



ਪੰਜਾਬ ਸਰਕਾਰ Government of Punjab

ਡਾਇਰੈਕਟਰੇਟ ਮੈਡੀਕਲ ਸਿੱਖਿਆ ਅਤੇ ਖੋਜ Directorate of Medical Education & Research

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## Public Notice

Comments of stakeholders and public are invited regarding the recommendations of the restructuring and revamping committee (enclosed) regarding autonomy for government medical / dental / nursing colleges within 15 days to **dir.mer@punjab.gov.in**

Dt. 01 March 2020

Director

## **Recommendation of R&R Committee (Part 2)**

### **1. Restructuring of Government Medical Colleges of Punjab with necessary modifications and adaptations**

There is an urgent need to adopt measures for improving public services, enhancing the prestige and raising the standard of the existing medical / dental colleges at Amritsar and Patiala. It was discussed to adopt a model on the lines of PGIMER Chandigarh.

For this purpose, it is necessary that a greater level of autonomy be conferred on the institutions by putting in place a structure which not only insulates the institutions from outside pressures and influences, but also provides greater freedom in decision making.

This can be best achieved by reconstituting each of the colleges as an institute. Of course, suitable legislation would have to be enacted by the State Legislature for the same. In drawing up the legislations, the PGIMER Act can be used as a model / template with necessary modifications and adaptations being made. The BFUHS Act may also be referred so that the best suited provisions may be adopted and replicated.

The functional head of the autonomous institute would be Director who would function under the overall supervision of an Apex Body and Governing Body. The Director would be given a high degree of autonomy in his/her functioning. The Director would be the suitably qualified individual who would be chosen by a selection and search committee set up under the new provisions through an open selection to attract the best medical professional. The terms and conditions of the Director should be equivalent to the Vice-Chancellor of a University and will have equivalent or more powers.

Once constituted the autonomous institute would be free to formulate its own rules and regulations with regard to the appointment of personnel and other service issues while the existing employees of the colleges would continue without any alteration in their service condition. All new recruitments, whether of staff or faculty, will be carried out by autonomous institute concerned, in accordance with the proposed new provisions and the rules/ regulations framed their under.

Each autonomous institute may also have to set up its own examination section as well as other necessary infrastructure and institutions so as to enable it to function as an

autonomous institute; which will entail some additional expenditure. Till such time, when the facilities are under development, the BFUHS may be entrusted this responsibility.

The proposed provisions which would be enacted to incorporate the GIMS would make it clear that apart from existing colleges (which are being upgraded to the status of an autonomous institute) no other/further constituent college will be added. In other words, autonomous institute will not be competent to affiliate any other college or to add any more colleges within their fold and responsibility of affiliation to continue with BFUHS for all colleges other than GIMS.

The term of the Apex Body and the Governing Body shall be for five years. The term of the nominated members will end with the end of the term of the Apex Body and the Governing Body. The other committees shall also be constituted every five years.

The Director shall be overall responsible for clinical/academic activities of the GIMS. To assist him, there shall be Principal of Medical/Dental/Nursing colleges at Patiala and Amritsar as at present. This shall help to ensure growth / incentive for the faculty.

At present 75% of faculty comes from PCMS cadre and 25% direct recruitment, but the proposed division is 50% from direct quota and 50% from in-service. In the interest of the PCMS cadre we may continue entry of in-service doctors at Assistant Professor level. The criteria for 50% in-service quota may be imposed keeping in view the functional requirement. In future, for in-service doctors also, we may draw some guidelines to give more weightage to academic performance so as to ensure to get academic oriented faculty, for which appropriate guidelines may be framed.

## **2. Pay scales**

As per the pay scale of the Central Government of India along with the other benefits / allowances like NPA, Annual allowance, Postgraduate allowance, MACP/DACP etc. Redesignation of the faculty will be through a common screening committee under PSMER.

As we propose to emulate the PGI-model, the government should consider to allow time-bound promotion/designation with increase in retirement age to teaching faculty up to 65 years of age, as it will incentivise the faculty. Also to ensure that academically meritorious

faculty gets motivated, the academic and research work should be considered for giving the incentive as is given in PGIMER Chandigarh.

