

Bill No. 84 of 2012

**THE ALL-INDIA INSTITUTE OF MEDICAL SCIENCES
(AMENDMENT) BILL, 2012**

A

BILL

further to amend the All-India Institute of Medical Sciences Act, 1956.

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

1. (1) This Act may be called the All-India Institute of Medical Sciences (Amendment) Act, 2012.

Short title and commencement.

(2) It shall be deemed to have come into force on the 16th day of July, 2012.

25 of 1956. 5

2. In the All-India Institute of Medical Sciences Act, 1956 (hereinafter referred to as the principal Act), in the long title, for the words "an All-India Institute of Medical Sciences", the words "All-India Institutes of Medical Sciences" shall be substituted.

Amendment of long title.

3. In section 1 of the principal Act, in sub-section (1), for the words "All-India Institute of Medical Sciences", the words "All-India Institutes of Medical Sciences" shall be substituted.

Amendment of section 1.

4. In section 2 of the principal Act,—

Amendment of section 2.

(A) for clause (a), the following clauses shall be substituted, namely:—

(a) "corresponding Institute" means the Institutes referred to in column (3) of the Table given under section 27A;

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(aa) "existing Institute" means the All-India Institute of Medical Sciences,—

(i) established under sub-section (1) of section 3, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012; and

(ii) located at New Delhi, as required under section 12 as it stood before such commencement; 5

(ab) "Fund" means the Fund of the Institute referred to in section 16;'

(B) in clause (c), after the words and figure "under section 3", the words, brackets and figures "and includes the corresponding Institutes and other Institutes which may be established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012" shall be inserted; 10

(C) after clause (f), the following clause shall be inserted at the end, namely:—

'(g) "society" means the society referred to in column (2) of the Table given under section 27A.'

5. In section 3 of the principal Act,—

Amendment
of section 3.

(a) in sub-section (1), the following proviso shall be inserted, namely:— 15

"Provided that the Central Government may, on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, establish by notification in the Official Gazette, such other All-India Institutes of Medical Sciences at such places as it may specify in the said notification in addition to the existing Institute and the corresponding Institutes."; 20

(b) in sub-section (2), for the words "The Institute", the words "Every Institute" shall be substituted.

Amendment
of section 4.

6. In section 4 of the principal Act,—

(i) in the opening portion, for the words "The Institute", the words "Every Institute" shall be substituted; 25

(ii) for clause (a), the following clauses shall be substituted, namely:—

"(a) in the case of existing Institute, the Vice-Chancellor of the Delhi University, *ex officio*;

(aa) in the case of every other Institute established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, the Vice-Chancellor of a University situated in a State in which such Institute has been established after such commencement and such Vice-Chancellor shall be nominated by the Central Government;" 30

Substitution
of new
section for
section 5.

7. For section 5 of the principal Act, the following section shall be substituted, namely:— 35

Declaration
of Institutes
as institution
of national
importance.

"5. (1) It is hereby declared that the existing Institute declared as an institution of national importance, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, under section 5 as it stood before such commencement, shall continue to be an institution of national importance.

(2) It is hereby declared that every corresponding Institute shall be an institution of national importance. 40

(3) It is hereby declared that every Institute established under the proviso to sub-section (1) of section 3, on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be an institution of national importance." 45

8. In section 7 of the principal Act, in sub-section (1),—

Amendment
of section 7.

(a) for the words "President of the Institute", the words "President for every Institute" shall be substituted;

(b) the following proviso shall be inserted, namely:—

5 "Provided that the President of the existing Institute shall also be the President of every corresponding Institute and other Institutes established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, till such date the Central Government nominates a separate President for every corresponding Institute and other Institutes established after such commencement."
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9. In section 8 of the principal Act,—

Amendment
of section 8.

(a) for the words "from the Institute", the words "from the Institute of which they are the President and members" shall be substituted;

(b) the following proviso shall be inserted, namely:—

15 "Provided that in case a person is a President of two or more Institutes, the allowances shall be borne by the Institutes in such proportion as may be prescribed by rules."
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10. In section 9 of the principal Act,—

Amendment
of section 9.

