

Indira Gandhi Institute of Medical Sciences Act, 1984

BIHAR

India

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Act 10 of 1984

- Published on 23 April 1984
- Commenced on 23 April 1984
- [This is the version of this document from 23 April 1984.]
- [Note: The original publication document is not available and this content could not be verified.]

Indira Gandhi Institute of Medical Sciences Act, 1984 Bihar Act. No. 10 of 1984 Published in the Bihar Gazette (Extraordinary) dated 23.4.1984. An Act to Establish an Institution in the State of Bihar with a view to Develop Clinical Services in Super specialities of the Highest Standard, a System of Supportive supervision and Continued Education for the Medical and Health Functionaries and to promote Service, Research and Education in the field of Community, Medical and Allied subjects. Be it enacted by the Legislature of State of Bihar in the Thirty-Fifth year of the Republic of India as follows:-

1. Short title and commencement.

(1) This Act may be called the Indira Gandhi Institute of Medical Sciences Act, 1984. (2) It shall come into force at once.

2. Objects of the Institute.

- The objects of the Institute shall be-(i) to develop an apex centre for delivery of health and medical care of highest standard; (ii) to train specialists of high order in different branches of medical services; (iii) to improve the health services in the State through appropriate linkages and referral system with Medical Colleges and District and Sub-divisional hospitals; (iv) to develop the continued education programme and award degrees, diplomas and certificates and Post-graduate degrees; (v) to develop clinical research centre for conducting investigation on the problems of human health and diseases peculiar to and prevalent in this part of the country; (vi) to develop Community Health Research Centre to study and find out solutions to the problems of health of the community with particular emphasis on reproductive biology and population control; and (vii) to develop research and training in basic sciences relevant to the problems and needs of the community. (viii) [to establish a medical college for imparting education of undergraduate, post graduate, post doctoral and diploma course in medical stream.] [Sub-section (viii) added vide Section 2 of Amendment Act 9 of 2008.]

3. Definitions.

- In this Act, unless the context otherwise requires:-(i)'Board of Governors' means the Board of Governors of the Institute;(ii)'Chairman' means the Chairman of the Board of Governors;(iii)'Director' means the Director of the Institute;(iv)'Executive Council' means the Executive Council of the Institute;(v)'Fund' means the Fund of the Institute referred to in Section 14;(vi)'Institute' means Indira Gandhi Institute of Medical Sciences;(vii)'Members' means members of the Board of Governors;(viii)'Prescribed' means prescribed by Rule;(ix)'Rule' means Rules framed by the State Government under this Act;(x)'Regulation' means Regulations framed by the Board of Governors;(xi)'Project Committee' means Project Committee of the Institute as constituted by the State Government.

4. Establishment and Incorporation of the Institute.

- (i) The Indira Gandhi Institute of Medical Sciences, established under the Indira Gandhi Institute of Medical Sciences Ordinance, 1983, shall be deemed to have been established under this Act, and the actions taken by the State Government for the admission of the said Institute, before the enforcement of the Act, shall be deemed to have been legally taken under the Act.(i)The Institute shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property both movable and immovable and to contract, and shall be in said name sue and be sued.(iii)Location and Jurisdiction of the Institute.-The Institute shall be located in Patna and its jurisdiction shall extend to the whole of State of Bihar.

5. [Section 5 substituted vide Section 3 of Amendment Act 9 of 2008.]

The Board of Governors shall consist of the following members. -

(1)	Minister of Health,	Ex-officio Chairman
(2)	Leader of opposition of Bihar Assembly,	Ex-officio Member
(3)	Secretary Health,	Ex-officio Member
(4)	Secretary Finance,	Ex-officio Member
(5)	Director Medical Education/ Additional Director Medical Education,	Ex-officio Member
(6)	Director of the Institute,	Ex-officio Secretary of the Board
(7)	Director-in-Chief of Health Services,	Ex-officio Member
(8)	Senior most Principal of Government Medical colleges of Bihar,	Ex-officio Member
(9)	Four faculty members of the Institute consisting of 2 Professors, one Associate Professor and one Assistant Professor according to seniority on rotation for every two years.	

(10) [[Substituted vide Sixmembers to be nominated by the State
Section 2 of Governmentfrom amongst persons of Medical
Amendment Act, 23 of profession out of which at leastone member be from
2008.] Scheduled Caste and one from Woman category.]

