

Agreement

between Government of Assam

and

North Eastern Council Secretariat,
Ministry of Home Affairs, Shillong

regarding

Lokopriya Gopinath Bordoloi Institute of Mental Health, Tezpur

henceforth to be known as

Lokopriya Gopinath Bordoloi Regional Institute of Mental Health,
Tezpur.

A G R E E M E N T

This AGREEMENT made on the 11th day of February, One thousand Nine Hundred and Ninety Nine between the Government of Assam (hereinafter called the "Government of Assam" which expression shall share the context so admits, include his successors in office and assigns) of the FIRST PART and the North Eastern Council, a statutory body corporate having its office at Shillong, (hereinafter called the "NEC") of the SECOND PART.

(1) WHEREAS a result of a Public interest litigation in Sheila Barse Versus Union of India & others and following Gopal Subramaniam Commissioner's Report the Hon'ble Supreme Court of India through its order dated 3.10.94 has accepted the recommendations of the Commissioner; and

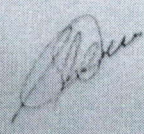
(2) WHEREAS in pursuance of the Supreme Court Order stated above, and the Commissioner's recommendations, the Government of India had accorded sanction to the North Eastern Council (NEC) at Shillong to take over the L.G.B. Institute of Mental Health, Tezpur and develop it as a Regional Institute under Sanction Order No. 1/63/94-NE-II dated 18.12.97;

(3) AND WHEREAS in pursuance of the above orders a society will be formed with the aim and objective of investigation, diagnosis and treatment of the mentally ill patients in all its forms and promotion of improved patient care services and rehabilitation of cured patients in the North Eastern Region of India consisting of Assam, Meghalaya, Manipur, Tripura, Arunachal Pradesh, Nagaland and Mizoram.

(4) AND WHEREAS THE Institute will cater to the need of all the mentally ill patients belonging to the State of Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Tripura.

(5) AND WHEREAS a Board of Governors will be constituted to approve, review the business and affairs of the society, and the assets of the society as well as the Institute with the following members and functions :-

Constitution of the Board of Governors.	
i) The Governor of Assam	Chairman
ii) The Commissioner, Health & Family Welfare, Govt. of Assam	Member
iii) The Health Secretaries of Two States of NE-Region in rotation for a period of 2 years	Member
iv) Secretary, NEC	Member
v) Home Secretary, Govt. of India or his nominee not below the rank of Joint Secretary.	Member
vi) Health Secretary, Govt. of India or his nominee not below the rank of Joint Secretary	Member
vii) Director General of Health Services, Govt. of India	Member
viii) Vice-Chancellor, Gauhati University	Member



- ix) Director, NIMHANS or his representative.
not below the rank of a Professor Member
- x) Two Expert of Psychiatry
(Nominated by Secretary, NEC, Shillong) Member
- xi) Director, LGB Regional Institute of Mental Health Ex-officio Secretary

Term of Office :

The term of office of the Chairman and of the Members who are nominated to the Board shall terminate terminus with the office they hold.

Powers and Functions of the Board :

- i) To approve the budget, annual plans and five year plans;
- ii) To make annual reviews of the functioning of the Institute;
- iii) To consider the implications of the policy(s) adopted by the Council;
- iv) To consider and adopt the audited accounts;
- v) The Board will only generally oversee the policy of the Institute and lay down general policy guidelines for the Institute. It shall have no executive powers;
- vi) The Board shall meet at least once a year.
- vii) Four Members will be necessary to have quorum.

(6) AND WHEREAS an Executive Council of the Society shall be constituted to manage the day business and affairs of the society as well as the Institute with the following members and functions:

Constitution of the executive Council :

- i) Secretary, NEC Chairman
- ii) A representative from MHA not below
the rank of Deputy Secretary Member
- iii) A representative from Ministry of
Health & Family Welfare not below
the rank of Deputy Secretary Member
- iv) Regional Director, Health,
Govt of India, Shillong Member
- v) Secretary, Health &
Family Welfare, Govt of Assam Member



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| vi) Director of Health Services of two N.E. States by rotation for two years | Member |
| vii) Sectoral Head of NEC dealing with the functioning of the Institute | Member |
| viii) One Representative of the academic staff of the Institute to be elected by faculty members every 2 years | Member |
| ix) Two experts related to Psychiatry to be nominated by Secretary, NEC | Member |
| x) Bishop Robert Carcatta, Tezpur | Member |
| xi) Hospital Superintendent | Member |
| xi) Director, LGB Regional Institute of Mental Health, Tezpur | Member-Secretary/Convenor |

Term of Office:

The term of office of the Chairman and of the Members who are nominated to the Executive Council shall be co-terminus with the office they hold except the representative of the academic staff who shall be elected for a period of 2 years.

