

অসম



ৰাজপত্ৰ

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

HEALTH & FAMILY WELFARE (B) DEPARTMENT

NOTIFICATION

The 3rd October, 2005

No. HLB.33/2004/108.--In exercise of the powers conferred under section 22 of the Assam Rural Health Regulatory Authority Act, 2004 (Assam Act XIX of 2004), the Governor of Assam is hereby pleased to make the following rules to carry out the purpose of the said Act, in the manner hereinafter appearing, namely :-

1. Short title and commencement :

- (1) These rules may be called the Assam Rural Health Regulatory Authority Rules, 2005.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :

In these rules, unless the context otherwise requires, -

- (a) "Act" means the Assam Rural Health Regulatory Authority Act, 2004 (Assam Act XIX of 2004);
- (b) "Annexure" means Annexure annexed to these rules ;
- (c) "Chairman" means the Chairman of Assam Rural Health Regulatory Authority constituted under section 4 of the Act ;
- (d) "Cash Book" means the cash book maintained by the Authority as shown at Appendix-I of these rules ;
- (e) "D.D.O." means Drawing and Disbursing Officer authorised by the Authority or the Government for time to time in respect of their respective spheres ;
- (f) "Financial Year" means the period starting from the 1st of April of the respective year ending on the 31st March of the following year ;
- (g) "Member-Secretary" means the Member Secretary of Assam Rural Health Regulatory Authority constituted under section 4 of the Act ;
- (h) "Property" means any movable or immovable property which shall include land, building, walls, out houses, Garage, premises, courtyard, any structures, standing trees, Vehicles, Vessels, machineries, tools, equipments, appliances, furnitures or any other articles, things or materials as the case may be,
- (i) "Qualifying examination" means HSSLC or any other equivalent examination recognised by the Universities in Assam with Physics, Chemistry, Biology and English as the subjects ;
- (j) "Saving Bank Account" means the Bank Account opened by the Authority with State Bank of India or any other Nationalised Bank ;
- (k) "Register of Valuables" means the register maintained by the Authority as shown at Annexure - III of these rules ;
- (l) "Valuables" means cheque, Demand Draft, Bank Guarantee, National Savings Certificate (NSC) and other instruments which are capable of being converted to cash ;

- (m) Words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Management of property of the Authority :

- (1) Any property both movables and immovables shall be acquired in the name of the Authority and any such documents shall be executed in the name of the Authority.
- (2) The Authority shall authorised the Member-Secretary or any of its members or officers to sign in any document. Deed or any other instrument for and on behalf of the Authority, in such matters which have been duly approved by the Authority.
- (3) The Authority shall maintain Asset Registers of its properties in respect of both movables and immovables indicating specifications, date of procurements, value, Cash Book folio number and any other important clauses of Agreement etc. and in case of land the Dag No. , Patta No., Localities, date of acquiring of the same, which shall be under the custody of the Member-Secretary and open for inspection by the Chairman, Vice-Chairman or any member of the Authority and all other concerned, a separate page should be marked for each such item in the Register.
- (4) The Authority may acquire any movable or immovable property through the Member-Secretary, only with the prior approval of the Authority :
Provided that in case of any emergent situation or urgency, the Member-Secretary, with the approval of Chairman, exceed the limit fixed under Annexure-IX.
- (5) The Member-Secretary shall be the overall custodain of all the movable and immovable properties of the Authority and he shall be bound to allow inspection and verification of every such property to the Chairman or Vice-Chairman or the members of the Authority, if it is so desired.
- (6) The Member-Secretary shall be responsible for repairing and renovation of the properties of the Authority as and when considered necessary with the prior approval of the Chairman :
Provided that, if the cost of such repairing or renovation exceeds the limits fixed under Annexure-IX no such repairing or renovation shall be done without the approval of the Authority :
Provided further that in the event of replacement of any movable property belonging to the Authority, it shall be got examined and inspected

by the technical expert authorised by the Authority in this behalf and the report of the technical expert shall be placed before the Authority for arriving at a decision.

- (7) Any property of the Authority which become incapable of being used due to its old-age or otherwise or any scrap materials or any obsolete items having no use shall be disposed of by the Authority by inviting open tender through local news papers and the sale proceeds thereof shall be deposited in the Fund of the Authority.
- (8) The Member-Secretary or any other Officer authorised by the Authority in this behalf shall represent the Authority in any disputes or court cases arising out of any property of the Authority and make liaison with Advocates and take necessary timely steps to provide assistance, supply necessary documents to Advocate and sign papers etc. for smooth and timely disposal of such cases.

4. Maintenance and Audit of Accounts :

(1) Opening and operation of Bank Account.

