

India Code

The National Institute of Mental Health and Neuro-Sciences, Bangalore Act, 2012

(ACT NO. 38 OF 2012)

[*As on the* 1*st July*, 2026]

LIST OF ABBREVIATIONS USED

G.S.R.	*for*	General Statutory Rules.
S.O.	,,	Statutory Order.
Notifn.	,,	Notification.

IndiaCode

THE NATIONAL INSTITUTE OF MENTAL HEALTH AND NEURO-SCIENCES, BANGALORE ACT, 2012

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and commencement.
2. Declaration of National Institute of Mental Health and Neuro-Sciences, Bangalore, as an institution of national importance.
3. Definitions.
4. Incorporation of Institute.
5. Composition of Institute.
6. Term of office of and vacancies among members.
7. Powers and functions of President.
8. Vice-President of Institute.
9. Allowances of President, Vice-President and other members.
10. Meetings of Institute.
11. Governing Body and other committees of Institute.
12. Staff of Institute.
13. Objects of Institute.
14. Functions of Institute.
15. Vesting of property.
16. Payment to Institute.
17. Fund of Institute.
18. Budget of Institute.
19. Accounts and audit.
20. Annual report.
21. Pension and provident funds.
22. Authentication of orders and instruments of Institute.
23. Acts and proceedings not to be invalidated by vacancies, etc.
24. Grant of medical degrees, diplomas, etc., by Institute.
25. Recognition of medical qualifications granted by Institute.
26. Control by Central Government.
27. Resolution of differences.
28. Returns and information.
29. Transfer of service of existing employees.
30. Power to make rules.
31. Power to make regulations.
32. Laying of rules and regulations before Parliament.
33. Power to remove difficulties.

IndiaCode

THE NATIONAL INSTITUTE OF MENTAL HEALTH AND NEURO-SCIENCES, BANGALORE ACT, 2012

ACT NO. 38 OF 2012

[13*th September*, 2012.]

An Act to declare the institution known as the National Institute of Mental Health and Neuro-Sciences, Bangalore, to be an institution of national importance and to provide for its incorporation and for matters connected therewith.

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

1. Short title and commencement.—(*1*) This Act may be called the National Institute of Mental Health and Neuro-Sciences, Bangalore Act, 2012.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

2. Declaration of National Institute of Mental Health and Neuro-Sciences, Bangalore, as an institution of national importance.—Whereas the objects of the National Institute of Mental Health and Neuro-Sciences, Bangalore are such as to make the institution one of national importance, it is hereby declared that the National Institute of Mental Health and Neuro-Sciences, Bangalore is an institution of national importance.

3. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "Fund" means the Fund of the Institute referred to in section 17;

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

(*c*) "Institute" means the institution known as the National Institute of Mental Health and Neuro-Sciences, Bangalore, incorporated under this Act;

(*d*) "member" means a member of the Institute;

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "specified" means specified by regulations made under this Act.

4. Incorporation of Institute.—The National Institute of Mental Health and Neuro-Sciences, Bangalore, an Institute registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act, XVII of 1960) on the 27th day of December, 1974, is hereby constituted a body corporate by the name aforesaid and as such body corporate, it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract and shall, by that name, sue and be sued.

5. Composition of Institute.—(*1*) The Institute shall consist of the following members, namely:—

(*a*) the Minister of Health and Family Welfare, *ex officio*;

(*b*) the Minister of Health and Family Welfare (Medical Education), Government of Karnataka, *ex officio*;

(*c*) Secretary to the Government of India in the Ministry or Department of Health and Family Welfare, *ex officio*;

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

(*e*) Secretary to the Government of India or his nominee (not below the rank of Joint Secretary) Ministry of Finance, Department of Expenditure, *ex officio*;

1. 29th November, 2013, *vide* Notifn. No S.O. 3534(E), dated 29th November, 2013 *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).