Powers and function of the Council:

- a) To supervise the Administration and Management of the Institute;
- b) To consider the budget estimates proposed by the Director and to make recommendations to the Board and the NEC;
- c) To consider all proposals for new and additional expenditure;
- d) To consider the audited accounts and the Auditor's Report thereon and to present in the Annual meeting of the Board;
- e) To appoint an auditor to audit the accounts of the Institute every year;
- f) To review the finance of the Institute, from time to time, through periodical control statements and to give advice thereon;
- g) To review the work and progress of the Institute and to hold enquiries into the affairs thereof;
- h) To recommend to the NEC to appoint a Committee to review the work and progress of the Institute and to hold enquiries into the affairs thereof in the manner as they may be stipulated.
- i) To frame regulations, bye-laws, rules and procedure for the conduct of the affairs of the Institute;

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- j) To receive subscriptions and donations compatible with the aims and objects of the Institute provided that no subscriptions or donations shall be accepted if they are accompanied by conditions which are inconsistent or in conflict with the objects of the Institute.
- k) To enter into agreements for cooperation with educational Institution having objects wholly or partly similar to those of the Institute in such manner as may be stipulated.
- l) To discuss and take decision on any matters as may be necessary for the efficient administration and management of the Institute
- m) The Council shall meet as often as necessary for the conduct of its business with minimum 3 (three) sittings in a year.
- n) 5 (five) Members will be necessary to form quorum

(7) AND WHEREAS the LGB Institute of Mental Hospital be made a Regional Institute for the Region under NEC, the Institute will be renamed as LGB Regional Institute of Mental Health.

(8) AND WHEREAS in pursuance of the MHA, Govt. of India sanction order No 1/63/NE-II dt 18.12.97, and amendments thereof and one of the two parties agreed to share the financial liabilities of the LGB Institute of Mental Health as follows :

- (a) Govt. of Assam would agree to transfer the land and buildings and other assets of the Institute of Mental Hospital, Tezpur to the NEC without any liability.
- (b) Govt. of Assam would continue to fund the recurring expenditure of the Institute to the tune of Rs. 1.5 crores /annum as is being done at present. Additional recurring expenditure required for the Institute would be met by NEC.
- (c) The non-recurring cost for upgradation of the LGB Institute of Mental Health, Tezpur will be met by the Govt. of India and NEC.

(9) AND WHEREAS it was agreed in principle that the Institute should be upgraded as an autonomous Regional Institute of Mental Health with active participation in its management by the North Eastern Council and the Government of Assam.

NOW THEREFORE IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS :

1. This Agreement shall come into force with immediate effect.
2. The Institute shall be registered as an autonomous body under the Societies Registration Act (XXI of 1860) and it shall continue to be known by the name of Lokopriya Government Regional Institute of Mental Health, Tezpur.
3. Government of Assam shall transfer free of cost to the LGB Regional Institute of Mental Health, Tezpur 152 bighas of land in Tezpur which is under possession of the Institute.
4. The Institute will provide facilities for diagnosis and treatment of all types of mental patients from the North Eastern Region comprising of Assam, Meghalaya, Arunachal Pradesh, Nagaland, Mizoram, Manipur and Tripura and also will have facilities for research.

5. The Rules set out in the Constitution and Bye-Laws of the Institute hereto shall constitute the Rules for the administration and management of the Institute from the date of commencement of this Agreement; such Rules may from time to time be altered, added to or modified by the Executive Council with the approval of the Board of Governors and Rules, so altered, added to or modified shall operate from such date (with retrospective date or otherwise) as shall be notified by the Council with the approval of the Board of Governors.
6. All the incumbent Officers and other employees of the Institute shall as from the date of the commencement of this Agreement be governed by and be subject to the Rules set out in the Constitution and Bye-Laws of the Institute hereto as amended from time to time. All the existing employees will be given choice of absorption in the new set-up or reversion to the Government of Assam. The term and conditions governing all employees serving and employed by the Institute shall not be altered to their disadvantage.

(10) AND WHEREAS in pursuance of MHA, Government of India sanction order No. 1/63/94 NE.II dated 18.12.1997, the two parties agreed to share the financial liabilities of the LGB Institute of Mental Hospital as follows -

- Government of Assam would agree to transfer the land and buildings and other assets of LGB Institute of Mental Health, Tezpur to the NEC without any liability.
- Government of Assam would continue to fund the recurring expenditure of the Institute as is being done at present, to the tune of Rs. 1.5 crore/annum. Any additional expenditure on recurring head will be borne by North Eastern Council, Shillong.
- The non-recurring cost for upgradation of the LGB Institute of Mental Health, Tezpur will be met by the Government of India and the NEC.

Dutta
11.2.99
Signature
(Representative of Govt. of Assam)

Govt. of Assam
Full Name: Shri. Biren Dutta
Designation: Secretary health Govt. of Assam
Date: 11-2-99

J.S. Syiem
Signature
(Representative of NEC on behalf of
of NEC, Shillong)
Full Name: Shri. J.S. Syiem
Designation: Planning Adviser & I/C Secretary, NE
Date: 11-2-99

Witness
AK Verma
11/2/99
DY. A. K. VERMA
Director (Science & Technol.)
N.E.C.

Witness
Dipti Deuri Bora
11/2/99
Name: (MRS. DIPTI DEURI BORA)
Designation: Deputy Secy, Health & F.W. Deptt.
Govt of Assam
2. Signature: *HR Parthasarathi Gogoi*
Name: (HR PARTHASARATHI GOGOI)
Designation: GOVERNMENT ANALYST
TO GOVT OF ASSAM.