(a) for the words "The Institute shall", the words "Every Institute shall" shall be substituted;

(b) for the words "the Institute shall meet", the words "every Institute shall meet" shall be substituted;

(c) the following proviso shall be inserted, namely:—

25 "Provided that the provisions relating to holding of the first meeting shall not apply to the existing Institute."
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11. In section 10 of the principal Act,—

Amendment
of section 10.

(a) in sub-section (1),—

(i) for the words "a Governing Body of the Institute which shall be constituted by the Institute", the words "separate Governing Body for every Institute which shall be constituted by such Institute" shall be substituted;

(ii) the following proviso shall be inserted, namely:—

35 "Provided that the Governing Body of the existing Institute, constituted before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to have been constituted under this section."
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(b) in sub-sections (2) and (3), for the words "the Institute", the words "every Institute" shall be substituted;

(c) in sub-section (5),—

(i) for the words "the Institute may constitute", the words "every Institute may constitute" shall be substituted;

(ii) for the words "functions of the Institute", the words "functions of such Institute" shall be substituted;

(d) in sub-section (6),—

45 (i) for the words "members of the Institute; but an *ad hoc* committee may include persons who are not members of the Institute", the words "members of

every Institute; but an *ad hoc* committee may include persons who are not members of such Institute" shall be substituted;

(ii) the following proviso shall be inserted, namely:—

"Provided that the Standing Committee of the existing Institute constituted, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to have been constituted under this section."

Amendment
of section 11.

12. In section 11 of the principal Act, in sub-section (I),—

(a) for the words "chief executive officer of the Institute", the words "chief executive officer of every Institute" shall be substituted;

(b) for the words "Director of the Institute", the words "Director of such Institute" shall be substituted;

(c) for the proviso, the following provisos shall be substituted, namely:—

"Provided that the first Director of every Institute (other than the existing Institute), established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be appointed by the Central Government:

Provided further that in case a Director of a society has been appointed by the Central Government before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, such Director shall be deemed to be the first Director of the concerned corresponding Institute."

Substitution
of new
section for
section 12.

13. For section 12 of the principal Act, the following section shall be substituted, namely:—

Location of
Institutes.

"12. (I) The existing Institute shall be located at New Delhi.

(2) All corresponding Institutes shall be located at the places mentioned in column (3) of the Table given under section 27A.

(3) All Institutes [other than the existing Institute and corresponding Institutes referred to in sub-sections (I) and (2)] shall be located at such places as the Central Government may, by notification in the Official Gazette, specify."

Amendment
of section 13.

14. In section 13 of the principal Act, in the opening portion, for the words "the Institute", the words "every Institute" shall be substituted.

Amendment
of section 14.

15. In section 14 of the principal Act, in the opening portion, for the words "the Institute", the words "every Institute" shall be substituted.

Amendment
of section 15.

16. In section 15 of the principal Act, for the words "the Institute", the words "every Institute" shall be substituted.

Amendment
of section 16.

17. In section 16 of the principal Act, in sub-section (I),—

(i) for the words "The Institute", the words "Every Institute" shall be substituted;

(ii) after clause (d), the following proviso shall be inserted, namely:—

"Provided that the Fund maintained by the existing Institute and the society, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to be the Fund maintained under this section."

18. In section 17 of the principal Act,—

Amendment
of section 17.

(a) for the words "The Institute shall prepare", the words "Every Institute shall prepare" shall be substituted;

5 (b) for the words "expenditure of the Institute", the words "expenditure of the concerned Institute" shall be substituted.

19. In sections 18 and 19 of the principal Act, for the words "The Institute" and "the Institute", wherever they occur, the words "Every Institute" and "every Institute" shall, respectively, be substituted.

Amendment
of sections
18 and 19.

20. In section 20 of the principal Act, in sub-section (1),—

Amendment
of section 20.

10 (a) for the words "The Institute", the words "Every Institute" shall be substituted;

(b) the following proviso shall be inserted, namely:—

15 "Provided that the pension and provident fund constituted by the existing Institute or society, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to be the pension and provident fund under this section."

21. In section 21 of the principal Act,—

Amendment
of section 21.

(a) for the words "decisions of the Institute", the words "decisions of every Institute" shall be substituted;

20 (b) for the words "officer of the Institute", the words "officer of every Institute" shall be substituted.

22. In sections 22, 23, 24, 25 and 27 of the principal Act, for the words "The Institute" and "the Institute", wherever they occur, the words "Every Institute" and "every Institute" shall, respectively, be substituted.