(*f*) Secretary to the Government of India or his nominee (not below the rank of Joint Secretary) in the Department of Higher Education, Ministry of Human Resource Development, *ex officio*;

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

(*h*) the Vice-Chancellor of Rajiv Gandhi University of Health Sciences, Karnataka, *ex officio*;

(*i*) the Chief Secretary to the Government of Karnataka or his nominee who shall not be below the rank of Secretary to that Government;

(*j*) seven persons of whom one shall be a non-medical scientist representing the Indian Sciences Congress Association, and, one each from biological; behavioural and physical sciences, of repute, from any University to be nominated by the Central Government in such manner as may be prescribed;

(*k*) four representatives of medical faculties of Indian Universities, of whom one shall be from the National Institute of Mental Health and Neuro-Sciences, to be nominated by the Central Government in such manner as may be prescribed;

(*l*) 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.

(*2*) It is hereby declared that the office of member of the Institute shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

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

(*2*) The term of office of a member elected under clause (*l*) of sub-section (*1*) of section 5 shall come to an end as soon as he 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.

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

(*4*) 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.

(*5*) An outgoing member other than a member elected under clause (*l*) of sub-section (*1*) of section 5 shall continue in office until another person is nominated as a member in his place or for a period of three months, whichever is earlier:

Provided that the Central Government shall nominate a member in place of an outgoing member within the said period of three months.

(*6*) An outgoing member shall be eligible for re-nomination or re-election.

(*7*) 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.

(*8*) The manner of filling vacancies among members shall be such as may be prescribed.

7. Powers and functions of President.—(*1*) There shall be a President of the Institute who shall be nominated by the Central Government from amongst the members other than the Director of the Institute.

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

8. Vice-President of Institute.—There shall be a Vice-President of the Institute who shall be nominated by the Central Government from amongst the members other than the Director of the Institute.

9. Allowances of President, Vice-President and other members.—The President, Vice-President and other members shall receive such allowances from the Institute as may be prescribed.

10. Meetings of Institute.—The Institute shall hold its first meeting at such time and place as may be appointed by the Central Government and shall observe such rules of procedure in regard to the transaction of business at the first meeting as may be laid down by that Government, and thereafter, the Institute shall meet at such times and places and observe such rules of procedure in regard to the transaction of business at its meetings as may be specified.

11. Governing Body and other committees of Institute.—(*1*) There shall be a Governing Body of the Institute which shall be constituted by the Institute in such manner as may be specified:

Provided that the number of persons who are not members of the Institute shall not exceed one-third of the total membership of the Governing Body.

(*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 specify in this behalf.

(*3*) The President of the Institute shall be the Chairperson of the Governing Body and as Chairperson thereof he shall exercise such powers and discharge such functions as may be specified.

(*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 specified.

(*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 function of the Institute or for inquiring into, or reporting or advising upon, any matter which the Institute may refer to them.

(*6*) The Chairperson and members of the Governing Body and the Chairperson and the members of a standing committee or an *ad hoc* committee shall receive such allowances, as may be specified.

12. Staff of Institute.—(*1*) There shall be a chief executive officer of the Institute who shall be designated as the Director of the Institute and shall, subject to such rules as may be prescribed, be appointed by the Institute:

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

(*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*) 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 specified or as may be delegated to him by the Institute or the President of the Institute or the Governing Body or the Chairperson of the Governing Body.

(*5*) Subject to such rules as may be prescribed, 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 the designations and grades of other officers and employees shall be such as may be specified.

(*6*) Subject to such rules as may be prescribed, 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 specified.

13. Objects of Institute.—The objects of the Institute shall be—

(*a*) to develop patterns of teaching in undergraduate and postgraduate medical education in all its branches with a focus on mental health, neuro-sciences and allied specialities so as to demonstrate a high standard of medical education;

(*b*) to bring together, as far as may be, in one place educational facilities of the highest order for the training of personnel in all important branches of health activity;

(*c*) to attain self-sufficiency in postgraduate medical education to meet the country's needs for specialists and medical teachers, particularly in the field of mental health, neuro-sciences and allied specialities;

(*d*) to evolve innovative strategies to offer diagnostic and comprehensive therapeutic service facilities in the field of mental health and neuro-sciences, utilising the advances in information technology;

(*e*) to make an in-depth study and research in the field of mental health, neuro-sciences and allied specialities.

