

**The Nagaland Communization of Public Institute
& Services (Amendments) Act 2004.**

Received the assent of the Governor of Nagaland on 29/06/2004 and published in the Nagaland Gazette Extraordinary dated: 28th of September, 2004.

An
-Act-

Whereas it is expedient to extend the empowerment of community and delegation of the powers and functions of the State Government to the local authorities beyond the village or an area covering two or more villages to other area or areas or part or parts thereof to exercise the powers and to discharge the functions provided under the Nagaland Communitisation of Public Institution and Service Act 2002 (Act of No. 2 of 2002)

Be enacted in the fiftyfifth year of the republic in India as follows:

1. Short title, extend and commencement:

- (i) This act shall be called the Nagaland Communitization of Public Institution and Services (Amendment) Act of 2004.
 - (ii) It shall extend to the whole of Nagaland.
 - (iii) It shall come into force on such date as the State Government may be direct by notification.
2. The following words “or other area or areas or part or parts thereof” shall be inserted after the words “two or more villages” as appearing at section 3 of the Principal Act no. 2 of 2002.

Provided further that after taking due option by a separate order, the state government may direct that the Grade IV employees be transferred to the Naga Hospital Authority along with the posts under the same conditions of service and in respect of such employees, the Naga Hospital Authority shall be treated as the appointing Authority.

- (2) The Director and other officers and employees of the Naga Hospital Authority shall be entitled to such salary and allowance as may be prescribed and shall be governed by such condition of service in respect of leave, provident fund and other matters as may be prescribed by rules.
- (3) The conditions of service of the officers and employees so placed under Proviso to Sub Section (1) above shall not be varied except in accordance with any rules that may be made by the State Government in this behalf of any rules that may be in force governing similar category of officers and employees at the Governing of this Act.

- (4) For the purpose of the placing the officers and employees of the State Government from time to time at the disposal of the Naga Hospital Authority, selection shall be made at a regular interval corresponding to the term of deputation in accordance with the procedure as may be prescribed by rules.

Provided that the selection and placement of officers and employees of the state government shall be made by the appropriate of the state government after due consultation with the Naga Hospital Authority.

14. Transfer of asset and liabilities of State Government etc. to the Naga Hospital Authority:

- (1) As from the appointed day in relation to the Naga Hospital- all properties, assets and funds vested in the state government before such day shall vest in the Naga Hospital Authority.
- (2) All debts, obligations and liabilities incurred by the Naga Hospital Authority after the appointed day shall be discharged by the Naga Hospital Authority.

15. Power to borrow:

The Naga Hospital Authority may raise loan from the central government or the state government or from any other sources as may be approved by the state government.

Provided that the Naga Hospital Authority shall take such measures for generating income to liquidate whole or part of the loan moneys, as may be further directed by the state government in this behalf.

16. Funds of the Naga Hospital Authority:

- (1) The Naga Hospital Authority shall maintain a fund to which shall be credited-
 - a. All moneys provided by the state government.
 - b. All moneys received by the Naga Hospital Authority by way of grants, gifts, donations, benefactions, bequests or transfers,
 - c. All fees and other charges received by the Naga Hospital Authority in 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 Naga Hospital Authority may decide subject to regulations that may be made in this behalf.

- (3) The Fund shall be applied towards meeting the expenses of the Naga Hospital Authority including the expenses incurred in the exercise of its powers and discharge of its functions.

17. Budget of the Naga Hospital Authority:

The Naga Hospital Authority shall prepare in such form and at such time every year as may be prescribed by rules in respect of every financial year showing its estimated receipts and expenditure and forward to the State Government such number of copies in a manner as may be prescribed by rules.

18. Accounts and audit:

- (1) The Naga Hospital Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as the state government may by rules prescribe.
- (2) The accounts of the Naga Hospital Authority shall be audited in such manner as may be prescribed by rules made in this behalf.
- (3) The audit report shall be forwarded to the state government and the state government shall cause the same to be laid before the State Legislative Assembly.