- (a) The Authority shall open a Savings Bank Joint Account in the name of the Authority with the State Bank of India or any other Nationalised Bank.
- (b) The Bank Account so opened shall be operated jointly by the Chairman and Member-Secretary of the Authority under its seal.
- (c) All money received on behalf of the Authority shall be deposited into the Bank Account on the same day of collection or in case of failure on the following day.
- (d) No expenditure shall be made out of the revenue collected without first deposit of the same in the Bank Account and proper accounting.
- (e) Member-Secretary of the Authority shall be responsible for safe custody of the cheque books.
- (f) All payment of Rs. 100/- and above shall be made by issue of 'Account payee' crossed cheque in favour of the payee.
- (g) The manner of maintaining the accounts shall be in double entry system.

(2) Collection of Revenue.

- (a) Any person authorized to collect revenue on behalf of the Authority shall issue a printed money receipt to the payee in the format given at Annexure-I.

- (b) The Authority shall print the Money Receipt Book under utmost care preferable in the Assam Government Press and in failure to print in the Assam Government Press, printing shall be done outside the State.
- (c) Money Receipt Book should have serial Book Number printed on the fly leaf and shall contain machine numbered 100 pages with Counterfoil. As for example book number 1 shall contain pages 1 to 100 with Counterfoil, book number 2 shall contain pages from 101 to 200 with Counterfoil and so on. In no case this process shall be discontinued without prior permission of the State Government.
- (d) As soon as Money Receipt Books are received from press, these are to be entered into Stock Book after careful checking of the Book number and pages it contains. In case of any discrepancy, a certificate to that effect should be recorded in the fly leaf under the signature of the Member Secretary.
- (e) All Money Receipt Books shall be under the custody of the Member-Secretary. Normally he will issue, in order of book number one money receipt book at a time to an employee entrusted with collection of cash. Second book shall be issue only on return of earlier book issued to the official.
- (f) Member-Secretary shall be responsible to place all the Money Receipt Books both used and unused for scrutiny on requisition by external/ internal auditor and or before any officer deputed by the Government.
- (g) An acknowledgement shall be issued in respect of receipt of any money by cheque and the formal receipt of the cheque shall be issued only after encashment of the cheque.
- (h) In the event of loss or damage of any original money receipt, no duplicate copy of the same shall be issued : Provided that if any necessity arises for such documents, a certificate may be issued to the person concerned regarding receipt of the said amount by the Authority.

(3) Handing of Cash

- (a) The Cash Book of the Authority shall be maintained in the format given at Annexure-II. The Cash Book shall be bound in convenient volumes and their pages machine-numbered. Before bring a Cash Book into use, the Member-Secretary shall count the number of the pages and record a certificate of count on the first page of the Cash Book.
- (b) The Cash Book shall indicate each and every transaction of money of the Authority in chronological order.

- (e) The Authority shall maintain a Register of Valuable in the format given in Annexure-III to watch timely encashment of fixed deposit/term deposit as mentioned in clause (c) above. The Member-Secretary shall be responsible for varification of the Register of valuables from time to time and at least once in every month and record a certificate in support of his verification.
- (f) Subject to authorization of the Advisory Committee as constituted under clause (d) above the Authority may open a Bank Locker to be operated either by Chairman and /or by the Member-Secretary for sale custody of the valuable, confidential records and duplicate keys of the cash chest.
- (g) Where Chairman of Member-Secretary is required to relinquish his office due to retirement or change of office, he shall be required to hand over cash in hand along with all valuables which have money value to his successor or to an officer as authorized by the State Government. Charge handing over and taking over report along with list of valuables under the joint signature of both the officer shall be forwarded to the Government by the Chairman of the Authority.
- (h) Notwithstanding anything contained in these rules, overall responsibility for safe custody of cash and valuables shall rest with the Member-Secretary.

(5) Budget

- (a) The Member-Secretary under the guidance of the Chairman shall prepare a budget for ensuing financial year indicating anticipated receipt from different sources and anticipated expenditure under different head in the month of February each year supported with detailed explanatory memorandum.

In exceptional circumstances, Authority may prepare a budget for a part of the financial year with prior permission of the Government.

- (b) The Chairman may consult the Advisory Committee constituted under sub-rule 4(d) above and shall get it approved in the meeting of the Authority before forwarding the same to the Government, after incorporating the required changes as suggested by the Advisory Committee along with a copy of the minutes of the meeting(s) not later than 1st of March every year.
- (c) The Government after due examination, may approve the budget submitted by the Authority as it is or approve it subject to changes as

may appear to it to be necessary. However, if no action is taken by the Government to communicate approval within 31st March, budget as submitted by the Authority shall be deemed to have been approved by the Government.

