

DR. RAM MANOHAR LOHIA INSTITUTE OF MEDICAL SCIENCES
ACT, 2015¹

(U.P. Act no. 41 of 2018)

[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 Dr. Ram Manohar Lohia Ayurvigyan Sansthan Adhiniyam, 2015 (Uttar Pradesh Adhiniyam Sankhya 41 of 2018) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 11, 2018 and published in the U.P. Gazette extra-ordinary on September 12, 2018.]

AN

ACT

to provide for the establishment of Dr. Ram Manohar Lohia Institute of Medical Sciences at Lucknow in Uttar Pradesh and for matters connected therewith and incidental thereto.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

CHAPTER-I

Preliminary

Short title

1. This Act may be called Dr. Ram Manohar Lohia Institute of Medical Sciences Act, 2015.

Definitions

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

- (a) “Board” means the Board of Governors of the Institute;
- (b) “Director” means the Director of the Institute appointed under section 14;
- (c) “Employee” means any person appointed by the Institute and includes a teacher, a doctor or any other member of the staff of the Institute;
- (d) “Fund” means the Fund of the Institute maintained under section 28;
- (e) “Institute” means Dr. Ram Manohar Lohia Institute of Medical Sciences established under section 3;
- (f) “Prescribed” means prescribed by regulations;
- (g) “President” means the President of the Institute referred to in section 12;
- (h) “Regulations” means the regulations of the Institute made under section 34;
- (i) “Secretary/Principal Secretary” means the Secretary or the Principal Secretary, as the case may be, of concerned department of Government of Uttar Pradesh dealing with the affairs of the Institute;
- (j) “Society” means Dr. Ram Manohar Lohia Institute of Medical Sciences Society, Lucknow registered under the Societies Registration Act, 1860;
- (k) “Teacher or Faculty-member” means a Professor, Additional Professor, Associate Professor, Assistant Professor or a person employed or engaged by the Institute for imparting education or training or guiding or conducting research in the Institute and includes the Dean and the Director.

1. For S.O.R. see at the end of this Act.

CHAPTER -II

The Institute

Establishment and incorporation of the Institute

3. (1) There shall be established at Lucknow on the pattern of All India Institute of Medical Sciences, New Delhi an Institute to be called Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow.

(2) The Institute shall be a body corporate and shall function as a University established under a State Act.

(3) On and from the date of commencement of this Act,–

(a) Dr. Ram Manohar Lohia Institute of Medical Sciences Society at Lucknow shall be dissolved and all property-movable and immovable and rights, powers and privileges and liabilities and obligations of the Society shall stand transferred to and vested in the Institute;

(b) all references in any statutory instrument to the Society shall be construed as reference to the Institute;

(c) any deed or other document, whether made or executed before or after the commencement of this Act which contains any bequest, gift or trust in favour of the Society, shall be construed as the bequest, gift or trust to the Institute;

(d) Every person duly employed before the commencement of this Act and working as such just before the commencement of this Act in the Society shall become an employee of the Institute by the same tenure and upon the same conditions of service.

Institute open to all classes and creed

4. The Institute shall be open to all persons irrespective of sex, race, creed or class and it shall not be lawful for the Institute to adopt or impose on any person any test whatsoever of religious belief or profession or political opinion in order to entitle him to be appointed as a teacher of the Institute or to hold any other office therein or to be admitted as a student of the Institute, or to enjoy or exercise any privilege thereof :

Provided that reservation on the posts for recruitment of the employees and reservation of seats for admission in any course of study for the students, belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes of Citizens and other categories of candidates as specified by the State Government from time to time shall be regulated by the laws and orders of the State Government for the time being in force.

