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TELANGANA BILLS
TELANGANA LEGISLATIVE ASSEMBLY

The following Bill was introduced in the Telangana Legislative Assembly on 4th August, 2023.

L. A. BILL No. 6 OF 2023.

**A BILL TO PROVIDE FOR THE ESTABLISHMENT OF
TELANGANA INSTITUTE OF MEDICAL SCIENCES
AND MATTERS CONNECTED THEREWITH AND
INCIDENTAL THERETO.**

Be it enacted by the Legislature of the State of Telangana in the Seventy-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Telangana Institute of Medical Sciences Act, 2023.

Short
title
and Commen-
cement.

[1]

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(2) It shall come into force on such date as the State Government may, by notification in the Telangana Gazette, appoint.

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

(1) 'Institute' means the Telangana Institute of Medical Sciences established under section 3 [and includes other Institutes which may be established on and after the commencement of the Telangana Institute of Medical Sciences Act, 2023];

(2) 'Governing Council' means the Governing Council of the Institute;

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

(4) 'Member' means a member of the Institute;

(5) 'Director' means the Director of the Institute appointed under section 11;

(6) 'Executive Registrar' means the Executive Registrar appointed under section 10;

(7) 'Medical Superintendent' means the in charge of hospital administration;

(8) 'Dean' means head of the faculty;

(9) 'Regulation' means a regulation made by the Institute;

(10) 'Rule' means a rule made by the State Government;

(11) 'Notification' means a notification published in the Government of Telangana Gazette;

(12) "Standing" or "ad-hoc" Committees means respective standing and ad-hoc Committees constituted under section 18.

3. (1) With effect from such date as the State 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 Telangana Institute of Medical Sciences. The State Government may, on and after the commencement of the Telangana Institute of Medical Sciences Act, 2023, establish by notification in the Official Gazette, such other Telangana Institutes of Medical Sciences at such places as it may specify in the said notification in addition to the existing Institute.

Establishment and Incorporation of the Institute.

(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 names and be sued.

4. There shall be a Governing Council consisting of the following members, namely:—

Composition of the Governing Council.

(1) The Chairman, who shall be the Chief Minister of Telangana, ex-officio;

(2) The Vice-Chairman who shall be the Minister for Health, Medical, and Family Welfare, ex-officio;

(3) The Director of the Institute who shall be the Member Secretary;

(4) The Secretary to Government, Health, Medical and Family Welfare, ex-officio;

(5) The Secretary to Government, Finance Department, ex-officio;

(6) Director, Nizam's Institute of Medical Sciences, Hyderabad, ex-officio;

(7) Director of Medical Education, ex-officio;

(8) The Vice Chancellor, Kaloji Narayana Rao University of Health Sciences, Telangana, ex-officio;

(9) The Managing Director, TSSHCL, ex-officio;

(10) Dean ESI, Sanath Nagar, ex-officio;

(11) MD, TSMSIDC, ex-officio;

(12) CEO AHCT, ex-officio;

Functions of Governing Council. 5. (1) Subject to the provisions of this Act the governing council shall be responsible for the general supervision, direction, and control of the affairs of the Institute.

(2) Without prejudice to the generality of the provisions of sub-section (1), the decisions taken by Executive Council shall be put up for consideration and ratification by Governing Council.

Chairperson of Governing Council. 6. (1) The Chairperson of the Governing Council shall be the Chairperson for every Institute, who shall be the Hon'ble Chief Minister of Telangana.

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

(3) The Chairperson shall, after every five years cause to be reviewed the progress of the Institute, in such manner as he thinks fit.

Composition of the Executive Council. 7. There shall be an Executive Council consisting of the following members of the Governing Council, namely:

(1) The Chairperson, who shall be the Minister for Health, Medical and Family Welfare, ex-officio;

(2) The Secretary to Government, Health, Medical and Family Welfare, ex-officio;

(3) The Secretary to Government, Finance Department, ex-officio;

(4) Director of the Institute (TIMS), ex-officio;

(5) Dean of the Institute, who shall be the Member Secretary.