### 3. Administrative Set Up

Name of the institutes is proposed as Government Institute of Medical Sciences (GIMS) Amritsar and Government Institute of Medical Sciences (GIMS) Patiala.

#### Apex Body is proposed as under

a) Chief Minister	Chairperson	
b) Minister of Medical Education & Research	Vice Chairperson	
c) Two members of the state legislature nominated by the CM	Member	Nominated
d) Chief Secretary	Member	Ex-officio
e) Administrative Secretary, Finance	Member	Ex-officio
f) Administrative Secretary, Medical Education & Research	Member Secretary	Ex-officio
g) Four eminent medical professionals with meritorious academic background (minimum two of them to be from the Professors retired from Punjab Govt. / GMCs / Institutions)	Member	Nominated
h) Director PGIMER Chandigarh	Member	Ex-officio
i) Vice Chancellor, Baba Farid University Health Sciences	Member	Ex-officio
j) Director (one of the AIIMS) nominated by the CM	Member	Nominated
k) Director Medical Education & Research	Member	Ex-officio
l) Director GIMS (Patiala/Amritsar)	Member	Ex-officio

The tenure of the Apex Body shall be 5 years. The apex body shall meet at such time and place as the Chairperson decides from time to time, determine and observe such procedure in regard to the transaction of the business at such meetings as may be laid down in the regulations. Provided that Apex body shall meet at least twice in every year. Provided further that Apex Body shall observe its first meeting with such procedure in regard to the transaction of business as the state government may be order, specify.

**Terms for Nominated Members:** Subject to the provisions, a nominated member of apex body shall hold office for a term of five years from the date of his nomination. A nominated member may at any time resign his membership by writing under his hand addressed to the Chairperson, and the seat of such member shall thereupon become vacant. A nominated member shall be deemed to have vacated his seat if he is absent from three consecutive meetings, unless leave of absence is granted by the Apex Body. The apex body may remove a nominated person from the membership of any of the bodies, if he is adjudged an insolvent; or is unfit to continue in office by reason of infirmity of mind or body; or is found to be guilty of misbehaviour or misconduct.

The Government shall pay to the institutes in each financial year such sums of money in such manner as may be considered necessary for the exercise of its powers and discharge of its functions under these provisions. The usual functions of the Apex Body shall be:

1. Group A appointments and creation of Group 'A' posts.
2. Policy matters related to strengthening of education, training and clinical activities
3. Annual budget

**Governing Body is proposed as under**

- |    |   |                  |
|----|---|------------------|
| a) | Eminent medical professional from apex body                 | Chairperson      |
| b) | Administrative Secretary, Medical Education & Research      | Vice Chairperson |
| c) | Vice Chancellor of Baba Farid University of Health Sciences | Member           |
| d) | Director Medical Education & Research                       | Member           |

e)	Director GIMS	Member Secretary
f)	Principal GMC	Member
g)	Principal GDC	Member
h)	Professor (Medical) to be nominated by the Government	Member
i)	Professor (Dental) to be nominated by the Government	Member

The governing body shall meet at such time and place as the Chairperson may from time to time determine, provided that the governing body shall meet at least once in 3 months. The procedure to be followed by the governing body in any meeting or in the exercise of its power shall be such as may be laid down in regulations, Subject to such control and restriction as may be prescribed. The governing body may constitute such committees as it thinks fit for exercising any power or discharging any functions.

**Terms for Nominated Members:** Subject to the provisions, a nominated member of governing body and other bodies shall hold office for a term of two years from the date of his nomination. A nominated member may at any time resign his membership by writing under his hand addressed to the Chairperson, and the seat of such member shall thereupon become vacant. A nominated member shall be deemed to have vacated his seat if he is absent from three consecutive meetings, unless leave of absence is granted by the Apex Body. The apex body may remove a nominated person from the membership of any of the bodies, if he is adjudged an insolvent; or is unfit to continue in office by reason of infirmity of mind or body; or is found to be guilty of misbehaviour or misconduct.

