

The Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry Act, 2008

(ACT NO. 19 OF 2008)

[*As on the* 1*st September*, 2026]

AMENDMENT ACT

1. The Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry (Amendment) Act, 2011(10 of 2011).

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LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

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THE JAWAHARLAL INSTITUTE OF POST-GRADUATE MEDICAL EDUCATION AND RESEARCH, PUDUCHERRY ACT, 2008

ARRANGEMENT OF SECTIONS

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THE JAWAHARLAL INSTITUTE OF POST-GRADUATE MEDICAL EDUCATION AND RESEARCH, PUDUCHERRY ACT, 2008

ACT NO. 19 OF 2008

[16*th May*, 2008.]

An Act to declare the Institution known as the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, to be an institution of national importance and to provide for its incorporation and matters connected therewith.

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. Short title and commencement.—(*1*) This Act may be called the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry Act, 2008.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

2. Declaration of Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, as an institution of national importance.—Whereas the objects of the institution known as the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in the Union territory of Puducherry are such as to make the institution one of national importance, it is hereby declared that the institution known as the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry is an institution of national importance.

3. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "Fund" means the Fund of the Institute referred to in section 16;

(*b*) "Governing Body" means the Governing Body of the Institute;

(*c*) "Institute" means the institution known as the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, incorporated under this Act;

(*d*) "member" means a member of the Institute;

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "specified" means specified by regulations made under this Act.

4. Incorporation of Institute.—The Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, an Institute functioning under the Union Ministry of Health and Family Welfare, is hereby constituted a body corporate by the name aforesaid and as such body corporate, it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract and shall, by that name, *sue* and be *sued*.

5. Composition of Institute.—(*1*) The Institute shall consist of the following members, namely:—

(*a*) Secretary to the Government of India in the Ministry or Department of Health and Family Welfare, *ex officio*;

(*b*) the Vice-Chancellor of the Puducherry University, *ex officio*;

(*c*) the Vice-Chancellor of the Tamil Nadu Dr. M.G.R. Medical University, Tamil Nadu, *ex officio*;

(*d*) the Director-General of Health Services, Government of India, *ex officio*;

(*e*) the Director of the Institute, *ex officio*;

(*f*) Chief Secretary, Government of Puducherry, *ex officio*;

1. **14th July, 2008**, *vide* Notifn. No. S.O. 1672(E), dated 14th July, 2008, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).

(*g*) Secretary to the Government of India or his nominee (not below the rank of Joint Secretary) in the Department of Expenditure, Ministry of Finance, *ex officio*;

(*h*) Secretary to the Government of India or his nominee (not below the rank of Joint Secretary) in the Department of Higher Education, Ministry of Human Resource Development, *ex officio;*

(*i*) seven persons of whom one shall be a non-medical scientist representing the Indian Science Congress Association, to be nominated by the Central Government in such manner as may be prescribed;

(*j*) four representatives of the medical faculties of Indian Universities to be nominated by the Central Government in such manner as may be prescribed; and

(*k*) three Members of Parliament of whom two shall be elected from among themselves by the members of the House of the People and one from among themselves by the members of the Council of States.

(*2*) It is hereby declared that the office of member of the Institute shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

6. Term of office of, and vacancies among members.—(*1*) Save as otherwise provided in this section, the term of office of a member shall be five years from the date of his nomination or election.

(*2*) The term of office of a member elected under clause (*k*) of sub-section (*1*) of section 5 shall come to an end as soon as he becomes a Minister or Minister of State or Deputy Minister or the Speaker or the Deputy Speaker of Lok Sabha or the Deputy Chairman of Rajya Sabha or ceases to be a member of the House from which he was elected.

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

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

(*5*) An out-going member other than a member elected under clause (*k*) of sub-section (*1*) of section 5 shall continue in office until another person is nominated as a member in his place or for a period of three months, whichever is earlier:

Provided that the Central Government shall nominate a member in place of an out-going member within the said period of three months.

(*6*) An out-going member shall be eligible for re-nomination or re-election.

(*7*) A member may resign his office by writing under his hand addressed to the Central Government but he shall continue in office until his resignation is accepted by that Government.

(*8*) The manner of filling vacancies among members shall be such as may be prescribed.

7. President of Institute, his powers and functions.—(*1*) There shall be a President of the Institute who shall be nominated by the Central Government from among the members other than the Director of the Institute.

(*2*) The President shall exercise such powers and discharge such functions as are laid down in this Act or as may be prescribed.

8. Allowances of President and members.—The President and other members shall receive such allowances from the Institute as may be prescribed.