8. (1) To accord approval for creation of posts and recruitment of posts. **Functions of the Executive Council.**

(2) To exercise control and discipline over the employees of the institute.

(3) To authorize receipt of endowments, bequests, donations, grants and transfer of any immovable property by the institute.

(4) To authorize investment money and funds of the Institute and vary the investments as and when it may be necessary or proper.

(5) To form as many Standing Committees and as many ad-hoc committees as it deems fit as specified under section 18 and for exercising any power or discharging any functions or reporting or advising upon, any matter which Institute may refer to them.

(6) To approve courses of study at the Institute and take decisions.

(7) To cooperate and coordinate with other educational and medical institutions and authorities in India and abroad.

(8) To authorize fellowships and scholarships or other monetary assistance on such term is and conditions as it

may prescribe to such persons as it may select to carry on any research, investigation, or study.

(9) To consider and approve regulations of the Institute.

(10) May delegate any of its powers to a committee or the Director or to any officer of the Institute.

**Meeting of
the Executive
Council.**

9. (1) The Executive Council shall meet as often as required.

(2) The Chairman of the Executive Council shall have the power to invite any person not being a member of Governing or Executive Council to attend the meeting, but such invitee shall not be entitled to vote at such meeting.

**Staff of the
Institute.**

10. (1) There shall be a Chief Executive Officer of every Institute who shall be designated as the Director of such Institute and shall, subject to such rules as may be made by the State Government in this behalf, be appointed as specified in section 12.

(2) The Director shall act as the Member Secretary of the Governing Council.

(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 by the Governing Council or the Chairperson of the Governing Council.

(4) The Executive council may appoint a professor and Head of Department as Dean by taking into consideration the seniority in consultation with Director.

(5) The Executive council may appoint Medical Superintendent and Executive Registrar of the Institute.

(6) Subject to such rules as may be made, the Director of 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.

11. (1) The Director shall be appointed by the Chairperson of the Governing Council. **Appointment of Director.**

(2) 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.

(3) Where vacancy in the office of Director occurs and it cannot be conveniently and expeditiously filled, the Chairperson of Governing Council may appoint any suitable person to act as the Director.

(4) Qualification: The essential qualification for the post of Director are:

(a) A high postgraduate qualification in Medicine or Surgery or Public Health and their branches;

(b) Teaching and/research experience of not less than ten years;

(c) Twenty-five years standing in the Profession;

(d) Extensive practical & Administrative experience in the field of medical relief, medical research, medical education or public health organization and adequate experience of running an important scientific educational institution either as its Head or Head of a Department;

(e) Recognized postgraduate medical degree from a recognized institution.

(f) Minimum of ten years teaching experience as Professor/Associate Professor in a Medical College/Institution, out of which at least five years should be as Professor in the Department.

(5) Director shall not be removed from his office except by an order of the Chairperson of Governing Council.

(6) The conditions of the service of the Director, including salary, allowances, leave, pension, and provident fund, admissible to him, shall be such as may be prescribed by the Executive council.

**Power and
duties of
Director.**

12. (1) The Director shall be Chief Executive Officer of the Institute. He shall preside over the meetings of the Standing Committees as well as Ad-hoc committees.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Director shall,-

a. Exercise general supervision and control over the affairs of the Institute and its affiliates;

b. Ensure implementation of the decisions of the authorities of Institute;

c. Be responsible for imparting of instructions and maintenance of discipline in the Institute;

d. Create or abolish posts in cadres other than teaching cadres of the Institute and in respect of teaching cadre to create posts for a period not exceeding six months;

e. He shall be appellat authority under TIMS CCA rules;

f. He shall be disciplinary authority over the faculty & other staff.

