

**THE VEER SURENDRA SAI INSTITUTE OF MEDICAL SCIENCES
AND RESEARCH ACT, 2013**

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NOTIFICATION

The 20th June, 2014

No.5569/I-Legis-25/2013/L.—The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 13th June, 2014 is hereby published for general information.

ODISHA ACT 6 OF 2014

**THE VEER SURENDRA SAI INSTITUTE OF MEDICAL SCIENCES AND
RESEARCH ACT, 2013**

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND INCORPORATION
OF A MEDICAL UNIVERSITY AT BURLA BY THE NAME OF
VEER SURENDRA SAI INSTITUTE OF MEDICAL SCIENCES
AND RESEARCH AND FOR MATTERS CONNECTED
THEREWITH AND INCIDENTAL THERETO.

BE it enacted by the Legislature of the State of Odisha in the Sixty-fifth Year of the Republic of India as follows:—

**CHAPTER I
PRELIMINARY**

Short title and
commencement.

1. (1) This Act may be called the Veer Surendra Sai Institute of Medical Sciences and Research Act, 2014.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

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

(a) "appointed date" means the date appointed under sub-section (1) of section 3;

(b) "Council" means the Western Odisha Development Council Act, 2000;

Odisha
Act 10 of
2000.

- (c) "Council area" means area of Council as referred to in clause (c) of section 2 of the Western Odisha Development Council Act, 2000;
- (d) "Director" means the Director of the Institute;
- (e) "Fund" means the Fund of the Institute established under section 29;
- (f) "Governing Body" means the Governing Body of the Institute;
- (g) "Institute" means the Veer Surendra Sai Institute of Medical Sciences and Research, established under section 3;
- (h) "Institution" means the Veer Surendra Sai Medical College and Hospital at Burla which is owned and controlled by the State Government;
- (i) "prescribed" means prescribed by the Statutes, Ordinances and Regulations of the Institute;
- (j) "President" means President of the Governing Body referred to in section 17;
- (k) "Statutes", "Regulations" and "Ordinances" means, respectively, the "Statutes", "Regulations" and "Ordinances" of the Institute made under this Act;
- (l) "Teacher" means Professor, Associate Professor, Assistant Professor and such other persons as may be appointed by the Institute for imparting medical education or conducting research in the Institute and declared by the Statutes to be a teacher;
- (m) "University Grant Commission" means the University Grants Commission constituted under the University Grants Commission Act, 1956; and
- (n) "Visitor" means the visitor of the Institute.

Odisha
Act 10
2000.

3 of
1956.

CHAPTER II

INSTITUTE

Establishment and incorporation of the Institute.

3. (1) With effect from such date, as the State Government may, by notification, appoint in this behalf, there shall be established in the State of Odisha a non-affiliating University at Burla by the name of the Veer Surendra Sai Institute of Medical Sciences and Research.

(2) The Institute shall be a body corporate by the aforesaid name having perpetual succession and common seal with powers, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue and be sued.

(3) The headquarters of the Institute shall be at Burla.

Effect of establishment of the Institute.

4. (1) On and from the appointed date,—

(a) the control and management of the Institution which is with the State Government together with the control and management of all properties and assets pertaining thereto, shall stand transferred to, and vest in, the Institute;

(b) all properties and assets pertaining to the said Institution, whether acquired or created out of grant from the State Government or otherwise including any cash balance held by the Institution or on their account, whether in deposit with any Bank or otherwise, shall stand transferred to, and vest in, the Institute;

(c) save as provided in this section, all rights, powers and privileges, duties, debts, liabilities and obligations of the said Institution, contractual or otherwise, arising or accrued or incurred in relation to the affairs of the Institution shall stand transferred to, and vest in, the Institute;

(d) any doubt or difference in regard to transfer of any asset or liability under foregoing clauses shall be referred to the State Government, whose decision thereon shall be final;

(e) every employee other than teachers, duly appointed in connection with the affairs of the Institution and serving the Institution as such immediately before the appointed date, shall hold his office or service in the Institute 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 if this Act had not been enacted, and shall continue to do so unless and until his employment under the Institute is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

Provided that the tenure, remuneration and terms and conditions of services of any such person shall not be altered to his disadvantage without the previous approval of the State Government.

(2) The properties, assets and rights transferred to the Institute by virtue of subsection (1), shall continue to be utilised for the purposes for which they were being utilised or were intended to be utilised immediately before the appointed date.

(3) Notwithstanding anything contained in the Odisha Universities Act, 1989 and the Statutes made thereunder for the Sambalpur University—

Odisha
Act 5 of
1989.

(a) the Veer Surendra Sai Medical College shall, with effect from the appointed date, cease to be affiliated from the Sambalpur University and shall stand transferred to the Institute;

(b) any student of the Veer Surendra Sai Medical College who, immediately prior to the appointed date, was studying for any examination of the Sambalpur University shall continue his studies as a student of the Institute and be permitted to complete his course in preparation therefor and be admitted to the examination of the Institute; and

(c) for the students referred to in clause (b), the institute shall make arrangement for conferment of the corresponding degree, diploma and other academic distinction on the basis of the result of such examination.

