



The Sanjay Gandhi Post-Graduate Institute of Medical Sciences Act, 1983
Act 30 of 1983

Keyword(s):

Fund, Governing Body, Institute, Member, President, Teacher

Amendment appended: 31 of 2004

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No. 2906(2)/XVII-V—1-1(Ka)-29-82

Dated Lucknow, October 13, 1983

In pursuance of the provisions of clause (3) of Article 348 of the constitution of India, the Governor is pleased to order the publication of the following English translation of the Sanjay Gandhi Snatakottar Ayur Vigyan Sansthan Adhiniyam, 1983 (Uttar Pradesh Adhiniyam San-khya 30 of 1983) as passed by the Uttar Pradesh Legislature and assented to by the President on October 12, 1983.

**THE SANJAY GANDHI POST-GRADUATE INSTITUTE OF
MEDICAL SCIENCES ACT, 1983**

[U. P. ACT NO. 30 OF 1983]

(As passed by the Uttar Pradesh Legislature)

Amended by
31/2004

AN

ACT

to provide for the establishment of the Sanjay Gandhi Post-Graduate Institute of Medical Sciences at Lucknow in Uttar Pradesh and for matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Thirty-fourth year of the Republic of India as follows :—

Short title, extent
and commence-
ment.

1. (1) This Act may be called the Sanjay Gandhi Post-Graduate Institute of Medical Sciences Act, 1983.

(2) It shall extend to the whole of Uttar Pradesh.

(3) Sections 4 and 18 shall come into force at once and the remaining provisions of the Act shall be deemed to have come into force on October 18, 1982.

Definitions.

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

(a) "Director" means the Director of the Institute appointed under section 12;

(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 18;

(d) "Institute" means the Sanjay Gandhi Post-Graduate Institute of Medical Sciences established under section 3;

State Government out of a panel to be prepared by a Committee consisting of the following persons :—

- (i) the Director of Central Drug Research Institute, Lucknow;
- (ii) the President of the National Academy of Medical Sciences;
- (iii) the President of the Indian Academy of Sciences, Bangalore;
- (iv) the President of the National Academy of Sciences, Allahabad;
- (v) the President of the Medical Council of India;
- (vi) Director of a National Institute of Medical Sciences, to be nominated by the State Government;
- (vii) Director-General of the Council of Scientific and Industrial Research or his nominee;
- (viii) Director, Indian Council of Medical Research;
- (ix) Secretary to the Government of Uttar Pradesh in the Department of Medical, Health and Family Welfare (Convener).

(3) The panel prepared by the Committee under sub-section (2) shall consist of not less than fifteen persons of whom at least eight persons shall be medical experts and it shall be revised every two years.

Term of office
and vacancies
among members.

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.

(2) The term of office of a member elected under clause (h) or nominated under clause (i) of section 4 shall come to an end as soon as he ceases to be a member of the House of the State Legislature from which he was elected or a member of Parliament, as the case may be.

(3) 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.

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

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

(6) An outgoing member shall be eligible for re-nomination or re-election.

(7) 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 that Government.

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

Meetings of the
institute.

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 :

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.

Objects of the
institute.

7. The objects of the Institute shall be—

(a) to create a centre of excellence for providing medical care, educational and research facilities of high order in the field of medical sciences in the existing super-specialities and such others, as may emerge in future, including continuing medical education;

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

(c) to provide for training in para-medical and allied fields, particularly in relation to super-specialities.

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

Functions of the Institute.

- (a) function as a referral hospital,
- (b) provide for post-graduate teaching 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 post-graduate studies;
- (e) give training to teachers for imparting medical education;
- (f) hold examinations and grant such degrees, diplomas or other academic distinctions and titles in post-graduate medical education as may be laid down in the regulations;
- (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 for promoting the objects 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 objects of the Institute.

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

Officers of the Institute.

- (a) the Visitor,
- (b) the President,
- (c) the Director,
- (d) the Dean,
- (e) the Finance Officer,
- (f) the Executive Registrar,
- (g) such other persons as may be specified in the rules to be officers of the Institute.

10. (1) The Governor of Uttar Pradesh shall be the Visitor of the Institute.

Visitor.

(2) The Visitor shall, after every five years, cause to be reviewed the progress of the Institute in such manner as he thinks fit.

(3) Upon reviewing progress of the Institute, the Visitor may make a reference to the State Government for taking action under section 34 or may, subject to the provisions of this Act, issue such directions, as he considers necessary, and the Institute shall be bound to comply with such directions.

(4) Without prejudice to the foregoing provisions of this section but subject to the provisions of section 36, the Visitor, may, by order in writing, annul any proceedings of the Institute, which is not in conformity with this Act or the rules or regulations made thereunder :

Provided that before making any such order, he shall call upon the Institute to show cause why such an order should not be made and if any cause is shown within such reasonable time, as may be allowed therefor, shall consider the same.