(2)The existing Board of Governors constituted under unamended provision of the Act, shall stand dissolved after issuance of Notification constituting the Board in accordance with amended Section-5.]:Provided that till such time as the Board of Governors is constituted in accordance with the provisions of this Section, the State Government may direct the Project committee constituted in this behalf to exercise powers and discharge functions of the Board of Governors.

6. Declaration of Institute as an Institute of Excellence.

- It is hereby declared that the Indira Gandhi Institute of Medical Sciences shall be an Institute of Excellence.

7. Terms of Office and Vacancies of Members.

- [(1) The term of Board of Governors constituted in accordance with Section 5 shall be five years from its first meeting after constitution:Provided that the State Government shall be competent to remove any one of the members of the Governing Body before expiry of the terms of office of such members on the grounds:-(a)Such member is declared an insolvent by a competent Court/authority.(b)Such member is accused of any criminal offence involving moral turpitude where in which after investigation charge-sheet has been submitted and competent court has taken cognizance of the offence.(c)Such member acts in a manner detrimental to the interest of the Institute.(d)If in the opinion of the State Government his action has rendered him unsuitable to continue as a member of the Board of Governors for any reason such as ill health, indulging in unfair practice, involved in any financial irregularity etc. or such other reason/reasons which renders him unfit to continue as a member of the Board:Provided that before removing such member under Section (1) he shall be afforded opportunity to explain his position.] [Substituted vide Section 4 of Amendment Act 9 of 2008.](2)The term of office of an Ex-Officio member shall continue as long as he holds the office by virtue of which he is such member.(3)The term of office of a member nominated or selected to fill casual vacancy shall continue for the remainder of the term of the member in whose place he is nominated or elected.(4)An outgoing member shall, unless the State Government otherwise direct, continue in office until another person is nominated or elected as a member in his place.(5)An outgoing member shall be eligible for renomination or re-election for another one term.(6)A member may resign his office by writing under his hand addressed to the Chairman of the Board but he shall continue in office until his resignation is accepted.

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The Chairman shall preside over the meeting of the Board of Governors.

9. Power to invite experts.

- The Chairman of the Board may invite experts through the Executive Council to advise him on financial, engineering, medical, administrative aspects, etc.

10. [Meeting of the Board. [Substituted vide Section 5 of Amendment Act 9 of 2008.]

- The Board shall ordinarily meet quarterly at a place approved by the Chairman of the Board of Governors and observe such rules of procedure in regard to the transaction of business at its meeting as may be prescribed. However, in exigencies, the Chairman may call a meeting at short notice as and when decided.]

11. Executive Council and other Committees.

- [(1) The Executive Council shall be constituted by the Board consisting of the following members:-

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| (i) Director of the Institute | Ex-officio |
| (ii) Director Medical Education or Additional Director Medical Education. | Ex-officio |
| (iii) Medical College Principal Member of the Board of Governors. | Ex-officio |
| (iv) Dean of the Institute | (Ex-officio) |
| (v) One member to be nominated by the Chairman of Board of Directors. | |
| (vi) Health Secretary, Government of Bihar or his Representative. | |

(2) All existing committees including Executive Council, adhoc committees; shall stand dissolved on coming into force of amendment.] [Substituted vide Section 6 of Amendment Act 9 of 2008.](3) Subject to such control and restrictions as may be prescribed by Rules, the Board of Governors may constitute as many Standing Committees and adhoc committees as it thinks fit for exercising any power or discharging any function of the Institute or for enquiring into or reporting or advising upon any matter which the Institute may refer to it.(4) The Standing Committee shall consist exclusively of members of the Board, but ad hoc committee may include persons who are not members of the Board. But the number of such persons shall not exceed one half of its total membership.(5) The Chairman and members of the Executive Council and the Chairman and members of a Standing Committee or an ad hoc committee who are not State Government officials shall receive such allowances, if any, as may be prescribed by the Government.

12. [[Substituted by Act 9 of 2008.]

(1) The State Government shall appoint the Director by selection through open advertisement. There shall be a Selection Committee consisting of the following members:-

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| (1) Development Commissioner | Chairman |
| (2) Secretary Health | Secretary |

- (3) Director in Chief Health Services Government of Bihar.
- (4) Two experts from the medical profession to be nominated by the State Government
- (5) Director, Indira Gandhi Institute of Cardiology, Patna.
- (6) One senior most principal of the Government Medical College of the State.

The Director shall be appointed for a fixed tenure of 5 years or upto age of 65 years, whichever is earlier: Provided that outgoing Director shall be eligible for reappointment for another term of five years if he has not attained 65 years of age and on being re-selected shall hold office for a further period of five years or till he attains 65 years of age whichever is earlier. The Government reserves its right to remove the Director in the midst of his tenure on the grounds on which a member of the Board of Governor can be removed as provided in Section 7 of the Act.]

