

THE ALL-INDIA INSTITUTE OF MEDICAL SCIENCE ACT, 1956

Act No.25 OF 1956

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

[2nd June, 1956]

BE it enacted by Parliament in the Seventh Year of the Republic of India, as follows:

Comment: The Act seeks to provide for measures that would help in improving professional competence amongst medical practitioners by addressing the issue of medical education

1.Short title and commencement.- (1) This Act may be called the All-India Institute of Medical Sciences Act, 1956.

(2) It shall come into force on such date {15th November, 1956, vide S.R.O.No.2688 dated 6 - 11-1956, see Gazette of India, Part II, Sec.3, p.1995.} as the Central Government may, by notification in the Official Gazette, appoint.

2.Definitions.- In this Act, unless the context otherwise requires,

(a) 'Fund' means the fund of the Institute referred to an section 16;

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

(c) 'Institute' means the All-India Institute of Medical Sciences established under section 3;

(d) 'member' means a member of the Institute;

(e) 'regulation' means a regulation made by the Institute;

(f) 'rule' means a rule made by the Central Government.

3.Establishment and incorporation of the Institute.- (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act an institution to be called the All-India Institute of Medical Sciences.

(2) The Institute shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, had and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

4.Composition of the Institute.- The Institute shall consist of the following members, namely:

(a) the Vice-Chancellor of the Delhi University, ex officio;

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

(c) the Director of the Institute, ex officio;

(d) two representatives of the Central Government to be nominated by that Government, one from the Ministry of Finance and one from the Ministry of Education;

(e) five persons of whom one shall be a non-medical scientist representing the Indian Science Congress Association, to be nominated by the Central Government;

(f) four representatives of the medical faculties of Indian Universities to be nominated by the Central Government in the manner prescribed by rules; and

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

5. Declaration of the Institute as an institution of national importance.- It is hereby declared that the Institute shall be an institution of national importance.

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

Provided that the term of office of a member elected under clause (g) of section 4 shall come to an end as soon as he ceases to be a member of the House from which he was elected.

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

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

(4) An out-going member shall, unless the Central Government otherwise directs, continue in office until another person is nominated or elected as a member in his place.

(5) An out-going member shall be eligible for re-nominating or re-election.

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

(7) The Manner of filling vacancies among members shall be such as may be prescribed by rules.

7. President of the Institute.- (1) There shall be a President of the Institute who shall be nominated by the Central Government from among the members other than the Director of the Institute.

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

8. Allowances of President and members.- The President and members shall receive such allowances, if any, from the Institute as may be prescribed by rules.

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

10. Governing Body and other Committees of the Institute.- (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.

(4) The Procedure to be followed in the exercise of its powers and discharge of its functions by the Governing Body, and the term of office of, and the manner of filling vacancies among, the members of the Governing Body shall be such as may be 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 number of such persons shall not exceed one-half of its total membership.

(7) The Chairman and members of the Governing Body and the Chairman and members of a standing committee or an ad hoc committee shall receive such allowances, if any, as may be prescribed by regulations.

11. Staff of the Institute.- (1) There shall be a chief executive officer of the Institute who shall be designated as the Director of the Institute and shall, subject to such rules as may be made by the Central Government in this behalf, be appointed by the Institute:

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

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

(3) The Director shall exercise such powers and discharge such functions as may be prescribed by regulations or as may be delegated to him by the Institute or the President of the Institute or by the Governing Body or the Chairman of the Governing Body.

(4) Subject to such rules as may be made by the Central Government in this behalf, the Institute may appoint such number of other officers and employees as may be necessary for the exercise of its powers and discharge of its functions and may determine the designations and grades of such other officers and employees.

(5) The Director and other officers and employees of the Institute shall be entitled to such salary and allowances and shall be governed by such conditions of service in respect of leave, pension, provident fund and other matters as may be prescribed by regulations made in this behalf.

12. Location of the Institute.- The Institute shall be located in New Delhi.

13. Objects of the Institute.- The objects of the Institute shall be?

(a) to develop patterns of teaching in undergraduate and postgraduate medical education in all its branches so as to demonstrate a high standard of medical education to all medical colleges and other allied institutions in India;

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

(c) to attain self-sufficiency in postgraduate medical education.