Composition of the Institute

5. The Institute shall consist of,–

- | | |
|--|---------------------------------------|
| (a) the Governor of Uttar Pradesh Government ; | -Visitor (<i>ex-officio</i>) |
| (b) the Chief Secretary to the Government of Uttar Pradesh; | -President (<i>ex-officio</i>) |
| (c) the Principal Secretary/ Secretary to the Government of Uttar Pradesh in the Medical Education Department; | -Vice-President (<i>ex-officio</i>) |

- | | |
|---|---|
| (d) the Principal Secretary/Secretary to the Government of Uttar Pradesh in the Finance Department or his nominee; | -Member (<i>ex-officio</i>) |
| (e) the Principal Secretary/Secretary to the Government of Uttar Pradesh in the Planning Department or his nominee; | -Member (<i>ex-officio</i>) |
| (f) the Principal Secretary/Secretary to the Government of Uttar Pradesh in the Law Department or his nominee; | -Member (<i>ex-officio</i>) |
| (g) the Director General, Medical Education & Training, Uttar Pradesh; | -Member (<i>ex-officio</i>) |
| (h) the Director; | -Member-Secretary (<i>ex-officio</i>) |
| (i) the Dean of the Institute; | -Member (<i>ex-officio</i>) |
| (j) two persons having special knowledge or practical experience in the pursuit of Medical Sciences/ Heads of Medical Institutions to be nominated by the State Government; | -Members |
| (k) three representatives of medical faculties of the Indian Universities or the Institutes to be nominated by the President; | -Members |
| (l) one representative of the Ministry of Health and Family Welfare, Government of India; | -Member |
| (m) one representative of the Medical Council of India; | -Member |
| (n) one representative of the Indian Council for Medical Research; | -Member |
| (o) one representative of the Indian Nursing Council; | -Member |
| (p) two educationists of eminence to be nominated by the State Government; | -Members |
| (q) two senior-most heads of department by rotation every two years. | -Members |

Term of office and vacancies among members

6. (1) Subject to the provisions of the following sub-sections, the term of a member, other than an *ex-officio* member, shall be five years from the date of nomination.

(2) The term of office of a member nominated under section 5 shall come to an end as soon as he/she ceases to hold the office by virtue of which he/she is such a member.

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

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

(5) An outgoing member may be eligible for re-nomination.

(6) A member may resign his office by writing under his hand addressed to the Vice-President through the Member-Secretary, but he will continue in office until his resignation is accepted.

(7) The manner of filling vacancies amongst members shall be such, as may be prescribed.

**Meeting of the
Institute**

7. (1) The Institute shall meet at such time and place, as the President may from time to time determine.

(2) The transactions of business in such meeting shall be in such manner as may be prescribed:

Provided that the Institute shall meet at least once in a year.

8. The objects of the Institute shall be,–

**Objects of the
Institute**

(a) to create a centre of excellence for providing medical care, educational and research facilities of high order in the field of medical sciences and specialities and super specialities and such others, as may emerge in future, including continuing medical education on the pattern of All India Institute of Medical Sciences, New Delhi;

(b) to provide for multi-purpose speciality and super speciality hospitals and trauma centres by upgrading the existing institutions, and to establish them as a centre of excellence and to provide treatment for patients therein;

(c) to develop excellence in teaching and training at undergraduate, post-graduate, doctoral and post-doctoral medical education and research in super-specialities so as to set a high standard of medical education;

(d) to develop training centres and facilities for paramedical human resource;

(e) to establish specialized and individual departments to deal with emerging medical, surgical and allied specialities and sub-specialities.

**Powers and
functions of
the Institute**

9. (1) The powers and functions of the Institute shall be,–

(a) to institute teaching and training in undergraduate, postgraduate and super-speciality branches of medicine and allied sciences and to make provisions for research and for the advancement and dissemination of knowledge in such branches;

(b) to institute and award degrees, diplomas, certificates and other academic distinctions;

(c) to admit students to the various courses of study and to conduct examinations or tests and lay down conditions in respect thereof;

(d) to hold examinations for and to grant and confer degrees, diplomas and others academic distinctions to and on persons who-

(i) have pursued a course of study, or

(ii) have carried on research in the Institute.

