



The Uttar Pradesh Rural Institute of Medical Sciences and Research, Saifai
Act, 2005

Act 27 of 2005

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Principal

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THE UTTAR PRADESH RURAL INSTITUTE OF MEDICAL SCIENCES AND
RESEARCH, SAIFAI ACT, 2005

(U.P. Act no. 27 of 2005)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to provide for the establishment of the Uttar Pradesh Rural Institute of Medical Sciences and Research, Saifai in district Etawah and for matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Fifty-sixth Year of the Republic of India as follows :-

1. This Act may be called the Uttar Pradesh Rural Institute of Medical Sciences and Research, Saifai Act, 2005.

Short title

Definitions

2. In this Act, unless the context otherwise requires, —

- (a) "Director" means the Director of the Institute appointed under section 11;
- (b) "Fund" means the Fund of the Institute referred to in section 24;
- (c) "Governing Body" means the Governing Body of the Institute constituted under section 17 ;
- (d) "Institute" means the Rural Institute of Medical Sciences, and Research Saifai in district Etawah established under section 3;
- (e) "Member" means a member of the Institute referred to in section 4;
- (f) "President" means the President of the Institute referred to in section 10;
- (g) "Regulation" means a regulation made under section 38;
- (h) "teacher" means a Professor, Associate Professor, Assistant Professor or any person appointed under this Act for the conduct of teaching or research work or imparting medical education in the Institute or a college thereof;
- (i) "College" means a college maintained by the Institute;
- (j) "Principal" means the Principal of a college.

Establishment of the Institute

3. (1) With effect from such date, as the State Government may notify in this behalf, there shall be established at Saifai in district Etawah an Institute of Medical Sciences and Research, to be known as the Rural Institute of Medical Sciences and Research, Saifai, and all the assets, liabilities and employees of the Satellite Centre of the Sanjay Gandhi Post Graduate Institute of Sciences already functioning at Saifai, Etawah under section 3 of the Sanjay Gandhi Post Graduate Institute of Sciences Act, 1983 (U.P. Act no. 30 of 1983) shall deemed to be of the said Institute.

(2) The Institute shall be a body corporate.

(3) It shall be affiliated to a University in accordance with the provisions of the Uttar Pradesh State University Act, 1973.

Composition of the Institute

4.(1) The Institute shall consist of the following members, namely :—

- (a) the Chief Secretary to the Government of Uttar Pradesh, *ex-officio*;
- (b) one "Visitor" of eminence to be nominated by a resolution of the Governing Body from amongst persons having special knowledge in the field of medical science;
- (c) the Principal Secretary/Secretary to the Medical Education, Government of Uttar Pradesh, *ex-officio*;
- (d) the Director of the Institute, *ex-officio*;
- (e) the Director General of Medical Education, Uttar Pradesh, *ex-officio*;
- (f) the Principal Secretary/Secretary in charge to the Government of Uttar Pradesh in the Finance Department, *ex-officio*;
- (g) the Principal Secretary/Secretary in charge to the Government of Uttar Pradesh in the Planning Department, *ex-officio*;
- (h) two persons having special knowledge or practical experience in or engaged in the pursuit of social science, scientific or technical education or research, to be nominated by the State Government;
- (i) one member of the State Legislature representing the Assembly Constituency in which the Institute is situated;
- (j) one member of the Parliament representing the Parliamentary Constituency in which the Institute is situated;
- (k) one representative of the Ministry of Health of Government of India to be nominated by that Government;

(l) one representative of the Medical Council of India to be nominated by such Council;

(m) one representative of the Dental Council of India to be nominated by such Council;

(n) two scientists of eminence from the discipline of life sciences to be nominated by the State Government.

(2) the persons referred to in clause (h) of sub-section (1) shall be nominated by the State Government out of a panel to be prepared by a Committee consisting of the following persons :-

(i) the President of the Medical Council of India;

(ii) the Director of a National Institute of Medical Sciences, to be nominated by the State Government;

(iii) the Director General of the Council of Scientific and Industrial Research or his nominee;

(iv) the Director General, Indian Council of Medical Research;

(v) the Principal Secretary/Secretary to the Government of Uttar Pradesh in the Department of Medical Education (Convener).

(3) The panel prepared by the Committee under sub-section (2) shall include persons who are medical experts and it shall be revised every two years.

5.(1) Save as otherwise provided in this section, the term of a member, other than an ex-officio member, shall be five years from the date of nomination or election, as the case may be.

Term of office and vacancies among members

(2) The term of office of a member nominated under clause (b) of section 4 shall be such as may be resolved by the Governing Body.

(3) The term of office of a member under clause (i) or clause (j) of section 4 shall come to an end as soon as he ceases to be a member of the State Legislature or a member of Parliament, as the case may be.

(4) The term of office of an ex-officio member shall continue so long as he holds office by virtue of which he is such a member.

(5) The term of office of a member nominated to fill a casual vacancy shall continue for the remainder of the term of a member in whose place he is nominated.

(6) An outgoing member other than a member under clause (i) or under clause (j) of section 4 shall, unless the State Government directs, otherwise continue in office, until another person is nominated as a member in his place.

(7) An outgoing member shall be eligible for re-nomination.

(8) A member may resign his office by writing under his hand addressed to the State Government, but he shall continue in office until his resignation is accepted by the Government.

(9) The manner of filling vacancies among members shall be such as may be prescribed.

6. The Institute shall meet at such time and place, as the President may from time to time determine, and observe such procedure in regard to the transaction of business at such meetings as may be laid down in the regulations :

Meeting of the Institute

Provided that the Institute shall meet at least once in every year :

Provided further that the Institute shall observe at its first meeting such procedure in regard to the transaction of business as the State Government may, by order, specify.

Objective of the Institute

7. The objectives of the Institute shall be, —

(a) to create a centre of excellence for providing medical care, educational and research facilities of a high order in the field of, medical science to benefit the rural population;

(b) to develop patterns of teaching in under graduate, post-graduate medical education and in super-specialities so as to set a high standard of medical education;

(c) to provide for training in para-medical and allied fields.

Functions of the Institute

8. With a view to promoting the objectives specified in section 7, the Institute may, subject to the provisions of this Act,—

(a) establish a patient and health care infrastructure by way of multi speciality hospital in the region and to evolve an effective referral network in the region;

(b) provide for under graduate, post-graduate and super speciality teaching through its colleges and conduct of research in the relevant disciplines of modern medicine and other allied sciences, including inter-disciplinary fields of physical and biological sciences;

(c) conduct experiments in new methods of medical education in order to arrive at satisfactory standards of such education;

(d) prescribe courses and curricula for under graduate and post-graduate studies;

(e) give training to teachers for imparting medical education;

(f) hold examinations for such degrees, diplomas or other academic distinctions and titles in under graduate, post-graduate and super speciality medical education as may be required by the University in accordance with the provisions of the Uttar Pradesh State University Act 1973;

(g) receive grants from the Government and gifts, donations, benefactions, bequests and transfers of properties, both movable and immovable, from donors, benefactors, testators or transferors, as the case may be;

(h) deal with property belonging to, or vested in, the Institute in any manner which is considered necessary or promoting the objectives specified in section 7;

(i) demand and receive such fees as may be laid down in the regulations;

(j) co-operate with other Institutions in conduct of research and higher education in medical field;

(k) take decisions on questions of Policy relating to the administration of the affairs and working of the Institute;

(l) may cause to be employed in accordance with this Act such officers, teachers and other employees as are necessary for carrying out the functions of the Institute;

(m) do all such other acts and things as may be necessary to further the objectives of the Institute.

9. The following shall be the officers of the Institute, namely :—

Officers of the
Institute

- (a) the President ;
- (b) the Director ;
- (c) the Principals of the colleges ;
- (d) the Dean ;
- (e) the Finance Controller ;
- (f) the Executive Registrar;
- (g) such other persons as may be declared in the rules to be officers of the Institute.