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

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

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

(c) provide for the teaching of humanities in the undergraduate courses;

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

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

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

- (i) one or more medical colleges with different departments, including a department of preventive and social medicine, sufficiently staffed and equipped to undertake not only undergraduate medical education but also postgraduate medical education in different subjects;
- (ii) One or more well-equipped hospitals;
- (iii) a dental college with such institutional facilities for the practice of dentistry and for the practical training of students as may be necessary;
- (iv) a nursing college sufficiently staffed and equipped for the training of nurses;
- (v) rural and urban health organisations which will form centres for the field training of the medical, dental and nursing students of the Institute as well as for research into community health problems; and
- (vi) other institutions for the training of different types of health workers, such as physiotherapists, occupational therapists and medical technicians of various kinds;
- (g) train teachers for the different medical colleges in India;
- h) hold examinations and grant such degrees, diplomas and other academic distinctions and titles in undergraduate and postgraduate medical education as may be laid down in the regulations;
- (i) institute, and appoint persons to, professorships, reader ships, lectureships and posts of any description in accordance with regulations;
- (j) receive grants from the Government and gifts, donations, benefactions, bequests and transfers of properties, both movable and immovable, from donors, benefactors, testators or transferors, as the case may be;
- (k) deal with any property belonging to, or vested in, the Institute in any manner which is considered necessary for promoting the objects specified in section 13;
- (l) demand and receive such fees and other charges as may be prescribed by regulations;
- (m) do all such other acts and things as may be necessary to further the objects specified in section 13.

15.Payment to the Institute.- 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.

16.Fund of the Institute.- (1) The Institute shall maintain a Fund to which shall be credited?

- (a) all moneys provided by the Central Government;
- (b) all fees and other charges received by the Institute;
- (c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and
- (d) all moneys received by the Institute in any other manner or from any other source.

(2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Central Government, decide.

(3) The Fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions under section 14.

17.Budget of the Institute.- 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.

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

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

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

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

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

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

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

21.Authentication of the orders and instruments of the Institute.- All orders and decisions of the Institute 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.

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

23.Recognition of medical qualifications granted by the Institute.- Notwithstanding anything contained in the Indian Medical Council Act, 1933 (27 of 1933), the medical degrees and diplomas granted by the Institute under this Act shall be recognised medical qualification for the purposes of that Act and shall be deemed to be included in the First Schedule to that Act.

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

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

26. Disputes between the Institute and the Central Government.- If in, or in connection with, the exercise of its powers and discharge of its functions by the Institute under this Act, any dispute arises between the Institute and the Central Government, the decision of the Central Government on such dispute shall be final.

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

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

Provided that consultation with the Institute shall not be necessary on the first occasion of 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, name

(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 aid 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 reports shall be prepared by the Institute and the number of copies thereof to be forwarded to the Central Government;

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

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

(3) All rules made under this section shall, as soon as may be after they are made, be laid before both Houses of Parliament.

29. Power make regulations.- (1) The Institute may, with the previous approval of the Central Government, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide

(a) the summoning and holding of meetings other than the first meeting, of the Institute, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of members necessary to form a quorum;

(b) the manner of constituting the Governing Body and standing and ad hoc committees, the term of office of, and the manner of filling vacancies among, the members of, the Governing body and standing and ad hoc committees;

(c) the powers and functions to be exercised and discharged by the President of the Institute and the Chairman of the Governing Body;

(d) the allowances, if any, to be paid to the Chairman and the members of the Governing Body and of standing and ad hoc committees;

(e) the procedure to be followed by the Governing Body and standing and ad hoc committees in the conduct of their business, exercise of their powers and discharge of their functions;

(f) the tenure of office, salaries and allowances and other conditions of service of the Director and other officers and employees of the Institute including teachers appointed by the Institute;

(g) the powers and duties of the Chairman of the Governing Body;

(h) the powers and duties of the Director and other officers and employees of the Institute;

(i) the management of the properties of the Institute;

(j) the degrees, diploma and other academic distinctions and titles which may be granted by the Institute.

(k) the professorships, readerships, lecturerships and other posts which may be instituted and persons who may be appointed to such professorships, readerships, lectureships and other posts;

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

(m) the manner in which, and the conditions subject to which, pension and provident funds may be constituted for the benefit of officers, teachers and other employees of the Institute;

(n) any other matter for which under this Act provisions may be made by regulations;

(2) Until the Institute is established under this Act, any regulation which may be made under sub-section (1) may be made by the Central Government; and any regulation so made may be altered or rescinded by the Institute in exercise of its powers under sub section (1).