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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative
NOTIFICATION

No. 375-L.—27th February, 2013.—The Governor having been pleased to order, under rule 66 of the

Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons and the Financial Memorandum which accompany it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons and the Financial Memorandum are accordingly hereby published for general information:—

Bill No. 1 of 2013

**THE WEST BENGAL STATE HEALTH SERVICE
(AMENDMENT) BILL, 2013.**

A
BILL

to amend the West Bengal State Health Service Act, 1990.

WHEREAS it is expedient to amend the West Bengal State Health Service Act, 1990, for the purposes and in the manner hereinafter appearing;

West Ben. Act VII
of 1990.

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

1. (1) This Act may be called the West Bengal State Health Service (Amendment) Act, 2013.
- (2) It shall come into force at once.

*The West Bengal State Health Service (Amendment)
Bill, 2013.*

(*Clauses 2, 3.*)

Substitution of
the preamble of
West Ben. Act VII
of 1990.

2. For the existing preamble of the West Bengal State Health Service Act, 1990 (hereinafter referred to as the principal Act), the following preamble shall be substituted:—

“WHEREAS it is expedient, in the public interest, to regulate the recruitment, and the conditions of service of persons appointed to State Health Service and also to provide for an incentive scheme to encourage in-service Medical Officer in the cadre of the West Bengal Health Service and the West Bengal Public Health-cum-Administrative Service and Medical Teachers of the West Bengal Medical Education Service to serve in remote and backward areas in the State of West Bengal;

AND WHEREAS the State Government is committed to sustain human development through easily accessible, affordable, responsive and standardized health care to all citizens across the State, particularly to the poorer and needy sections of the population living in remote and backward areas;

AND WHEREAS continuous presence of qualified medical personnel including doctors is deemed to be of utmost importance for such health care;

AND WHEREAS it is expedient, in the public interest, for the purpose of ensuring the availability of qualified medical practitioners in such place, to provide a set of incentives including weightage during post-graduate admission for in-service Medical Officers in the cadre of the West Bengal Health Services and the West Bengal Public Health-cum-Administrative Services and the Medical Teachers of the West Bengal Medical Education Service.”.

Insertion of a new
section 17C after
section 17B.

3. After section 17B of the principal Act, the following section shall be inserted:—

“Provision of incentive scheme for serving in remote etc. areas. 17C. (1) The State Government may, by notification, provide certain incentives to Medical Officers in the cadre of the West Bengal Health Service, the West Bengal Public Health-cum-Administrative Service and the Medical Teachers of the West Bengal Medical Education Service for service in remote or backward areas as may be decided by the competent authority to be appointed by the State Government, by order:

Provided that the incentives may include additional financial incentives in the form of allowances, pay, honoraria, enhanced rural allowance, insurance coverage as well as non-financial incentive like certificates of merit, commendations, transfers to suitable places of choice or preferences during promotion to higher grades:

Provided further that such incentives shall also aim to enable and enhance the capabilities of doctors serving in such areas and towards that end assign weightage in the marks during admission to post-graduate degree and diploma courses subject to regulations framed by the Medical Council of India.

(2) To fix the scale and nature of incentives, the State Government shall, by notification, constitute an Expert Committee, under the Chairmanship of a person of eminence with expertise in the field of public administration, or health administration or medical education or law or development administration or development economics:

Provided that the Committee shall comprise not more than three members with expertise in all or any of the fields under this sub-section.

(3) The Expert Committee constituted under sub-section (2) shall examine all aspects related to the current availability of doctors with post-graduate qualifications in remote or backward areas of the State, the minimum requirements of such specialized

*The West Bengal State Health Service (Amendment)
Bill, 2013.*

(Clause 3.)

expertise and recommend all or any of the incentives provided under sub-section (1) and place its report to the State Government within three months from the date of its constitution:

Provided that while doing so, the Expert Committee shall first identify the remote or backward areas of the State:

Provided further that the Expert Committee may formulate its own procedure and wherewithal for such purpose:

Provided also that it shall be open to the Expert Committee to consider, adopt with or without modifications any previously published reports or reviews by national or international organizations or that of academic institutions or any ministry under the Government of India or any other State Government:

Provided also that the Expert Committee may also invite views of individuals or bodies including doctors, civil society activists, Panchayati Raj Institutions, development administrators and medical educationists to enable itself to arrive at a decision.

(4) (a) The State Government shall, on receipt of the recommendations of the Expert Committee, place the report in public domain through the departmental website for a period of one month and invite comments thereon:

Provided that the report under this sub-section shall also be published in two daily leading newspapers of which one must be in vernacular to invite comments thereon.

(b) The State Government shall consider the comments on the Expert Committee recommendations and report, and after considering such comments, shall, by notification, declare the incentive scheme or schemes under this section.

(5) Any person who has served, or any person who is serving in any post in remote or backward areas, immediately before the coming into force of this Act, shall be eligible for the incentive scheme in terms of sub-section (1):

Provided that the provisions of this Act shall not apply to any person not belonging to the cadre of West Bengal Health Service or West Bengal Public Health-cum-Administrative Service or the West Bengal Medical Education Service.”.

STATEMENT OF OBJECTS AND REASONS.

The West Bengal State Health Service Act, 1990 (West Ben. Act VII of 1990), was brought into force on the 25th May, 1990. While implementing the provisions of the said Act, some practical difficulties cropped up in the course of providing quality health care and availability of professional medical personnel to meet the need of the poor and deprived sections living without proper standards of health care. The State Government is committed to sustain human development through easily accessible, affordable, responsive and standardized health care to all citizens across the state, particularly to the poorer and needy sections of the population living in remote and backward areas, and whereas continuous presence of qualified medical personnel including doctors to ensure such health care is deemed to be of utmost importance.

2. Hence, in the public interest, for the purpose of ensuring availability of qualified medical practitioners in the remote and the backward areas of the State, it has been considered necessary and expedient to amend the West Bengal State Health Service Act, 1990.

*The West Bengal State Health Service (Amendment)
Bill, 2013.*

3. It has also been felt necessary to provide incentive during post-graduate admission for in-service Medical Officers in the cadre of the West Bengal Health Service and the West Bengal Public Health-cum-Administrative Service and Medical Teachers of the West Bengal Medical Education Service who serve in the remote and backward areas of the State.

4. The Bill has been framed with the above objects in view.

KOLKATA,
The 11th February, 2013.

MAMATA BANERJEE,
Member-in-charge.

FINANCIAL MEMORANDUM.

There is financial implication involved in giving effect to the provisions of the Bill. Necessary provision to this effect shall be made in the state budget in consultation with the Finance Department of this Government.

KOLKATA,
The 11th February, 2013.

MAMATA BANERJEE,
Member-in-charge.

By order of the Governor,

MALAY MARUT BANERJEE,
*Secy. to the Govt. of West Bengal,
Law Department.*