- (d) The Authority shall not incur any expenditure until and unless the budget prepared under these rules are approved by the Government under clause (c) above.
- (e) Re-appropriation of fund from one head of expenditure to another head may be made by the authority in case of genuine necessity. However, no re-appropriation shall be made from salary, pension contribution, Leave salary contribution, or any specific grants in Aid sanctioned by Government.

(6) Permanent Advance

Authority shall maintain a permanent advance of Rs. 1000/- to meet petty expenditure which shall be recouped from time to time after proper accounting and approval of the Member-Secretary. Any enhancement of the permanent advance shall be done only on approval of the Authority. Authority shall maintain a petty cash book to record all transactions of Permanent advance.

(7) Maintenance of Ledger

Member-Secretary shall cause maintenance of Ledger to watch the receipt and expenditure under various heads vis-a-vis budget provision. A separate page(s) shall be set aside for each and every receipt and expenditure head to record the income and expenditure as and when such transaction takes place along with progressive total.

(8) Grants-in-Aid

- (a) The Authority receiving any Grants-in-Aid from the State Government or Government of India or any other source shall maintain a Grants-in-Aid Register to watch expenditure out of such Grants-in-Aid for submission of utilization certificate and audited statement of expenditure to the grantor from which such grants has been received.
- (b) The Authority shall not divert any Grants-in-Aid sanctioned for a specific purpose for any other activity.

(9) Purchase/Construction

- (a) Subject to financial power as provided under Annexure-IX the Authority may float tender quotation in a transparent manner giving wide publicity

for procurement of essential items for running of its office, construction, repair,

(a) renovation of building, annual maintenance contract of machinery and equipments etc.

(b) The Authority shall consider approval of the lowest rate without compromising on quality. However, where lowest rate is not acceptable, reasons for rejecting the lowest rate(s) shall be recorded in writing under the signature of the Chairman. In the interest of the Authority, Chairman may, further negotiate the price, warranty etc. with the bidder to arrive at the most profitable rate in favour of the authority.

(c) The Authority shall enter into agreement in requisite stamp paper with contractor and supplier with adequate provision of security and penal charges before placing any supply work order.

(d) The Authority shall maintain a Stock and Issue Register in respect of all Consumable items procured by the Authority. Member-Secretary shall remain responsible for proper maintenance of the Stock and Issue Register. Format for maintenance of the Stock and Issue Register shall be as in Annexure-IV.

(e) Authority may engage Architect for construction of its own building. As and when such activity is undertaken Measurement Book, Contractor Ledger, Bill etc. shall be maintained as required under Assam Public Works Department code.

(f) In respect of Equipment which require installation and Commissioning, Bill should be entertained only on receipt of satisfactory installation and commissioning certificate from the designated Officer. In exceptional cases where it is necessary to make advance payment, besides adequate security as provided under rule 39, shall obtain a Bank guarantee of equal amount from the vendor.

(10) Payment of Bill

(a) On delivery of stores, vendor shall be required to submit bills in duplicate along with a copy of challan in support of delivery of stores.

(b) Member-Secretary, on receipt of bill, cause verification of the claim, and on satisfied with the genuineness of the claim, shall record a certificate to the effect that, Stores has been received in good condition

and entered into the stock book page number.

- (c) After due verification, Bill shall be entered into the pending Bill Register in order of date of receipt of the Bills. Format for maintaining Pending Bill Register is at Annexure-V. Payment shall be made on first come first service basis in chronological order as recorded in the Pending Bill Register.

(11) *Pay Bill

- (a) Member-Secretary shall cause preparation of the pay bill for the Officers and Staff in its roll in the 4th week of every month after verification of Absentee Statement. Any employee absent without prior permission, pay is to be deducted for the period of unauthorized absence.
- (b) No bill shall be paid unless it is entered into the Bill Register.
- (c) On last day of each month payment of salary shall be paid to the employees in account payee cheque. However, if the last working day is a holiday, payment may be made on the last working day of the month.
- (d) In case of exceptional circumstances payment of salary of Grade-IV staff may be made by drawal of self cheque.
- (e) Member-Secretary shall ensure that all statutory deduction like Professional Tax, Income Tax are made regularly from the pay bills of the employees and all certificates and returns are submitted within due date.
- (f) Any other deductions as may be necessary in respect of officers deputed to the Authority by State Government shall be made on the basis of last pay certificate issued by appropriate authority or as intimated by Accountant General and credited to the Treasury by challan under appropriate head of account.
- (g) Leave Salary contribution, Pension contribution respect of deputed staff shall be made regularly in consultation with Accountant General.
- (h) In respect of its own employees deduction shall be regulated as per prescribed condition of service.
- (i) The Authority may in consultation with the Advisory Committee shall frame terms and condition for sanction of advance with or without

interest to its employees and mode of its recovery.