Governing body shall be responsible for the general superintendence, direction and control of the affairs of the institute. It

1. Shall take steps for implementation of the decisions of the institute on the questions of policy relating to the administration of the affairs and the working of the institutions.
2. Shall hold and control the property and funds of the institute
3. May acquire or transfer any movable or immovable property on behalf of the institute.

4. Shall administer any funds placed at the disposal of the institute for the specific purposes.
5. May create or abolish Group B, C & D category posts.
6. May manage and regulate the finances, accounts, investments, properties, business and all other administrative affairs of the institute and for that purpose appoint such agent / officers as it may think fit.
7. May invest any money belonging to the institute including any income from trust and endowed properties in such stocks, funds, shares or securities as it shall from time to time feel fit.
8. May enter into, varying, carryout and cancel contracts on behalf of the institutes.
9. May regulate and determine all other matters concerning the institute in accordance with these provisions, and the rules and regulations made there under.
10. Any other duties and functions assigned to it by the Apex Body.

### **Chairperson of Governing Body**

The chairperson shall, when present, preside over the meetings of institute and shall have the following powers and duties, namely

- a) to ensure that administration of the affairs of the institute are conducted in accordance with these provisions and rules and regulations made thereunder and to take such steps, as he deems fit, for the achievement of this object.
- b) to call for such information or records relating to the administration of the affairs of the institute, as he thinks fit.
- c) to exercise such other powers and perform other such duties as are assigned to him by these provisions or as may be prescribed by rules or laid down in the regulations.

### **Other standing Committees**

#### **Finance Committee**

- |  |             |
|--|-------------|
| a) Director GIMS   | Chairperson |
| b) Administrative Secretary Medical Education & Research | Member      |

or representative

- |  |                  |
|--|------------------|
| c) Administrative Secretary Finance  | Member           |
| or representative  |                  |
| d) Director Medical Education & Research   | Member           |
| e) 2 members to be nominated from amongst the eminent medical professionals of Governing / Apex Body | Member           |
| f) Principal of GMC  | Member           |
| g) Principal of GDC  | Member           |
| h) Principal of GNC  | Member           |
| i) Chief Finance officer of GIMS   | Member Secretary |

The finance committee shall advise the governing body on matters relating to the administration of property and funds of the institute including limits for and principals to be observed with regard to the recurring and non-recurring expenditure of the ensuing financial year, having regard to the income and resources of the institute. The Finance Committee shall have such other powers and duties as may be prescribed by the Government

#### **Academic Committee**

- |  |                  |
|--|------------------|
| a) Director GIMS   | Chairperson      |
| b) Principal GMC   | Member Secretary |
| c) Principal GDC   | Member           |
| d) Principal GNC   |                  |
| e) Director Medical Education & Research or representative | Member           |



- |    |  |        |
|----|--|--------|
| f) | Director PGIMER Chandigarh or representative                           | Member |
| g) | Heads of Departments of Institution                                    | Member |
| h) | 2 Associate Professors of the institution by rotation (tenure 2 years) | Member |
| i) | 2 Assistant Professors of the institution by rotation (tenure 2 years) | Member |

The academic committee

- 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 these provisions.

**Selection Committee**

As constituted by the Governing Body for the Group B, C & D categories of posts and as constituted by the Apex Body for Group A categories of posts. However, till such time the new committees are constituted, the existing committees shall continue.

**Objectives of GIMS**

- a) To create a center of excellence for providing medical care, educational and research facilities of high order in the field of medical sciences including continuing medical education keeping in view the policies of Central and State government.
- b) To develop patterns of teaching in post graduate medical education so as to set up high standards of medical education keeping in view the policies of Central and State government and statutory guidelines of various regulatory bodies viz MCI / DCI / NMC / INC etc.
- c) To provide for training in paramedical and allied fields

