

THE INDIAN INSTITUTE OF NUCLEAR MEDICINE BILL, 2022

ARRANGEMENT OF CLAUSES

CLAUSES

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Bill No. LI of 2022

THE INDIAN INSTITUTE OF NUCLEAR MEDICINE BILL, 2022

A

BILL

*to provide for the establishment, development and management of an
Institute for the education and training of Nuclear Medicine in India
and for matters connected therewith and incidental thereto.*

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

CHAPTER I

PRELIMINARY

- 5 **1.** *(1)* This Act may be called the Indian Institute of Nuclear Medicine Act, 2022.
 (2) It shall come into force on such date, as the Central Government may, by notification
in the Official Gazette, appoint.
- 2.** In this Act, unless otherwise required—
- (a)* “Director” means the Director of the Institute appointed under section 10;
- 10 *(b)* “Fund” means the Fund of the Institute referred to in section 14;

Short title
and
commencement.

Definitions.

(c) "Governing Body" means the Governing Body of the Institute constituted under section 9;

(d) "Institute" means The Indian Institute of Nuclear Medicine established under section 3;

(e) "member" means a member of the institution; 5

(f) "Nuclear Medicine" means a specialized area of radiology that uses very small amounts of radioactive materials, or radiopharmaceuticals, to examine organ function and structure;

(g) "President" means the President of the Institute referred to in Section 7;

(h) "regulation" means the regulations made by the Institute under this Act; 10

(i) "rule" means the rules made by the Central Government under this Act;

(j) "teacher" includes a Professor, Associate Professor, Assistant Professor or any persons appointed under this Act for the conduct of teaching or research work or imparting medical education in the Institute.

CHAPTER II 15

THE INSTITUTE

Establishment and incorporation of the Institute of Nuclear Medicine.

3. (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 Indian Institute of Nuclear Medicine.

(2) The 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. 20

(3) The Institute shall be located in the State of Punjab.

Composition of the Institute.

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

(a) the Cabinet Secretary to the Government of India, *ex officio*; 25

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

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

(d) the Director of Central Drug Research Institute, *ex officio*;

(e) the Chairman of the National Medical Commission of India, *ex officio*;

(f) the Director-General of the Council of Scientific and Industrial Research or his nominee, *ex officio*; 30

(g) the Secretaries to the Government of India in Department of Health and Family Welfare, and Department of Atomic Energy, *ex officio*;

(h) two representatives to be nominated by the Central Government, one each from the Ministry of Finance and the Ministry of Education; 35

(i) four representatives of the medical faculties of Indian Universities to be nominated by the Central Government in such manner as may be prescribed;

(j) 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; and 40

(k) three persons representing the Indian Medical Association to be nominated by the Central Government in such manner as may be prescribed.

5. (1) Save as otherwise provided in this section, the terms of a member other than an *ex-officio* member shall be five years from the date of nomination or election, as the case may be:

Term of office of, and vacancies among, members.

5 Provided that the term of office of a member elected under clause (j) of section 4 shall come to an end as soon as he becomes a Minister or Minister of State or Deputy Minister or, 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.

10 (2) The terms of the office of an *ex-officio* member shall continue so long as he holds the office by virtue of which he is such a member.

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

15 (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-election.

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

20 (7) The manner of filling the vacancies among the members shall be such as may be prescribed.

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

President 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.

25 **7. The President and members shall receive such allowances, if any, from the Institute as may be prescribed.**

Allowances of President and members.

30 **8.** 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 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.

Meetings of the Institute.

9. (1) There shall be a Governing Body for the Institute which shall be constituted by such Institute from among its members in such manner as may be prescribed by regulations.

Governing Body and other committees of the Institute.

35 (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.

40 (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.

45 (5) Subject to such control and restrictions as may be prescribed, 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 functions 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 three members of the Institute and 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. 5

Staff of the Institute.

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

(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. 10

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

(4) 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. 15

(5) 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. 20

(6) 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.

Objects of the Institute.

11. The objects of the Institute shall be— 25

(a) to develop patterns of teaching in under-graduate and post-graduate medical education in Nuclear Medicine and 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 Nuclear Medicine; and 30

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

Functions of the Institute.