Amendment
of sections 22,
23, 24, 25 and
27.

25 23. After section 27 of the principal Act, the following sections shall be inserted, namely:—

Insertion of
new sections
27A, 27B,
27C and 27D.

21 of 1860. 30 "27A. Each of the Institute, registered as society under the Societies Registration Act, 1860 and mentioned in column (2) of the Table below shall be a body corporate having perpetual succession and common seal and shall by its name mentioned in column (3) of that Table, sue and be sued:

Incorporation
of Institute
registered as
society under
the Societies
Registration
Act, 1860.

TABLE

LIST OF SOCIETIES INCORPORATED AS ALL-INDIA INSTITUTES OF MEDICAL SCIENCES

Serial Number	Society	Corresponding Institute and place of its location
(1)	(2)	(3)
35 1.	All-India Institute of Medical Sciences, Bhopal	All-India Institute of Medical Sciences, Bhopal (Madhya Pradesh).
2.	All- India Institute of Medical Sciences, Bhubaneswar	All-India Institute of Medical Sciences, Bhubaneswar (Odisha).
40 3.	All- India Institute of Medical Sciences, Jodhpur	All-India Institute of Medical Sciences, Jodhpur (Rajasthan).
4.	All- India Institute of Medical Sciences, Patna	All-India Institute of Medical Sciences, Patna (Bihar).

(1)	(2)	(3)	
5.	All- India Institute of Medical Sciences, Raipur	All-India Institute of Medical Sciences, Raipur (Chhattisgarh).	
6.	All- India Institute of Medical Sciences, Rishikesh	All-India Institute of Medical Sciences, Rishikesh (Uttarakhand).	5
27B. (1) On and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012,—			
(a) any reference to a society in any law, other than this Act, or in any contract or other instrument, shall be deemed as a reference to the corresponding Institute;			
(b) all property, movable and immovable, of or belonging to a society shall vest in the corresponding Institute;			
(c) all the rights and liabilities of a society shall be transferred to, and be the rights and liabilities of, the corresponding Institute;			
(d) subject to the provisions of this Act, every person (including Director, officers and other employees) who is employed in the society, immediately before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall, on and after such commencement, become an employee of the corresponding Institute and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same on the date of the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, as if the said Act had not been promulgated, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by regulations:			
Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government;			
(e) the governing body of every society, shall, from the date of constitution of the Governing Body under sub-section (1) of section 10, stand dissolved and no chairperson or other person shall be entitled to any compensation for the premature termination of the term of his office or of any contract of service;			
(f) all committees (including Standing Committee, if any) of the society shall stand dissolved;			
(g) any examination conducted by the existing Institute for admission of candidates for award of medical degrees and diplomas by such society shall be valid examination and be deemed to have been conducted by the corresponding Institute.			
(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, absorption of any employee by the corresponding Institutes in its regular service under this section shall not entitle such employee to any compensation under this Act or any other law and no such claim shall be entertained by any court, tribunal or other authority.			
27C. All provisions of this Act shall, <i>mutatis mutandis</i> , apply to the societies, referred to in column (2) of the Table given under section 27A, incorporated into All-India Institutes of Medical Sciences referred to in column (3) of the said Table.			

Effect of incorporation of Institutes.

Provisions of this Act to apply to societies incorporated into All-India Institutes of Medical Sciences under section 27A.

27D. (1) The Central Government may, if it is of the opinion that certain measures are required for speedy and effective functioning of corresponding Institutes (other than the existing Institute), by notification in the Official Gazette, specify such measures as it may consider necessary for the smooth and effective functioning of such Institutes:

Power to make transitory provisions for Institutes (other than existing Institute).

5 Provided that no such notification shall be issued under this section, after the expiry of a period of two years from the date of commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012.

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

10 **24.** In section 28 of the principal Act,—

Amendment of section 28.

(a) in sub-section (1), for the words "the Institute", the words "all the Institutes" shall be substituted;

(b) in sub-section (2),—

15 (i) for the words "the Institute", wherever they occur, the words "every Institute" shall be substituted;

(ii) after clause (a), the following clause shall be inserted, namely:—

"(aa) the proportion of allowances of the President to be borne by the Institutes under the proviso to section 8;"

20 **25.** In section 29 of the principal Act,—

Amendment of section 29.