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

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

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

(*c*) provide for the teaching of humanities;

(*d*) conduct experiments in new methods of medical education, both undergraduate and postgraduate, in order to arrive at high standard of such education;

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

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

(*i*) one or more medical institutions with different departments staffed and equipped to undertake education and conduct research in different subjects,

(*ii*) one or more well equipped hospitals to provide clinical services,

(*iii*) nursing colleges staffed and equipped for the training of nurses,

(*iv*) rural and urban health centres which will form centres for the field training of the medical and nursing students of the Institute, and

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

(*g*) trained teachers from different medical colleges in India;

(*h*) hold examinations and grant such degrees, diplomas and other academic distinctions and titles in undergraduate and postgraduate medical, nursing and allied specialities education as may be laid down in the regulations;

(*i*) induct and appoint persons as professors, readers, lecturers and in posts of other 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 12;

(*l*) demand and receive with the prior approval of the Central Government such fees and other charges as may be specified;

(*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;

IndiaCode

(*o*) do all such other acts and things as may be necessary in furtherance of the objects specified in section 13.

15. Vesting of Property.—(*1*) The properties of the National Institute of Mental Health and Neuro-Sciences, Bangalore, registered under the Karnataka Societies Registration Act, 1960 (Katnataka Act XVII of 1960) shall, on the date of commencement of this Act, vest in the Institute.

(*2*) All income and property of the Institute shall be applied towards the promotion of the objects thereof as set forth in this Act.

(*3*) No portion of the income and property of the Institute shall be paid or transferred, directly or indirectly, by way of profit to the persons, who at any time, or have been members of the Institute:

Provided that nothing herein contained shall prevent the payment of remuneration and other allowances to any member thereof or other persons for the services rendered to the Institute.

16. Payment to Institute.—The Central Government may, after due 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 for the exercise of its powers and discharge of its functions under this Act.

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

(*a*) all moneys provided by the Central Government and the State Government of Karnataka;

(*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.

IndiaCode

(*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.

18. Budget of Institute.—The Institute shall prepare in such form and at such time every year 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.

19. Accounts and audit.—(*1*) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may prescribe, and in accordance with such general directions as may be issued by that Government, in consultation with the Comptroller and Auditor-General of India.

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

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

(*4*) The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any 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 the Houses of Parliament.

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

21. Pension and provident funds.—(*1*) The Institute shall constitute for the benefit of its officers, teachers and other employees in such manner and subject to such conditions as may be specified such pension and provident funds as it may deem fit.

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

22. Authentication of orders and instruments of Institute.—All orders and decisions of the Institute shall be authenticated by the Director 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 such officers as may be authorised by the Institute.

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

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

25. Recognition of medical qualifications granted by Institute.—Notwithstanding anything contained in the Indian Medical Council Act, 1956 (102 of 1956), the Rehabilitation Council of India Act, 1992 (34 of 1992), the Indian Nursing Council Act, 1947 (48 of 1947) and the University Grants Commission Act, 1956 (3 of 1956), the medical degrees, diplomas, nursing degrees and certificates granted by the Institute under this Act shall be recognised medical qualifications for the purposes of the Acts aforesaid and shall be deemed to be included in the Schedule to the respective Acts.

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

27. Resolution of differences.—If in, or in connection with, the exercise of its powers and discharge of its functions by the Institute under this Act, any dispute or difference arises between the Institute and the Central Government, the decision of the Central Government thereon shall be final.

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

29. Transfer of service of existing employees.—Subject to the provisions of this Act, every person who is employed in the National Institute of Mental Health and Neuro-Sciences, Bangalore, immediately before the commencement of this Act, shall, on and from such commencement, become an employee of the 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 commencement of this Act if this Act had not been passed, 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.

