

Uttar Pradesh Rural Institute Of Medical Sciences And Research, Saifai Act, 2005

27 of 2005

CONTENTS

1. Short Title
2. Definitions
3. Establishment Of The Institute
4. Composition Of The Institute
5. Term Of Office And Vacancies Among Members
6. Meeting Of The Institute
7. Objective Of The Institute
8. Functions Of The Institute
9. Officers Of The Institute
10. The President
11. The Director
12. Powers And Duties Of The Director
13. Appointment Of Dean
14. Finance Controller
15. Executive Registrar
16. Authorities Of The Institute
17. Governing Body
18. Functions Of The Governing Body
19. Academic Board
20. Finance Committee
21. Colleges Of The Institute
22. Appointment Of Teachers And Other Employees
23. Payment To The Institute
24. Fund Of The Institute
25. Budget Of The Institute
26. Accounts And Audit
27. Annual Report
28. Pension And Provident Funds
29. Authentication Of Orders And Instruments Of The Institute
30. Acts And Proceedings Not To Be Invalidated By Vacancies Etc.
31. Control By State Government
32. Power Of State Government To Cause Inspection To Be Made In The Affairs Of The Institute
33. Dispute Between Institute And State Government
34. Reference To The President
35. Returns And Information
36. Surcharge
37. Power To Remove Difficulties

38. Power To Make Rules

39. Power To Make Regulations

Uttar Pradesh Rural Institute Of Medical Sciences And Research, Saifai Act, 2005

27 of 2005

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 there with or incidental thereto It is hereby enacted in the Fifty-sixth Year of the Republic of India as follows:-- 1. Received the assent of the Governor on December 14, 2005 and published in the U.P. Gazette, Extra., Part 1, Section (Ka), dated 15th December, 2005, pp. 17-31

1. Short Title :-

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

2. Definitions :-

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.

3. Establishment Of The Institute :-

(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 Medical 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.

4. Composition Of The Institute :-

(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. Term Of Office And Vacancies Among Members :-

- (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 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. Meeting Of The Institute :-

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.

7. Objective Of The Institute :-

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 undergraduate, postgraduate medical education and in super-specialties so as to set a high standard of medical education;
- (c) to provide for training in para-medical and allied fields.

8. Functions Of The Institute :-

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 undergraduate, postgraduate and super speciality teaching through its colleges and conduct of research in the relevant disciplines of modern medicine and other allied sciences, including interdisciplinary 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 undergraduate and postgraduate studies;
- (e) give training to teachers for imparting medical education;
- (f) hold examinations for such degrees, diplomas, or other

academic distinctions and titles in undergraduate, postgraduate 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) cooperate 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. Officers Of The Institute :-

The following shall be the officers of the Institute, namely:--

(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. The President :-

(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.

(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. The Director :-

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

(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.

12. Powers And Duties Of The Director :-

(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.

13. Appointment Of Dean :-

(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.

14. Finance Controller :-

(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. Executive Registrar :-

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

(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. Authorities Of The Institute :-

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.

17. Governing Body :-

(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 of 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 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 (1) of subsection (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. Functions Of The Governing Body :-

(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.

(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;

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

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

19. Academic Board :-

- (1) There shall be an Academic Board, which shall be the principal academic body of the Institute.
- (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;
 - (a) four members of the Institute referred to in clauses (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.

20. Finance Committee :-

- (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 matters 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.

21. Colleges Of The Institute :-

- (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. Appointment Of Teachers And Other Employees :-

- (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 subsection (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 subsection (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 subsection (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.

23. Payment To The Institute :-

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.

24. Fund Of The Institute :-

(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.

25. Budget Of The Institute :-

(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.

26. Accounts And Audit :-

(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.

27. Annual Report :-

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.

28. Pension And Provident Funds :-

(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.

29. Authentication Of Orders And Instruments Of The Institute :-

All orders and decisions of the Institute shall be authenticated by the signature of 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. Acts And Proceedings Not To Be Invalidated By Vacancies Etc. :-

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 Institution, authority or such committee.

31. Control By State Government :-

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.

32. Power Of State Government To Cause Inspection To Be Made In The Affairs Of The Institute :-

(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 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 subsection (6) and also of every report for information received in respect of compliance or noncompliance with such direction.

33. Dispute Between Institute And State Government :-

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.

34. Reference To The President :-

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 :

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.

35. Returns And Information :-

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

36. Surcharge :-

(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.

37. Power To Remove Difficulties :-

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.

38. Power To Make Rules :-

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

39. Power To Make Regulations :-

(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).