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

President.

(2) The President shall, when present, preside at 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, for the achievement of this object;

(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 as may be prescribed by rules or laid down in the regulations.

Director

12. (1) There shall be a Director of the Institute who shall be appointed by the Visitor on the recommendation of a committee consisting of the following members, namely :—

(a) the President of the Institute;

(b) one person who is a Judge of the High Court at Allahabad to be nominated by the Chief Justice thereof;

(c) one person to be nominated by the Visitor, who shall also be the Convener of the committee.

(2) The committee constituted under sub-section (1) shall have as Advisors two medical experts to be nominated by the Visitor.

(3) Whenever a vacancy occurs or is likely to occur in the office of Director, the committee constituted in accordance with the provisions of sub-section (1) shall prepare a panel of names of three persons who are in its opinion suitable to hold the said office.

(4) The committee shall forward to the Visitor, 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.

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

(6) Notwithstanding anything in sub-sections (1) to (5), the first Director of the Institute shall be appointed by the State Government and he shall hold office until a Director is appointed in accordance with sub-sections (1) to (5).

(7) 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 (5) or there is any other emergency, the Visitor 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.

(8) The conditions of service of the Director, including salary, allowances, leave, pension 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.

13. (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 President.

(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 the imparting of instruction 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 Visitor 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 opinion that such action ought not to have been taken by the Director, it may refer the matter to the Visitor 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, as is referred to in the last preceding 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 power 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.

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

Appointment of
Dean.

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

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

Finance Officer

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

(3) The Finance Officer shall have the duty—

(a) to ensure that no expenditure not authorised 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 Officer 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 Officer on behalf of the Institute.

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

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

16. (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 therefor 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.

Authorities of
the Institute.

17. 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 specified in the rules to be authorities of the Institute.

Governing
Body.

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

(a) the President;

(b) the Director;

(c) Secretary to the Government of Uttar Pradesh in the Department of Medical, Health and Family Welfare, *ex-officio*;

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

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

(f) two principals from amongst the Principals of the State Medical Colleges in Uttar Pradesh in rotation to be nominated by the State Government;

(g) two persons being Heads of Departments in the Institute to be nominated in rotation in the prescribed manner;

(h) two persons from amongst the teachers of the Institute to be selected in the prescribed manner;

(i) two persons to be nominated by the visitor.

(2) The term of office of an *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 any member nominated under clause (f) or clause (g) or clause (i) of sub-section (1) shall be three years from the date of his nomination.

(4) The term of office of a member under clause (h) of sub-section (1) shall be two years from the first day of January of the year in which he is elected.

(5) 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.

(6) Notwithstanding anything contained in this Act, a member nominated under this section shall continue in office until another person is nominated as a member in his place.

(7) 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.

(8) 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.

(9) 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 functions under this Act.

19. (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 Institutes;

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

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

(iii) Director of Medical Education, Uttar Pradesh, *ex-officio*;

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

(v) Heads of Departments of the Institute;

(vi) two persons, being Associate Professors of the Institute to be nominated by rotation, in the manner prescribed.

(vii) two persons, being Assistant Professors of the Institute to be nominated by rotation, in the manner prescribed

(viii) three persons, including two medical experts out of the members of the Institute referred to in clause (f) of sub-section (1) of section 4 to be elected by the Institute;

(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.

21. (1) The Finance Committee shall consist of—

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

(b) Secretary, to the Government of Uttar Pradesh in the Department of Medical, Health and Family Welfare, or his nominee ;

(c) Secretary to the Government of Uttar Pradesh in the Department of Finance, or his nominee;

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

(e) the Executive Registrar;

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

(2) The Finance Committee shall advise the Governing Body on matters relating to the administration of property and funds of the Institute including limits 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.

Appointment
of teachers and
other staff.

22. (1) Subject to the provisions of this Act, such number of Professors, Associate Professors, Assistant Professors and class I officers, as may be necessary, shall be appointed by the President, and such number of class II 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), is recommended for such appointment by a Selection Committee constituted in this behalf under this Act.

(5) The Selection Committee for the appointment of a Professor or Head of Department of the Institute shall consist of —

(a) the Director;

(b) the Director of Medical Education, Uttar Pradesh;

(c) three experts to be nominated by the Visitor;

(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.

(6) The Selection Committee for the appointment of a teacher, other than a Professor or Head of Department of the Institute, 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 Visitor;
- (e) such other persons as may be prescribed.

(7) The Selection Committee constituted under this Act shall follow such procedure as may be prescribed by the rules 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 a 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 which shall forward the same, along with its views thereon, to the Visitor for his decision and the decision of the Visitor shall be final.