(3) The Director shall exercise such other powers and perform such duties as may be assigned to him by or under this Act or as may be delegated to him by the Governing Council or the Executive Council, as the case may be.

13. The objects of every Institute shall be –

**Objects of
the
Institute.**

(1) to take up post-graduate medical education in various branches;

(2) 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

(3) to attain self-sufficiency in post-graduate medical education.

14. The Institute shall have the following powers and functions, namely:

**Functions of
the Institute.**

(1) provide for under-graduate and post-graduate teaching in the science of modern medicine and other allied sciences, including physical and biological sciences;

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

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

(4) conduct experiments in new methods of medical education, both undergraduate and post-graduate, in order to arrive at satisfactory standards of such education;

(5) prescribe courses and curricula for both undergraduate and post graduate studies;

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

(a) 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 post-graduate medical education in different subjects;

(b) one or more well-equipped hospitals;

(c) a dental college with such institutional facilities for the practice of dentistry and for the practical training of students as may be necessary;

(d) a Nursing college sufficiently staffed and equipped for the training of nurses;

(e) an Allied health sciences college sufficiently staffed and equipped for training allied health professionals;

(f) rural and urban health organizations which will form centers for the field training of the medical, dental and nursing students of the Institute as well as for research in to community health problems; and

(g) other institutions for the training of different types of health workers, such as physiotherapists, occupational therapists, and medical technicians of various kinds.

(7) Train teachers for the different medical colleges in India;

(8) 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;

(9) institute, and appoint persons to, professorships, readerships, lectureships and posts of any description in accordance with regulations;

(10) 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;

(11) 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;

(12) demand and receive such fees and other charges as may be prescribed by regulations;

(13) construct quarters for its staff and allot such quarters to the staff in accordance with such regulations as may be made in this behalf;

(14) borrow money, with the prior approval of the State Government, on the security of the property of the Institute;

(15) do all such other acts and things as may be necessary to further the objects specified in section 15.

15. The State Government may pay to the Institute in each financial year such sum of money and in such manner as may be considered necessary for the exercise of its powers and discharge its functions under this Act. **Payments to the Institute.**

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

(a) All money provided by the State Government;

(b) All fees and other charges received by the Institute;

(c) All money received by the Institute by way of grants, gifts, donations, benefactions, bequests, or transfers; and

(d) All money received by the Institute in any other manner or from any other source.

(2) All money credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Executive Council, 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 16.

**Budget of
the
Institute.**

17. The Director of 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 Governing Council such number of copies thereof as may be prescribed by rules.

**Standing
Committees
and other
Adhoc
Committees**

18. (1) The Executive Council may constitute Standing Committees such as Standing Finance Committee, Standing Selection Committee, Standing Academic Committee, and other Standard and ad-hoc committees in accordance with sub-section (5) of section 8 of the Act, consisting of a Chairperson, a Vice-Chairman and not more than seven members.

(2) The Standing Committee shall consist exclusively members of the Institute, but an ad-hoc committee may include persons who are not members of such institute. The number of such persons shall not exceed one half of its total members.

(3) The term of the office of a Standing Committee shall be five years. An outgoing member shall be eligible for re-nomination. The term of office of an Ad-hoc Committees shall terminate as soon as the specific function for which the Committee appointment is completed.

(4) A casual vacancy in a Standing Committees or Ad-hoc Committee may be filled by the Chairman of Executive Council by nomination.

(5) All Standing Committees shall be advisory Committees.

19. (1) The institute shall cause proper accounts and other records in relation thereto be kept, including the proper System of internal check and prepare an annual statement of accounts including the income and expenditure account and the balance sheet in such manner as may be prescribed by regulations. **Accounts and Audit**

(2) The accounts of the Institute shall be audited by such persons as may be appointed by the Government and any expenditure incurred in connection with such audit shall be payable by the Institute to the Government.