9. Meetings of Institute.—The Institute shall hold its first meeting at such time and place as may be appointed by the Central Government and shall observe such rules of procedure in regard to the transaction of business at the first meeting as may be laid down by that Government; and thereafter, the Institute shall meet at such times and places and observe such rules of procedure in regard to the transaction of business including quorum at its meetings as may be specified.

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10. Governing Body and other committees of Institute.—(*1*) There shall be a Governing Body of the Institute which shall be constituted by the Institute in such manner as may be specified:

Provided that the number of persons who are not members of the Institute shall not exceed one-third of the total membership of the Governing Body.

(*2*) The Governing Body shall be the executive committee of the Institute and shall exercise such powers and discharge such functions as the Institute may specify in this behalf.

(*3*) The President of the Institute shall be the Chairperson of the Governing Body and as Chairperson thereof he shall exercise such powers and discharge such functions as may be specified.

(*4*) The procedure to be followed in exercise of its powers and discharge of its functions by the Governing Body, and the term of office of, and the manner of filling vacancies among the members of the Governing Body shall be such as may be specified.

(*5*) Subject to such control and restrictions as may be prescribed, the Institute may constitute as many standing committees and as many *ad hoc* committees as it thinks fit for exercising any power or discharging any function of the Institute or for inquiring into, or reporting or advising upon, any matter which the Institute may refer to them.

(*6*) The Chairperson and members of the Governing Body and the Chairperson and the members of a standing committee or an *ad hoc* committee shall receive such allowances, as may be specified.

11. Staff of Institute.—(*1*) There shall be a chief executive officer of the Institute who shall be designated as the Director of the Institute and shall, subject to such rules as may be prescribed, be appointed by the Institute:

Provided that the first Director of the Institute shall be appointed by the Central Government.

(*2*) The Director shall act as the Secretary to the Institute as well as the Governing Body.

(*3*) The Director shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

(*4*) The Director shall exercise such powers and discharge such functions as may be specified, or as may be delegated to him by the Institute or the President of the Institute or the Governing Body or the Chairperson of the Governing Body.

(*5*) Subject to such rules as may be prescribed, the Institute may appoint such number of other officers and employees as may be necessary for the exercise of its powers and discharge of its functions and may determine the designations and grades of such other officers and employees.

(*6*) Subject to such rules as may be prescribed, the Director and other officers and employees of the Institute shall be entitled to such salary and allowances and shall be governed by such conditions of service in respect of leave, pension, provident fund and other matters as may be specified.

12. Objects of Institute.—The objects of the Institute shall be—

(*a*) to develop patterns of teaching in undergraduate and postgraduate medical education in all its branches so as to demonstrate a high standard of medical education;

(*b*) to bring together, as far as may be, in one place educational facilities of the highest order for the training of personnel in all important branches of health activity; and

(*c*) to attain self-sufficiency in postgraduate medical education to meet the country's needs for specialists and medical teachers.

13. Functions of Institute.—With a view to the promotion of the objects specified in section 12, the Institute may—

(*a*) provide for undergraduate and postgraduate teaching in the science of modern medicine and other allied sciences, including physical and biological sciences;

(*b*) provide facilities for research in various branches of such sciences;

(*c*) provide for the teaching of humanities;

(*d*) conduct experiments in new methods of medical education, both undergraduate and postgraduate, in order to arrive at satisfactory standards of such education;

(*e*) specify courses and curricula for both undergraduate and postgraduate studies;

(*f*) notwithstanding anything contained in any other law for the time being in force, establish and maintain—

(*i*) one or more medical colleges with different departments, including a department of preventive and social medicine, sufficiently staffed and equipped to undertake not only undergraduate medical education but also postgraduate medical education in different subjects,

(*ii*) one or more well-equipped hospitals,

(*iii*) a dental college with such institutional facilities for the practice of dentistry and for the practical training of students as may be necessary,

(*iv*) a nursing college sufficiently staffed and equipped for the training of nurses,

(*v*) rural and urban health organisations which will form centres for the field training of the medical, dental and nursing students of the Institute as well as for research into community health problems, and

(*vi*) other institutions for the training of different types of health workers, such as physiotherapists, occupational therapists, pharmacists, drug analysts and medical technicians of various kinds;

(*g*) train teachers from different medical colleges in India;

(*h*) hold examinations and grant such degrees, diplomas and other academic distinctions and titles in undergraduate and postgraduate medical education as may be laid down in the regulations;

(*i*) institute, and appoint persons to, professorships, readerships, lecturerships and posts of any description in accordance with regulations;