10.(1) The Chief Secretary to the Government of Uttar Pradesh shall be the President of the Institute and shall also be the Chairman of the Governing Body. The President

(2) The President shall, preside over the meetings of the Institute and shall have the following powers and duties, namely:—

- (a) to ensure that the administration of the affairs of the Institute are conducted in accordance with this Act and the rules and regulations made thereunder and to take such steps as he deems fit;
- (b) to call for such information or records relating to the administration of the affairs of the Institute, as he thinks fit;
- (c) to exercise such other powers and perform such other duties as are assigned to him by this Act or the rules or regulations made thereunder.

11. (1) The Director shall be appointed by the President on the recommendations of a Committee consisting of the following members, namely :— The Director

- (a) the Principal Secretary/Secretary, Medical Education Department;
- (b) one person to be nominated by the President;
- (c) the Director General, Medical Education and Training;
- (d) two medical experts to be nominated by the President, who shall be advisors.

(2) Whenever a vacancy occurs or is likely to occur in the office of the Director, the committee constituted in accordance with the provisions of sub-section (1) shall prepare a panel of not more than three names who are in its opinion suitable to hold the said office.

(3) The committee shall forward to the President, the panel of names prepared by it, together with a concise statement showing the academic qualifications and other distinctions of each of the persons included in such panel, but shall not indicate any order of preference.

(4) The President shall appoint the Director out of the panel of names submitted to him under sub-section (3).

(5) Notwithstanding anything in sub-sections (1) to (4), the first Director of the Institute shall be appointed by the State Government and he shall hold office for five years or till he attains the age of 65 years whichever is earlier.

(6) Where a vacancy in the office of Director occurs and it cannot be conveniently and expeditiously filled in accordance with the provisions of sub-sections (1) to (4) or there is any other emergency, the President may appoint any suitable person to be the Director and may, from time to time, extend the term of an appointment under this sub-section, so, however, that the total term of such appointment, including the term fixed in the original order, does not exceed one year.

(7) The conditions of service of the Director, including salary, allowances, leave, pensions and provident fund, admissible to him, shall be such as may be prescribed, and until so prescribed shall be determined by the State Government.

Powers and duties of
the Director

12.(1) The Director shall be the Vice-Chairman of the Governing Body and shall be the Chief Executive and Academic Officer of the Institute. He shall preside over the meetings of the Governing Body in the absence of the Chairman.

(2) without prejudice to the generality of the provisions contained in sub-section (1), the Director shall ;

(a) exercise general supervision and control over the affairs of the Institute;

(b) ensure implementation of the decisions of the authorities of the Institute;

(c) be responsible for proper imparting of instructions and maintenance of discipline in the Institute.

(3) Where any matter is of urgent nature requiring immediate action and the same could not be immediately dealt with by any officer or authority or other body of the Institute, empowered by or under this Act to deal with it, the Director may take such action as he may deem fit and shall forthwith report the action taken by him to the President and also to the officer, authority or other body who or which, in the ordinary course, would have dealt with the matter:

Provided that if such officer, authority or other body is of the opinion that such action ought not to have been taken by the Director, it may refer the matter to the President who may either confirm the action taken by the Director or annul the same or modify it in such manner, as he thinks fit, and thereupon it shall cease to have effect or, as the case may be, shall take effect in the modified form :

Provided further that such annulment or modification, referred to in the first proviso shall be without prejudice to the validity of anything previously done by or under the order of the Director.

(4) Where the exercise of the powers by the Director under sub-section (3) involves the appointment of any person, such appointment shall terminate on the appointment being made in accordance with the provisions of ' this Act or on the expiration of a period of two months from the date of the order of the Director, whichever is earlier.

(5) The Director shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act or as may be delegated to him by the Institute or the President or the Governing Body.

Appointment of
Dean

13.(1) There shall be a Dean of the Institute who shall be appointed by the Governing Body from amongst the Professors of the Institute.

(2) The Dean shall assist the Director in academic affairs of the Institute and shall exercise such other powers and perform such other functions as may be laid down in the regulations.

Finance Controller

14.(1) There shall be a Finance Controller for the Institute, who shall be appointed by the State Government, and his remuneration and allowances, if any, shall be paid by the Institute.

(2) The Finance Controller shall be responsible for presenting the budget and statement of accounts to the Governing Body.

(3) The Finance Controller shall have the duty :—

(a) to ensure that no expenditure not authorized in the budget is incurred by the Institute;

(b) to disallow any proposed expenditure which may contravene the provisions of this Act or the rules made thereunder;

(c) to ensure that no financial irregularity is committed and to take steps to set right any irregularity pointed out during audit;

(d) to ensure that the property and investments of the Institute are duly preserved and managed.

(4) The Finance Controller may require the production of such records and documents of the Institute and the furnishing of such information pertaining to its affairs, as in his opinion may be necessary for the discharge of his duties.

(5) All contracts shall be executed and signed by the Finance Controller on behalf of the Institute.

(6) The Finance Controller shall have such other powers and functions as may be prescribed.

(7) The Finance Controller shall be subject to the administrative control of the Director.

15. (1) The Executive Registrar shall be appointed by the Institute in such manner and on such terms and conditions as may be prescribed. Executive Registrar

(2) The Executive Registrar shall have the following powers and duties, namely :-

(a) he shall act as the Secretary of the Institute and the Governing Body;

(b) he shall be responsible for the custody of records and the common seal of the Institute;

(c) he shall be bound to place before the Institute and the Governing Body and the authorities of the Institute all such information as may be necessary for the transaction of their business;

(d) he shall, subject to the control of the Director, conduct the examinations and make all other arrangements necessary therefore and be responsible for the due execution of all processes connected therewith.

(3) The Executive Registrar shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act or as may be delegated to him by the Institute, President, Director or Governing Body.

(4) The Executive Registrar shall be responsible to the Director for the proper discharge of his functions.

16. The following shall be the authorities of the Institute, namely :-

(a) Governing Body;

(b) Academic Board;

(c) Finance Committee;

(d) Selection Committee for appointment of Professors and Heads of Departments of the Institute;

(e) Selection Committee for appointment of teachers other than those specified in clause (d);

(f) such other authorities as may be declared in the rules to be authorities of the Institute.

Authorities of the
Institute

Governing
Body

17. (1) The Governing Body shall consist of the following persons, namely :-

- (a) the President;
- (b) the Visitor of Eminence;
- (c) the Director;
- (d) the Principal Secretary/ Secretary to the Government of Uttar Pradesh in the Department of Medical, Education, *ex-officio*;
- (e) the Principal Secretary/Secretary to the Government of Uttar Pradesh in the Finance Department, *ex-officio*;
- (f) the Director General of Medical Education, Uttar Pradesh, *ex-officio*;
- (g) the Principal of the colleges;
- (h) the members of the State Legislature representing the Assembly Constituency in which the Institute is situated;
- (i) the member of the Parliament representing the Parliamentary Constituency in which the Institute is situated;
- (j) two persons being Heads Departments in the Institute to be nominated in rotation in manner; as may be prescribed;
- (k) two persons from amongst the teachers of the Institute to be; selected in manner; as may be prescribed;
- (l) two persons to be nominated by the President.

(2) The term of office of *ex-officio* member shall continue so long as he holds the office by virtue of which he is a member.

(3) The term of office of a member under clause (h) or clause (i) of sub-section (1) shall come to an end as soon as he ceases to be a member of the State Legislature from which he was elected or a member of Parliament, as the case may be.

(4) The term of office of any member nominated under clause (j) or clause (l) of sub-section (1) shall be three years from the date of his nomination.

(5) The term of office of a member under clause (k) of sub-section (1) shall be two years from the date of selection.

(6) The term of office of a member nominated to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he has been nominated.

(7) Notwithstanding anything to the contrary contained in any other provisions of this Act, a member nominated under this section shall continue in office until another person is nominated as a member in his place.