(3) The persons so appointed and any other person so authorized by him in connection with such audit of accounts of the Institute shall have the same rights and privileges and authority in connection with such audit as the comptroller and Auditor- General of India has in connection with the audit of 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 any of the offices of the Institute.

(4) The accounts of the Institute certified by the person so appointed or any other person authorized in this behalf together with the audit report thereon shall be forwarded annually to the Government and the Government may issue such instructions to the Institute in respect thereof as they deem fit, and the Institute shall comply with such instructions.

(5) Government may cause the accounts of the Institute together with audit report thereon forwarded to them to be laid annually before the Legislative Assembly of the State.

Annual Report.

20. The Director of the Institute shall prepare for every year a report of its activities during the that year and submit the report to the Governing Council in such form and on or before such date as may be prescribed and copies of the report shall be laid before the Legislative Assembly of the State within 1 month of its receipt.

**Authenticati-
tion of the
orders and
instruments
of the
Institute.**

21. All orders and decisions of the Institute shall be authenticated by the signature of the Executive Registrar, or any other member or officer authorized by the Institute in this behalf and all other instruments issued by the Institute shall be authenticated by the Director, or any other officer of every institute authorized in like manner in this behalf.

**Question of
Invalidation
on various
grounds.**

22. No Act or proceeding of the Governing Council, Executive Council or any authority of every Institute or any committee constituted under this Act, shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Governing Council, Executive Council, authority, or such committee.

**Recognition
of Qualifica-
tions.**

23. 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 the Institute under this Act shall be recognized-

(1) 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;

(2) dental qualifications for the purpose of the Dentists Act, 1948 (16 of 1948) and shall be deemed to be included in the Schedule to that Act; and

(3) 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.

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

Grant of Degrees and Diplomas by Institute.

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

Control by the State Government.

26. Every Institute shall furnish to the State Government such reports, returns and other information as that Government may require from time to time.

Returns and Information.

27. The Government after consultation with all the institutes may, by notification in the official gazette, make rules to carry out the purpose of this Act.

Power to make rules.

(1) 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 section 4;

b. the control and restrictions in relation to the constitution of ad-hoc committees;

c. the conditions of service of, the procedure to be followed by, and the manner of filling vacancies among, members of Governing Council;

d. the powers and functions to be exercised and discharged by the Director of the Institute;

e. the number of officers and employees that may be appointed by the Institute and the manner of such appointment;

f. 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 State Government;

g. the form and manner in which returns and information are to be furnished by the Institute to the State Government;

h. any other matter which has to be or may be prescribed by rules.

(2) Every rule made under this section, shall immediately after it is made, be laid before the Legislative Assembly of the State, while it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or agrees 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; however, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**Power to
make
regulations.**

28. Subject to the provisions of this Act, and the rule made there under, the Institute may, with the previous approval of the Governing Council make regulations to provide for any

matter which is to be or may be provided for, by regulation and without prejudice to the generality of this power, such regulations may provide for, -

(1) The summoning and holding of meetings, other than first meeting, and the quorum and conduct of business at such meetings;

(2) Any matter in respect of the constitution of any Committee or other body to be constituted under this Act;

(3) The procedure to be followed by the Governing Council and any Committee or other body constituted under this Act in the conduct of their business, exercise of their powers and discharge of their functions;

(4) The tenure of office, salaries and allowances and other conditions of service of the officers, teachers and employees of the Institute;

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

(6) The management of the properties of the Institute;

(7) The degrees, diplomas and the other academic distinctions and titles which may be granted by the Institute;

(8) The creation of posts of Professors, Heads of Departments, Associate Professor, Assistant Professors, Class -I Officers and post of other teachers, officers and employees of the Institute, and the appointment of persons to such posts including the qualifications requisite therefore;

(9) The fees and other charges which may be deemed and received by the Institute;

(10) The manner in which and the conditions subject to which, pension and provident funds, may be constituted

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for the benefit of officers, teachers, and other employees of the Institute;

(11) Any other matter for which provisions may be made under the Act by regulations:

(a) Any other matter in which provisions may be made under this Act by regulations.