- (j) The Authority shall maintain Advance Register to watch recovery of advance sanctioned to an employee. Second advance of similar nature shall not be sanctioned until first advance has been recovered in full.
- (k) Member-Secretary shall be responsible for maintenances of Acquaintance Register for each and every payment to its employees on acquaintance given on revenue stamp where ever necessary.

(12) Audit of Accounts

- (a) The annual accounts of the Authority shall be audited by the Chartered Accountant from the panel of Chartered Accountants maintained by the C.A.G.
- (b) Chartered Accountant engaged for audit shall be responsible for submission of its report supported with Income and Expenditure Accounts, Receipt and payment Account and Balance Sheet.
- (c) Comptroller and Auditor General at his discretion may conduct the audit of the Authority. As when such intimation is received, the Member-Secretary shall be responsible to submit necessary records and information to the representative of C&AG as may be desired.
- (d) On receipt of Audit Report/Inspection Report, Member-Secretary shall prepare Para-wise replies and place the same before the Advisory Committee along with action taken report, if any, within 60 days from the date of receipt of such report.
- (e) Any information sought by Public Accounts Committee of the State shall be promptly attended to with intimation to the Government. Chairman shall be personally responsible for submission any such report or information as may be sought by Public Accounts Committee.
- (f) Notwithstanding any provision under this rules Government may depute any officer for inspection of any record of the Authority. The Officer so deputed shall have the power to seize any records after preparation of seizer list in presence of two witnesses. Authority shall however keep photocopy or certified copy of all such records for future references.

5. Powers, Functions and Duties of the Chairman

- (1) The Chairman shall be competent to take all decisions as may required on behalf of the Authority, save and expect the matters which under the Act

or these rules require approval of the Authority

(2) The Chairman shall be the administrative head of the Authority and the officers and staff of the Authority shall be under the overall supervision and control of the Chairman.

(3) The Chairman shall preside over in all meetings of the Authority. If he is unable to attend any meeting due to circumstances beyond his control, he shall intimate the same to the Vice-Chairman and the Vice-Chairman shall preside over such meetings of the Authority. All meetings shall be convened by the Member-Secretary with the approval of Chairman.

(4) The Chairman shall be required to see that the accounts of the Authority has been property maintained, the properties of the Authority has been adequately managed and the affairs of the Authority and its offices have been running in an appropriate manner and in accordance with the Provisions of the Act and the rules.

(5) The Chairman shall conduct inspection of the Medical institutes from time to time by himself or through any other officer of the Authority on his behalf and submit reports to the Authority upon which the Authority may take appropriate decisions as per provisions of the Act.

(6) The Chairman shall take action against the members, officers and staff of the Authority in case of any violation of Acts, rules and other laws for the time being in force.

(7) The Chairman shall sign and authenticate the proceedings and minutes of the meetings of the Authority.

6. Powers, Functions and Duties of the Vice-Chairman :

(1) In the event of leave or absence of the Chairman, the Vice-Chairman shall do all or any of the functions which are required to be performed by the Chairman under the Act and these rules.

(2) In absence of Chairman, the Vice-Chairman shall preside over all the meetings of the Authority.

(3) The Vice-Chairman shall perform all other works as may be entrusted to him by the Chairman for carrying out the provisions of the Act and the rules.

7. Conduct of Business of the Authority :

(1) The Authority shall meet once in every two months or such other times as may be considered necessary by the Chairman by himself or on requisition of notless than one third of the members.