12. With a view to promotion of the objects specified in section 11, the Institute may—

(a) provide for under-graduate and post-graduate teaching in Nuclear Medicine and other allied sciences, including physical and biological sciences; 35

(b) provide facilities for research in the various branches of Nuclear Medicine;

(c) conduct experiments in new methods of Nuclear Medicine, both under-graduate and post-graduate, in order to arrive at satisfactory standards of such education;

(d) prescribe courses and curricula for both under-graduate and post-graduate studies in Nuclear Medicine; 40

(e) 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 radiology, sufficiently staffed and equipped to undertake not only under-graduate medical education but also post-graduate medical education in different subjects; 45

(ii) one or more well-equipped hospitals;

(iii) a nursing college sufficiently staffed and equipped for the training of nurses;

5 (iv) rural and urban health organisations which will form centres for the field training of the students of the Institute as well as for research into community health problems; and

(v) other institutions for the training of different types of health workers;

(f) train teachers for the different medical colleges in India;

10 (g) 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;

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

15 (i) received 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;

(j) 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 11;

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

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

(m) borrow money, with the prior approval of the Central Government, on the security of the property of the Institute.

25 **13. The Central Government may, under appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as may be considered necessary by that Government for the exercise of its powers and discharge of its functions under this Act.**

Payment to the Institute.

30 **14. (1)** The Institute shall maintain a Fund to which shall be credited—

Fund of the Institute.

(a) all moneys provided by the Central Government;

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

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

35 (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.

40 (3) The fund shall be utilised towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions under section 12.

15. The Institute shall prepare, in such form and at such time every year as may be prescribed, 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.

Budget of the Institute.

Accounts and audit.	<p>16. (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.</p> <p>(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.</p> <p>(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.</p> <p>(4) The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.</p>	5
Annual report.	<p>17. 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 and a copy of this report shall be laid before both Houses of Parliament within one month of its receipt.</p>	20
Pension and Provident funds.	<p>18. 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.</p>	25
Authentication of the orders and instruments of the Institute.	<p>19. 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 every Institute authorised by the Institute, as may be prescribed.</p>	
Acts and proceedings not to be invalidated by vacancies, etc.	<p>20. No act done or proceeding taken by the Institute, Governing Body or any standing or <i>ad hoc</i> committee under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Institute, Governing Body or such standing or <i>ad hoc</i> committee.</p>	30
Grant of medical degrees, diplomas etc. by the Institute.	<p>21. Notwithstanding anything contained in any other law for the time being in force, the Institute shall have power to grant medical, dental or nursing degrees, diplomas and other academic distinctions and title under this Act.</p>	35
Control by Central Government.	<p>22. 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.</p>	
Resolution of differences.	<p>23. 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.</p>	40
Returns and information.	<p>24. The Institute shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.</p>	
Power to make rules.	<p>25. (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:</p>	45

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:—

- 5 (a) the manner of nomination of members under clause (i) 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 9;
- (c) the conditions of service of, the procedure to be followed by, and the manner of filling vacancies among, members of the Institute;
- 10 (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;
- 15 (g) the form in which and the time at which the budget and annual 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 be furnished by the Institute to the Central Government; and
- 20 (i) any other matter which has to be or may be prescribed by rules.

26. (1) The Institute with the previous approval of the Central Government, may, by notification in the Official Gazette make regulations consistent with this Act and 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 for—

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Power to make regulations.

- (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;
- 30 (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;
- 35 (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;
- 40 (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;
- 45 (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, lectureships and other posts which may be instituted and persons who may be appointed to such professorships, readerships, lectureships and other posts;

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(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; and

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

(2) Until the Insitute is established under this Act, any regulation which may be made under sub-section (l) 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 (l).

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Rules and regulations to be laid before Parliament.

27. Every rule and regulation made under this Act 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 regulation or both Houses agree that the rule of regulation should not be made, the rule or 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 rule or regulation.

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STATEMENT OF OBJECTS AND REASONS

Mankind on every state of its existence and growth has always dealt with many adverse situations be it manmade or an act of God. Diseases like the ongoing Covid-19 have impacted the human civilisation a lot, many a times bringing it at a standstill. Humans from time to time, whilst facing hardships have taken out new methods and developed nuclear medicine technologies to tackle such diseases. The case of diseases like cancer, AIDS and HIV are not very different.