(8) The Governing Body shall meet at such time and place as the Chairman may from time to time determine :

Provided that the Governing Body shall meet at least once in three months.

(9) The procedure to be followed by the Governing Body for the transaction of business in any meeting or otherwise or in the exercise of its power or discharge of its functions shall be such as may be laid down in the regulations.

(10) Subject to such control and restrictions as may be prescribed, the Governing Body may constitute such Committees, as it thinks fit, for exercising any power or discharging any function under this Act.

18.(1) Subject to the provisions of this Act, the Governing Body shall be responsible for the general superintendence, direction and control of the affairs of the Institute. Functions of the
Governing Body

(2) Without prejudice to the provisions of sub-section (1), the Governing Body :-

(a) shall take steps for the implementation of the decisions of the Institute on questions of policy relating to the administration of the affairs and working of the Institute.

(b) shall institute courses of study at the Institute and take decisions on the advice of the Academic Board on all academic matters including matters relating to the examinations conducted by the Institute ;

(c) shall hold and control the property and funds of the Institute;

(d) may acquire or transfer any movable or immovable property on behalf of the Institute ;

(e) shall administer any funds placed at the disposal of the Institute for specific purposes;

(f) may create or abolish posts of teachers and other employees of the Institute.

(g) may manage and regulate the finances, accounts, investments property, business and all other administrative affairs of the Institute and for that purpose appoint such agent as it may think fit;

(h) may invest any money belonging to the Institute (including any income from trust and endowed property) in such stocks, funds, shares or securities as it shall from time to time think fit;

(i) may enter into, vary, carry out and cancel contracts on behalf of the Institute;

(j) may regulate and determine all other matters concerning the Institute in accordance with this Act, and the rules and regulations made thereunder.

19.(1) There shall be an Academic Board, which shall be the principal academic body of the Institute. Academic
Board

(2) The Academic Board shall consist of the following members, namely :-

(i) the Director, who shall also be the Chairman of the Board;

(ii) the Principal of the Colleges;

(iii) the Dean of the Institute who shall be Member/Secretary of the Board;

(iv) the Director General of Medical Education, Uttar Pradesh, *ex-officio*;

(v) one person, being a Director of a Post-Graduate Medical Institute in India, to be nominated by the State Government;

(vi) Heads of Departments of the Institute;

(vii) two persons, being Associate Professors of the Institute to be nominated by rotation, in the manner as may be prescribed;

(viii) two persons, being Assistant Professors of the Institute to be nominated by rotation, in the manner as may be prescribed;

(ix) four members of the Institute referred to in clause (h) and (n) of sub-section (1) of section 4;

(3) The term of office of the persons nominated or elected under this section shall be three years from the date of nomination or election, as the case may be.

(4) Subject to the provisions of this Act, the Academic Board:-

(a) shall have control of and be responsible for the maintenance and general regulation of the standard of education and research in the Institute;

(b) may advise the Governing Body on all academic matters including matters relating to examinations conducted by the Institute;

(c) shall have such other powers and duties as may be conferred or imposed upon it by or under this Act.

Finance
Committee

20.(1) The Finance Committee shall consist of:-

(a) the Director who shall also be the Chairman of the Committee;

(b) The Principal Secretary/Secretary to the Government of Uttar Pradesh in the Department of Medical, Education or his nominee not below the rank of Special Secretary;

(c) The Principal Secretary/Secretary to the Government of Uttar Pradesh in the Department of Finance, or his nominee not below the rank of Special Secretary;

(d) two persons to be nominated by the Governing Body from its members;

(e) the Executive Registrar;

(f) the Finance Controller who shall also be the Secretary of the Committee.

(2) The Finance Committee shall advise the Governing Body on matter relating to the administration of property and funds of the Institute including limit for and principles to be observed with regard to the recurring and non-recurring expenditure for the ensuing financial year, having regard to the income and resources of the Institute.

(3) The Finance Committee shall have such other powers and duties as may be prescribed.

College of the
Institute

21.(1) Colleges of the Institute shall be such as many as be notified by the State Government.

(2) The Principal of a college shall be responsible for the discipline of the students enrolled in the college and shall have general control over the ministerial and inferior staff allotted to that college. He shall exercise such other powers as may be prescribed.

(3) The college shall have as many Professors, Associate Professors, Assistant Professors and other officers and employees as may be necessary, to discharge their functions and duties, as may be prescribed.

(4) For the purposes of their functions and discharge of their duties, the college shall have as many departments as may be necessary.

(5) The Principals, teachers and employees of the colleges shall be deemed to be the employees of the Institute and the departments of the colleges shall be deemed to be the departments of the Institute.

22.(1) Subject to the provisions of this Act, such number of Principals, Professors, Associate Professors, Assistant Professors and Group 'A' officers, as may be necessary, shall be appointed by the President, and such number of Group 'B' officers, as may be necessary, shall be appointed by the Director.

(2) Save as otherwise provided in sub-section (1) the officers, teachers and other employees of the institute shall be appointed in such manner and with such designations and grades as may be laid down in the regulations.

(3) The officers, teachers and other employees of the Institute appointed under this Act shall be entitled to such salary and allowances and shall be governed by such conditions of service as may be laid down in the regulations.

(4) No person shall be appointed as a teacher of the Institute, unless he fulfils the qualifications laid down in the regulations in this behalf, and except as provided in sub-section (9) no person shall be recommended for such appointment by a Selection Committee constituted in this behalf under this Act.

(5) The Selection Committee for the appointment of a Principal or a Professor shall consist of :—

- (a) the Director;
- (b) the Director of Medical Education, Uttar Pradesh.
- (c) three experts to be nominated by the President;
- (d) such other persons as may be prescribed;

Provided that in the case of the appointment of a Professor, the Head of Department concerned shall also be a member of the Selection Committee;

Provided further that the senior most Professor of a department shall be designated as the Head of the Department.

(6) The Selection Committee for the appointment of a teacher, other than a Principal or a Professor shall consist of :—

- (a) the Director,
- (b) the Director of Medical Education, Uttar Pradesh; (c) Heads of the Departments;
- (d) two experts nominated by the President;
- (e) such other persons as may be prescribed.

(7) The Selection Committee constituted under this Act shall follow such procedure as may be prescribed or laid down in the regulations.

(8) No recommendation made by the Selection Committee shall be considered to be valid unless it is supported by a majority of the members present:

Provided that in the case of a Selection Committee constituted under sub-section (5), the presence of at least two experts, and in the case of Selection Committee constituted under sub-section (6), the presence of at least one expert shall be necessary.

(9) Where the Selection Committee fails to make recommendation in accordance with the provisions of sub-section (7), the minutes of the Selection Committee shall be submitted to the President for his decision and the decision of the President shall be final.

(10) Where the recommendations of the Selection Committee constituted under sub-section (6) are not acceptable to the appointing authority, it shall refer the case to the President specifying the grounds of objection to such recommendations in precise terms, and the decision of the President thereon shall be final:

Provided that it shall be lawful for the President to refer the case to the Selection Committee for reconsideration or to require another Selection Committee to be constituted for consideration of the case.

Explanation- For the purposes of this section, Group 'A' officers and Group 'B' officers shall be such officers as are specified or designated as such in the regulations.

Payment to the
Institute

23. The State Government shall, after appropriation made by law in this behalf, pay to the Institute in each financial year such sums of money required for the functioning and development of the Institute and other such money in such manner as may be considered necessary for the exercise of its powers and discharge of its functions under this Act.

Fund of the
Institute

24.(1) The Institute shall maintain a fund in which shall be credited:—

(a) all moneys provided by the State Government;

(b) all fees and other charges received by the Institute;

(c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers;

(d) all moneys received by the Institute in any other manner or from any other source.

(2) All moneys credited to the Fund shall be deposited in such banks or be invested in such manner as the Institute may, with the approval of the State Government, decide.

(3) The fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions under section 8.

Budget of the
Institute

25.(1) There shall be prepared in such form and at such time, every year as may be prescribed, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Institute and the same shall be forwarded to the State Government in such manner as may be prescribed.