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

(*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 clauses (*j*) and (*k*) of sub-section (*1*) of section 5;

(*b*) the manner of filling vacancies of members under sub-section (*8*) of section 6;

(*c*) the powers and functions to be exercised and discharged by the President of the Institute under sub-section (*2*) of section 7;

(*d*) the allowances to be paid to the President and other members of the Institute under section 9;

(*e*) the control and restrictions in relation to the constitution of standing and*ad hoc* committees under sub-section (*5*) of section 11;

(*f*) appointment of Director and other officers and employees and salaries and allowances and other conditions of service of the Director and other officers and employees of the Institute under section 12;

(*g*) the form in which, and the time at which, the budgets and reports shall be prepared by the Institute under section 18;

(*h*) the form of annual statement of accounts including balance-sheet under sub-section (*1*) of section 19;

(*i*) the form of annual report under section 20;

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

31. Power to make regulations.—(*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—

(*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 and the conduct of business at such meetings under section 10;

(*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 therein, the allowances to be paid to the members and the procedure to be followed by the Governing Body; standing and *ad hoc* committees in the conduct of their business, exercise of their power, discharge of their function under section 11;

(*c*) the powers and duties of the Director of the Institute under sub-section (*4*), the designations and grades of other officers and employees under sub-section (*5*) and other conditions of service under sub-section (*6*) of section 12;

(*d*) the power of the Institute under section 14, to specify—

(*i*) courses and curricula for undergraduate and postgraduate studies under clause (*e*);

(*ii*) hold examination and grant degrees, diplomas, certificates and other academic distinctions and titles under clause (*h*);

(*iii*) the professorships, readerships, lecturerships and other posts which may be instituted and persons who may be appointed to such posts under clause (*i*);

(*iv*) the management of the properties of the Institute under clauses (*k*) and (*m*);

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

(*e*) 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 under sub-section (*1*) of section 21;

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

(*2*) Notwithstanding anything contained in sub-section (*1*), the first regulations under this Act shall be made by the Central Government; and any regulations so made may be altered or rescinded by the Institute in exercise of its powers under sub-section (*1*).

32. Laying of rules and regulations before Parliament.—Every rule and every 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 or 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.

33. Power to remove difficulties.—(*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

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

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STATEMENT OF OBJECTS AND REASONS

The National Institute of Mental Health and Neuro- Sciences, Bangalore was established as an autonomous body, registered under the Karnataka Societies Registration Act, 1960 on 27th December, 1974 by integrating the erstwhile All India Institute of Mental Health under the Government of India and Mental Hospital, Bangalore under the Government of Karnataka. This integration facilitated better functioning and rapid growth of the Institute. It is a tertiary care medical and academic Institution, dedicated to the care of neurological, neurosurgical and psychiatric disorders and manpower development in super specialty branches related to neurosciences, including nursing and basic sciences. Integrating mental health and neurosciences, the Institute has gained international recognition in patient care and education. The Institute in its present form faces constraints in (a) growing the further and in evolving new courses in diverse fields relevant to the present national scenario in India; (b) giving greater thrust to inter disciplinary research and innovation and (c) evolving strategies for enhanced service delivery, rehabilitation of patients with neurological and mental disability.

2. It is proposed to make the Institute a statutory body corporate and to declare it as an institution of national importance under Entry 64 of List I of the Seventh Schedule to the Constitution so that it may develop as a high level institution of Mental Health and Neuro Sciences on the pattern of the All India Institute of Medical Sciences, New Delhi, the Post-Graduate Institute of Medical Education and Research, Chandigarh and the Jawaharlal Institute of Post-Graduate Education and Research, Puducherry.

3. This Bill will empower the Institute with academic autonomy to develop its own curriculum, set new trends in mental health and neuro sciences, award its own degrees and also enable it to have appropriate delegated administrative and financial powers. The conferring of statutory status on this Institute will enable it to grow into a model centre of excellence.

4. The Bill seeks to achieve the above objects.

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GHULAM NABI AZAD.

NEW DELHI;
The 12*th November*, 2010.