12. Staff of the Institute. - (1) The Director shall be the Chief Executive Officer of the Institute who shall be designated as the Director of the Institute. The Director shall be appointed by the Governing Body on the recommendation of the Selection Committee consisting of the following: - (i) Director General of Health Services, Government of India. (ii) Director General, I.C.M.R. (iii) Development Commissioner, Government of Bihar. (iv) Chairman, U.G.C. or his nominee. (v) Secretary to the Government of Bihar, Health Department. **Note.** - Director General, Health Services, Government of India shall be the Chairman and Secretary, Health Department, Government of Bihar shall be the Member Secretary of the Selection Committee. Selections will be made by the process nominations to be invited amongst the Principal of all Medical Colleges in India, Directors, Health Services of State Governments and Directors of Institute of all India repute like All India Institute of Medical Sciences, P.G.I., Chandigarh, Varanasi Institute, Trivendrum Institute etc. The Committee shall prepare a panel of three names, in order of merit, out of which one shall be appointed as Director on the approval of the Governing Body which will be formally notified by the Government: Provided that the State Government may appoint any competent person, on recommendation of the Project Committee, as Director of the Institute for a maximum period of six months only or till such period as a regular director is not appointed in this behalf in accordance with sub-section (2) of Section 12, whichever of the two being earlier. (2) The Director shall act as the Secretary to the Board of Governors. (3) The Director shall exercise such powers and discharge such functions as may be prescribed by Regulation or as may be delegated to him by the Board or by the Executive Council. (4) Subject to the Rules to be prescribed, the Board may create posts and appoint such number of officers and employees as may be necessary for the exercise of its powers and discharge of its functions with prior approval of the State Government in the Health Department, which would accord such approval within the specific sanctioned budgetary provisions for such purpose. (5) The Director and other officers and employees of the Institute shall be entitled to such salary and allowances and shall be governed by such conditions of service in respect of leave, pension, provident fund and other matters as may be prescribed.

13. Statutory Grants to the Institute.

- The State Government may under appropriation made by State Legislature 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 by that Government for the exercise of its powers and discharge of its functions under this Act.

14. Fund of the Institution.

(1)The Institute shall maintain fund to which shall be credited-(a)all money provided by the State Government;(b)all fees and other charges received by Institute;(c)all money received by the Institute by way of grants, gift, donations, by factions or transfers; and(d)all money received by the Institute in any other manner or from any other sources.(2)All money credited to the Fund shall be deposited in such Banks or invested in such manner as the Board may decide.(3)The Funds shall be applied toward the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions.

15. Budget of the Institute.

- The Institute shall prepare in such form and at such time every year as may be prescribed by Rules a budget within its resources in respect of the next financial year showing the estimated receipts and expenditure of the Institute and shall forward the same to the State Government after it has been duly passed by the Board of Governors and forward such number of copies thereof to the State Government as may be prescribed.

16. Accounts and Audit.

(1)The Institute shall maintain proper accounts and other relevant records and prepare an annual statements of accounts including the balance sheet in such form as the State Government may by Rules prescribe.(2)The accounts of the Institute shall be audited by the Accountant General and any expenditure incurred by him in connection with such audit shall be payable by the Institute.(3)The Accountant General or any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Accountant General has in connection with such audit of the Government accounts and in particular, shall have the right to demand the production of books of accounts in connection with vouchers and other documents and papers to inspect the office of the Institute as well as the Institutions established and maintained by it.(4)The accounts of the Institute as certified by the Accountant General or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the State Government and that Government shall cause the same to be laid before both the Houses of the State Legislature.

17. Annual Report.

- The Institute shall prepare every year a report of its activities during that year and submit the reports to the State Government in such form on or before such date as may be prescribed by Rules and copy of this report shall be laid before both the Houses of Legislature.

18. Pension, Provident Fund and Gratuity.

- The employees of the Institute shall be entitled to such pension, general provident fund and gratuity as per Rules of the State Government for similar categories of the State Government employees in such manner and subject to such conditions, as may be prescribed. An employee of the Institute may opt for contributory provident fund, after giving declaration in writing within two years of his joining the Institute and in that case he shall not be entitled to pension and general provident fund. Contributory provident fund shall be governed by such Rules as to be prescribed in this behalf.

