

THE SANJANY GANDHI POST GRADUATE INSTITUTE OF MEDICAL SCIENCES (AMENDMENT) ACT, 2010

No. 202 (2) LXXIX-V-1-10-1(Ka)33-2009

Dated Lucknow, February 16, 2010

(U.P. Act no. 2 Of 2010)

[As passed by the Uttar Pradesh Legislature]

In Pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Sanjany Gandhi Snatkotter Ayurvedigyan Sansthan (Sanshodhan) Adhiniyam, 2010 (Uttar Pradesh Adhiniyam Sankhya 2 of 2010) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 15, 2010.

An Act further to amend the Sanjay Gandhi Post Graduate Institute of Medical Sciences Act, 1983.

IT IS HEREBY enacted in the Sixty- first Year of the Republic of India as follows:-

Short title and commencement

1. This Act may be called the Sanjay Gandhi Post Graduate Institute of Medical Science (Amendment) Act, 2010

(2) It shall be deemed to have come into force on November 9, 2009.

Amendment of section 2 of U.P. Act no. 30 of 1983

2. In section 2 of the Sanjay Gandhi Post Graduate Institute of Medical Sciences Act, 1983 hereinafter referred to as the principal Act, in clause (c-1) after the second proviso the following proviso shall be inserted, namely:-

"Provided also that any professor, Associate Professor or any faculty member working in the department and designated by the Governing Body as Head of the Department, shall possess academic qualifications prescribed by the Medical Council of India in respect of a professor, Associate Professor or any faculty member, A Professor. Associate Professor or any faculty member, who does not possess qualifications prescribed by the Medical Council of India, shall not be eligible to hold the post of a Head of the Department."

Amendment of section 19

3. In section 19 of the principal Act, in Sub-section (2) for clause (f) the following clause shall be substituted, namely:

"(f) may create or abolish posts of teachers and other employees of the Institute with the prior approval of the State Government."

Repeal and saving

U.P. Ordinance no. 0 of 2009

4(1) The Sanjay Gandhi Post Graduate Institute of Medical Sciences (Amendment) Ordinance, 2009 is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

Clause (c-1) of section 2 of the Sanjay Gandhi Post Graduate Institute of Medical Sciences Act, 1983 (U.P. Act no. 30 of 1983) provides that the seniormost professor of a department shall be the Head of Department of that department but according to the Medical Council of India Regulations, 1998 the Head of the Departments must possess recognized basic University medical degree qualification or equivalent qualification. It was, therefore, decided to amend the said Act to provide that only such Professor, Assistant Professor or faculty member shall be eligible to hold, or be appointed to, the office of the Head of the Department who possesses qualifications prescribed by the Medical Council of India. Clause (f) of sub-section (2) of section 19 of the aforesaid Act empowers the Governing Body to create or abolish the Post of teachers and other employees of the institute but because the State Government provides budget to the said institute and keeping in view the financial resources and actual requirements of creation of the posts in the said institute it was also decided to amend the aforesaid Act to provide for empowering the Governing Body of the institute to create and abolish the posts with the prior approval of the State Government. Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decisions, the **Sanjay Gandhi Post Graduate Institute of Medical Sciences** (Amendment) Ordinance, 2009 (U.P. Ordinance no. 9 of 2009) was promulgated by the Governor on November 09, 2009. This Bill is Introduced to replace the aforesaid Ordinance.

By order,
P.V. KUSHWAHA
Sachiv.