(4) Every teacher belonging to the Odisha Medical Education Service and Odisha Medical Health Service of the State Government and serving in the Institution as such immediately before the appointed date shall, unless within a period of ninety days from the appointed date or within such further period as the State Government may specify, give notice in writing to the Institute of his intention not to become an employee of the Institute, become teacher of the Institute and shall hold his post by the same tenure and upon the same terms and conditions of service and with the same rights as to retirement benefits or other matters as he would have held if this Act had not been enacted until his tenure, remuneration or other terms and conditions of service are duly altered in accordance with this Act or Statutes made thereunder:

Provided that the tenure, remuneration and other terms and conditions of service including pension, if any, of a teacher who opt to be an employee of the Institute shall not be altered to his disadvantage without previous approval of the State Government:

Provided further that, if any, teacher is not willing to serve under the Institute, he shall have option to retire or to be retrenched from the service, if there is no suitable post under the State Government acceptable to him in which he can be accommodated:

Provided also that the services of the teachers who are serving in the Institution as such immediately before the appointed date, shall, till the expiry of the period allowed for exercising the option, be treated as on deputation without any deputation allowance.

Objectives
of the
Institute.

5. The objectives of the Institute shall be—

(a) to develop patterns of teaching in under-graduate and post-graduate medical education in all its branches so as to set a high standard of medical education;

(b) to create a centre of excellence for providing medical care, educational and research facilities of high order in the field of medical and allied sciences including continuing medical education and hospital administration;

(c) to provide facilities and opportunities for high quality training in para-medical and allied fields, particularly in relation to super-specialities; and

(d) to disseminate and advance knowledge in medicine and dentistry and to ensure efficient and systematic instructions in teaching, training and research therein.

Institute
to be
open
for all.

6. The Institute shall be open to all persons of either sex irrespective of race, creed, caste, class or religion and it shall not be lawful for the Institute to impose on any person any condition whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or a student or to hold any office therein or to graduate thereat or to enjoy or to exercise any privilege thereof:

Provided that the Institute may, in consonance with the policies of the State Government, reserve posts for employment or seats for admission for the members of Scheduled Castes, Scheduled Tribes, Socially and Educationally Backward Classes of citizen, Women or other category of persons.

7. The Institute shall have the following powers and functions, namely:—

- (a) to provide under-graduate, post-graduate and super specialization teaching and conduct of research in the relevant disciplines of modern medicine and other allied sciences, including inter-disciplinary fields of physical and biological sciences;
- (b) to conduct experiments in new methods of medical education in order to arrive at satisfactory standard of such education;
- (c) to prescribe courses and curricula for under-graduate, post-graduate and super specialization studies;
- (d) to give training to teachers for imparting medical educations;
- (e) to admit students to the various courses of studies of the Institute and to conduct examinations or tests and lay down conditions in respect thereof;
- (f) to hold examinations and grant such degrees, diplomas or other academic distinction and titles in under-graduate and post-graduate medical education as may be prescribed in the Statutes;
- (g) to confer honorary degrees or other distinctions on distinguished persons in the manner as may be prescribed;
- (h) to withdraw or cancel degrees, titles, diplomas, certificates or other distinctions under such conditions as may be prescribed in the Statutes;
- (i) to receive grants from the Government and gifts, donations including benefactions, bequests and transfers of properties, both movable and immovable, from donors, benefactors, testators, or transferors, as the case may be;
- (j) to acquire, hold, manage and dispose of any property, movable or immovable including trust and endowment properties;
- (k) to co-operate or collaborate with other Institutes, Universities or authorities within or outside India in conduct of research and higher education in the field of medical science or such other purposes and in the manner as may be prescribed;
- (l) to create teaching, administrative, ministerial and other posts as are necessary for carrying out the functions of the Institute with prior concurrence of the Government;
- (m) to borrow money from financial Institutes or Nationalized Banks with the approval of the State Government;
- (n) to provide for management and treatment of the patients in its hospital;

- (o) to establish, maintain and administer centres of research, hospitals, laboratories, centres for the field training of Medical, dental and nursing and paramedical students including off campus centres and other things necessary to carry out the objects of the Institute;
- (p) to regulate the work and conduct of the employees of the Institute;
- (q) to regulate and enforce discipline among the employees and students of the Institute and to take such disciplinary measures in this regard as may be deemed necessary;
- (r) to supervise the residence of the students of the Institute and to make arrangements for promoting their health and general welfare;
- (s) to establish, maintain, manage and confer recognition to hostels; and
- (t) to do such other acts and things as may be necessary, incidental and conducive in furtherance of all or any of the objects of the Institute.

CHAPTER III

THE VISITOR AND THE OFFICERS OF THE INSTITUTE

Visitor.

8. (1) The Governor of Odisha shall, by virtue of his office, be the Visitor of the Institute.

(2) The Visitor shall, once in every five years, review the work and progress of the institute in such manner as he thinks fit and upon such review of the matter, the Visitor may take such action and issue such directions as he may consider necessary in respect of any matters dealt with in the report and the Institute shall be bound to comply with such directions.