(a) in sub-section (1),—

(i) in the opening portion, for the words "The Institute", the words "Every Institute" shall be substituted;

(ii) after clause (n), the following proviso shall be inserted, namely:—

25 "Provided that the regulations made by the existing Institute, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall continue to be the regulations made under this section until such regulations are amended or rescinded by the existing Institute in accordance with the provisions of this section.";

(b) in sub-section (2), the following proviso shall be inserted, namely:—

30 "Provided that every corresponding Institute shall, within three months of the date of the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, make regulations."

Ord. 1 of 2012.

35 **26.** (1) The All- India Institute of Medical Sciences (Amendment) Ordinance, 2012, is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The All-India Institute of Medical Sciences Act, 1956 (AIIMS Act) was enacted to provide for the establishment of an All-India Institute of Medical Sciences (AIIMS). The main object of the aforesaid Act is to provide a high standard of medical education, both post-graduate and under-graduate, for all medical colleges and other allied institutions in the country to improve professional competence among medical practitioners and to attain self-sufficiency in post-graduate medical education and to promote medical research.

2. The Pradhan Mantri Swasthya Suraksha Yojana scheme was announced on the 15th August, 2003 with the objective of correcting the imbalances in the availability of affordable or reliable tertiary level health care and also for improving facilities for quality medical education in the States. In pursuance of the said scheme, initially six All-India Institute of Medical Sciences (in addition to the AIIMS, New Delhi established under the AIIMS Act) one each in the States of Bihar (Patna), Chhattisgarh (Raipur), Madhya Pradesh (Bhopal), Odisha (Bhubaneswar), Rajasthan (Jodhpur) and Uttarakhand (Rishikesh) were set up under the Societies Registration Act, 1860 broadly similar to the existing AIIMS, New Delhi. The Central Government has also taken a decision to set up in future (in the second phase) two more All-India Institute of Medical Sciences broadly similar to the existing AIIMS, New Delhi.

3. The aforesaid six All-India Institute of Medical Sciences were registered under the Societies Registration Act, 1860 as an interim measure. These Institutes set up under the Societies Registration Act, 1860 do not have authority to impart medical education and grant degrees or diplomas in the field of medical education. In order to make them operational for imparting medical education, the said six All-India Institute of Medical Sciences (similar to the existing AIIMS, New Delhi) and such other institutions to be established in future, are proposed to be given statutory status by amending the AIIMS Act. The six States in which the aforesaid six Institutes were established had requested the Central Government to make them operational urgently and to commence the academic session at the aforesaid six All-India Institutes of Medical Sciences in September, 2012.

4. As Parliament was not in session and immediate steps were required to be taken to commence the academic session at the aforesaid six All-India Institutes of Medical Sciences in September, 2012 and make necessary amendments to the All-India Institute of Medical Sciences Act, 1956, the President was pleased to promulgate the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012.

5. It is proposed to introduce the All-India Institute of Medical Sciences (Amendment) Bill, 2012, replacing the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012, *inter alia*, provides for—

(a) amending the long title of the AIIMS Act to provide for establishment of more than one All-India Institute of Medical Sciences at various locations in different States, instead of the one existing All-India Institute of Medical Sciences at New Delhi, as provided in the said Act;

(b) changing the status of the aforesaid six All-India Institute of Medical Sciences already registered under the Societies Registration Act, 1860, to be an autonomous body corporate on the lines of the existing All-India Institute of Medical Sciences, New Delhi;

(c) conferring power upon the Central Government to establish more than one All-India Institute of Medical Sciences, at such places as may be specified by it, by notification in the Official Gazette;

(d) declaring that the aforesaid six All-India Institutes of Medical Sciences established as societies under the Societies Registration Act, 1860 after their incorporation as autonomous body corporates (after enactment of the Bill) and every Institute to be established in future under the AIIMS Act (after enactment of the Bill) would also be an institution of national importance;

(e) making provisions so as to provide that all the aforesaid six All-India Institutes of Medical Sciences would be similar to the existing AIIMS, New Delhi broadly in respect of all matters including nomination of Vice-Chancellor, appointment of President, constitution of the General Body and service matters of staff, etc.;

(f) conferring power upon the Central Government to make transitory provisions by notification so as to specify such measures as it may consider necessary for the smooth and efficient functioning of the Institutes, other than the existing All-India Institute of Medical Sciences.