(e) to confer honorary degrees or other academic distinctions;

(f) to institute and award scholarships, fellowships (including travelling fellowship) studentships, stipends, medals and prizes in accordance with the regulations;

(g) to establish, maintain and administer centres of teaching and research, hospitals, rural and urban centres, laboratories, libraries or other things to carry out the objects of the Institute;

(h) to fix and collect fees and other charges;

(i) to create teaching, administrative, ministerial, technical and other necessary posts as required and make appointment thereto;

- (j) to undertake publication of works of merit and research;
- (k) to provide for management and treatment of the patients in its hospitals and centres;
- (l) to function as a secondary and tertiary hospital;
- (m) to deal with property belonging to, or vested in the Institute in any manner which is considered necessary for promoting its objects;
- (n) to co-operate or collaborate with other institutions in conduct of patient care, higher education and research in medical and paramedical field;
- (o) to do any other act or thing, as may be necessary in order to further the objects of the Institute:

Provided that the Institute-

- (i) will not transfer any immovable property of the Institute by way of mortgage, sale, exchange, gift or otherwise except with the previous sanction of the State Government ;
- (ii) will not create any post in the Institute except with the prior approval of the State Government or except in accordance with any general or special order of the State Government.

(2) The pay and other allowances to various categories of employees of the Institute shall be such as may be determined from time to time by the State Government.

CHAPTER-III

Officers of the Institute

Officers of the Institute

10. The following shall be the officers of the Institute, namely,-

- (a) The Visitor;
- (b) The President of the Institute;
- (c) The Vice-President of the Institute;
- (d) The Director;
- (e) The Dean of the Institute;
- (f) The Finance Officer;
- (g) Such other officers as may be declared by the regulations.

Visitor

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

(2) The Visitor shall by virtue of his office, be the head of the Institute and shall, when present, preside at the convocation of the Institute.

(3) Every proposal for the conferment of an honorary degree or distinction shall be subject to the confirmation by the Visitor.

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

(5) Upon reviewing progress of the Institute the Visitor may make a reference to the State Government for taking action under section 41 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.

(6) Without prejudice to the foregoing provisions of the section but subject to the provisions of section 42, the Visitor may by order in writing annul any proceeding of the Institute which is not in conformity with this Act of the rules or regulation 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.

**Powers
of President**

12. (1) The Chief Secretary of Uttar Pradesh shall be the President of the Institute and shall also be Chairman of the Governing Body. Meetings of the Institute shall be convened as per directions of the President.

(2) The President shall preside over the meetings of the Institute.

(3) The powers and functions of the President shall be,–

(a) to ensure that the administration of the affairs of the Institute are being conducted in accordance with the provisions of this Act and the regulations 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;

(c) to include in the agenda at any time before or during a meeting, fresh items of business or items supplementary to those included in the agenda for consideration;

(d) to exercise such other powers and perform such other functions, as may be prescribed.

(4) The President may delegate any of his powers to the Vice-President.

Vice-President

13. (1) The Principal Secretary, Medical Education to the Government of Uttar Pradesh shall be the *ex-officio* Vice-President of the Institute.

(2) In the absence of the President at any meeting of the Institute, the Vice-President shall preside over such meeting.

(3) He shall exercise such powers and perform such functions as may be prescribed.

Director

14. (1) The Director shall be appointed by the Visitor on the recommendation of a committee consisting of,–

(a) President of the Institute;

(b) Vice-President of the Institute;

(c) the Director General Medical Education and Training;
and

(d) two experts in medical field, not below the rank of a head of medical institution or medical University to be nominated by the Visitor.

(2) (a) Only such person shall be eligible for the appointment to the office of the Director who has not attained the age of sixty-two years.

(b) The Director shall hold office for a term of five years from the date he/she enters upon his/her office or till he/she attains the age of sixty-five years whichever is earlier.

(c) The Director may be appointed for second term or until he/she attains the age of sixty-five years, whichever is earlier:

Provided that the Director may in writing under his hand addressed to the Visitor resign his/her office, and shall cease to hold his office on the acceptance thereof by the Visitor.

(3) The Committee shall, as far as may be, at least sixty days before the date on which a vacancy in the office of the Director is due to occur by reason of expiry of term or resignation under the proviso to clause (c) of sub-section (2) and also whenever so required and before such date as may be specified by the Visitor, submit to the Visitor the names of not less than three persons to hold the office of the Director. The Committee shall, while submitting the name, also forward to the Visitor a concise statement showing the qualifications of each of the persons so recommended but shall not indicate any order of preference.