(3) Without prejudice to the forgoing provisions of this section but subject to the provisions of section 47, the Visitor may, by order in writing annul any proceeding of the Institute which is not in conformity with this Act or the Statutes made thereunder.

Provided that before making any such order, he shall call upon the Director 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, he shall consider the same.

Officers
of the
Institute.

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

- (a) the Director;
- (b) the Dean;
- (c) the Superintendent of Hospital;
- (d) the Comptroller of Finance;
- (e) the Registrar; and
- (f) such other officers as may be prescribed by the Statutes to be officers of the Institute.

Director.

10. (1) There shall be a Director of the Institute who shall be appointed by the Visitor from out of the panel of three names recommended by a committee consisting of the following members, namely:-

- (a) the Chief Secretary to the Government of Odisha who shall be the Chairman;
- (b) the Director of the All India Institute of the Medical Sciences, Bhubaneswar, Odisha; and
- (c) one person to be nominated by the State Government, who shall also be the convener of the committee:

Provided that the first Director shall be appointed by the Visitor from a panel of three names recommended by the State Government who shall continue as such until a regular appointment is made to the post of Director in accordance with the provisions of this Act.

(2) The Visitor shall nominate two persons having academic eminence in the field of Medical education in the prescribed manner as experts to the committee constituted under sub-section (1).

(3) The committee shall forward to the Visitor the panel of names prepared by it together with a concise statement showing the academic qualifications and other distinctions of each of the persons included in such panel, but shall not indicate any order of preference.

(4) Whenever a vacancy occurs or is likely to occur in the office of the Director, the committee constituted in accordance with the provisions of sub-section (1) shall, as far as may be, at least sixty days before the date on which a vacancy in the office is due to occur, prepare a panel of three names, who are, in its opinion, suitable to hold the said office.

(5) Where a 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 (4) or if there is any other emergency, the Visitor may, upon the request of the President of the Governing Body, appoint any suitable person to be the Director and may, from time to time, extend the term of appointment under this sub-section, so however that the total term of such appointment, including the term fixed in the original order does not exceed one year.

(6) No person who has completed sixty-five years of age shall be eligible to hold office of the Director.

(7) The Director shall hold office for a term of three years from the date on which he enters upon his office and shall also be eligible for reappointment for another term or till he attains the age of sixty-five years, whichever is earlier, without following the procedure specified in sub-section (1).

(8) The conditions of service of the Director, including salary, allowances, leave, pension and provident fund, shall be such as may be prescribed, and until so prescribed shall be determined by the State Government.

Powers and
duties of the
Director.

11. (1) The Director shall be the Chief Executive Officer and the academic officer and all other officers of the Institute shall, subject to the provisions of the Statute, be under the general supervision and control of the Director.

(2) It shall be the duty of the Director to ensure that the provisions of this Act, the Statutes, Ordinances and Regulations are observed and he shall exercise all the powers as necessary for this purpose.

(3) Without prejudice to the generality of the forgoing powers, the Director shall,—

- (a) exercise general supervision and control over the affairs of the Institute;
- (b) ensure implementation of the decision of the authorities of the Institute; and
- (c) be responsible for issuing as and when required instructions for observance of discipline and smooth functioning of the Institute.

(4) Where any matter is of urgent nature requiring immediate action and which could not be immediately dealt with by any authority or other body of the Institute empowered by or under this Act to deal with it, the Director may take such action as deem fit and shall forthwith report the action taken by him to the said authority or other body, which in the ordinary course would have dealt with the matter:

Provided that, if such authority or other body is of the opinion that such action ought not to have been taken by the Director, it may refer the matter to the Visitor who may, either confirm the action taken by the Director or annul the same or modify it in such manner as he thinks fit and thereupon, it shall cease to have effect or, as the case may be, shall take effect in the modified form; so however that such annulment or modification shall be without prejudice to the validity of anything previously done by or under the order of the Director.

(5) The Director shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act, Statutes, Ordinances or Regulations or as may be delegated to him by the Governing Body of the Institute.

Superin-
tendent
of the
Hospital.

12. (1) There shall be a Superintendent of the Hospital who shall be appointed by the Executive Board from amongst the Professors of the Institute.

(2) The Superintendent of the Hospital shall be responsible for the day to day administration, monitoring and supervision of the Hospital of the Institute and shall exercise such powers and perform such functions, as may be prescribed by the Statutes:

Provided that the person holding the post of the Superintendent of the Hospital of the Institution, immediately, prior to the appointed date, shall be deemed to be the Superintendent of the Hospital of the Institute until a regular appointment is made to the said post in accordance with the provisions of this Act.

Dean.

13. (1) There shall be a Dean of the Institute who shall be appointed by the Executive Board from amongst the Professors of the Institute.

(2) The Dean of the Institute shall assist the Director in the academic affairs of the Institute and shall exercise such powers and perform such functions, as may be prescribed by the Statutes.

Comptroller
of Finance.

14. (1) There shall be a Comptroller of Finance for the Institute, who shall be appointed by the Executive Board in consultation with the State Government;

(2) The qualification and experience required, mode of selection, emoluments and other conditions of service for the post of the Comptroller of Finance shall be such, as may be prescribed.