(2) The Governing Body shall comply with such direction as may be given by the State Government and approve the budget finally.

(3) It shall not be lawful for the Institute to incur any expenditure either not sanctioned in the budget or in the case of funds granted to the Institute, subsequent to the sanction of budget by the State Government or the Government of India, or any international organization or foundation or any other agency save in accordance with the terms of such grant:

Provided that in the case of sudden or unforeseen circumstances, non-recurring expenditure not exceeding rupees fifteen thousand not sanctioned in the budget may be incurred by the Director and he shall immediately inform the State Government in respect of all such expenditure.

Accounts and
Audit

26.(1) The Institute shall maintain proper accounts and other relevant records and shall cause to be prepared an annual statement of accounts including the balance-sheets in such form as may be specified by the State Government by general or special order in this behalf.

(2) A copy of the Annual Statement of accounts and the balance-sheet shall be submitted to the State Government which shall cause the same to be audited.

Annual Report

27. The Institute shall prepare for every year a report of its activities during that year and submit the report to the State Government in such form and on or before such date as may be prescribed.

Pension and
Provident Funds

28.(1) The Institute shall constitute for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions, as may be laid down in the regulations, such pension and provident funds as it may deem fit.

(2) Where any such pension or provident fund has been constituted the State Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

Authentication of
orders and
Instruments of
the Institute

29. All orders and decisions of the Institute shall be authenticated by the signature or the President or any other member or officer authorized by the Institute in this behalf and all other instruments shall be authenticated by the signature of the Director or any other officer of the Institute authorized in like manner in this behalf.

30. No act done or proceeding taken by the Institute, or authority of the Institute or any committee constituted under this Act shall be questioned merely on the ground of the existence of any vacancy in or defect in the constitution of the Institute, authority or such committee.

Acts and proceedings not to be invalidated by vacancies etc.

31. The Institute shall carry out such directions not being inconsistent with the provisions of this Act as may be issued to it from time to time by the State Government for the efficient administration of the affairs of the Institute under this Act.

Control by State Government

32.(1) The State Government shall have the right to cause an inspection to be made, by such person or persons as it may direct, of the Institute including its buildings, libraries, laboratories, workshops and equipment and also of the examinations, teaching and other work conducted or done by the Institute or to cause an inquiry to be made in the like manner in respect of any matter connected with the administration and finances of the Institute.

Power of State Government to cause inspection to be made in the affairs of the Institute

(2) Where the State Government decides to cause an inspection or inquiry to be made under sub-section (1), it shall inform the Institute of the same through the Director and any person nominated by the Governing Body may be present at such inspection or inquiry as representative of the Institute and he shall have the right to be heard as such.

(3) The person or persons appointed to inspect or inquire under sub-section (1) shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling production of documents and material objects, and shall be deemed to be a civil court within the meaning of sections 345 and 346 of the Code of Criminal Procedure, 1973 and the proceeding before him shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.

(4) The State Government shall address the Director with reference to the result of such inspection or inquiry, and the Director shall communicate to the Governing Body the view of the State Government together with such advice as the State Government may offer upon the action to be taken thereon.

(5) The Director shall then within such time as the State Government may fix, submit to it a report of the Action taken or proposed to be taken by the Governing Body.

(6) If the authorities of the Institute do not, within a reasonable time, take action to the satisfaction of the State Government, the State Government may after considering any explanation which such authorities may furnish, issue such directions as it may think fit, and the authorities of the Institute shall comply with such directions.

(7) The State Government shall send to the President a copy of every report of an inspection or inquiry caused to be made under sub-section (1) and of every communication received from the Director under sub-section (5) and of every direction issued under sub-section (6) and also of every report for information received in respect of compliance or non-compliance with such direction.

33. If, in or in connection with, the exercise of its powers and discharge of its functions by the Institute under this Act any dispute arises between the Institute and the State Government, the decision of the State Government on such dispute shall be final.

Dispute between Institute and State Government

34. If any question arises whether any person has been duly elected or appointed as, or is entitled to be, a member of the Institute, Governing Body, any authority or other body of the Institute or whether any decision of the Institute, Governing Body or any authority or other body of the Institute is in conformity with this Act or the rules or regulations made thereunder the matter shall be referred to the President and the decision of the President shall be final:

Reference to the President

Provided that no reference made under this section shall be made more than three months after the date when the question could have been raised for the first time:

Provided further that the President may in exceptional circumstances act *suo motu* or entertain a reference after the expiry of the period mentioned in the preceding proviso.

Returns and
Information
Surcharge

35. The Institute shall furnish to the State Government such reports returns, statements and other information as it may require from time to time.

36.(1) A member of the Institute Governing Body, any authority or other body of the Institute or, as the case may be, an officer, teacher, or other employee of the Institute shall be liable to surcharge for the loss, waste or misapplication of any money or property of the Institute, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct.

(2) The procedure of imposing surcharge and the manner of recovery of the amount involved in such loss, waste or misapplication shall be such as may be prescribed.

Power to Remove
difficulties

37. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, within a period of two years from the commencement of this Act, by order published in the Gazette, make such provision including adaptation or modification, if any, of the provisions of this Act not affecting the substance thereof, as appears to it to be necessary or expedient for removing the difficulty.

Power to make
rules

38. the State Government may, by notification make rules to, carry out the purposes of this Act.

Power to make
Regulations

39.(1) Subject to the provisions of this Act and the rules made thereunder the Institute may, with the previous approval of the State Government, make regulations to provide for any matter which is to be or may be provided for by regulations and without prejudice to the generality of this power, such regulations may provide for—

(a) the summoning and holding of meetings, other than the first meeting, of the Institute, the conduct of business at such meetings and the number of members necessary to form a quorum;

(b) any matter in respect of the constitution of the Governing Body or any Committee or other body to be constituted under this Act;

(c) the powers and functions to be exercised and discharged by the President of the Institute;

(d) the allowance, if any, to be paid to the Chairman and the member of the Governing Body and of any committee or other body constituted under this Act;

(e) the procedure to be followed by the Governing Body and any committee or other body constituted under this Act in the conduct of their business, exercise of their powers and discharge of their functions;

(f) the tenure of office, salaries and allowances and other conditions of service of the officers, teachers and employees of the Institute;

(g) the powers and duties of the Chairman and Vice-Chairman of the Governing Body;

(h) the powers and duties of the Director and other officers and employees of the Institute;

(i) the management of the properties of the Institute;

(j) the degrees, diplomas and other academic distinctions and titles which may be granted by the Institute;

(k) the creation of posts of Professors, Head of Departments, Associate Professors, Assistant Professors, class I officers, class II officers and posts of other teachers, officers and employees of the Institute, and the appointment of persons to such posts including the qualifications requisite therefore;

(l) the fees and other charges which may be demanded and received by the Institute;

(m) the manner in which, and the conditions subject to which, pension and provident funds may be constituted for the benefit of officers, teachers, and other employees of the Institute;

(n) any other matter for which provisions may be made under this Act by regulations.

(2) Notwithstanding anything contained in sub-section (1), the first regulations under this Act shall be made by the State Government, and any regulations so made may be altered or rescinded by the Institute in exercise of its powers under sub-section (1).

STATEMENT OF OBJECTS AND REASONS

With a view to providing specialized medical facilities to the rural areas, which accounts for 80% of the population of the State, it had been decided to establish and develop a satellite centre at Saifai under section 3 of the Sanjay Gandhi Post-Graduate Institute of Medical Sciences Act, 1983. Accordingly the satellite centre at Saifai is being developed and established progressively. It is being experienced that the effective functioning of the above satellite centre is being hampered on account of being controlled and managed by Sanjay Gandhi Post-Graduate Institute of Medical Sciences from Lucknow, as the aims and objectives of the Sanjay Gandhi Post-Graduate Institute of Medical Sciences are different than its satellite centre at Saifai, Etawah. It was also felt that the said satellite center should be managed by authorities located at. Also, the concept and objectives of establishing a very specialized and modern medical institutes at Saifai has been to make available such facilities to the vast population of more than 2 crore of the rural areas of district Etawah and other adjoining districts. This objective can be achieved only when the present satellite centre may be converted into an independent and autonomous medical institute in the name of Rural Institute of Medical Sciences and Research, Saifai, Etawah.