(4) Where the Visitor does not consider any one or more of persons recommended by the Committee to be suitable for appointment as the Director or if one or more of the persons recommended is / are not available for appointment and the choice of the Director is restricted to less than three persons, he may require the committee to submit a list of fresh names in accordance with sub-section (3).

(5) No Act or proceeding of the committee shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members or by reason of some person having taken part in the proceeding who is subsequently found not to have been entitled to do so.

(6) In any of the following circumstance (of the existence of which the Visitor shall be the sole judge), he may appoint any suitable person to the office of the Director for a term not exceeding six months as he may specify:-

(a) Where the vacancy in the office of the Director occurs and it cannot be conveniently and expeditiously filled in accordance with the provisions of sub-sections (1) to (5).

(b) Any other emergency.

(7) In the absence of the Director, the senior-most Professor of the Institute shall discharge the duties of the Director.

(8) Subject to the provisions of this Act, the emoluments and other conditions of service of the Director shall be such as may be determined by the State Government by general or special order in that behalf.

(9) If in the opinion of the Visitor, the Director wilfully omits or refuses to carry out the provisions of this Act or abuses the powers vested in him, or if it otherwise appears that the continuance of the Director in office is detrimental to the interest of the Institute, the Visitor may, after making such inquiry, as he deems proper, by order remove the Director.

**Powers and
functions of
the Director**

15. (1) The Director shall be the Principal Executive and Academic Officer of the Institute.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Director,–

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

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

(c) shall be responsible for imparting of instructions and maintenance of discipline in the Institute;

(d) may engage with the approval of the Board any person for a period not exceeding one year for such purpose as may be necessary in the interest of the Institute.

(3) Where any matter is of urgent nature requiring immediate action and the same cannot be immediately dealt with by any officer or authority 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 Chairperson and also to the officer or authority who in the ordinary course, would have dealt with the matter:

Provided that if such officer or authority is of opinion that such action ought not to have been taken by the Director, it may refer the matter to the Chairperson 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 preceding proviso shall be without prejudice to the validity of anything previously done by or under the order of the Director.

(4) The Director shall exercise such other powers and perform such other functions as may be assigned to him by the Institute or the Chairperson or the Board or any other authority.

(5) The Director shall be responsible to conduct and manage all matters relating to the Institute.

The Dean

16. (1) There shall be a Dean of the Institute, who shall be appointed by the Board from amongst the senior Professors of the Institute and shall hold office for three years and may be eligible for re-appointment.

(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 prescribed.

Finance Officer

17. (1) There shall be a Finance Officer for the Institute, who shall be appointed by the State Government in Finance Department, and his remuneration and allowances shall be paid by the Institute;

(2) The Finance Officer shall be responsible for presenting the budget and the statement of accounts to the Board and also for drawing and disbursing funds on behalf of the Institute.

(3) The Finance Officer shall have the duties-

(a) to ensure that no expenditure is incurred by the Institute which has not been authorised in the budget;

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

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

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

(e) to perform such other functions as may be prescribed.

(4) The Finance Officer shall have access to and 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) Other powers and functions of the Finance Officer shall be such as may be prescribed.

CHAPTER-IV

Authorities of the Institute

Authorities of the Institute

18. The following shall be the authorities of the Institute, namely—

(a) Board of Governors;

(b) Academic Council;

(c) Finance Committee;

(d) Ethics Committee;

(e) Admissions Committee;

(f) Examinations Committee;

(g) Selection Committee;

(h) such other authorities as may be declared by regulations to be the authorities of the Institute.