## **Functions of the GIMS**

- a) Provide for the undergraduate and postgraduate teaching and conduct of research and experimentation in the relevant disciplines of modern medicine and other allied sciences including interdisciplinary fields of physical and biological sciences
- b) Function as a referral hospital
- c) Develop upgrade and start new departments and centres in medical and allied specialties;
- d) Institute, maintain and administer institute colleges, hospitals and laboratories and institutes of research libraries and other institutions necessary to carry out the objectives
- e) Establish, maintain or recognize hostels for students of the institution and residential accommodation for the staff of the Institution;
- f) Institute and implement such measures as may be necessary to secure the health and well-being of the students and to maintain discipline;
- g) Manage and control all immovable and movable property owned by the institute or transferred to it;
- h) Promote and conduct research in disciplines of health sciences and to undertake publication of works of merit;
- i) Establish and maintain libraries, research centres, museums, press and publication bureau;
- j) Give training to teachers for imparting medical education
- k) Receive grants from Government and gifts and donations, benefactions, bequests and transfer of properties of both movable and immovable, from donors, benefactors' testators or transferors, as the case may be
- l) Accept, hold and manage any endowments, donations or funds, which may be vested in the institutes by way of grant testamentary disposition or otherwise, and to invest such endowments, donations or funds in any manner that the institute may deem fit; Provided that no donation from a foreign country, foreign foundation or any individual

- in such country or foundation shall be accepted by the institute; save with the approval of the Government;
- m) Deal with property belonging to, or vested in, institute in any manner which is considered necessary
  - n) Demand and receive such fees as may be prescribed
  - o) Cooperate with other institutions / universities in conduct of research and higher education in medical field
  - p) Do all such acts and things as may be necessary to further the objects of the institute.
  - q) Any such other functions as may be directed by the government or the Apex Body or the Governing Body.

### **Director GIMS**

(1) There shall be a Director of the Institute who shall be appointed by the Apex Body on the recommendation of a selection and search committee consisting of the following:

- |  |                 |
|--|-----------------|
| a) Chief Secretary   | Chairperson     |
| b) Administrative Secretary MER                                      | Member          |
| c) Eminent medical professional with experience in medical education | Member          |
| d) Director PGIMER   | Member          |
| e) Director AIIMS  | Member          |
| f) Director MER  | Member Convener |

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

- (3) The committee shall forward to the Apex Body, 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 Apex Body shall appoint the Director out of the panel of names submitted to him.
- (5) Notwithstanding anything in these provisions, the first Director of the Institute shall be appointed by the State Government and he shall hold office until a Director is appointed in accordance with these provisions.
- (6) Where a vacancy in the office of Director occurs and it cannot be conveniently and expeditiously filled in accordance with these provisions or there is any other emergency, the Apex Body may appoint any suitable Eminent Medical Professional to be the Director and may, from time to time, extend the term of an appointment, 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, pension and provident fund, admissible to him, shall be same as that of the Vice Chancellor

### **Director - powers and duties**

- (1) The Director shall be the Member Secretary 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 Chairperson.
- (2) Without prejudice to the generality of the provisions, the Director shall-
  - (a) exercise general supervision and control over the affairs of the Institute;
  - (b) ensure implementation of the decisions of the authorities of the Institute
  - (c) be responsible for the imparting of instruction and maintenance of discipline in the Institute.
- (3) Where any matter is of urgent nature requiring immediate action and the same could not be immediately dealt with by any officer or authority or other body of the Institute, empowered by or under these provisions 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 Apex Body and also to the officer, authority or other body who or which in the ordinary course, would have dealt with the matter:

Provided that if such officer, authority or other body is of opinion that such action ought not to have been taken by the Director, it may refer the matter to the Apex Body who may either confirm the action taken by the Director or annul the same or modify it in such manner, as he thinks fit, and thereupon it shall cease to have effect or as the case may be, shall take effect in the modified form:

Provided further that such annulment or modification as is referred to in the last preceding proviso shall be without prejudice to the validity of anything previously done by or under the order of the Director.

- (4) Where the. Exercise of the power by the Director involves the appointment of any person, such appointment shall terminate on the appointment being made in accordance with these provisions 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 these provisions or as may be delegated to him by the Institute or the Chairperson or the Governing Body.