6. The Notes on clauses explain the various provisions contained in the Bill.

7. The Bill seeks to replace the aforesaid Ordinance.

GHULAMNABIAZAD

NEW DELHI;
The 6th August, 2012.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF
THE CONSTITUTION OF INDIA

[Copy of letter No. Z.29022/03/2009-SSH, dated 17th August, 2012 from Shri Ghulam Nabi Azad, Minister of Health and Family Welfare to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the proposed All-India Institute of Medical Sciences (Amendment) Bill, 2012, recommends to the House introduction of the Bill under article 117(1) and consideration under article 117(3) of the Constitution.

Notes on clauses

Clause 2.—This clause seeks to amend the long title of the All-India Institute of Medical Sciences Act, 1956 (hereinafter referred to as the principal Act). It provides that in the long title, for the words "an All-India Institute of Medical Sciences", the words "All-India Institutes of Medical Sciences" shall be substituted.

Clause 3.—This clause seeks to amend section 1 of the principal Act. It provides to substitute the words "All-India Institute of Medical Sciences" with the words "All-India Institutes of Medical Sciences".

Clause 4.—This clause seeks to amend section 4 of the principal Act. It defines certain expressions "corresponding Institute", "existing Institute", and the terms "society" and "Fund".

Clause 5.—This clause seeks to amend section 3 of the principal Act. It proposes to insert a new proviso to sub-section (1) of section 3 which states that the Central Government may, on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, establish by notification in the Official Gazette, such other All-India Institutes of Medical Sciences at such places as it may specify in the said notification in addition to the existing Institute and the corresponding Institutes.

Clause 6.—It seeks to amend section 4 of the principal Act. It provides for substitution of the words "The Institute", occurring in the opening portion, with the words "Every Institute". It further, provides for substitution of the existing clause (a) of the said section with the following new clauses, namely:--

"(a) in case of existing Institute, the Vice-Chancellor or the Delhi University, *ex officio*;

"(aa) in the case of every other Institute established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, the Vice-Chancellor of a University situated in a State in which such Institute has been established after such commencement and such Vice-Chancellor shall be nominated by the Central Government;"

Clause 7.—This clause seeks to substitute section 5 of the principal Act. It makes provision for declaration of Institutes as institutions of national importance. It provides that the existing Institute declared as an institution of national importance, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall continue to be an institution of national importance. It further provides that every corresponding Institute and every Institute to be established under the proviso to sub-section (1) of section 3, on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012 shall be an institution of national importance.

Clause 8.—This clause seeks to amend section 7 of the principal Act. It provides for insertion of a new proviso to the said sub-section, which states that that the President of the existing Institute shall also be the President of every corresponding Institute and other Institutes established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, till such date the Central Government nominates a separate President for every corresponding Institute and other Institutes established after such commencement.

Clause 9.—This clause seeks to amend section 8 of the principal Act. It provides for substitution of the words "from the Institute", occurring in section 8 of the Act, with the words "from the Institute of which they are the President and members". It further provides for insertion of a new proviso to the said section, which states that in case a person is a

President of two or more Institutes, the allowances shall be borne by the Institutes in such proportion as may be prescribed by rules.

Clause 10.—This clause seeks to amend section 9 of the principal Act. It provides for certain consequential changes in view of establishment of new institutions. It further provides for insertion of a new proviso to the said section, which states that the provisions relating to holding of the first meeting shall not apply to the existing Institute.

Clause 11.—This clause seeks to amend section 10 of the principal Act. It provides for substitution of the words "a Governing Body of the Institute which shall be constituted by the Institute", occurring in sub-section (1) of section 10, with the words "separate Governing Body for every Institute which shall be constituted by such Institute".

It further provides for insertion of a new proviso to the said sub-section (1), which states that the Governing Body of the existing Institute, constituted before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to have been constituted under this section.

It also provides for certain consequential changes in view of establishment of new institutions. It also provides for insertion of a new proviso to sub-section (6), which states that the Standing Committee of the existing Institute constituted, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to have been constituted under this section.