Board of Governors

19. (1) The Board of Governors shall be the principal governing body of the Institute and shall consist of,—

| | |
|---|-----------------------------------|
| (a) the Chief Secretary, Government of Uttar Pradesh; | Chairperson (<i>ex-officio</i>) |
|---|-----------------------------------|

| | |
|---|--|
| (b) the Principal Secretary/Secretary to the Government of Uttar Pradesh, Medical Education Department; | Vice-Chairperson (<i>ex-officio</i>) |
|---|--|

| | |
|---|------------------------------|
| (c) the Principal Secretary/Secretary to the Government of Uttar Pradesh, Finance Department; | Member (<i>ex-officio</i>) |
|---|------------------------------|

| | |
|--|------------------------------|
| (d) the Director General, Medical Education and Training, Uttar Pradesh; | Member (<i>ex-officio</i>) |
|--|------------------------------|

| | |
|--|------------------------------|
| (e) the Director General, Medical and Health, Uttar Pradesh; | Member (<i>ex-officio</i>) |
|--|------------------------------|

| | |
|------------------|--|
| (f) the Director | Member-Secretary (<i>ex-officio</i>) |
|------------------|--|

| | |
|-------------------------------|------------------------------|
| (g) the Dean of the Institute | Member (<i>ex-officio</i>) |
|-------------------------------|------------------------------|

| | |
|--------------------------------------|------------------------------|
| (h) the Chief Medical Superintendent | Member (<i>ex-officio</i>) |
|--------------------------------------|------------------------------|

- (i) two persons of eminence in the field of medicine not less than Heads of Institute in the State or out-side the State nominated by the Visitor; Member
- (j) two persons being Professors and Heads of the Department at the Institute to be nominated by the Director in order of seniority by rotation. Member

(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 a member nominated under clauses (i) and (j), shall be two years from the date of his nomination.

(4) 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.

(5) The Board shall meet at least once in three months at such time and place as the Chairperson may from time to time determine.

(6) The procedure to be followed by the Board for the transaction of business in any meeting or otherwise or in the exercise of its powers or performance of its functions shall be such as may be prescribed.

(7) Subject to such control and restrictions as may be prescribed, the Board may constitute such committees, as it thinks fit, for exercising any power or performing any function under this Act.

Functions of the Board

20. (1) Save as otherwise provided in this Act, the Board 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 Board,–

(a) shall take steps for the implementation of the decisions of the Institute on matters 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 Council 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 any movable or immovable property on behalf of the Institute;

(e) shall administer any fund 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 endowed property) in such stocks, funds, shares or securities as it, from time to time, thinks fit;

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

(j) may make other decisions in the interest of the Institute on the matters not inconsistent with the provisions of this Act or the regulations made thereunder.

Academic Council

21. (1) The Academic Council shall consist of,-

- (i) the Director - Chairperson
- (ii) the Dean of the Institute - Member-Secretary
- (iii) all Heads of teaching departments - Members

(2) The Academic Council shall perform the following functions :-

(a) to prepare and to recommend changes in curricula and syllabi for the courses of study for the various departments;

(b) to make arrangement for the conduct of examinations;

(c) to appoint Advisory Committees or Expert Committees or both for the department to make recommendations on academic matters in connection with the working of the departments and the concerned Head of the Department shall act as the convener of such committee;

(d) to appoint sub-committees from amongst the members of the Academic Council, other teachers of the Institute and experts from outside on such specific matters as may be referred to such sub-committee by the Academic Council;

(e) to consider the recommendations of the advisory Committee, Expert Committee or other sub-committees and take such action as circumstances of each case may require including making of suitable recommendations to the Board;

(f) to make periodical review of the activities of the departments and if necessary, make suitable recommendations to the Board;

(g) to advise on the working of library, laboratories and the hospitals *etc.*;

(h) to promote research within the Institute and require reports on such research from the persons engaged thereon;

(i) to advise on general policy to be followed in respect of consultation work to be done by academic staff;

(j) to provide for the inspection of classes, laboratories, library and disciplines therein and submit reports thereof to the Board;

(k) to award stipends, fellowships, scholarships free-ships, medals and prizes *etc.* according to the conditions attached to the awards.

(3) The Academic Council shall meet as often as necessary but not less than two times during a calendar year.

(4) Meeting of the Academic Council shall be convened by the Member-Secretary of the Council either on his own imitative or on the direction of the Director or on a requisition signed by not less than five members of the Academic Council .

(5) Half of the total number of the members of the Academic Council shall form the quorum.