It has, therefore, been decided to make a law to provide for converting the present satellite centre into a Rural Institute of Medical Sciences and Research at Saifai to achieve the objective of offering specialized medical and health services to the rural population and free specialized medical and health services to persons living below the poverty line.

The Uttar Pradesh Rural Institute of Medical Sciences and Research Saifai Bill, 2005 is introduced accordingly.

By order

RAM HARI VIJAI TRIPATHI,

Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 2035 राजपत्र (हिन्दी)-2005-(2794)-597(कम्प्यूटर/आफसेट)।

पी०एस०यू०पी०-ए० पी० 123 सा० विधायी-2005-(2795)-850-कम्प्यूटर/आफसेट।



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 05 मार्च, 2010

फाल्गुन 14, 1931 शक सम्वत्

उत्तर प्रदेश सरकार
विधायी अनुभाग-1

संख्या 200/79-वि-1-10-1(क)1-2009

लखनऊ, 05 मार्च, 2010

अधिसूचना

विविध

"भारत का संविधान" के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान, सैफई, (संशोधन) विधेयक, 2009 पर दिनांक 03 मार्च, 2010 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 13 सन् 2010 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान, सैफई, (संशोधन)
अधिनियम, 2009

(उत्तर प्रदेश अधिनियम संख्या 13 सन् 2010)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान, सैफई, अधिनियम, 2005 का संशोधन करने के लिये

अधिनियम

भारत गणराज्य के साठवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-यह अधिनियम उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान, सैफई, संक्षिप्त नाम (संशोधन) अधिनियम, 2009 कहा जायेगा।

उत्तर प्रदेश
अधिनियम संख्या
27 सन् 2005 की
धारा 4 का
संशोधन

2—उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान, सैफई, अधिनियम, 2005, जिसे आगे मूल अधिनियम कहा गया है, की धारा 4 में उपधारा (1) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात् :-

“(1) संस्थान में निम्नलिखित सदस्य होंगे, अर्थात् :-

(क) मंत्री, चिकित्सा शिक्षा विभाग, उत्तर प्रदेश—पदेन ;

(ख) एक विख्यात ‘कुलाध्यक्ष’ जिसे आयुर्विज्ञान के क्षेत्र में विशेष ज्ञान रखने वाले व्यक्तियों में से शासी निकाय के संकल्प द्वारा नाम-निर्दिष्ट किया जायेगा ;

(ग) प्रमुख सचिव/सचिव, चिकित्सा शिक्षा विभाग, उत्तर प्रदेश शासन—पदेन ;

(घ) संस्थान का निदेशक—पदेन ;

(ङ) महानिदेशक, चिकित्सा शिक्षा एवं प्रशिक्षण उत्तर प्रदेश, लखनऊ—पदेन

(च) प्रमुख सचिव/सचिव, प्रभारी, वित्त विभाग, उत्तर प्रदेश शासन—पदेन

(छ) प्रमुख सचिव/सचिव, प्रभारी, नियोजन विभाग, उत्तर प्रदेश शासन—पदेन

(ज) 02 व्यक्ति, जो सामाजिक विज्ञान, वैज्ञानिक या प्राविधिक शिक्षा या शोध के कार्य में रत हैं या उसका विशेष ज्ञान या व्यावहारिक अनुभव रखते हैं, राज्य सरकार द्वारा नाम-निर्दिष्ट किये जायेंगे ,

(झ) स्वास्थ्य मंत्रालय, भारत सरकार का एक प्रतिनिधि, जो उस सरकार द्वारा नाम-निर्दिष्ट किया जायेगा ;

(ञ) भारतीय चिकित्सा परिषद का एक प्रतिनिधि, जो ऐसी परिषद द्वारा नाम-निर्दिष्ट किया जायेगा ;

(ट) भारतीय दन्त चिकित्सा परिषद का एक प्रतिनिधि, जो ऐसी परिषद द्वारा नाम-निर्दिष्ट किया जायेगा ;

(ठ) जीवन विज्ञान की शाखा से दो ख्याति प्राप्त वैज्ञानिक जिन्हें राज्य सरकार द्वारा नाम-निर्दिष्ट किया जायेगा । ”

धारा 5 का
संशोधन

3—मूल अधिनियम की धारा 5 में,—

(क) उपधारा (1) में, शब्द ‘नाम-निर्देशन या निर्वाचन’ के स्थान पर शब्द ‘नाम-निर्देशन’ रख दिया जाएगा;

(ख) उपधारा (3) निकाल दी जायेगी;

(ग) उपधारा (6) के स्थान पर निम्नांकित उपधारा रख दी जायेगी :-

“(6) कोई पदावरोही सदस्य, जब तक कि राज्य सरकार अन्यथा निर्देश न दे, तब तक के लिए पद पर बना रहेगा, जब तक कि उसके स्थान पर कोई अन्य व्यक्ति सदस्य के रूप में नाम-निर्दिष्ट न कर दिया जाय ।”

धारा 10 का
संशोधन

4—मूल अधिनियम की धारा 10 में उपधारा (1) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात् :-

“(1) मंत्री, चिकित्सा शिक्षा, उत्तर प्रदेश संस्थान के सभापति होंगे और वह शासी निकाय के अध्यक्ष भी होंगे । प्रमुख सचिव/सचिव, चिकित्सा शिक्षा विभाग, उत्तर प्रदेश शासन संस्थान के उप सभापति तथा शासी निकाय के उपाध्यक्ष होंगे ।”

5—मूल अधिनियम की धारा 12 में उपधारा (1) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात् :- धारा 12 का संशोधन

“(1) निदेशक शासी निकाय का सदस्य और संस्थान का मुख्य कार्यपालक और शैक्षणिक अधिकारी होगा।”

6—मूल अधिनियम की धारा 17 में,—

धारा 17 का संशोधन

(क) उपधारा (1) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी :-

“(1) शासी निकाय में निम्नलिखित सदस्य होंगे, अर्थात् :-

(क) अध्यक्ष ;

(ख) उपाध्यक्ष ;

(ग) विख्यात कुलाध्यक्ष

(घ) निदेशक ;

(ङ) प्रमुख सचिव/सचिव, उत्तर प्रदेश शासन, वित्त विभाग—पदेन ;

(च) महानिदेशक, चिकित्सा शिक्षा एवं प्रशिक्षण, उत्तर प्रदेश—पदेन ;

(छ) महाविद्यालयों के प्राचार्य ;

(ज) यथाविहित रीति से चक्रानुक्रम में नाम-निर्दिष्ट किये जाने वाले दो व्यक्ति, जो संस्थान में विभागाध्यक्ष हों ;

(झ) यथाविहित रीति से चयनित किये जाने वाले संस्थान के अध्यापकों में से दो व्यक्ति ;

(ञ) अध्यक्ष द्वारा नाम-निर्दिष्ट किये जाने वाले दो व्यक्ति।”

(ख) उपधारा (3) निकाल दी जायेगी।

उद्देश्य और कारण

उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान, सैफई, अधिनियम, 2005 (उत्तर प्रदेश अधिनियम संख्या 27 सन् 2005) जिला इटावा में उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान, सैफई की स्थापना के लिए अधिनियमित किया गया है। अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली की भाँति उक्त संस्थान के प्रशासन के संबंध में उक्त अधिनियम के उपबंधों को अधिक प्रभावी बनाने की दृष्टि से यह विनिश्चय किया गया है कि मुख्य रूप से निम्नलिखित व्यवस्था करने के लिए उक्त अधिनियम को संशोधित किया जाय :-