Clause 12.—This clause seeks to amend section 11 of the principal Act. It provides for certain consequential changes relating to chief executive officer and Director in view of establishment of new institutions. It further provides for substitution of the existing proviso to sub-section (1) of the said section with the two new provisos, (a) the first proviso provides that the first Director of every Institute (other than the existing Institute), established on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be appointed by the Central Government; and (b) the second proviso provides that in case a Director of a society has been appointed by the Central Government before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, such Director shall be deemed to be the first Director of the concerned corresponding Institute.

Clause 13.—This clause seeks to substitute section 12 of the principal Act. It provides that the existing Institute shall be located at New Delhi; all corresponding Institutes shall be located at the places mentioned in column (3) of the Table given under section 27A; and all Institutes [other than the existing Institute and corresponding Institutes referred to in sub-sections (1) and (2)] shall be located at such places as the Central Government may, by notification in the Official Gazette, specify.

Clause 14.—This clause seeks to amend section 13 of the principal Act. It provides for certain consequential changes in view of establishment of new institutions.

Clause 15.—This clause seeks to amend section 14 of the principal Act. It provides for certain consequential changes in view of establishment of new institutions.

Clause 16.—This clause seeks to amend section 15 of the principal Act. It provides for certain consequential changes in view of establishment of new institutions.

Clause 17.—This clause seeks to amend section 16 of the principal Act. It, *inter alia*, provides for insertion of a new proviso, which states that the Fund maintained by the existing Institute and the society, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to be the Fund maintained under this section.

Clause 18.—This clause seeks to amend section 17 of the principal Act. It provides for certain consequential changes relating to accounts and expenditure in view of establishment of new institutions.

Clause 19.—This clause seeks to amend sections 18 and 19 of the principal Act. It provides for certain consequential changes in view of establishment of new institutions.

Clause 20.—This clause seeks to amend section 20 of the principal Act. It, *inter alia*, provides for insertion of a new proviso in the said sub-section, which states that the pension and provident fund constituted by the existing Institute or society, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to be the pension and provident fund under this section.

Clause 21.—This clause seeks to amend section 21 of the principal Act which are consequential in nature.

Clause 22.—This clause seeks to amend sections 22, 23, 24, 25 and 27 of the principal Act which are consequential in nature in view of establishment of new institutions.

Clause 23.—This clause seeks to insert new sections 27A, 27B, 27C and 27D in the principal Act. Section 27A seeks to provide for incorporation of Institutes registered as societies under the Societies Registration Act, 1860. It provides that each of the Institute, registered as society under the Societies Registration Act, 1860 and mentioned in column (2) of the Table below shall be a body corporate having perpetual succession and common seal and shall by its name mentioned in column (3) of that Table, sue and be sued. A table has also been provided in the said new section giving therein the name of the existing registered societies and the corresponding All-India Institutes of Medical Sciences along with the place of their respective locations.

Section 27B seeks to provide for effect of incorporation of Institutes. Sub-section (1) of the said section provides that on and after the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012,—

(a) any reference to a society in any law, other than this Act, or in any contract or other instrument, shall be deemed as a reference to the corresponding Institute;

(b) all property, movable and immovable, of or belonging to a society shall vest in the corresponding Institute;

(c) all the rights and liabilities of a society shall be transferred to, and be the rights and liabilities of, the corresponding Institute;

(d) subject to the provisions of this Act, every person (including Director, officers and other employees) who is employed in the society, immediately before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall, on and after such commencement, become an employee of the corresponding Institute and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same on the date of the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, as if the said Act had not been promulgated, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by regulations; and the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government;

(e) the governing body of every society, shall, from the date of constitution of the Governing Body under sub-section (1) of section 10, stand dissolved and no chairperson or other person shall be entitled to any compensation for the premature termination of the term of his office or of any contract of service;

(f) all committees (including Standing Committee, if any) of the society shall stand dissolved;

(g) any examination conducted by the existing Institute for admission of candidates for award of medical degrees and diplomas by such society shall be valid examination and be deemed to have been conducted by the corresponding Institute.

Sub-section (2) of the said section 27B provides that notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, absorption of any employee by the corresponding Institutes in its regular service under this section shall not entitle such employee to any compensation under this Act or any other law and no such claim shall be entertained by any court, tribunal or other authority.