(6) A written notice of every meeting together with the agenda shall be circulated by the Member-Secretary to the members of the Academic Council at least one week before the meeting. The Chairperson of the Academic Council may permit inclusion of any item on the agenda for which due notice could not be given.

(7) Notwithstanding anything contained in sub-section (6), the Chairperson may call an emergent meeting of the Academic Council at short notice to consider urgent or special issues.

(8) The decision of the Chairperson of the Academic Council in regard to all matters shall be final.

(9) The minutes of the Academic Council shall be drawn up by the Member-Secretary and circulated amongst all members present in meeting.

**Finance
Committee**

22. (1) The Finance Committee shall consist of,-

- | | |
|--|--------------------|
| (a) the Principal Secretary /Secretary to the Government of Uttar Pradesh, Medical Education Department; | - Chairperson |
| (b) the Principal Secretary/ Secretary to the Government of Uttar Pradesh, Finance Department, or his nominee not below the rank of the Special Secretary; | - Member |
| (c) the Director; | - Member |
| (d) the Chief Medical Superintendent of the Institute; | - Member |
| (e) the Finance Officer | - Member Secretary |

(2) The Finance Committee shall advise the Board on matters relating to the administration of property and funds of the Institute including limits for the 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 functions as may be prescribed.

**Ethics
Committee**

23. (1) There shall be an Ethics Committee for ensuring smooth running and proper patient-care in the Institute, associated hospitals and health centres.

(2) The constitution of the Ethics Committee, the term of office of its members and its powers and functions shall be such as may be prescribed.

**Other
Authorities**

24. The constitution, powers and functions of the Admissions Committee, Examinations Committee and other authorities of the Institute shall be such as may be prescribed.

CHAPTER-V

Staff of Institute

Staff of Institute

25. (1) The Institute shall appoint such number of employees against the posts as may be sanctioned by the State Government from time to time. The terms and conditions of service of the employees of the Institute shall be such as may be provided in the regulations.

(2) In the interest of the Institute, eligible Government servants may be appointed on deputation basis or by transfer of service as per Government norms and conditions.

(3) The Board may, from time to time, create or abolish posts as it considers proper, subject to approval of the State Government. However, parity will be maintained with All India Institute of Medical Sciences, New Delhi.

**Appointment and
promotion of
teachers and
other staff**

26. (1) Subject to the provisions of this Act, such number of Professors, Associate Professors, Assistant Professors and Group 'A' Officers, as may be necessary, shall be appointed by the Chairperson, and such number of Group 'B' Officers and other employees, 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 prescribed.

(3) The 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 prescribed.

(4) No person shall be appointed as a teacher of the Institute, unless he/she fulfils the qualifications prescribed by the Medical Council of India, the Indian Nursing Council or any other Central/State Regulatory Body and the regulations made under this Act, as the case may be and recommended by a Selection Committee constituted in this behalf under this Act.

(5) (a) The Selection Committee for the appointment or promotion to a Professor and an Associate Professor of the Institute shall consist of, –

(i) the Director who shall be the Chairperson of the Selection Committee;

(ii) the Director General, Medical Education and Training, Uttar Pradesh;

(iii) the Dean of the Institute;

(iv) three experts to be nominated by the President;

(v) such other persons as may be prescribed.

(b) The Selection Committee for the appointment or promotion to an Assistant Professor and other teachers of the Institute shall consist of, –

(i) the Director who shall be the Chairperson of the Selection Committee;

(ii) the Director General, Medical Education and Training, Uttar Pradesh;

(iii) the Dean of the Institute;

(iv) Head of the Department concerned;

(v) two experts nominated by the President;

(vi) such other persons as may be prescribed.

(6) The Selection Committee constituted under this section shall follow such procedures as may be prescribed.

(7) No recommendations 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 Selection Committee constituted under clause (a) of sub-section (5), the presence of at least two experts, and in the case of a Selection Committee constituted under clause (b) of sub-section (5), the presence of at least one expert shall be necessary.

(8) 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 who shall forward the same, along with his/her views thereon, to the President for decision and the decision of the President shall be final.