(3) The Comptroller of Finance shall be responsible for preparation, finalization and updating of accounts of the Institute in the manner and in the form as may be prescribed.

(4) The Comptroller of Finance shall, subject to the control of the Director, have the duty—

- (a) to ensure that the expenditure incurred by the Institute is covered under the approved budget and is approved by the appropriate authority;
- (b) to ensure that the proposed expenditures are made for the purpose for which it is allotted by the appropriate authority and in accordance with the provisions of this Act or the Statutes made thereunder;
- (c) to ensure proper investment of the Fund of the Institute;
- (d) to keep records and documents up-to-date for auditing;
- (e) to exercise general supervision of such Fund;
- (f) to prepare and present annual financial estimate and statement of accounts for presentation by the Director before the Executive Board;
- (g) to exercise such other powers and perform such other functions as may be prescribed.

The
Registrar.

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

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the Institute;

(3) The Registrar shall act as the Secretary of the Governing Body and the Executive Board.

(4) The Registrar shall have the following powers and duties, namely:—

- (a) be the custodian of the records and the common seal of the Institute;
- (b) to place before the Governing Body and other authorities of the Institute all such informations as may be necessary for the transaction of their business;

(c) subject to the control of the Director, to conduct the examination and make all other arrangements necessary therefor and be responsible for the due execution of all processes connected therewith.

(5) The Registrar shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act or as may be delegated to him by the Executive Board or the Director.

(6) The Registrar shall be responsible to the Director for the proper discharge of his functions.

CHAPTER-IV

AUTHORITIES OF THE INSTITUTE

Authorities
of the
Institute.

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

- (a) Governing Body;
- (b) Executive Board;
- (c) Academic Council;
- (d) Finance Committee; and
- (e) such other authorities as may be specified in the Statutes to be the authorities of the Institute.

Governing
Body.

17. (1) The Governing Body shall be the apex body of the Institute and shall consist of the following members, namely:—

Ex-Officio members:

- (a) the Chief Secretary to the Government of Odisha who shall be the President;
- (b) the Secretary to the Government, Health & Family Welfare Department;
- (c) the Secretary to Government, Finance Department;
- (d) the Director of Medical Education and Training, Health & Family Welfare Department;
- (e) the Revenue Divisional Commissioner, Northern Division;
- (f) Dean of the Institute; and
- (g) Director who shall be the Member-Convener.

Other Members:

- (h) five persons having special knowledge and experience or engaged in the pursuit of Medical Sciences, Scientific and Technical Education and Research to be nominated by the State Government;
- (i) three representative of medical faculties of the State Universities to be nominated by the State Government in the prescribed manner;

- (j) one representative of the University Grants Commission to be nominated by the Government of India;
- (k) two members of the Lok Sabha, representing any constituency, either wholly or partly within the Council area to be nominated by the State Government;
- (l) three members of the Odisha Legislative Assembly representing any constituency either wholly or partly within the Council area to be nominated by the State Government on rotational basis;
- (m) two persons from amongst the teachers of the Institute to be nominated by the State Government on rotational basis; and
- (n) two representatives of the Council to be elected from among themselves.

(2) The term of office of the members of the Governing Body, other than *ex-officio* members, shall be three years from the date of their nomination or, as the case may be, election:

Provided that the term of office of the member nominated under clauses (k), (l) and (m) and elected under clause (n) of sub-section (1) shall come to an end as soon as he ceases to be a member of the Lok Sabha, Odisha Legislative Assembly or the Council from which he was nominated or elected as such member, as the case may be.

(3) Any member other than *ex-officio* member, may resign from his office by writing under his hand addressed to the State Government, but shall continue in office until his resignation is accepted by that Government.

18. (1) Subject to the provisions of this Act, the Governing Body shall have all the powers necessary for the administration and management of the Institute including the power to call for the report from other authorities on any matter pertaining to the affairs of the Institute.

(2) Without prejudice to the generality of the provision of sub-section (1), the Governing Body shall have the following powers and functions, namely:—

- (a) to review, from time to time, the broad policies and programmes of the Institute and suggest measures for the improvement and development of the Institute;
- (b) consider and pass the resolutions on the annual budget, annual account, annual report, the financial estimates and the audit report on such accounts; and
- (c) perform such other functions, not inconsistent with the provisions of this Act, as it may deem necessary for the better functioning and administration of the Institute.

(3) The Governing Body may, subject to such conditions and exceptions, delegate to the President any of the powers and functions conferred by or under this Act.

19. (1) The Governing Body shall meet at least once in a year, called annual meeting of the Governing Body, which shall be held on a date to be fixed by the Director in consultation with the President.

Powers
and
functions
of the
Governing
Body.

Meeting
of the
Governing
Body.

(2) The President shall preside over the meeting and in his absence, the Secretary to Government, Health & Family Welfare Department shall preside over the meeting.

(3) A report of the working of the Institute during the previous year, together with a statement of receipt and expenditure as also the balance sheet as audited and the financial estimates, shall be presented by the Director to the Governing Body at its meeting.

(4) Meeting of the Governing Body may be called by the Director at the request of not less than two-thirds members of the Governing Body including the *ex-officio* members.

