have not, exercised their option and not transferred out of the Institute as on the date of coming into force of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry (Amendment) Act, 2010, may exercise their option afresh before the specified period: 5

Provided further that”.

STATEMENT OF OBJECTS AND REASONS

The Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry was declared as an institution of national importance by the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry Act, 2008. The Act was brought into force on the 14th July, 2008 by the Central Government under sub-section (2) of section 1 of the Act.

2. Prior to its incorporation as an autonomous body under section 4 of the aforesaid Act, the Institute was functioning as an institution under the Ministry of Health and Family Welfare. Hence, on the incorporation of the institution, every employee of the Institute prior to its conversion was given option under sub-section (1) of section 28 of the aforesaid Act to exercise his or her option within a period of one year from the date of commencement of the Act either to remain as an employee of the autonomous Institute or to opt out of the Institute and continue to remain as a Central Government employee. A number of employees of the institution have already exercised their option in terms of sub-section (1) of section 28 of the aforesaid Act. However, a total number of about 1241 representations from Group B, C and D employees have been received in the Ministry of Health and Family Welfare requesting for extension of the period for exercising the option to two years from the existing one year as provided by the said Act. Majority of the employees working in the Institute have not so far exercised their option.

3. In order to avoid any discrimination and to provide equal opportunity to all the employees, it has been decided to extend the benefit of enhanced option period from the existing one year to two and one-half years including those employees who have already exercised their option and to allow them to exercise option afresh. However, due to practical reasons this benefit of extension of time may be limited to only those employees who have not been transferred out of the Institute consequent upon the exercise of option by them.

4. It is proposed to amend sub-section (1) of section 28 of the aforesaid Act for extending the period of exercising option by the erstwhile employees of the Institute to two and one-half years from the existing one year from 14th July, 2008 *i.e.*, the date on which the provisions of the Act came into force. The proposed amendment will enable more time to the employees of the erstwhile institution to exercise their option either to remain as the employees of the new autonomous Institute or to opt out of the Institute and continue to remain as Central Government employees.

5. The Bill seeks to achieve the above objects.

NEW DELHI;
The 30th July, 2010

GHULAM NABIAZAD

ANNEXURE

EXTRACT FROM THE JAWAHARLAL INSTITUTE OF POST-GRADUATE MEDICAL EDUCATION AND RESEARCH, PUDUCHERRY ACT, 2008

(19 OF 2008)

* * * * *

Transfer of service of existing employees.

28. (1) On and from the date of commencement of this Act, every employee holding a post in the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, before that date, shall hold the post in the Institute by the same tenure, and upon the same terms and conditions of service including remuneration, leave, provident fund, retirement and other terminal benefits as he would have held such post as if this Act had not been passed and shall continue to do so as an employee of the Institute for a period of one year from the date of the commencement of this Act, unless he, within the said period of one year, opts not to be an employee of the Institute or until his tenure, remuneration or other terms and conditions of service are duly altered by the regulations:

Provided that the officers of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry belonging to the Central Health Service, who opts to be an employee of the Institute then, his appointment, pay, allowances and other terms and conditions of service shall be such as may be prescribed.

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RAJYA SABHA

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BILL

to amend the Jawaharlal Institute of Post-Graduate Medical Education and Research,
Puducherry Act, 2008.

(Shri Ghulam Nabi Azad, Minister of Health and Family Welfare)

GMGIPMRND—3450RS(S3)—03-08-2010.