(क) मंत्री चिकित्सा शिक्षा, उत्तर प्रदेश को संस्थान का पदेन सदस्य और सभापति और मुख्य सचिव उत्तर प्रदेश सरकार के स्थान पर शासी निकाय का अध्यक्ष भी बनाया जाना;

(ख) राज्य विधान मण्डल और संसद के सदस्य की सदस्यता को समाप्त करना;

(ग) शासी निकाय के उप सभापति के स्थान पर निदेशक को सदस्य बनाया जाना।

उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान, सैफई, (संशोधन) विधेयक, 2009 एतद्वारा पुरःस्थापित किया जाता है।

आज्ञा से,
प्रताप वीरेन्द्र कुशवाहा,

No. 200(2)/LXXIX-V-1-10-1(ka)1-2009
Dated Lucknow, March 05, 2010

NOTIFICATION

Miscellaneous

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Gramin Ayurvigyan Evam Anusandhan Sansthan, Safai (Sansodhan) Adhiniyam, 2009 (Uttar Pradesh Adhiniyam Sankhya 13 of 2010) as passed by the Uttar Pradesh Legislature and assented to by the Governor on 03. 2010 :-

THE UTTAR PRADESH RURAL INSTITUTE OF MEDICAL SCIENCES AND RESEARCH, SAIFAI (AMENDMENT) ACT, 2009

(U.P. Act no. 13 of 2010)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to amend the Uttar Pradesh Rural Institute of Medical Sciences and Research, Saifai, Act, 2005

IT IS HEREBY enacted in the Sixtieth Year of the Republic of India as follows:

Short title

1. This Act may be called the Uttar Pradesh Rural Institute of Medical Sciences and Research, Saifai (Amendment), Act, 2009.

Amendment of section 4 of U. P. Act no. 27 of 2005

2. In section 4 of the Uttar Pradesh Rural Institute of Medical Sciences and Research, Saifai 2005, hereinafter referred to as the principal Act, for sub-section the following sub-section shall be substituted namely :-

"(1) The Institute shall consist of the following members, namely :-

(a) the Minister, Medical Education, Uttar Pradesh, *ex-officio*;

(b) one "Visitor" of eminence to be nominated by a resolution of the Governing Body from amongst persons having special knowledge in the field of medical science;

(c) the Principal Secretary/Secretary to the Government of Uttar Pradesh in Medical Education Department, *ex-officio*;

(d) the Director of the Institute, *ex-officio*;

(e) the Director General of Medical Education and Training Uttar Pradesh, *ex-officio*;

(f) the Principal Secretary/Secretary in charge to the Government of Uttar Pradesh in the Finance Department, *ex-officio*;

(g) the Principal Secretary/Secretary in charge to the Government of Uttar Pradesh in the Planning Department, *ex-officio*;

(h) two persons having special knowledge or practical experience in or engaged in the pursuit of social science, scientific or technical education or research, to be nominated by the State Government;

(i) one representative of the Ministry of Health of Government of India to be nominated by that Government;

(j) one representative of the Medical Council of India to be nominated by such Council;

(k) one representative of the Dental Council of India to be nominated by such Council :

(l) two scientists of eminence from the discipline of life sciences to be nominated by the State Government."

3. In section 5 of the principal Act :

Amendment of section 5

(a) in sub-section (1) for the words "nominated or elected" the "nominated" shall be *substituted*:

(b) sub-section (3) shall be *omitted*:

(c) for sub-section (6) the following sub-section shall be *substituted*, namely:-

"(6) An outgoing member shall, unless the State Government directs, otherwise continue in office, until another person is nominated as a member in his place."

4. In section 10 of the principal Act for sub-section (1), the following sub-section shall be *substituted*, namely :-

Amendment of section 10

"(1) The Minister, Medical Education, Uttar Pradesh shall be the President of the Institute and shall also be the Chairman of the Government Body. The Secretary/Principal Secretary Government of Uttar Pradesh in Medical Education Department, shall be the Vice-President and shall also be the Vice-Chairman of the Governing Body."

5. In section 12 of the principal Act for sub-section (1) the following sub-section shall be *substituted*, namely :-

Amendment of section 12

"(1) The Director shall be the member of the Governing Body and also the Chief Executive and Academic Officer of the Institute."

6. In section 17 of the principal Act :

Amendment of section 17

(a) for sub-section (1), the following sub-section shall be *substituted*, namely:-

"(1) The Governing Body shall consist of the following persons, namely:-

(a) the President;

(b) the Vice President;

(c) the Visitor of eminence;

(d) the Director;

(e) the Principal Secretary/Secretary to the Government of Uttar Pradesh in the Finance Department, *ex-officio*;

(f) the Director General of Medical Education and Training Uttar Pradesh, *ex-officio*;

(g) the Principal of the Colleges;

(h) two persons being Head of Department in the Institute to be nominated by rotation in such manner as may be prescribed;

(i) two persons from amongst the teachers of the Institute to be selected in such manner as may be prescribed;

(j) two persons to be nominated by the President."

(b) sub-section (3) shall be *omitted*.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Rural Institute of Medical Sciences and Research, Saifai Act, 2005 (U.P. Act no. 27 of 2005) has been enacted to provide for the establishment of the Uttar Pradesh Rural Institute of Medical Sciences and Research, Saifai in district Etawah. With a view to making the provisions of the said Act more effective in relation to the administration of the said Institute like that of the All India Institute of Medical Sciences, New Delhi, it has been decided to amend the said Act mainly to provide for :-

(a) making the Minister, Medical Education, Uttar Pradesh as the *ex-officio* member and President of the Institute, and also the Chairman of the Governing Body instead of the Chief Secretary to the Government of Uttar Pradesh;

(b) abolishing the membership of the Member of the State Legislature and of the Parliament;

(c) making the Director as the member of the Governing body instead of the Vice Chairman thereof.

The Uttar Pradesh Rural Institute of Medical Sciences and Research, Saifai (Amendment) Bill, 2009 is introduced accordingly.

By order,
P. V. KUSHWAHA,
Sachiv.



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, सोमवार, 30 सितम्बर, 2013

आश्विन 8, 1935 शक सम्वत्

उत्तर प्रदेश सरकार

विधायी अनुभाग-1

संख्या 1051/79-वि-1-13-1(क)12-2013

लखनऊ, 30 सितम्बर, 2013

अधिसूचना

विविध

'भारत का संविधान' के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान, सैफई (संशोधन) विधेयक, 2013 पर दिनांक 27 सितम्बर, 2013 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 20 सन् 2013 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है :-

उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान, सैफई (संशोधन)

अधिनियम, 2013

(उत्तर प्रदेश अधिनियम सं० 20 सन् 2013)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान, सैफई अधिनियम, 2005 का प्रवर्तन संशोधन करने के लिए

अधिनियम

भारत गणराज्य के चौसठवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-(1) यह अधिनियम उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान, सैफई (संशोधन) अधिनियम, 2013 कहा जायेगा। संक्षिप्त नाम और प्रारम्भ

(2) यह 12 जुलाई, 2013 से प्रवृत्त हुआ समझा जायेगा।

उत्तर प्रदेश
अधिनियम संख्या 27
सन् 2005 की धारा
4 का संशोधन

2-उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान, सैफई अधिनियम, 2005 जिसे आगे मूल अधिनियम कहा गया है, की धारा 4 में उपधारा (1) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात् :-

“(1) संस्थान में निम्नलिखित सदस्य होंगे, अर्थात्:-

(क) मुख्य सचिव, उत्तर प्रदेश शासन – पदेन;

(ख) एक विख्यात व्यक्ति, जिसे आयुर्विज्ञान के क्षेत्र में विशेष ज्ञान रखने वाले व्यक्तियों में से शासी निकाय के संकल्प द्वारा नाम-निर्दिष्ट किया जायेगा, कुलाध्यक्ष होगा;