Section 27C seeks to provide that provisions of this Act shall apply to societies incorporated into All-India Institutes of Medical Sciences under section 27A. It provides that all provisions of this Act shall, *mutatis mutandis*, apply to the societies, referred to in column (2) of the Table given under section 27A, incorporated into All-India Institutes of Medical Sciences referred to in column (3) of the said Table.

Section 27D seeks to provide for power to make transitory provisions for Institutes (other than existing Institute). It provides that the Central Government may, if it is of the opinion that certain measures are required for speedy and effective functioning of corresponding Institutes (other than the existing Institute), by notification in the Official Gazette, specify such measures as it may consider necessary for the smooth and effective functioning of such Institutes. However, no such notification shall be issued under this section, after the expiry of a period of two years from the date of commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012. Sub-section (2) of section 27D provides that every notification issued under this section shall be laid, as soon as may be after it is made, before each House of Parliament;

Clause 24.—This clause seeks to amend section 28 of the principal Act relating to rule making power, which are consequential in nature.

Clause 25.—This clause seeks to amend section 29 of the principal Act relating to regulation making power. It, *inter alia*, provides for insertion of a new proviso after clause (n) of sub-section (1), which states that the regulations made by the existing Institute, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall continue to be the regulations made under this section until such regulations are amended or rescinded by the existing Institute in accordance with the provisions of this section. It further provides that every corresponding Institute shall, within three months of the date of the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, make regulations.

Clause 26.—This clause seeks to provide for repeal and savings. It provides for repeal of the All-India Institute of Medical Sciences (Amendment) Ordinance, 2012. It further provides for saving of anything done or any action taken under the principal Act, as amended by the said Ordinance, so as to mean that the same shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

FINANCIAL MEMORANDUM

The All-India Institute of Medical Sciences (Amendment) Bill, 2012 proposes to provide for establishment of more than one All-India Institute of Medical Sciences at various locations in different States, in addition to the one existing All-India Institute of Medical Sciences at New Delhi.

2. Clause 9 of the Bill provides that in case a person is a President of two or more Institutes, the allowances shall be borne by the Institutes in such proportion as may be prescribed by rules. Clause 17 of the Bill provides that the Fund maintained by the existing Institute and the society, before the commencement of the All-India Institute of Medical Sciences (Amendment) Act, 2012, shall be deemed to be the Fund maintained under section 16 of the All-India Institute of Medical Sciences Act, 1956.

3. An estimated cost amounting to four thousand nine hundred twenty crore rupees for setting up six new All-India Institutes of Medical Sciences (eight hundred twenty crore rupees for each of the six Institutes) has been approved.

4. The Bill does not involve any additional expenditure of recurring or non-recurring nature from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (b) of clause 9 of the Bill seeks to insert a new proviso to section 8 of the Act which empowers the Central Government to prescribe by rules, the allowances which shall be borne by the Institutes in such proportion, in case a person is a President of two or more Institutes.

2. Clause 23 of the Bill seeks to insert a new section 27D in the Act. Sub-section (1) of the said section 27D provides that if the Central Government is of the opinion that certain measures are required for speedy and effective functioning of corresponding Institutes (other than the existing Institute), it may by notification in the Official Gazette, specify such measures as it may consider necessary for the smooth and effective functioning of such Institutes.

3. Sub-section (2) of the new section 27D, in clause 23 of the Bill, provides that every notification issued under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

4. The matters in respect of which the Central Government may make rules or issue notifications are matters of procedure and administrative details and it is not practicable to provide for them in the proposed legislation itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE ALL-INDIA INSTITUTE OF MEDICAL SCIENCES ACT, 1956

(25 OF 1956)

An Act to provide for the establishment of an All-India Institute of Medical Sciences.