Executive Board.

20. (1) The Executive Board shall be the chief executive body of the Institute and shall consist of the following members, namely:—

Ex-officio members:—

- (a) the Director, who shall be the Chairperson;
- (b) Secretary to Government, Health & Family Welfare Department or his representative not below the rank of Joint Secretary;
- (c) Secretary to Government, Finance Department or his representative (not below the rank of Joint Secretary);
- (d) Director of Medical Education and Training, Health & Family Welfare Department;
- (e) Dean of the Institute;
- (f) Vice-Chancellor, Biju Patnaik University of Technology; and
- (g) Vice-Chancellor, Veer Surendra Sai University of Technology, Burla.

Other members:—

- (a) two persons having knowledge and practical experience in the Medical Science to be nominated by the Visitor;
- (b) two distinguished persons from the Council area to be nominated by the Governing Body (other than the persons representing the Governing Body);
- (c) two Principals from amongst the Principals of the Government Medical Colleges in Odisha in rotation to be nominated by the State Government;
- (d) two persons being Head of Department of the Institute to be elected from amongst the professors and faculties.

(2) the term of office of the members other than *Ex-Officio* members shall be three years from the date of nomination or election as the case may be.

Powers and functions of the Executive Board.

21. (1) Subject to the provisions of this Act and the Statutes, the Executive 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 Executive Board shall have the following powers and functions, namely:—

- (a) to take steps for implementation of the decision of the Institute on questions of policy relating to the administration of the affairs and working of the Institute;
- (b) to introduce courses of study at the Institute and take decision on the advice of the Academic Council on all academic matters including matters relating to the examination conducted by the Institute;
- (c) to appoint, from time to time, such number of teachers, officers and other employees and on such terms and conditions as it may deem fit for carrying out the purposes of this Act;
- (d) to establish, maintain and manage departments and centres of research and other advance centres of bearing as it may, from time to time, deem necessary;
- (e) to direct the form and use of the common seal of the Institute;
- (f) to suspend, discharge, dismiss or otherwise take disciplinary action against teachers and officers of such rank as may be prescribed by the Statutes;
- (g) to exercise supervision and control over the residence and discipline of students;
- (h) to hold and control the property and Funds of the Institute in trust for the purpose of this Act;
- (i) to acquire or transfer any movable or immovable property on behalf of the Institute in the manner as may be prescribed under this Act and subject to the provisions under any other Act as applicable in this regard;
- (j) to administer any Fund placed at the disposal of the Institute for specific purpose;
- (k) to create or abolish posts of teachers and other employees of the Institute;
- (l) to manage and regulate the finances, accounts, investments in property, business and all other administrative affairs of the Institute and for that purpose appoint such agent as it may think fit;
- (m) to invest any money belonging to the Institute (including any income from the trust and endowed property) in such stocks, funds, shares or securities in the manner prescribed;
- (n) to delegate such of its powers to a Committee or such officers of the Institute as it may consider necessary for discharge of its function; and
- (o) to exercise such other powers and perform such other functions as may be prescribed by the Statutes and save as provided, exercise all the powers of the Institute not otherwise provided for and all powers required to give effect to the provisions of this Act or the Statutes.

Academic
Council.

22. (1) The Academic Council shall be the principal academic body of the Institute and shall consist of the following members, namely:—

- (a) the Director, who shall be the Chairman of the Council;

- (b) Dean of the Institute who shall be Member-Secretary of the Council;
- (c) all Heads of Departments of the Institute;
- (d) two persons, being Associate Professors of the Institute to be nominated by rotation, in the manner prescribed;
- (e) two persons, being Assistant Professor of the Institute to be nominated by rotation, in the manner prescribed;
- (f) three persons, including two medical experts out of the members of the Governing Body referred to in clause (h) of sub-section (1) of section 17 to be nominated by the Governing Body.

(2) The term of office of the members under clauses (d) to (f) shall be three years from the date of nomination.

Powers and
functions of
the
Academic
Council.

23. Subject to the provisions of this Act and the Statutes, the Academic Council shall have following powers and functions, namely:—

- (a) to co-ordinate and exercise general supervision over the academic programmes and policies of the Institute;
- (b) to maintain standard of instruction, research, education and examination within the Institute;
- (c) to advise the Executive Board on all academic matters including in the matters of examination;
- (d) to make ordinance prescribing courses of studies, scheme of examination, qualification required for admission of students to various courses of studies, standard of evaluation of the performance of students, qualification of teachers in conformity with the recommendation of the Medical Council and the equivalence of examinations, degrees, diplomas and certificate of other Universities;
- (e) to delegate such of its powers to such Committee or the Officers of the Institute as it may consider necessary for discharge of its functions; and
- (f) to exercise such other powers and perform such other functions as may be prescribed by the Statutes.

Finance
Committee

24. (1) The Finance Committee shall be the chief advising body of the Institute in the matters of finance and shall consist of the following members, namely:—

- (a) the Director, who shall be the Chairman of the Committee;
- (b) two persons being financial experts not having any relation with the Institute to be nominated by the Governing Body;
- (c) two persons to be nominated by the Executive Board from its members;

- (d) the Registrar;
- (e) the Comptroller of Finance, Member-Secretary ; and
- (f) two Government representatives;

(2) The members under clauses (b), (c) and (f) shall hold office for a term of three years.