(*j*) receive grants from the Government and gifts, donations, benefactions, bequests and transfers of properties, both movable and immovable, from donors, benefactors, testators or transferors, as the case may be;

(*k*) deal with any property belonging to, or vested in, the Institute in any manner which is considered necessary for promoting the objects specified in section 12;

(*l*) demand and receive with the prior approval of the Central Government such fees and other charges as may be specified:

Provided that such fees and other charges payable by the students shall in no case exceed the fees and other charges specified by a medical Institute of the Central Government;

(*m*) reserve at least twenty seats out of every seventy-five seats in undergraduate courses in the institute for local applicants;

(*n*) provide free treatment to the poor patients in the same manner as are being provided by a medical Institute of the Central Government;

(*o*) construct quarters for its staff and allot such quarters to the staff in accordance with such regulations as may be made in this behalf;

(*p*) borrow money, with the prior approval of the Central Government, on the security of the property of the Institute;

(*q*) do all such other acts and things as may be necessary to further the objects specified in section 12.

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14. Vesting of property.—The properties of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry which vested in the Central Government shall, on the commencement of this Act, vest in the Institute.

15. Payment to Institute.—The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as may be considered necessary by that Government for the exercise of its powers and discharge of its functions under this Act.

16. Fund of Institute.—(*1*) The Institute shall maintain a Fund to which shall be credited—

(*a*) all moneys provided by the Central 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; and

(*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 Central 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 under section 13.

17. Budget of Institute.—The Institute shall prepare in such form and at such time every year a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Institute and shall forward to the Central Government such number of copies thereof as may be prescribed.

18. Accounts and audit.—(*1*) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may, by rules prescribe, and in accordance with such general directions as may be issued by that Government, in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(*3*) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Institute as well as of the institutions established and maintained by it.

(*4*) The Accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

19. Annual report.—The Institute shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed and a copy of this report shall be laid before both Houses of Parliament within one month of its receipt.

20. Pension and provident funds.—(*1*) 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 specified by regulations, such pension and provident funds as it may deem fit.

(*2*) Where any such pension or provident fund has been constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 (19 of 1925) shall apply to, such fund as if it were a Government Provident Fund.

21. Authentication of orders and instruments of Institute.—All orders and decisions of the Institute shall be authenticated by the signature of the Director or any other member authorised by the Institute in this behalf and all other instruments shall be authenticated by the signature of such officers as may be authorised by the Institute.

22. Acts and proceedings not to be invalidated by vacancies, etc.—No act done or proceeding taken by the Institute, Governing Body or any standing or *ad hoc* committee under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Institute, Governing Body or such standing or *ad hoc* committee.

23. Grant of medical degrees, diplomas, etc., by Institute.—Notwithstanding anything contained in any other law for the time being in force, the Institute shall have the power to grant medical, dental, nursing degrees, diplomas and other academic distinctions and titles under this Act.

24. Recognition of medical qualifications granted by Institute.—Notwithstanding anything contained in the Indian Medical Council Act, 1956 (102 of 1956) the Dentists Act, 1948 (16 of 1948), the Indian Nursing Council Act, 1947 (48 of 1947), the medical degrees and diplomas, dental degrees and nursing degrees granted by the Institute under this Act shall be recognised medical qualifications for the purposes of the Acts aforesaid and shall be deemed to be included in the Schedules to the respective Acts.

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

26. Resolution of differences.—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 Central Government, the decision of the Central Government thereon shall be final.

27. Returns and information.—The Institute shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.

28. Transfer of service of existing employees.—(*1*) On and from the date of commencement of this Act, every employee holding a post in the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry, before that date, shall hold the post in the Institute by the same tenure, and upon the same terms and conditions of service including remuneration, leave, provident fund, retirement and other terminal benefits as he would have held such post as if this Act had not been passed and shall continue to do so as an employee of the Institute for a period of [1][three and one-half years] from the date of the commencement of this Act, unless he, within the said period of [1][three and one-half years], opts not to be an employee of the Institute or until his tenure, remuneration or other terms and conditions of service are duly altered by the regulations:

[2][Provided that the employees, who have, or as the case may be, who have not, exercised their option and not transferred out of the Institute as on the date of coming into force of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry (Amendment) Act, 2011 (10 of 2011), may exercise their option afresh before the specified period:

Provided further that] the officers of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry belonging to the Central Health Service, who opts to be an employee of the Institute then, his appointment, pay, allowances and other terms and conditions of service shall be such as may be prescribed.

(*2*) Every person, who opts not to be an employee of the Institute within the period so specified, shall be governed by the rules and orders as are applicable to the Central Government officers and employees of equivalent rank.