### **Appointment of Principal**

- (1) These shall be appointed by the Governing Body from amongst the Professors of the Institute.
- (2) From amongst the panel of five senior most Professors.
- (3) Should possess the recognised postgraduate medical qualification and other academic qualification from a recognized institution with a minimum of ten years' teaching experience as Professor/Associate Professor/Reader in a medical college/institution out of which at least five years should be as Professor.
- (4) The Principal shall assist the Director in academic affairs of the Institute and shall exercise such powers and perform such functions as may be laid down in the regulations.

### **Appointment of Vice-Principal**

- (1) These shall be appointed by the Governing Body from amongst the Professors of the Institute.
- (2) From amongst the panel of five senior most Professors.

- (3) Should possess the recognised postgraduate medical qualification and other academic qualification from a recognized institution with a minimum of ten years' teaching experience as Professor/Associate Professor/Reader in a medical college/institution out of which at least five years should be as Professor.
- (4) The Vice-Principal shall assist the Principal in academic affairs of the Institute and shall exercise such powers and perform such functions as may be laid down in the regulations.

### **Appointment of Medical Superintendent**

- (1) These shall be appointed by the Governing Body from amongst the Professors of the Institute.
- (2) From amongst the panel of senior most Professors.
- (3) Should possess a recognised post graduate medical qualification from a recognised Institution with 10 years administrative experience.
- (4) The Medical Superintendent shall assist the Director in running the hospital of the Institute and shall exercise such powers and perform such functions as may be laid down in the regulations. Overall supervision of the working of the hospital and planning, development and budget monitoring of the Hospital.

### **Appointment of teachers and other staff**

As per PMES/PDES/PCS Rules or any amendments thereafter. However, GIMS may also frame their own rules for certain categories, being autonomous institution.

### **Chief Finance Officer**

- (1) There shall be a Chief Finance Officer for the Institute, who shall be appointed by the State Government, and his remuneration and allowances, if any, shall be paid by the Institute,
- (2) Eligibility and terms and conditions as may be prescribed in the regulations.
- (3) The Chief Finance Officer shall be responsible for presenting the budget and statement of accounts to the Governing Body.
- (4) The Chief Finance Officer 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 these provisions 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.
- (5) The Chief Finance Officer may require the production of such records and documents of the Institute and the furnishing of such information pertaining to its affairs, as in his opinion may be necessary for the discharge of his duties.
- (6) All contracts shall be executed and signed by the Chief Finance Officer on behalf of the Institute.
- (7) The Chief Finance Officer shall have such other powers and functions as may be prescribed.
- (8) The Chief Finance Officer shall be subject to the administrative control of the Director.

#### **Deputy Director (Administration)**

- (1) The Deputy Director Administration shall be appointed by the Institute in such manner and on such terms and conditions as may be prescribed in the regulations.
- (2) The Deputy Director Administration shall have the following powers and duties, namely--
- (a) he shall be responsible for the custody of records and the common seal of the Institute;
  - (b) 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;
  - (c) he shall, subject to the control of the Director, conduct the examinations and make all other arrangements necessary therefor and be responsible for the due execution of all processes connected therewith.

- (3) The Deputy Director Administration shall exercise such other powers and perform such other duties as may be assigned to him by or under these provisions or as may be delegated to him by the Institute, Chairperson, Director or Governing Body.
- (4) The Deputy Director Administration shall be responsible to the Director for the proper discharge of his functions.

### **Legal Cell**

1. Headed by one Senior Law Officer and assisted by two Law Officers.
2. Appointment in such manner and on such terms and conditions as may be prescribed in the regulations.
3. Law officer shall look after matters pertaining to courts and RTI etc and report to Director through Deputy Director (Admn).
4. He shall also perform such duties and functions as assigned to him by the Director.

### **Engineering Wing**

1. Headed by Executive Engineer (XEN) and assisted by Junior Engineers.
2. The Executive Engineer will report directly to the Director.
3. They may be taken on deputation or contract basis from State/Central Govt.

### **IT Cell**

1. Headed by System Manager, who shall report to Director through Deputy Director (Admn).

A draft has been suggested (Annexure A); however, the committee proposes that a high-level committee of Officers at state level may be constituted to discuss and finalise it.



**DRAFT ACT**

**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 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.

**Budget**

- (a) 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
- (b) The Apex Body shall comply with such direction as may be given by the State Government and approve the budget finally
- (c) 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.