19. Authentication of the Orders and Instruments of the Institute.

- All orders and decisions of the Institute shall be authenticated by the signature of the Director or any other Officer authorised by the Board of Governors in this behalf and all other instruments shall be authenticated by the signature of the Director or any other Officer of the Board authorised by the Executive Council in this behalf.

20. Act and Proceedings not to be invalidated by Vacancies etc.

- No act done or proceedings taken by the Institute, Executive Council or any standing or ad hoc committee under this Act shall be questioned on the ground of the existence of any vacancy in, or defect in the constitution of the Institute/Board, Executive Council or such Standing or ad hoc Committee.

21. Power to grant post-graduate degree, diploma etc.

- The Institute shall have power to grant post-graduate medical degrees, diplomas, certificates and other academic distinctions in accordance with the provisions of Medical Council of India Act, 1933 and Rules and Regulations made thereunder.

22. Returns and Informations.

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

23. Fixation of the tenure of the Project Committee.

- Notwithstanding the provisions contained herein the Project Committee constituted by the State Government in this behalf shall continue to function till such time and date as may be decided by the State Government.

24. Control by the State Government.

- The Institute shall carry out such directions as may be issued to it from time to time by the State Government for the efficient administration of this Act.

25. Disputes between the Institute and the State Government.

- If in the exercise of its powers and discharge of its functions under this Act, any dispute arises between the Institute and the State Government the decision of the State Government in such dispute shall be final.

26. Power to make Rules.

(1)The State Government after consultation with the Institute may, by notification in the Official Gazette, make Rules to carry out the purpose of this Act particularly with respect to the following:Provided that consultation with the Institute shall not be necessary on the first occasion of the making of Rules under this Section, but the State Government shall take into consideration any suggestions which the Institute may make in relation to the amendment of such Rules after they are made.(2)In particular and without prejudice to the generality of the forgoing provisions such Rules may provide for all or any of the following matters, namely:-(a)the manner of nomination of members under clause (6) of Section 5;(b)the control and restriction in relation to the constitution of standing and ad hoc committee under sub-section 50 of Section 11;(c)the conditions of service of the procedure to be followed by and the manner of filling up vacancies among members of the Institute;(d)the powers and function to be exercised and discharged by the Chairman of the Institute;(e)the allowances, if any, to be paid to the Chairman and members of the Institute;(f)the number of officers and employees that may be appointed by the Institute and the manner of such appointment;(g)the form in which and the time at which the budget and reports shall be prepared by the Institute and number of copies thereof to be forwarded to the State Government;(h)any other matter which is to be prescribed by Rules.(3)All Rules made under this Section shall as soon as may be after they are made, shall be laid before both Houses of the Bihar State Legislature.

27. Power to make Regulations.

- The institute may, with the previous approval of the Government, make Regulations consistent with the provisions of this Act, to carry out the purpose of this Act. Such Regulations may provide for-(a)the summoning and holding of meetings other than the first meeting of the institute, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of members necessary to form a quorum.;(b)the powers and functions to be exercised and discharged by the Chairman of the Institute and the Chairman of the Governing Body;(c)the allowances, if any, to be paid to the Chairman and the members of the Governing Body and of standing and ad hoc committees;(d)the procedure to be followed by the Governing Body and standing and ad hoc committees in the conduct of their business, exercise of their powers and discharge of their functions;(e)the tenure of office, salaries and allowances and other conditions of

service of the Director and other officers and employees of the Institute including teachers appointed by the Institute;(f)the powers and duties of the Chairman of the Governing Body;(g)the powers and duties of the Director and other officers and employees of the Institute;(h)the management of the properties of the Institute;(i)the degrees, diplomas and other academic distinctions and titles which may be granted by the Institute;(j)the professorship, readership, lectureship and other posts which may be instituted and persons who may be appointed to such professorship, teachership, lectureship and other posts;(k)the fees and other charges which may be demanded and received by the Institute;(l)the manner in which and the conditions subject to which pension and provident fund may be contributed for and on behalf of the officers, teachers and other employees of the Institute;(m)any other matter for which Regulations may be made under the provisions of this Act.

28. Repeal and Savings.

(1)The Indira Gandhi Institute of Medical Sciences Second Ordinance, 1983 (Bihar Ordinance 4, 1984) is hereby repealed.(2)Notwithstanding such repeal anything done or any action taken in exercise of any power conferred by or under the said Ordinance, shall be deemed to have been done or taken in the exercise of powers conferred by or under this Act as if this Act were in force on that date on which such thing or action was done or taken.