1. Subs. by Act 10 of 2011, s. 2, for "one year" (w.e.f. 27-8-2011).
2. Subs. by s. 2, *ibid*., for "Provided that" (w.e.f. 27-8-2011).

(*3*) Subject to the provisions of this section, the tenure, remuneration and other terms and conditions of service including pension of any employee of the Institute shall not be altered to his disadvantage without the previous approval of the Central Government.

29. Power to make rules.—(*1*) The Central Government, after consultation with the Institute, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that consultation with the Institute, shall not be necessary on the first occasion of making of rules under this section, but the Central Government shall take into consideration the suggestions which the Institute may make in relation to the amendment of such rules after they are made.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of nomination of members under clauses (*j*) and (*k*) of sub-section (*1*) of section 5;

(*b*) the manner of filling vacancies under sub-section (*8*) of section 6;

(*c*) the powers and functions to be exercised and discharged by the President of the Institute under section 7;

(*d*) the allowances to be paid to the President and other members of the Institute under section 8;

(*e*) the control and restrictions in relation to the constitution of standing and *ad hoc* committees under sub-section (*5*) of section 10;

(*f*) the tenure of office, salaries and allowances and other conditions of service of the Director and other officers and employees of the Institute appointed by the Institute under section 11;

(*g*) the form in which, and the time at which, the budgets and reports shall be prepared by the Institute under section 17;

(*h*) the form of annual statement of accounts including balance-sheet under sub-section (*1*) of section 18;

(*i*) the form of annual report under section 19;

(*j*) any other matter which has to be or may be prescribed by rules.

30. Power to make regulations.—(*1*) The Institute with the previous approval of the Central Government may, by notification in the Official Gazette, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act, 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 time and place where such meetings are to be held and the conduct of business at such meetings under section 9;

(*b*) the manner of constituting the Governing Body and standing and *ad hoc* committees, the term of office of, and the manner of filling vacancies therein, the allowances to be paid to the members and the procedure to be followed by the Governing Body; standing and *ad hoc* committees in the conduct of their business, exercise of their powers, discharge of their functions under section 10;

(*c*) the powers and duties of the Director and other officers and employees of the Institute under sub-sections (*3*) and (*4*) and other conditions of service under sub-section (*5*) of section 11;

(*d*) the power of the Institute under section 13, to specify—

(*i*) courses and curricula for undergraduate and postgraduate studies;

(*ii*) hold examination and grant degrees, diplomas and other academic distinctions and titles under clause (*h*);

(*iii*) the professorships, readerships, lecturerships and other posts which may be instituted and persons who may be appointed to such posts under clause (*i*);

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(*iv*) the management of the properties of the Institute under clause (*k*);

(*v*) the fees and other charges which may be demanded and received by the Institute under clause (*l*);

(*e*) 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 under sub-section (*1*) of section 20;

(*f*) any other matter for which under this Act provisions may be made by regulations.

(*2*) Notwithstanding anything contained in sub-section (*1*), the first regulations under this Act shall be made by the Central Government; and any regulations so made may be altered or rescinded by the Institute in exercise of its powers under sub-section (*1*).

31. Laying of rules and regulations before Parliament.—Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

32. Power to remove difficulties.—(*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provision not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

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

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

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STATEMENT OF OBJECTS AND REASONS

The Jawaharlal Institute of Post-Graduate Medical Education and Research, Pondicherry was established in 1964 primarily with the objectives to develop patterns of teaching in undergraduate and postgraduate medical education so as to establish and demonstrate high standards of education. The Institute has been providing quality education and excellent patient care delivery services over the years, however; it could not grow due to constraints in the process of manpower selection, lack of academic autonomy, lack of flexibility in administrative and financial powers, commensurate with other institutions like, All India Institute of Medical Sciences, New Delhi and Post-Graduate Institute of Medical Education and Research, Chandigarh.

2. It is proposed to make the Institute a statutory body corporate and declare as an institution of national importance under entry 64 of List I of the Seventh Schedule to the Constitution so that it may develop as a high level institution of medical education and research on the pattern of the All India Institute of Medical Sciences, New Delhi and the Post-Graduate Institute of Medical Education and Research, Chandigarh.

3. This Bill will empower the Institute with academic autonomy to develop its own curriculum, set new trends in medical education and research and award its own degrees and also enable it to have appropriate delegated administrative and financial powers. The conferring of statutory status on this Institute will enable it to grow into a model centre of excellence.

4. The Bill seeks to achieve the above objects.

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NEW DELHI;
The 28*th November*, 2006.

ANBUMANI RAMADOSS.