19. Annual report :

The Naga Hospital Authority 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 in such manner as may be prescribed by rules and the State Government shall cause the same to be laid before the State Legislative Assembly.

20. Powers of State Government to issue directions and policy guidelines:

The state government may, from time to time, issue such directions or policy guidelines, not inconsistent with provisions of this Act or the rules made there under, as it may consider necessary, to the Naga Hospital Authority for the purpose of performing its functions under this act and it shall be the duty of the Naga Hospital Authority to perform such directions or policy guidelines.

21. Dispute between the Naga Hospital Authority and the State Government:

If in connection with the exercise of its powers and discharge of its functions under this Act any disputes arises between the Naga Hospital Authority and the State Government, the decision of the State Government on such disputes shall be final.

22. Power to make rules:

- (1) The state government after consultation with the Naga Hospital Authority, may, by notification in the Official Gazette make rules to carry out the purpose of this Act:

Provided that consultation with the Naga Hospital Authority shall not be necessary on the first occasion of the making of rules under this section but the section but the state government shall take into consideration any suggestion which the Naga Hospital Authority 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 Section 6;
 - (b) The control and restrictions in relation to the constitution of standing and adhoc committees under Section 11;
 - (c) The conditions of, service of the procedure to be followed by, and the manner of filling vacancies among members of the Naga Hospital Authority;
 - (d) The powers and functions to be exercised and discharged by Naga Hospital Authority;
 - (e) The allowances, if any, to be paid to the members of the governing body;
 - (f) The number of officers and employees that may be appointed by Naga Hospital Authority and the manner of such appointment;
 - (g) The form in which and the time at which the budget and reports shall be prepared by the naga hospital authority and the numbers of copies thereof to be forwarded to the state government;
 - (h) The form and manner in which returns and information are to be furnished by the Naga Hospital Authority to the state government;
 - (i) Any other matter which has to be or may be prescribed by rules;
- (3) Every rule made under this Section by the State Government shall be laid as soon as after it is made before the State Legislative Assembly;

23. Powers to make regulations:

- (1) The Naga Hospital Authority, with the previous approval of the state government, may, by notification in the Official Gazette, make regulations consistent with this Act and the rules made there under 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 Naga Hospital Authority. The time and place where such meeting are to be held, the conduct of business at such meetings and the number of members necessary to form a quorum;
- (b) The manner of constituting the standing and Adhoc Committees. The term of office of and the manner of filling vacancies among the members of the Standing and Adhoc Committees;
- (c) The powers and functions to be exercised and discharged by the Chairman of the Governing Body;
- (d) The allowance, if any, to be paid to the Chairman and the members of the Governing Body and of Standing and Adhoc Committees;
- (e) The procedure to be followed by the Governing Body and Standing and Adhoc Committees in the conduct of their business, exercise of their powers and discharges of their functions;
- (f) The tenure of office, salaries and allowance and other conditions of services of the Director and other officers and employees of the Institution including teachers appointed by the Institute;
- (g) The power and duties of the Director and other officers and employees of the Naga Hospital Authority;
- (h) The managing of the properties of the Naga Hospital Authority;
- (i) The fees and other charges which may be demanded and received by the Naga Hospital Authority;
- (j) The manner in which, and the conditions subject to which, pension and provident funds may be constituted for the benefit of officers, and other employees of the Institute;
- (k) Any other matter for which under the act provision may be made by regulations.

- (2) Every regulations made under this section shall be laid, as soon as may be after it is made before the State Legislative Assembly.

24. Power to remove difficulties:

- (1) If any difficulty or doubt arises in giving effect to the provisions of this Act, the State Government may, by order published in Official Gazette, make any provision, not inconsistent with the purpose of this Act as it appears to be necessary or expedient for removing such difficulty or doubt.

Provided that no such order shall be made after the expiry of a period of two years from the date of coming into force of this Act.

- (2) Every order made under Sub-Section (1) above shall, as soon as may be after it is made, be laid before the State Legislative Assembly.