- (2) The meetings of the Authority shall ordinarily be held in Guwahati.
- (3) The Annual General Meeting of the Authority shall be convened ordinarily in the month of April every year or in such other month as may be decided by the Chairman. Besides other business, the annual statement of Accounts, Audit report, Annual performance report, action taken report in respect of the decisions taken in the previous year shall be placed in the Annual General Meeting for consideration and approval.
- (4) The quorum for any meeting of the Authority shall be six members including Chairman, Vice-Chairman and Member-Secretary.
- (5) In the event absence of both Chairman and Vice-Chairman, the members may choose themselves any one amongst them as Chairman to preside over the meeting.
- (6) For every meeting of the Authority, the Member-Secretary shall issue at least seven days notice with the approval of Chairman. However, an emergent meeting may be convened by the Member-Secretary at the direction of the Chairman on short notice.
- (7) The budget estimates for the next year and all matters requiring approval of the Authority under the Act and the rules and all policy matters shall be placed before the meeting of the Authority for its approval.
- (8) All decisions in a meeting shall be taken by the majority of votes of the members present and voting. In case of tie, the Chairman shall have a second or casting vote.
- (9) It shall be the duty of the Member-Secretary to record or cause to be recorded the minutes of the proceeding of each meeting in a register to be maintained for the purpose and duly signed by the Chairman. Such minutes shall be open for inspection at all reasonable times by the Members of the Authority. After each meeting a copy of the minutes shall as soon as possible, be furnished to each of the Members. The Member-Secretary shall execute the decisions of the Authority.
- (10) The Authority may by resolution taken in its meeting authorise the Member-Secretary or any other Officer or any member of the Authority to inspect the Medical Institutes from time to time and submit report to the Authority as to the facilities available, Staff position, Hospital, Laboratories and other infrastructures and the maintenance of Standards required to be maintained under the Act, for the purpose of granting recognition and continuation of such medical institutes.

8. Travelling and other allowances including the sitting allowance payable to the Member :

- (1) All Official Members of the Authority shall be entitled to payment of Travelling Allowance and Daily Allowance in respect of journeys performed in connection with the works of the Authority and shall be paid by the Authority at the rates admissible to them as such officer. A non-official Member of the Authority shall also be entitled to payment of Travelling Allowance and Daily Allowance in respect of journeys performed in connection with the works of the Authority and shall be paid by the Authority at such rates as are admissible to the Grade - I Officer of the Government of Assam under the relevant rules governing the Travelling Allowances and Daily Allowances.
- (2) The Authority may make provisions for special Allowance to be paid to the Chairman, Vice-Chairman, Member-Secretary and other members in consultation with and prior approval of the Government.
- (3) The Member of the Authority shall be entitled to the sitting allowance to be paid by the Authority at the following rates :
 - (a) Chairman - Rs. 500 in each sitting
 - (b) Vice-Chairman - Rs. 400 in each sitting
 - (c) Member-Secretary - Rs. 400 in each sitting
 - (d) For the Members - Rs. 300 in each sitting.

9. Fees of the Auditor :

The Fees of the Auditor of the Authority shall be determined by the Chairman of the Authority with prior approval of the State Government on the basis of officer received from the intending Chartered Accountants under clause (a) of sub-rule (12) of rule-14.

10. Qualification, conditions of the Service and pay and allowance of the Officers and Staff of the Authority :

- (1) The State Government shall place at the disposal of the Authority, the required manpower as provided under sub-section (2) of section 11 of the Act.
- (2) The State Government shall determine in consultation with the Authority, the staffing pattern of the Authority, the qualifications conditions of service and pay and allowances of the Officers and Staff of the Authority on the basis of the rules applicable in respect of the officers and staff of the similar grade of the State Government :

Provided that the officers and other employees of the Authority shall be entitled to draw pay and allowances in the scale of pay at par with the State Government employees holding equivalent post.

- (3) In all matter like age of retirement, pay and allowances, benefits and entitlements and disciplinary matters the officers and other employees of the Authority shall be governed by the State Government rules as are applicable to persons holding equivalent posts.
- (4) The Officers and other employees of the Authority shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.

11. Manner for Maintenance of State Register of Rural Health Practitioners and the Manner revision :

- (1) A registered Diploma holder in Medicine and Rural Health Care shall be known as the Registered Rural Health Practitioner.
- (2) It shall be the duty of the Member-Secretary to keep and maintain the State Register of Rural Health Practitioners under section 17 of the Act. For this purpose he shall maintain a Register book clearly writing the name, address, year of joining and passing the course with the name of the Institute, date of joining and completing the practical training with the name of the Hospital and the Registration number of the Rural Health Practitioner.
- (3) Every person on successful completion of the course and six month practical training shall apply in prescribed form at Annexure-VI along with declaration format Annexure-VII for the registration of his name in the State Register of Rural Health Practitioners. He shall deposit a sum of Rs. 1000/- (one thousand) only as fees for the Registration under State Register.
- (4) Member-Secretary shall scrutinize the documents and shall issue a certificate as Annexure-VIII to this effect under the hand and seal of the Chairman and the Member-Secretary of the Authority bearing a Registration number.
- (5) The certificate so issued shall indicate that the Rural Health Practitioners shall be eligible to practice medicine and Rural Health Care in rural areas only in the State of Assam.
- (6) The certificate so issued shall not use the word Doctor or Dr. before and after the name of a Rural Health Practitioners. However, he may identify himself as Rural Health Practitioner or RHP.