(ग) प्रमुख सचिव/सचिव, चिकित्सा शिक्षा विभाग, उत्तर प्रदेश शासन-पदेन;

(घ) संस्थान का निदेशक – पदेन;

(ङ) महानिदेशक, चिकित्सा शिक्षा, उत्तर प्रदेश – पदेन;

(च) प्रमुख सचिव/सचिव, प्रभारी वित्त विभाग, उत्तर प्रदेश शासन-पदेन;

(छ) प्रमुख सचिव/सचिव, प्रभारी नियोजन विभाग, उत्तर प्रदेश शासन-पदेन;

(ज) दो व्यक्ति जो सामाजिक विज्ञान, वैज्ञानिक या प्राविधिक शिक्षा या शोध के कार्य में रत हैं या उसका विशेष ज्ञान या व्यावहारिक अनुभव रखते हैं, राज्य सरकार द्वारा नाम-निर्दिष्ट किये जायेंगे;

(झ) राज्य विधान मण्डल का एक सदस्य जो उस विधान सभा निर्वाचन क्षेत्र का प्रतिनिधित्व कर रहा हो, जिसमें संस्थान स्थित है;

(ञ) संसद का एक सदस्य जो उस संसदीय निर्वाचन क्षेत्र का प्रतिनिधित्व कर रहा हो, जिसमें संस्थान स्थित है;

(ट) स्वास्थ्य मंत्रालय, भारत सरकार का एक प्रतिनिधि, जो उस सरकार द्वारा नाम-निर्दिष्ट किया जायेगा;

(ठ) भारतीय चिकित्सा परिषद का एक प्रतिनिधि, जो ऐसी परिषद द्वारा नाम-निर्दिष्ट किया जायेगा;

(ड) भारतीय दंत चिकित्सा परिषद का एक प्रतिनिधि, जो ऐसी परिषद द्वारा नाम-निर्दिष्ट किया जायेगा;

(ढ) जीवन विज्ञान की शाखा से दो ख्याति प्राप्त वैज्ञानिक जिन्हें राज्य सरकार द्वारा नाम-निर्दिष्ट किया जायेगा।”

धारा 5 का संशोधन

3-मूल अधिनियम की धारा 5 में,-

(क) उपधारा (2) के पश्चात् निम्नांकित उपधारा बढ़ा दी जायेगी, अर्थात्:-

“(3) धारा 4 की उपधारा (1) के खण्ड (झ) या खण्ड (ञ) के अधीन किसी सदस्य की पदावधि उस दिनांक को समाप्त हो जायेगी, जब से वह, यथास्थिति, राज्य विधान मण्डल का सदस्य या संसद का सदस्य न रह जाय।”

(ख) उपधारा (6) के स्थान पर निम्नांकित उपधारा रख दी जायेगी, अर्थात्:-

“(6) धारा 4 की उपधारा (1) के खण्ड (झ) या खण्ड (ञ) के अधीन किसी सदस्य से भिन्न कोई पदावरोही सदस्य, जब तक कि राज्य सरकार अन्यथा निदेश न दे, तब तक के लिए पद पर बना रहेगा, जब तक कि उसके स्थान पर कोई अन्य व्यक्ति सदस्य के रूप में नाम-निर्दिष्ट न कर दिया जाय।”

धारा 10 का
संशोधन

4-मूल अधिनियम की धारा 10 में उपधारा (1) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात् :-

“(1) मुख्य सचिव, उत्तर प्रदेश शासन संस्थान के अध्यक्ष होंगे और वह शासी निकाय के सभापति भी होंगे। प्रमुख सचिव/सचिव, चिकित्सा शिक्षा विभाग, उत्तर प्रदेश शासन संस्थान के उपाध्यक्ष तथा शासी निकाय के उप सभापति भी होंगे।”

5-मूल अधिनियम की धारा 17 में,—

धारा 17 का
संशोधन

(क) उपधारा (1) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी,
अर्थात्—

- (1) शासी निकाय में निम्नलिखित सदस्य होंगे, अर्थात्—
- (क) अध्यक्ष;
 - (ख) उपाध्यक्ष;
 - (ग) विख्यात कुलाध्यक्ष;
 - (घ) निदेशक;
 - (ङ) प्रमुख सचिव/सचिव; उत्तर प्रदेश शासन, वित्त विभाग—पदेन;
 - (च) महानिदेशक, चिकित्सा शिक्षा एवं प्रशिक्षण, उत्तर प्रदेश—पदेन;
 - (छ) महाविद्यालयों के प्राचार्य;
 - (ज) राज्य विधान मण्डल का एक सदस्य, जो उस विधान सभा निर्वाचन क्षेत्र का प्रतिनिधित्व कर रहा हो, जिसमें संस्थान स्थित है;
 - (झ) संसद का सदस्य जो उस संसदीय निर्वाचन क्षेत्र का प्रतिनिधित्व कर रहा हो, जिसमें संस्थान स्थित है;
 - (ञ) यथाविहित रीति से चक्रानुक्रम में नाम-निर्दिष्ट किये जाने वाले दो व्यक्ति, जो संस्थान के विभागाध्यक्ष हों;
 - (ट) यथाविहित रीति से चयनित किये जाने वाले संस्थान के अध्यापकों में से दो व्यक्ति;
 - (ठ) अध्यक्ष द्वारा नाम-निर्दिष्ट किये जाने वाले दो व्यक्ति;

(ख) उपधारा (2) के पश्चात् निम्नलिखित उपधारा बद्ध दी जायेगी, अर्थात्—

“(3) उपधारा (1) के खण्ड (ज) या खण्ड (झ) के अधीन किसी सदस्य की पदावधि उस दिनांक को समाप्त हो जायेगी जबसे वह, यथास्थिति, राज्य विधान मण्डल जहां से वह निर्वाचित किया गया हो, का सदस्य या संसद का सदस्य नहीं रह जाता है।”

निरसन एवं
अपवाद

6—(1) उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान, सैफई (संशोधन) अध्यादेश, 2013 एतद्वारा निरसित किया जाता है।

उत्तर प्रदेश
अध्यादेश संख्या
8 सन् 2013

(2) ऐसे निरसन के होते हुए भी उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथासंशोधित मूल अधिनियम के उपबंधों के अधीन कृत कोई कार्य या कार्यवाही इस अधिनियम द्वारा यथासंशोधित मूल अधिनियम के तत्समान उपबंधों के अधीन कृत कार्य या कार्यवाही समझी जाएगी मानो इस अधिनियम के उपबंध सभी सारवान् समय पर प्रवृत्त थे।

उद्देश्य और कारण

उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान सैफई अधिनियम, 2005 (उत्तर प्रदेश अधिनियम संख्या 27 सन् 2005) का अधिनियमन जनपद इटावा में उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान, सैफई की स्थापना करने के लिए किया गया है। उक्त अधिनियम की धारा 4, 5, 10 और 17 में क्रमशः संस्थान की संरचना सदस्यों की पदावधि एवं रिक्तियों, संस्थान के अध्यक्ष और शासी निकाय के सम्बन्ध में व्यवस्था की गयी है। संस्थान के उचित और कुशल कार्य-सम्पादन एवं उसमें प्रभावी नियंत्रण को सुनिश्चित करने के उद्देश्य से यह केनिश्चय किया गया कि उक्त धाराओं को संशोधित करके मुख्यतः निम्नलिखित व्यवस्था की जाय,—

(क) मंत्री, चिकित्सा शिक्षा विभाग के स्थान पर मुख्य सचिव को संस्थान का पदेन सदस्य बनाया जाय;

(ख) राज्य विधान मण्डल के एक सदस्य व संसद के एक सदस्य, जो क्रमशः उस विधान सभा निर्वाचन क्षेत्र और संसदीय निर्वाचन क्षेत्र का प्रतिनिधित्व कर रहे हों, जिसमें संस्थान स्थित है, को संस्थान का सदस्य और उसके शासी निकाय का सदस्य बनाया जाय;