Powers and functions of the Finance Committee.

25. Subject to the provisions of this Act and the Statutes, the Finance Committee shall have the following powers and functions, namely:—

(a) to examine and scrutinise the annual budget and prepare the financial estimates of receipts and expenditures of the Institute and to make recommendations on financial matters to the Executive Board.

(b) to consider all proposals for new expenditure and to make recommendations to the Executive Board ;

(c) to consider the periodical statement of accounts and to review the finances of the Institute from time to time and consider reappropriation statements of the Executive Board and

(d) to give its views and make recommendations to the Executive Board on any financial question affecting the Institute either on its own initiative or on reference from that Board; and

(e) such other powers and function as may be conferred or imposed on it by this Act or the Statutes.

Other Authorities.

26. The manner of constitution, powers and functions of the other authorities that may be declared by the Statutes to be the authorities of the Institute shall be such as may be prescribed.

CHAPTER V

SELECTION COMMITTEE

Selection Committee.

27. (1) Subject to the provisions of this Act there shall be Selection Committees for making recommendation to the Executive Board for appointment to the posts of Professors, Associate Professors, Assistant Professors, other teachers and for Registrar, Comptroller of Finance and for such other non-teaching posts as may be prescribed by Statutes.

(2) The Selection Committee for the appointment of Professor and Associate Professor shall consist of,—

- (a) the Director;
- (b) the Director of Medical Education and Training;
- (c) the Dean of the Institute ; and
- (d) such other persons as may be prescribed.

(3) The Selection Committee for appointment of teacher other than Professor and Associate Professors shall consist of,—

- (a) the Director;
- (b) the Dean of Institute;
- (c) the Head of the respective Department; and
- (d) such other persons as may be prescribed.

(4) The Executive Board, shall in consultation with the Governing Body may constitute separate Selection Committees, from time to time, for the purpose of recruitment to the non-teaching posts.

(5) The Selection Committee shall make recommendation in accordance with the procedures as may be prescribed by the Statutes.

(6) No recommendation made by the Selection Committee shall be considered to be valid, unless it is supported by a majority of the members present: ✓

Provided that in the case of a Selection Committee constituted under sub-section (2), the presence of at least two experts and in the case of a Selection Committee constituted under sub-section (3) the presence of at least one expert shall be necessary.

(7) Where the Selection Committee referred to in sub-section (2) or sub-section (3), as the case may be, fails to make recommendation in accordance with the provisions of sub-section (5), the minutes of the Selection Committee shall be submitted to the President who shall forward the same, along with his views thereon, to the Visitor for his decision and the decision of the Visitor thereon shall be final.

(8) Where the recommendation of the Selection Committee referred to in sub-section (2) or sub-section (3) as the case may be, are not acceptable to the authority competent to appoint under this Act and the Statutes, it shall refer the whole case to the Visitor specifying the grounds of objection to such recommendations in precise terms, and the decision of the Visitor thereon shall be final.

Provided that it shall be lawful for the Visitor to refer the case to the concerned Selection Committee for reconsideration or to require another Selection Committee to be constituted for consideration of the case.

Teachers
and other
employees
of the
Institute.

28. (1) Subject to the provisions of this Act and the Statutes, 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 in the Statutes.

(2) The Officers, Teachers and other employees of the Institute appointed under this Act shall be entitled to such salary and allowances and shall be governed by such conditions of service as may be prescribed in the Statutes.

(3) No person shall be appointed as teacher of the Institute, unless he fulfils the qualification prescribed in the Statutes in this behalf.

CHAPTER-VI

FINANCE AND ACCOUNTS

Institute
Fund.

29. (1) There shall be a Fund to be called the Institute Fund which shall be held by the Institute in trust for the purposes of this Act and all moneys realized or realizable under this Act and all moneys otherwise received by the Institute shall be credited thereto.

(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 the expenses of the Institute including expenses incurred in exercise of its powers and for discharge of its functions.

(4) Subject to such directions as the State Government may issue in this behalf, the receipts and expenditures of the Institute shall be kept under such heads of accounts, including those for research, education, equipment maintenance, hospital consumables, bio-medical waste management, infrastructure development and maintenance, commercial projects and other heads of accounts in such manner, and in such form, as may be prescribed, so as to facilitate the costing of different key activities of the Institute separately.

Explanation.—For the purposes of this section, "commercial projects" shall include diagnostic centre, pay clinic, pay accommodation, restaurants, medical store and such other projects of a commercial nature as may be specified by the Institute, from time to time.

(5) Every head of account specified under sub-section (4) shall be split up into a revenue account and a capital account and all items of receipts and expenditures shall be kept appropriately under such revenue account or capital account, as the case may be.

Financial
assistance
By the
State
Government

30. (1) The State Government may, after due appropriation made by the State Legislature, by law in this behalf, grant to the Institute in each financial year such sums of money and in such manner as may be considered necessary by the State Government for the exercise of its powers and discharge of its functions.

