

ALL INDIA
INSTITUTE OF
MEDICAL
SCIENCES ACT,
1956
[Act, No. 25 of 1956]

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

Updates as per amendment acts
Delegated Legislation Provision (Amendment) Act (4 of 1986), All India Institute of Medical Sciences and the Post-Graduate Institute of Medical Education and Research, Chandigarh (Amendment) Act (30 of 1987), All-India Institute Of Medical Sciences (Amendment) Act, 2000 (33 of 2000), All India Institute of Medical Sciences (Amdt) Act, 2002, All-India Institute of Medical Sciences and the Post-Graduate Institute of Medical Education and Research (Amendment) Act, 2007 [Act No. 42 of 2007], All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012)

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Preamble

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

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:-

Section 1 - Short title and commencement

- (1) This Act may be called The¹All-India Institutes of Medical Sciences] Act, 1956.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Section 2 – Definitions

In this Act, unless the context otherwise, requires, --

- ²[(a) "corresponding Institute" means the Institutes referred to in column (3) of the Table given under section 27A;
- (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;
- (ab) "Fund" means the Fund of the Institute referred to in 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 ³[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] ;
- (d) 'member' means a member of the Institute;

¹ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following : - "All India Institute of Medical Sciences"

² Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following : - "(a) 'Fund' means the fund of the Institute referred to in section 16;"

³ Inserted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012.

- (e) 'regulation' means a regulation made by the Institute;
- (f) 'rule' means a rule made by the Central Government.
- ¹[(g) "society" means the society referred to in column (2) of the Table given under section 27A.]

Section 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.

⁴[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.]

(2) ²[Every Institute] shall be a body corporate by the name aforesaid having perpetual succession and a 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.

Section 4 - Composition of the Institute

³[Every Institute] shall consist of the following members, namely: --

⁴[(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;]

¹ Inserted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012.

² Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following : - "The Institute"

³ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "The Institute"

⁴ Inserted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following :- "(a) in the case of existing Institute, the Vice-chancellor of the Delhi University, ex officio;"

- (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

Section 5 - Declaration of Institutes as institution of national importance

- ¹[(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.
- (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

¹ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "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."

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| <p>Institute of Medical Sciences (Amendment) Act, 2012, shall be an institution of national importance.]</p> |
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Section 6 - Term of office of, and vacancies among, members

- (1) Save as otherwise provided in the 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 ¹[becomes a Minister or Minister of State or Deputy Minister, or the Speaker or the Deputy Speaker of the House of the People, or the Deputy Chairman of the Council of States or] 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 outgoing 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 outgoing member shall be eligible for re-nomination 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.

¹ Inserted by The All-India Institute Of Medical Sciences (Amendment) Act, 2000 (33 of 2000) w.e.f. 25.08.2000.

Section 7 - President of the Institute

(1) There shall be a ¹[President for every Institute] who shall be nominated by the Central Government from among the members other than the Director of the Institute.

²[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.]

(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.

Section 8 - Allowances of President and members

The President and members shall receive such allowances, if any, ³[from the Institute of which they are the President and members] as may be prescribed by rules.

¹¹[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.]

Section 9 - Meetings of the Institute

⁴[Every 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 ⁵[every 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 regulation.

¹ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "President of the Institute".

² Inserted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012.

³ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "from the Institute"

⁴ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "The Institute shall"

⁵ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "the Institute shall meet"

¹[Provided that the provisions relating to holding of the first meeting shall not apply to the existing Institute.]

Section 10 - Governing Body and other Committees of the Institute

(1) There shall be ²[separate Governing Body for every Institute which shall be constituted by such Institute] from among its members in such manner as may be prescribed by regulations.

¹⁵[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.]

(2) The Governing Body shall be the executive committee of ³[every Institute] and shall exercise such powers and discharge such functions as ¹⁷[every Institute] may, by regulations made in this behalf, confer or impose upon it.

(3) The President of ¹⁷[every 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, ⁴[every Institute may constitute] as many standing committees and as many ad hoc committees as it thinks fit for exercising any power or discharging any ⁵[functions of such Institute] or for inquiring into or reporting or advising upon, any matter which the Institute may refer to them.

¹ Inserted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012.

² Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "a Governing Body of the Institute which shall be constituted by the Institute"

³ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "the Institute"

⁴ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "the Institute may constitute"

⁵ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "function of the Institute"

- (6) A standing committee shall consist exclusively of ¹[members of every Institute; but an ad hoc committee may include persons who are not members of such Institute] but the number of such persons shall not exceed one-half of its total membership.

²[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.]