(10) Where the recommendations of the Selection Committee are not acceptable to the appointing authority, it shall refer the whole case to the Visitor specifying the grounds of objection to such recommendations in precise terms, and the decision of the Visitor thereon shall be final :

Provided that it shall be lawful for the Visitor 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, class I officers and class II officers shall be such class of officers as are specified or designated as such in the regulations.

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

Payment to
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.

Fund of
the Institute.

(2) All moneys credited to the Fund shall be deposited in such banks or 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.

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.

Budget of the
Institute.

(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 organisation 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 and copy of this report shall be laid before both Houses of the State Legislature.

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 of the President or any other member or officer authorised 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 authorised in like manner in this behalf.

Acts and
proceedings not
to be invalidated
by vacancies etc.

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

Grant of
Medical Degrees,
Diplomas etc. by
the Institute.

31. Notwithstanding anything contained in any other law for the time being in force the Institute shall have power to grant medical degrees, diplomas and other academic distinctions and titles under this Act.

Recognition of
Medical Qualifi-
cations granted
by the Institute.

32. Subject to the provisions of the Indian Medical Council Act, 1956, the medical degrees and diplomas granted by the Institute under this Act shall be recognised medical qualifications for the purposes of that Act.

Control by
State Govern-
ment.

33. 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.

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

34. (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.

(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 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.

35. 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.

36. 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 Institutes, 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 Visitor and the decision of the Visitor shall be final:

Reference to the visitor.

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 Visitor may in exceptional circumstances act *quo motu* or entertain a reference after the expiry of the period mentioned in the preceding proviso.

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

Returns and Information.

38. (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.

Surcharge.

(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.

39. 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 remove difficulties

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

Power to make rules.

Power to make
Regulations.

41. (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 members 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 therefor ;

(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).

Repeal and
savings.

42. (1) The Sanjay Gandhi Post-Graduate Institute of Medical Sciences (Second) Ordinance, 1983 is hereby repealed.

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

U. P.
Ordinance
no. 23
of 1983.

By order,
G. B. SINGH,
Sachiv.

पी० एस० यू० पी०—ए० ०० 649 राजपत्र (हि०)—(2496)—1983—1951 (नं० ०)

No. 1569/VII-V-1-1(Ka)37/2004
Dated Lucknow, December 6, 2004

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India the Governor is pleased to order the publication of the following English translation of the Sanjay Gandhi Snatakottar Ayurvigyan Sansthan (sanshodhan) Adhiniyam, 2004 (Uttar Pradesh Adhiniyam Sankhya 31 of 2004) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 6, 2004.

THE SANJAY GANDHI POST GRADUATE INSTITUTE OF MEDICAL SCIENCES

(AMENDMENT) ACT, 2004

[U.P. ACT No. 31 OF 2004]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

*further to amend the Sanjay Gandhi Post Graduate Institute of Medical Sciences
Act, 1983.*

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

- | | |
|---|--|
| <p>1. This Act may be called the Sanjay Gandhi Post Graduate Institute of Medical Sciences (Amendment) Act, 2004.</p> | <p>Short title</p> |
| <p>2. In Section 3 of the Sanjay Gandhi Post Graduate Institute of Medical Sciences Act, 1983 after sub-section (2), the following sub-section shall be inserted, namely :—</p> | <p>Amendment of section 3 of U.P. Act no. 30 of 1983</p> |

“(3) the institute may, if it considers expedient, develop satellite Institutes at other places in addition to the Institute established at Lucknow and may take such action as it may consider necessary for the conduct of business of such satellite Institute in furtherance of the objects of the Institute”.

STATEMENT OF OBJECTS AND REASONS

Eighty per cent population of the State are living in rural area. It is the responsibility and priority of the State Government to make available the latest medical facility to such a large population. At present very specialised medical facilities are being made available by the Sanjay Gandhi Post Graduate Institute of Medical Sciences situated at Lucknow, but this facility available at only one place and at present there is no other satellite Institute/Centre thereof has been established due to which, it is not possible to make available the very specialised medical facilities timely to the substantial population of the State. With the above facts in view it has been decided to amend the Sanjay Gandhi Post Graduate Institute of Medical Sciences Act, 1983 to empower the Sanjay Gandhi Post Graduate Institute of Medical Sciences Lucknow to develop/establish satellite centres at other places in the State.

The Sanjay Gandhi Post Graduate Institute of Medical Sciences (Amendment) Bill, 2004 is introduced accordingly.

By order,

D. V. SHARMA,

Pramukh sachiv.

पी०एस०यू०पी०ए०पी० 727 राज्यपत्र (हिन्दी)—2004—(1788)—597 प्रतियाँ (कम्प्यूटर/आफसेट)।

पी०एस०यू०पी०ए०पी० 202 सा० विधा०—2004—1789—850 प्रतियाँ (कम्प्यूटर/आफसेट)।