(2) Nothing in sub-section (1) shall prevent the State Government to provide additional grants, from time to time, either in cash or in kind, to the Institute with or without any direction to the manner in which such grants shall be applied.

(3) The State Government may, for giving such grants lay down a scheme which may include the conditions of release of such grants.

Budget
Estimate.

31. (1) The Director shall submit to the Executive Board in such form, at such time in each year, as may be prescribed, a budget estimate of receipt and expenditure of the Institute, prepared by the Finance Committee.

(2) The Executive Board shall consider the estimates so prepare and approve them with or without modification.

(3) The Director shall submit such estimates as approved by the Executive Board to the State Government for its sanction.

(4) The State Government may pass such orders with reference to said estimates as it thinks fit and communicate the same to the Institute which shall give effect to such order.

(5) The Executive Board may, in urgent cases where the expenditure in excess of the amounts provided for in the budget is found to be necessary, for reasons to be recorded in writing, incur such expenditure.

Accounts
and Audit.

32. (1) The annual accounts of the Institute shall be prepared by the Comptroller of Finance under the direction of the Executive Board and all moneys accrued to, or received by the Institute from whatever sources and all amounts disbursed and paid by the Institute shall be entered in the accounts.

(2) The accounts of the Institute shall, at least once in every year and at an interval of not more than fifteen months, be audited in accordance with the provisions of the Odisha Local Fund Audit Act, 1948 and the provisions of that Act shall apply to such audit.

Odisha
Act 5 of
1948.

(3) All reports on audit made under sub-section (2) shall, as soon as may be after they are received from the Examiner of Local Accounts, be laid before the State Legislature for a total period of fourteen days which may be comprised of one or more sessions.

(4) The State Government shall have powers to conduct special audit, if required, in respect of utilization of Funds and the Institute shall comply with the directions issued by the State Government on such audit.

(5) The auditor shall also report on any other matters relating to the accounts of the Institute as may be required by the State Government.

(6) The Institute shall forthwith rectify or remedy any defect or irregularity pointed out by the auditor and report the action taken to the State Government.

Annual
Report.

33. (1) The annual report of the Institute shall be prepared under the direction of the Director and shall include among other matters, steps taken by the Institute towards fulfilments of its objectives and its activities during that year and submit the report to the Executive Board.

(2) The annual report so prepared shall, after approval of the Executive Board, shall be submitted in such form and on or before such date, as may be prescribed, to the State Government which shall, as soon as may be, cause the same to be laid before the State Legislature.

Statutes.

34. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, function and powers of the authorities of the Institute and such other bodies which may be declared to be the authorities of the Institute;

- (b) the method of recruitment, conditions of service, powers and duties of the officers, teachers and other employees of the Institute;
- (c) the conferment of honorary degrees;
- (d) the award and withdrawal of degrees, diplomas, titles, certificates and other academic distinctions;
- (e) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes;
- (f) the classification of teachers of the Institute and other employees;
- (g) constitution of Selection Committee and procedure to be followed for recommending the names to the teaching and non-teaching post;
- (h) acceptance and management of bequests, donations and endowments;
- (i) fees to be charged for the courses of studies in the Institute and for admission to the examinations for award of degrees and diplomas of the Institute;
- (j) recognition of examination of other Universities or educational institutions as equivalent to the examination of the Institute;
- (k) the number, minimum qualification, emoluments and other conditions of service including age of retirement and provisions relating to compulsory retirement of salaried employees (not being teacher) of the Institute;
- (l) conduct of examinations including the terms of office, manner of appointment and the duties of examination bodies, examiners and moderators;
- (m) supervision of students engaged in research and special studies;
- (n) fees to be charged for the service rendered by the Institute; and
- (o) any other matters which require to be or may be prescribed under this Act or by the Statutes.

Procedure
for making
Statutes.

35. (1) The first Statutes of the Institute shall be made by the State Government, by notification and shall continue to be in force until amended or superseded by Statutes made by the Executive Board in accordance with the provisions of this section.

(2) The Executive Board may, from time to time, make new or additional Statutes or may amend the Statutes in the manner hereinafter provided.

(3) No Statutes affecting the power or duties of any authority of the Institute shall be made by the Executive Board, unless the draft of such Statutes is referred by the Director to that authority for expressing its views thereon within such period as may be specified in the reference or within such further period as the Director may allow and views, if any, so expressed are duly considered.

(4) Statutes passed by the Executive Board shall be submitted to the State Government, who may give or withhold its approval thereto or refer it back to the Executive Board for reconsideration with such observations as it may deem fit.

(5) No Statutes passed by the Executive Board shall be valid until approved by the State Government and it shall come into force on the date of its publication in the official Gazette or on such other date as the State Government may fix.

Ordinances.

36. (1) The Academic Council may, subject to the approval of the Executive Board, make Ordinances consistent with the provisions of this Act and the Statutes.

(2) The Ordinances may provide for the exercise of all or any of the powers and functions enumerated in any section providing powers and functions of Academic Council.

(3) The Ordinances shall come into force on the date of their publication in the official Gazette or on such date as the Executive Board may direct.