Humans till date have not been able to find a permanent cure to life threatening diseases like cancer which is now becoming a major cause of death amongst millions around the world. To treat such illnesses, non-conventional techniques like the use of nuclear medicine technology could be very useful. A technology, well-known for its ability to cause destruction is now being used to treat major terminal illnesses. However, the use and availability of these kinds of treatments still remain limited and not open to everyone.

Cancer cases in India increased at an average annual rate of 1.1 to 2 per cent. from 2010-2019, according to many reports. Deaths from cancer in the country also went up at an average rate of 0.1 to 1 per cent. in the same period. New cancer cases jumped to over 23 million in 2019 from 18.7 million in 2010. Cancer deaths reached 10 million in 2019 from 8.29 million in 2010. These figures represent an increase of 20.9 per cent. and 26.3 per cent. respectively. In 2019, cancer was the leading cause of deaths globally after cardiovascular diseases, the report showed. TBL cancer was the top cause of cancer deaths among males in 119 countries and territories and females in 27 countries and territories.

Nuclear medicine therapy is an approach to treating cancer that might be used with or after other treatment options, such as chemotherapy and surgery. It won't usually lead to a cure unless combined with other therapies. But for many people it will control symptoms and shrink and stabilize the tumours, sometimes for years. Nuclear medicine therapy is sometimes the best option for people who no longer respond to other treatments.

Nuclear medicine therapy, is also called peptide receptor radionuclide therapy (PRRT), targeted radiotherapy, radionuclide therapy therapeutic nuclear medicine and a theragnostic approach to treating cancer. Opening a university or institution to conduct research, making this technology could turn to be a revolutionary move that can make India a pioneer in the field of nuclear medicine technology.

The location for this Institute has been proposed in Punjab as the state of Punjab is heavily dependent on rural economy and agriculture, and even lacks basic healthcare facilities. Establishing an Institute like this would help and promote diversification of its economy. The move could lead to rapid development of local healthcare facilities and infrastructure that could lead to increase in life expectancy and other factors related to human development index, eventually improving the living standards to the local residents of the state.

Through this Institute India could collaborate with the global community to develop and evolve nuclear medicine technology into a widely used and a safer alternative. Nuclear medicine can not only treat cancer but other diseases related to heart and other vital organs.

Nuclear medicine can also be considered as a very accurate measure especially when it comes to treating and curing cancer. This type of medicine technology is used across the world through various world class bodies like the Pennsylvania College of Health Sciences in the United States or institutions like AIIMS in India. This Bill aims at creating an Institute that solely focuses on the development of Nuclear Medicine Technology. There has been little exploration in the development of nuclear technology and it would require a

lot of capital from both the government (at all levels) and also the thriving private industry of India. Institutions of such magnitude would require world class sophisticated equipment for study and research purposes.

The Bill has made provisions that bring the Institute under the supervision of the Department of Atomic Energy that will help in securing the safety of people working with the technology and maintaining the secrecy of its confidential information. The Institute would attract highly trained and educated professionals as its faculty members and employees, supported by the autonomy to formulate its own rules and policy and would have the opportunity to collaborate with other government institutions like DRDO and AIIMS.

Therefore establishing this Institute to conduct research in the field of nuclear medicine technology would be a revolutionary move, that could make India a pioneer in this field. Further, such research would also increase the use and awareness of this type of medical treatment by making it affordable for masses and guarding the technology to avoid misuse of the same.

Hence, this Bill.

DR. ASHOK KUMAR MITTAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to establish an Institute to be known as the Indian Institute of Nuclear Medicine. Clause 7 provides for allowance of President and members of the Institute. Clause 9 provides for allowances to the Chairman and members of the Standing or *ad hoc* Committees. Clause 13 requires for the Central Government to make payment to the Institute for exercise of its powers and discharge of its functions under this Act. The Bill, if enacted, would involve additional expenditure from the Consolidated Fund of India and it is difficult to estimate the expenditure at this juncture.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 25 and 26 of the Bill empower the Central Government to make rules and regulations for carrying out the purposes of this Bill. The rules and regulations will relate to matters of details only.

The delegation of legislative power is of normal character.

RAJYA SABHA

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to provide for the establishment, development and management of an
Institute for the education and training of Nuclear Medicine in India
and for matters connected therewith and incidental thereto.

(Dr. Ashok Kumar Mittal, M.P.)