(b) Notwithstanding anything contained in sub section (1), the first regulations under this Act, shall be made by the Government and any regulations under this act, shall be made by the Government and any regulations so made may be altered or rescinded by the Governing Council in exercise of its power under sub section (1) with the approving of the Government.

STATEMENT OF OBJECTS AND REASONS

Government of Telangana have issued orders to setup four super specialty hospitals in Hyderabad vide G.O. Rt. No. 496, HM&FW (H) Dept., dated 16.08.2021.

2. Government have further issued orders that the above four super specialty hospitals will function as autonomous institutions and will be named as follows:

- i. Telangana Institute of Medical Sciences, Gachibowli.
- ii. Telangana Institute of Medical Sciences, LB Nagar.
- iii. Telangana Institute of Medical Sciences, Alwal.
- iv. Telangana Institute of Medical Sciences, Sanathnagar.

3. Telangana Institute of Medical Sciences Act, 2023 (TIMS Act) has been enacted to provide for the establishment of Telangana Institute of Medical Sciences in the state. The main object of the aforesaid Act is to provide a high standard of post graduate medical education in various branches and to attain self-sufficiency in post-graduate medical education and promote medical research.

4. The Bills seeks to achieve the above objects.

T. HARISH RAO,
Minister for Finance and
Health, Medical & Family Welfare.

FINANCIAL MEMORANDUM

1. In G.O.Rt.No.418 HM&FW (C2) Department Dated 2.7.2021, Government has issued orders to set up four super specialty hospitals in Hyderabad.
2. In G.O.Rt.No.496 HM&FW (H) Department Dated 16.8.2021, Government has ordered that these super specialty hospitals will function as autonomous institutions and will be named as follows:
 - a. Telangana Institute of Medical Sciences, Gachibowli
 - b. Telangana Institute of Medical Sciences, L.B.Nagar
 - c. Telangana Institute of Medical Sciences, Alwal
 - d. Telangana Institute of Medical Sciences, Sanathnagar
3. In G.O.Rt.No.41 HM&FW (C2) Department Dated 21.4.2022, Government has sanctioned Rs.2679 crore towards construction of three Telangana Institute of Medical Sciences (TIMS) at L.B.Nagar, Alwal and Sanathnagar.
4. Now the bill seeks to provide a frame work for administration of TIMS as autonomous institutions along the lines of NIMS/AIIMS by constitution of Governing Body, Executive Council etc.

T. HARISH RAO,
Minister for Finance and
Health, Medical & Family Welfare.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 1, 3, 11, 27 & 28 of the Bill authorizes the Government is issue notification or to make rules in respect of matters specified therein and generally to carry out the purposes of the Act. All such rules so made or notifications issued which are intended to cover matters mostly of procedural in nature are to be laid on the Table of both the Houses of the State Legislature and will be subject to any modifications made by the State Legislature.

The above provision of the Bill regarding Delegated Legislation are thus of normal type and are mainly intended to cover matters of procedure.

T. HARISH RAO,
Minister for Finance and
Health, Medical & Family Welfare.

**MEMORANDUM UNDER RULE 95 OF THE RULES OF
PROCEDURE AND CONDUCT OF BUSINESS IN THE
TELANGANA LEGISLATIVE ASSEMBLY**

The Telangana Institute of Medical Sciences Bill, 2023 for establishment and governing the (4) TIMS i.e., (1) Gachibowli, (2) LB Nagar, (3) Alwal and (4) Sanathnagar., after it is passed by both the Houses of the State Legislature, may be submitted to the Governor for her assent under article 200 of the Constitution of India.

T. HARISH RAO,
Minister for Finance and
Health, Medical & Family Welfare.

Dr. V. NARASIMHA CHARYULU,
Secretary to State Legislature.