(4) The first Ordinance shall be made by the Director with the approval of the State Government and the Ordinance so made shall be in force until amended or superseded by the Ordinance made by the Academic Council in accordance with the provisions of this section.

Regulations

37. (1) The Governing Body or other authorities of the Institute, with the previous approval of the Governing Body, may make Regulation consistent with this Act and Statutes for the conduct of own business and that of the Committee, if any, appointed by them and not provided for by this Act and Statutes.

(2) The Regulations may provide for —

(a) the giving of notice to the members of each authority, the dates of meetings and the business to be transacted at their meetings and also for keeping a record of the proceedings of the meetings;

(b) the procedure to be followed at the meetings and number of members required to form the quorum for the meeting.

(3) The Governing Body may refuse to approve Regulations submitted to it or may return them to the authority concerned for further consideration or may approve the Regulations without modification or subject to such modifications as the Governing Body may deem fit.

(4) Regulations made under this section shall come into force on the date of their publication in the official Gazette or on such other date as the Governing Body may direct.

(5) The first Regulation shall be made by the Director with the approval of the State Government and the Regulation so made shall be in force until amended or superseded by Regulation made by the respective authority in accordance with the provisions of this section.

Filling up casual vacancies.

38. All vacancies arising by reason of death, resignation or otherwise among the members of any of the authorities of the Institute, who were nominated, elected or selected, shall be filled up as soon as it is convenient by nomination, election or selection, as the case may be, and any person so nominated, elected or selected shall hold office for the unexpired portion of the term of his predecessor in office.

Resignation and removal of members.

39. (1) Any member of any authority or body of the Institute other than the Governing Body may resign from his office by a letter addressed to the Director and the resignation shall take effect from the date of receipt of the letter by the Director.

(2) The Director may, on the recommendation of the Executive Board, remove the name of any person, convicted by a court of law of any offence involving moral delinquency or punished by the Institute for malpractice connected with any examination of the Institute, from membership of any authority or body of the Institute and for the same reason may withdraw any degree or diploma conferred or granted by the Institute.

(3) The Director may, on the recommendation of the Executive Board, also remove any person from the membership of any authority or body of the Institute if he becomes mentally unsound or has applied to be adjudicated or has been adjudicated as insolvent.

(4) If a member of any authority or body of the Institute who is not an *ex-officio* member fails to attend three consecutive meetings of that authority or body, he shall cease to be a member of such authority or body:

Provided that such authority or body may if satisfied that there was sufficient cause for the failure of the member to attend the meetings, restore him to its membership.

Acts and Proceedings not to be invalidated by vacancies etc.

40. No act done or proceedings taken by the Governing Body, Executive Board, Academic Council or any other body or any committee constituted under this Act or the Statutes shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, Governing Body, Executive Board, Academic Council or such body or committee.

Protection of action taken in good faith.

41. No suit or other legal proceeding shall lie against any authority, officer or other employee of the Institute for anything which is, in good faith, done or intended to be done in pursuance of any of the provisions of this Act, Statutes, Ordinances or Regulations.

Recognition of Medical qualification granted by the Institute.

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

102 of 1956.

Pensions and Provident Funds.

43. With the previous approval of the State Government, the Institute may make appropriate provisions for the benefit of its officers, teachers and other employees under its control in the matter of Pension, Insurance and Provident Fund and such other benefits as it may think fit, in such manner as may be prescribed by the Statutes.

Control by
State
Government.

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

Powers of
State
Government
to cause
inspection
of the
Institute.

45. (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 equipments and also of the examinations, teaching and other works conducted or done by the Institute or to cause an enquiry 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 decide to cause an inspection or enquiry to be made under sub-section (1), it shall inform the same to the Institute through the Director and any person nominated by the Executive Board may be present at such inspection or enquiry as representative of the Institute and he shall have the right to be heard as such.

(3) The State Government shall address the Director with references to the result of such inspection or inquiry and the Director shall communicate to the Executive Board the views of the State Government together with such advice as the State Government may offer upon the action to be taken thereon.

(4) The Director shall, 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 Executive Board.

(5) If the authorities of the Institute do not take action within a reasonable time 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.

(6) 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), every communication received from the Director under sub-section (4), every direction issued under sub-section (5) and also of every report, for information received in respect of compliance with such direction.

Resolution
of
differences.

46. If, in or in connection with, the exercise of its powers and discharge of its functions by the Institute under this Act, any dispute arises between the Institute and the State Government, the decision of the State Government on such dispute shall be final.

Reference
to the
Visitor.

47. If any question arises whether any person has been duly elected or appointed as, or is entitled to be, a member of the Governing Body, Executive Board, any authority or other body of the Institute or whether any decision of the Governing Body, Executive Board or any other authority or body of the Institute is in conformity with this Act, the Statutes, the Ordinances or Regulations made thereunder, the matter shall be referred to the Visitor and the decision of the Visitor thereon shall be final.

Returns and
information

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

Power to
remove
difficulty.

49. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, within a period of two years from the date of commencement of this Act, by order published in the official Gazette, make such provision not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

By Order of the Governor

M. R. PARIDA

Principal Secretary to Government, I/c.