Short title and commencement.	1. (1) This Act may be called the All-India Institute of Medical Sciences Act, 1956.
	* * * * *
Definitions.	2. In this Act, unless the context otherwise requires,—
	(a) "Fund" means the fund of the Institute referred to in section 16;
	* * * * *
	(c) "Institute" means the All-India Institute of Medical Sciences established under section 3;
Establishment and incorporation of the Institute.	3. (1) * * * * *
	(2) The Institute shall be a body corporate by the name aforesaid having perpetual succession and common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.
Composition of the Institute.	4. The Institute shall consist of the following members, namely:—
	(a) the Vice -Chancellor of the Delhi University, <i>ex officio</i> ;
	* * * * *
Declaration of the Institute as an institution of national importance.	5. It is hereby declared that the Institute shall be an institution of national importance.
	* * * * *
President of the Institute.	7. (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.
	* * * * *
Allowances of President and members.	8. The President and members shall receive such allowances, if any, from the Institute as may be prescribed by rules.
Meetings of the Institute.	9. 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 at its meetings as may be prescribed by regulations.
Governing Body and other Committees of the Institute.	10. (1) There shall be a Governing Body of the Institute which shall be constituted by the Institute from among its members in such manner as may be prescribed by regulations.
	(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, by regulations made in this behalf, confer or impose upon it.
	(3) The President of the Institute shall be the Chairman of the Governing Body and as Chairman thereof shall exercise such powers and discharge such functions as may be prescribed by regulations.
	* * * * *

(5) Subject to such control and restrictions as may be prescribed by rules, 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) A standing committee shall consist exclusively of members of the Institute; but an *ad hoc* committee may include persons who are not members of the Institute but the numbers of such persons shall not exceed one-half of its total membership.

* * * * *

11. (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 made by the Central Government in this behalf, be appointed by the Institute:

Staff of the Institute.

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

* * * * *

12. The Institute shall be located in New Delhi.

Location of Institute.

13. The object of the Institute shall be—

Object of the Institute.

* * * * *

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

Functions of the Institute.

* * * * *

15. The Central Government may, under 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.

Payment to the Institute.

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

Fund of the Institute.

(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.

* * * * *

17. The Institute shall prepare in such form and at such time every year as may be prescribed by rules 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 by rules.

Budget of the Institute.

18. (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 in consultation with the Comptroller and Audit-General of India.

Accounts and audit.

(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.

Annual report.

19. 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 by rules and a copy of this report shall be laid before both Houses of Parliament within one month of its receipt.

Pension and provident funds.

20. (1) The Institute shall for the benefit of its officers, teachers and other employees in such manner and subject to such conditions as may be prescribed by regulations, such pension and provident funds as it may deem fit.

* * * * *

Authentication of the orders and instruments of the Institutes.

21. All orders and decisions of the Institutes shall be authenticated by the signature of the President or any other member authorised by the Institute in this behalf and all other instruments shall be authenticated by the signature of the Director or any other officer of the Institute authorised in like manner in this behalf.

Acts and proceedings not to be invalidated by vacancies, etc.

22. 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.

Recognitions of medical, dental and nursing qualifications granted by the Institute.

23. Notwithstanding anything contained in the Indian Medical Council Act, 1956, the Dentists Act, 1948 and the Indian Nursing Council Act, 1947, the medical, dental or nursing degrees or diplomas, as the case may be, granted by the Institute under this Act shall be recognised—

102 of 1956.
16 of 1948.
48 of 1947.

(a) medical qualifications for the purpose of the Indian Medical Council Act, 1956 and shall be deemed to be included in the First Schedule to that Act;

102 of 1956.

(b) dental qualifications for the purposes of the Dentists Act, 1948 and shall be deemed to be included in the Schedule to that Act; and

16 of 1948.

(c) nursing qualifications for the purposes of the Indian Nursing Council Act, 1947 and shall be deemed to be included in the Schedule to that Act.

48 of 1947.

Grant of medical, dental or nursing degrees, diplomas, etc., by the Institute.

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

Control by Central Government.

25. 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.

* * * * *

Returns and information.

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

Power to make rules.

28. (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 the making of rules under this section, but the Central Government shall take into consideration any 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 clause (f) of section 4;

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

(c) the conditions of service of, the procedure to be followed by, and the manner of filling vacancies among, members of the Institute;

(d) the powers and functions to be exercised and discharged by the President of the Institute;

(e) the allowances, if any, to be paid to the President and members of the Institute;

(f) the number of officers and employees that may be appointed by the Institute and the manner of such appointment;

(g) the form in which and the time at which the budget and report shall be prepared by the Institute and number of copies to be forwarded to the Central Government;

(h) the form and manner in which returns and information are to be furnished by the Institute to the Central Government;

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

* * * * *

29. (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 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—

Power to make regulations.

* * * * *

LOK SABHA

A
BILL

further to amend the All-India Institute of Medical Sciences Act, 1956.

(Shri Ghulam Nabi Azad, Minister of Health and Family Welfare)