(9) Where the recommendations of the Selection Committee are not acceptable to the appointing authority, it shall refer the whole 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 purpose of this section, Group 'A' Officers and Group 'B' Officers shall be such class of officers as are specified or designated as such in the regulations.

CHAPTER-VI

Finance and Audit

**Grant-in-aid
by State**

27. For the purpose of enabling the Institute to perform its functions efficiently under this Act, the State Government may, after due appropriation made by State Legislature by law in this behalf, pay to the Institute in each financial year such sums of money in such manner as it may think fit.

**Fund of the
Institute**

28. (1) The Institute shall maintain a fund to 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 in any other manner or from any other source.

(2) All moneys credited to the Fund shall be deposited in Nationalized Banks and 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 performance of its functions under section 9.

Budget of the Institute

29. (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 Board shall comply with such directions 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 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 funds from sources other than that of the Government of India and of the State Government will be received by the Institute only after obtaining the necessary clearances, as required under the law:

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

Annual Accounts and Balance-Sheet

30. (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-Sheet 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

31. The Institute shall, as soon as may be, after the end of each financial year prepare the Annual Report and submit it to the State Government, before such date as may be prescribed and copy of such report shall be laid before both Houses of the State Legislature.

Provident Fund and retiral benefits

32. The Institute shall constitute provident funds and retiral benefits *etc.* for the benefit of its employees, in such manner and subject to such conditions, as per the orders of the State Government.

Surcharge

33. (1) A member of the Institute, the Board, any authority or other body of the Institute, as the case may be, or an officer, other employees 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/her 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.

**CHAPTER-VII
Regulations**

Power to make regulations

34. (1) Subject to the provisions of this Act, 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, namely :—

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

(b) any matter in respect of the constitution of the Board 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 and the Vice-President, other officers of the Institute;

(d) the allowance, if any, to be paid to the Chairperson and the member of the Board and of any Committee or other bodies constituted under this Act;

(e) the procedure to be followed by the Board or other authorities or other bodies 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 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 creation of the posts of teachers, officers and employees of the Institute, and the appointment of persons to such posts including the minimum qualifications requisite thereto;

(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, provident funds and other retirement benefits may be constituted for the employees of the Institute;
any other matter for which provisions may be made under this Act or by regulations.

(2) The first regulations under this Act, shall be made by the State Government by notification:

Provided that until the regulations are so made, the provisions of the BYE-LAWS of the Society as in force before the commencement of this Act, as well as the regulations of the Sanjay Gandhi Post-Graduate Institute of Medical Sciences, Lucknow in matters where the BYE-LAWS are silent, shall *mutatis mutandis* continue to apply to the Institute in so far as they are not inconsistent with the provisions of this Act.

(3) The Board may make new or additional regulations or may amend or repeal the regulations referred to in sub-section (2) with prior approval of the Institute.

CHAPTER-VIII

Miscellaneous

Authentica- tion of orders and Instruments

35. All orders and decisions of the Institute shall be authenticated by the signature of the Director or any other officer authorised by the Institute in this behalf and proceeding of the meetings of concerned authority or committee or other bodies of the Institute shall be authenticated by the signatures of the Chairperson and the Member-Secretary thereof.

Acts and proceedings not to be invalidated by vacancies etc.

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

Grant of degrees, diplomas etc.

37. The Institute shall have powers to grant degrees, diplomas and other academic distinctions and titles under this Act.

Withdrawal of degree or diploma

38. The Board may, on the recommendation of the Academic Council, withdraw any distinction, degree, diploma or privilege conferred on, or granted to, any person, by a resolution passed by the majority of the members of the Board present and voting at the meeting, if such person has been convicted by a Court of law for an offence which in the opinion of the Board, involves moral turpitude or if he has been guilty of gross misconduct.

Recognition of Medical Qualifications granted by the Institute

39. Subject to the provisions of the Indian Medical Council Act, 1956 and other laws for the time being in force, degrees, diplomas and other distinctions granted by the Institute shall be recognised qualifications for the purposes of the said Act and other laws.

Power of State Government to issue directions

40. The State Government may issue such directions from time to time to the Institute on policy matters not inconsistent with the provisions of this Act, as it may deem necessary or expedient for carrying out the purposes of this Act. Such directions shall be complied with by the Institute.