(ग) संस्थान के सदस्य या शासी निकाय के सदस्य, जो राज्य विधान मण्डल का सदस्य या संसद का सदस्य है, की पदावधि उस दिनांक को समाप्त हो जायेगी जब से वह, यथास्थिति, राज्य विधान मण्डल या संसद का सदस्य नहीं रह जाता है;

(घ) मुख्य सचिव, उत्तर प्रदेश शासन को संस्थान का अध्यक्ष और शासी निकाय का सभापति भी बनाया जाय।

चूंकि राज्य विधान मण्डल सत्र में नहीं था और उपर्युक्त विनिश्चय को कार्यान्वित करने के लिए तुरन्त विधायी कार्यवाही करना आवश्यक था, अतः राज्यपाल द्वारा दिनांक 12 जुलाई, 2013 को उत्तर प्रदेश ग्रामीण आयुर्विज्ञान एवं अनुसंधान संस्थान, सैफई (संशोधन) अध्यादेश, 2013 (उत्तर प्रदेश अध्यादेश संख्या 8 सन् 2013) प्रख्यापित किया गया।

यह विधेयक पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिए पुनःस्थापित किया जाता है।

आज्ञा से,
एस०के० पाण्डेय
प्रमुख सचिव।

No. 1051(2)/LXXIX-V-1-13-1(Ka)12-2013

Dated Lucknow, September 30, 2013

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Gramin Ayurvigyan Evam Anusandhan Sansthan, Saifai (Sanshodhan) Adhiniyam, 2013 (Uttar Pradesh Adhiniyam Sankhya 20 of 2013) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 27, 2013 :-

THE UTTAR PRADESH RURAL INSTITUTE OF MEDICAL SCIENCES AND
RESEARCH, SAIFAI (AMENDMENT) ACT, 2013

[U.P. ACT NO. 20 OF 2013]

(As passed by the Uttar Pradesh Legislature)

AN
ACT

further to amend the Uttar Pradesh Rural Institute of Medical
Sciences and Research, Saifai Act, 2005.

IT IS HEREBY enacted in the Sixty-fourth Year of the Republic of India as
follows :-

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Rural Institute of Medical
Sciences and Research, Saifai (Amendment) Act, 2013.

(2) It shall be deemed to have come into force on July 12, 2013.

Amendment of
section 4 of U.P.
Act no. 27 of
2005

2. In section 4 of the Uttar Pradesh Rural Institute of Medical Sciences and
Research, Saifai Act, 2005 hereinafter referred to as the principal Act, for sub-
section (1) the following sub-section shall be substituted, namely :-

“(1) The Institute shall consist of the following members, namely :-

(a) the Chief Secretary to the Government of Uttar Pradesh,
ex-officio;

(b) One person of eminence to be nominated by a resolution of the
Governing Body from amongst persons having special knowledge in the field of
medical science shall be the visitor;

(c) the Principal Secretary/Secretary to the Government of Uttar Pradesh
in Medical Education Department, *ex-officio*;

(d) the Director of the Institute. *ex-officio*;

(e) the Director general of Medical Education, Uttar Pradesh, *ex-officio*;

(f) the Principal Secretary/Secretary in charge to the Government of Uttar Pradesh in the Finance Department, *ex-officio*;

(g) the Principal Secretary/Secretary in charge to the Government of Uttar Pradesh in the Planning Department, *ex-officio*;

(h) two persons having special knowledge or practical experience in or engaged in the pursuit of social science, scientific or technical education or research, to be nominated by the State Government;

(i) one member of the State Legislature representing the Assembly Constituency in which the Institute is situated;

(j) one member of the Parliament representing the Parliamentary Constituency in which the Institute is situated;

(k) one representative of the Ministry of Health of Government of India to be nominated by that Government;

(l) one representative of the Medical Council of India to be nominated by such Council;

(m) one representative of the Dental Council of India to be nominated by such council;

(n) two scientists of eminence from the discipline of life sciences to be nominated by the State Government;"

3. In section 5 of the principal Act,—

Amendment of
section 5

(a) *after* sub-section (2) the following sub-section shall be *inserted*, namely:—

“(3) The term of office of a member under clause (i) or clause (j) of sub-section (1) of section 4 shall expire on the date he ceases to be the member of the State Legislature or the member of Parliament, as the case may be;”

(b) *for* sub-section (6) the following sub-section shall be *substituted*, namely:—

“(6) An outgoing member other than a member under clause (i) of clause (j) of sub-section (1) of section 4 shall, unless the State Government directs otherwise continue in the office until another person is nominated as a member in his place.”

4. In section 10 of the principal Act *for* sub-section (1) the following sub-section shall be *substituted*, namely:—

Amendment of
section 10

“(1) the Chief Secretary of the Government of Uttar Pradesh shall be the President of the Institute and shall also be the Chairman of the Governing Body. The Principal Secretary/Secretary, Government of Uttar Pradesh in Medical Education Department, shall be the Vice-President of the Institute and shall also be a Vice-Chairman of the Governing Body.”

5. In section 17 of the principal Act,—

Amendment of
section 17

(a) *for* sub-section (1) the following sub-section shall be *substituted*, namely:—

“(1) The Governing Body shall consist of the following persons namely:—

(a) the President;

(b) the Vice-President;

- (c) the Visitor of Eminence;
- (d) the Director;
- (e) the Principal Secretary/Secretary to the Government of Uttar Pradesh in the Finance Department, *ex-officio*;
- (f) the Director General of Medical Education and training Uttar Pradesh, *ex-officio*;
- (g) the Principal of the Colleges;
- (h) one member of the State Legislature representing the Assembly Constituency in which the Institute is situated;
- (i) one member of the Parliament representing the Parliamentary Constituency in which the Institute is situated;
- (j) two persons being Heads of Department in the Institute to be nominated by rotation in such manner as may be prescribed;
- (k) two persons from amongst the teachers of the Institute to be selected in such manner as may be prescribed;
- (l) two persons to be nominated by the President.

(b) *after* sub-section (2) the following sub-section shall be *inserted*, namely:-

“(3) the term of office of a member under clause (h) or clause (i) of sub-section (1) shall expire on the date he ceases to be a member of the State Legislature from which he was elected or a member of Parliament, as the case may be.”

Repeal and
saving

6. (1) The Uttar Pradesh Rural Institute of Medical Sciences and Research, Saifai, (Amendment) ordinance, 2013 is hereby repealed.

U.P. Ordinance
no. 8 of 2013

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Rural Institute of Medical Sciences and Research, Saifai Act, 2005 (U.P. Act no. 27 of 2005) has been enacted to provide for the establishment of the Uttar Pradesh Rural Institute of Medical Sciences and Research, Saifai in district Etawah, section 4, 5, 10 and 17 of the said Act provide respectively for the composition of the Institute, the term of office and vacancies among members, the President and the Governing Body of the Institute. With a view to ensuring proper and efficient working of the Institute and effective control therein it was decided to amend the said sections mainly to *provide for*:-

(a) making the Chief Secretary as the *ex-officio* member of the Institute instead of the Minister of Medical Education Department;

(b) making one member of the State Legislature and one member of the Parliament representing respectively the assembly constituency and the parliamentary constituency in which the Institute is situated, as the members of the Institute as well as the member of the Governing Body thereof;

(c) the term of office of the member of the Institute or the member of the Governing Body who is the member of the State Legislature or the Member of the Parliament shall expire on the date he ceases to be the member of the State Legislature or the Parliament as the case may be;

(d) making the Chief Secretary of the Government of Uttar Pradesh to be the President of the Institute and also the Chairman of the Governing body;

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Rural Institute of Medical Sciences and Research, Saifai (Amendment) Ordinance, 2013 (U.P. Ordinance no. 8 of 2013) was promulgated by the Governor on July 12, 2013.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
S. K. PANDEY
Prāmukh Sachiv.