- (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

Section 11 - Staff of the Institute

- (1) There shall be a ³[chief executive officer of every Institute] who shall be designated as the ⁴[Director of such Institute] and shall, subject to such rules as may be made by the Central Government in this behalf, be appointed by the Institute:

⁵[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.]

¹ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "members of the Institute; but an ad hoc committee may include persons who are not members of the Institute".

² Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "a Governing Body of the Institute which shall be constituted by the Institute"

³ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "Chief Executive Officer of the Institute"

⁴ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "Director of the Institute"

⁵ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "Provided that the first director of the Institute shall be appointed by the Central Government"

- ¹[(1A) The Director shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier:

Provided that any person holding office as a Director immediately before the commencement of the All-India Institute of Medical Sciences and the Post-Graduate Institute of Medical Education and Research (Amendment) Act, 2007, shall in so far as his appointment is inconsistent with the provisions of this sub-section, cease to hold office on such commencement as such Director and shall be entitled to claim compensation not exceeding three months' pay and allowances for the premature termination of his office or of any contract of service.]

- (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 maybe 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.

Section 12 - Location of the Institute

- ²[(1) 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.

¹ Inserted by the All-India Institute of Medical Sciences and the Post-Graduate Institute of Medical Education and Research (Amendment) Act, 2007 [Act No. 42 of 2007]

² Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "The Institute shall be located in New Delhi."

- (3) 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.]

Section 13 - Objects of the Institute

The objects of ¹[every Institute] shall be--

- (a) to develop patterns of teaching in under-graduate and post-graduate 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 post-graduate medical education

Section 14 - Functions of the Institute

With a view to promotion of the objects specified in section 13, ²⁷[every Institute] may--

- (a) provide for under-graduate and post-graduate 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 under graduate courses;
- (d) conduct experiments in new methods of medical education, both under graduate and post-graduate, in order to arrive at satisfactory standards of such education;
- (e) prescribe courses and curricula for both under-graduate and post graduate 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 under graduate medical education but also post-graduate medical education in different subjects;
 - (ii) one or more well-equipped hospitals;

¹ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "the Institute"

- (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 under-graduate and post-graduate medical education as may be laid down in the regulations;
 - (i) institute, and appoint persons to, professorships, readerships, 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;
 - ¹[(m) construct quarters for its staff and allot such quarters to the staff in accordance with such regulations as may be made in this behalf;
 - (n) borrow money, with the prior approval of the Central Government, on the security of the property of the Institute;]
 - ²[(o) do all such other acts and things as may be necessary to further the objects specified in section 13.]

¹ Inserted by the All India Institute of Medical Sciences and the Post-Graduate Institute of Medical Education and Research, Chandigarh (Amendment) Act (30 of 1987) w.e.f 08.09.1987.

² Clause (m) re lettered as (o) by All India Institute of Medical Sciences and the Post-Graduate Institute of Medical Education and Research, Chandigarh (Amendment) Act (30 of 1987) w.e.f 08.09.1987.

Section 15 - Payment to the Institute

The Central Government may, under appropriation made by Parliament by law in this behalf, pay to ¹[every 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.

Section 16 - Fund of the Institute

- (1) ³⁰[Every 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[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.]
- (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.

¹ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following:- "the Institute"

² Inserted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012.

Section 17 - Budget of the Institute

¹[Every 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 ²[expenditure of the concerned Institute] and shall forward to the Central Government such number of copies thereof as may be prescribed by rules.

Section 18 - Accounts and audit

- (1) ³[Every 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 ³⁴[every 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 ³⁴[every 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 ³⁴[every Institute] shall have the same rights, privileges and authority in connection with such audit as the Comptroller 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 ³⁴[every Institute] as well as of the institutions established and maintained by it.
- (4) The accounts of ³⁴[every 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.

¹ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following :- "The Institute shall prepare"

² Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following :- "expenditure of the Institute"

³ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following :- "the Institute" and "The Institute"

Section 19 - Annual Report

¹[Every 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.

Section 20 - Pension and provident funds

- (1) ³⁵[Every 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[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.]

- (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, shall apply to such fund as if it were a Government provident fund.

Section 21 - Authentication of the orders and instruments of the Institute

All orders and ³[decisions of every 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 ⁴[officer of every Institute] authorised in like manner in this behalf.

Section 22 - Acts and proceedings not to be invalidated by vacancies, etc

No act done or proceeding taken by ³⁵[every 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, ³⁵[every Institute], Governing Body or such standing or ad hoc committee.

¹ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following :- "The Institute"

² Inserted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012.

³ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following :- "decisions of the Institute"

⁴ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following :- "officer of the Institute"

Section 23 - Recognition of Medical, dental and nursing qualifications granted by the Institute

¹[Notwithstanding anything contained in the Indian Medical Council Act, 1956 (102 of 1956), the Dentists Act, 1948 (16 of 1948) and the Indian Nursing Council Act, 1947(48 of 1947), the medical, dental or nursing degrees or diplomas, as the case may be, granted by ²[every Institute] under this Act shall be recognized--

- (a) medical qualifications for the purpose of the Indian Medical Council Act, 1956(102 of 1956) and shall be deemed to be included in the First Schedule to that Act;
- (b) dental qualifications for the purpose of the Dentists Act, 1948 (16 of 1948) and shall be deemed to be included in the Scheduled to that Act; and
- (c) nursing qualifications for the purpose of the Indian Nursing Council Act, 1947(48 of 1947) and shall be deemed to be included in the Schedule to that Act.]

Section 24 - Grant of medical, dental or nursing degrees, diplomas, etc., by the Institute

³[Notwithstanding anything contained in any other law for the time being in force, ⁴⁰[every Institute] shall have power to grant medical, dental or nursing degrees, diplomas and other academic distinctions and title under this Act.]

Section 25 - Control by Central Government

⁴⁰[Every 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.

¹ Sec. 23 Substituted by the All India Institute of Medical Sciences (Amdt) Act, 2002, w.e.f. 12.06.2003. Prior to substitution sec. 23 reads as under :- "Section 23 -- Recognition of medical qualifications granted by the Institute.-- Notwithstanding anything contained in the Indian Medical Council Act, 1933, the Medical degrees and diplomas granted by the Institute under this Act, shall be recognised medical qualifications for the purposes of that Act and shall be deemed to be included in the First Schedule to that Act."

² Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following :- "the Institute"

³ Section 24 substituted by the All India Institute of Medical Sciences (Amdt) Act, 2002, w.e.f. 12.06.2003. Prior to substitution sec. 24 reads as under :- "Section 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."

Section 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.

Section 27 - Returns and information

¹[Every Institute] shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.

Section 27A - Incorporation of Institute registered as society under the Societies Registration Act, 1860

²[Each of the Institute, registered as society under the Societies Registration Act, 1860 (21 of 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:

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) |
| 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). |
| 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). |
| 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).] |

¹ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following :- "The Institute"

² Inserted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012.

Section 27B - Effect of incorporation of Institutes

¹[(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;

¹ Inserted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012.

- (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) Not with standing anything contained in the Industrial Disputes Act, 1947 (14 of 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 - Provisions of this Act to apply to societies incorporated into All-India Institutes of Medical Science under section 27A

¹[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.

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

Section 27D - Power to make transitory provisions for Institutes (other than existing Institute)

- ⁴⁵[(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:

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.]

¹ Inserted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012.

Section 28 - Power to make rules

- (1) The Central Government, after consultation with ¹[all the Institutes], 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;
 - ²[(aa) the proportion of allowances of the President to be borne by the Institutes under the proviso to section 8;]
 - (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 ⁴⁶[every 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 reports shall be prepared by the Institute and the number of copies thereof to be forwarded to the Central Government;

¹ Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following :- "the Institute"

² Inserted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012.

- (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.
- ¹(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

Section 29 - Power to make regulations

- (1) ²[Every Institute] ³[with the previous approval of the Central Government, may by notification in the official Gazette] make regulations consistent with this Act and the rules made there under to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for--
- (a) the summoning and holding of meetings other than the first meeting of the 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.

¹ Substituted for sub-section (3) by the Delegated Legislation Provision (Amendment) Act (4 of 1986) w.e.f 15.05.1986.

² Substituted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012 for the following : - "The Institute"

³ Substituted for the words "may, with the previous approval of the Central Government" by the Delegated Legislation Provision (Amendment) Act (4 of 1986) w.e.f 15.05.1986.

- (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, diplomas and other academic distinctions and titles which may be granted by the Institute;
- (k) the professorships, readerships, lecturer ships and other posts which may be instituted and persons who may be appointed to such professorships, readership, lecturer ships 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.

¹[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.]

- (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).

⁵¹[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.]

- ²[(3) Every regulation made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation.]

¹ Inserted by the All-India Institute of Medical Sciences (Amendment) Act, 2012 (Act No. 37 of 2012) w.e.f. 16.07.2012.

² Inserted the Delegated Legislation Provision (Amendment) Act (4 of 1986) w.e.f 15.05.1986.