Power of the State Government to cause inspection

41. (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 building, libraries, laboratories, workshops and equipment and also of the examinations, teaching and any 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 Board 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 Board the view of the State Government together with such advice as the State Government may offer upon the action to be taken thereon.

| | |
|---|---|
| | <p>(5) The Director shall submit a report to the State Government of the action taken or proposed to be taken within such time, it may fix.</p> <p>(6) If an authority of the Institute do not take action to the satisfaction of the State Government within a reasonable time, may after considering any explanation which such authority may furnish, issue such directions as it may think fit, and the authority shall comply with such directions.</p> <p>(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.</p> |
| Reference to the Visitor | <p>42. 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 not, 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 or not, the matter shall be referred to the Visitor and the decision of the Visitor shall be final:</p> <p>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:</p> <p>Provided further that the Visitor may, in exceptional circumstances, act <i>suo moto</i> or entertain a reference after the expiry of the period mentioned in the preceding proviso.</p> |
| Returns and Information | <p>43. The Institute shall furnish to the State Government, State/Central Regulatory Bodies such reports, returns, statements and other information as may be required from time to time by them.</p> |
| Execution of contracts | <p>44. All contracts relating to the Institute and administration of the Institute shall be expressed as made by the Board and shall be executed by the Director.</p> |
| Transfer of Property | <p>45. The State Government may transfer to the Institute building , lands and any property whether movable or immovable for use and management of the Institute on such conditions and subject to such limitations as the State Government may deem fit for the purpose of this Act.</p> |
| Filling of casual vacancies | <p>46. All the casual vacancies among the members (other than <i>ex-officio</i> members) of any authority or other body of the Institute shall be filled, as soon as may be convenient, by the person or body who appoints or nominates the members whose place has become vacant and any person appointed or nominated to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills, would have been a member.</p> |
| Proceeding of the authorities/ bodies not invalidated by vacancies | <p>47. No act or proceeding of any authority or other body of the Institute shall be invalidated merely by reason of the existence of any vacancy or vacancies among its members.</p> |
| Protection of persons acting under this Act | <p>48. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or the regulations made there under.</p> |

**Members and
Employees of
the Institute
to be public
servants**

49. Every member and employee of the Institute, when acting are purporting to act in pursuance of the provisions of this Act or regulations or orders or directions made or issued there under shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

**Mode of proof
of the record**

50. (1) A copy of any receipt, application, notice, order, proceeding or resolution of any authority or committee of the Institute, or other documents in the possession of the Institute or any entry in any register duly maintained by the Institute, if certified by the Director so designated shall, notwithstanding anything contained in any other law for the time being in force, be admitted as *prima-facie* evidence of the matters and transactions specified therein, where the original thereof would, if produced, have been admission in evidence.

(2) No employee of the Institute shall in any proceeding to which the Institute is not a party, be required to produce any document, register or other record of the Institute, the contents of which can be proved under sub-section (1) by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein unless by order of the Court made for special cause.

**Transitional
provisions**

51. Notwithstanding anything contained in any other provision of this Act, the Board of the Society functioning as such before the commencement of this Act shall continue to function for a period of one year or until a new Board is constituted for the Institute under this Act, whichever is earlier.

**Power to
remove
difficulties**

52. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the *Official Gazette*, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

Dr. Ram Manohar Lohia Institute of Medical Sciences, Lucknow was initially conceptualized as a satellite centre of the Sanjay Gandhi Post-Graduate Institute of Medical Sciences to make available the super-speciality tertiary medical care. To provide quantum upgradation to the medical services, the Institute was registered under the Societies Registration Act, 1860 and it is functioning as an autonomous institution since 2006.

It has been decided to make a law to provide for conferring on the said Institution, the status of a University so as to provide it to function more efficiently as a teaching and research centre to meet the requirement of higher education and research in pursuit of medical, para-medical and allied health services and to avail better scopes and opportunities to serve the society and the nation.

Dr. Ram Manohar Lohia Institute of Medical Sciences Bill, 2015 is introduced accordingly.