### **Accounts and audit**

- a) The institution maintains proper accounts and other element 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.
- b) 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**

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

### **Pension and provident fund**

- (a) 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.
- (b) Where any such pension or provident fund has been constituted the State Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

### **Authentication of the orders and instruments of the institute**

All orders and decisions of the Institute shall be authenticated by the signature of the Chairperson 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.

Acts and proceedings not to be validated by the vacancies

No act done or proceeding taken by the Institute, Governing Body or authority of the Institute or any committee constituted under these provisions shall be questioned on the ground merely of the

existence of any vacancy in or defect in the constitution of, the Institute, Governing Body authority or such committee.

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

Degrees/diplomas shall be granted by the concerned autonomous institute /board as are being granted on date till any other modifications.

### **Control by State Government**

The Institute shall carry out such directions not being inconsistent with these provisions 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 these provisions.

### **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, 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 shall have all the powers a civil court while trying a suit under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling production of documents and material objects, and shall be deemed to be a civil court within the meaning of sections 345 and 346 of the Code of Criminal Procedure, 1973 and the proceeding before him shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.

- 4) The State Government shall address the Director with reference to the result of such inspection or inquiry, and the Director shall communicate to the Governing Body the view of the State Government together with such advice as the State Government may offer upon the action to be taken thereon.
- 5) The Director shall then within such time as the State Government may fix, submit to it a report of the Action taken or proposed to be taken by the Governing Body.
- 6) If the authorities of the Institute do not, within a reasonable time, take action to the satisfaction of the State Government, the State Government may after considering any explanation which such authorities may furnish, issue such directions as it may think fit, and the authorities of the Institute shall comply with such directions.
- 7) The State Government shall send to the Chairperson a copy of every report of an inspection or inquiry caused to be made and of every communication received from the Director and of every direction issued and also of every report for information received in respect of compliance or non-compliance with such direction.

#### **Transfer of service of existing employees**

Subject to the provisions, every person who is employed in the existing colleges GMC / GDC / GNC and associated hospitals, immediately before the commencement of this Act, shall, on and from such commencement, become an employee, of the Institute and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same on the date of commencement of this Act if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by regulations. Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Government.

#### **Continuance of facilities at Institute**

The Institute shall continue to provide facilities to the Government of the State and the people of the State and such facilities shall not, in any respect, be less favorable to such Government and people than what were being provided to them before the commencement of the GIMS and shall

be made available for such period and upon such terms and conditions (including those relating to any contributions to be made for the provision of such facilities) as may be agreed upon between the Institute and the Government of Punjab or if no agreement is reached, as may be fixed by order of the Government.

### **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 these provisions any dispute arises between the institute and the State Government the decision of the State Government on such dispute shall be final.

### **Reference to the Apex Body**

If any question arises whether any person has been duly elected or appointed as, or is entitled to be, a member of the Institute, Governing Body, any authority or other body of the Institute or whether any decision of the Institutes, Governing Body or any authority or other body of the Institute is in conformity with these provisions or the rules or regulations made thereunder the matter shall be referred to the Apex Body and the decision of the Apex Body shall be final:

Provided that no reference 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 Apex Body may in exceptional circumstances act suo motu or entertain a reference after the expiry of the period mentioned in the preceding proviso.

### **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.

### **Surcharge**

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.

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.

### **Power to remove difficulties**

If any difficulty arises in giving effect to the provisions of these provisions, the State Government may, by order published in the Gazette, make such provision including adaptation or modification, if any, as appears to it to be necessary or expedient for removing the difficulty.

### **Power to make rules**

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

### **Power to make Regulations**

- 1) Subject to these provisions 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 these provisions;
  - (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 Chairperson and the member of the Governing Body and of any committee or other body constituted under these provisions:

- (e) the procedure to be followed by the Governing Body and any committee or other body constituted under these provisions 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 Chairperson and Vice-Chairperson 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 that for;
  - (l) the fees and other charges which may be demanded and receive 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 these regulations.
- 2) Notwithstanding anything contained in the aforesaid, first regulations under these provisions, 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.