

TO BE INTRODUCED IN LOK SABHA

Bill No. 39 of 2010

THE NATIONAL INSTITUTES OF TECHNOLOGY (AMENDMENT)
BILL, 2010

A

BILL

to amend the National Institutes of Technology Act, 2007.

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

1. (1) This Act may be called the National Institutes of Technology (Amendment) Act, 2010.

Short title
and
commence-
ment.

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

29 of 2007.

2. In section 2 of the National Institutes of Technology Act, 2007 (hereinafter referred to as the principal Act), for the words “the Schedule”, the words “the First Schedule and the Second Schedule” shall be substituted.

Amendment
of section 2.

Amendment
of section 3.

3. In section 3 of the principal Act,—

(i) in clause (c), for the words “the Schedule” at both the places where they occur, the words “the First Schedule and the Second Schedule” shall be substituted;

(ii) in clause (d), after the word and figures “section 30”, the words, brackets, figures and letter “or sub-section (I) of section 30A, as the case may be,” shall be inserted;

(iii) in clause (g), for the words “the Schedule”, the words “the First Schedule and the Second Schedule” shall be substituted;

(iv) in clause (k), for the words “the Schedule”, the words “the First Schedule and the Second Schedule” shall be substituted;

(v) in clause (m), for the words “the Schedule”, the words “the First Schedule and the Second Schedule” shall be substituted.

Amendment
of section 4.

4. In section 4 of the principal Act, in sub-section (I), for the words “the Schedule”, the words “the First Schedule and the Second Schedule” shall be substituted.

Amendment
of section 6.

5. In section 6 of the principal Act, in sub-section (I), in clause (h), the words “and the Deputy Director” shall be omitted.

Amendment
of section 11.

6. In section 11 of the principal Act,—

(i) for the word “Institute” wherever it occurs, the words “Institute mentioned in the First Schedule” shall be substituted;

(ii) in clause (e), the word “and” occurring at the end shall be omitted;

(iii) after clause (f), the following clause shall be inserted, namely:—

“(g) the Director of the Indian Institute of Technology in whose zone the Institute is located, or his nominee, not below the rank of a Professor.”.

Insertion of
new section
11A.

7. After section 11 of the principal Act, the following section shall be inserted, namely:—

Board of
Institutes of
Second
Schedule.

“11A. The Board of every Institute mentioned in the Second Schedule shall consist of the following members, namely:—

(a) the Chairperson to be nominated by the Visitor;

(b) Secretary, Department of Higher Education, Government of India, *ex officio*;

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

(d) Director of Indian Institute of Science, Bangalore, *ex officio*;

(e) Director of one of the Indian Institutes of Technology, to be nominated by the Central Government;

(f) three Secretaries to the Government of India, to be nominated by the Central Government representing its Scientific or Industrial Ministries;

(g) Chief Secretary of the State in which the Institute is located, *ex officio*;

(h) two professors of the Institute to be nominated by the Senate;

(i) four eminent scientists to be nominated by the Central Government;
and

(j) Financial Adviser, Ministry of Human Resource Development, *ex officio*.”.

8. In section 12 of the principal Act,—Amendment
of section 12.

(i) in clause (c), after the figures “11”, the words, brackets, letters and figures “and clause (h) of section 11A” shall be inserted;

(ii) in clause (d), after the word and figures “section 11”, the words, figures and letter “or section 11A, as the case may be,” shall be inserted;

(iii) in clause (f), after the figures “11”, the words, brackets, letters and figures “and clauses (c) and (h) of section 11A” shall be inserted.

9. In section 17 of the principal Act,—Amendment
of section 17.

(a) in sub-section (I), the words “and Deputy Director” shall be omitted;

(b) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) The Deputy Director of every Institute shall be appointed in such manner and on such terms and conditions as may be laid down by the Statutes and shall exercise such powers and perform such duties as may be assigned to him by this Act or the Statutes or by the Director.”.

10. In section 24 of the principal Act, the words “and Deputy Director” shall be omitted.

Amendment
of section 24.

11. In section 30 of the principal Act, in sub-section (I), for the word “Schedule”, the words “First Schedule” shall be substituted.

Amendment
of section 30.

12. After section 30 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
30A.

“30A. (I) With effect from such date as the Central Government may, by notification, specify in this behalf, there shall be established for all the Institutes specified in column 3 of the Second Schedule, a central body to be called the Council.

Establishment
of Council for
the Institutes
of Second
Schedule.

(2) The Council under sub-section (I) shall consist of the following members, namely:—

(a) the Minister in charge of the Ministry or Department of the Central Government having administrative control of the technical education, *ex officio*, Chairman;

(b) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the technical education, *ex officio*, Vice-Chairman;

(c) the Chairperson of every Board of the Institutes mentioned in the Second Schedule, *ex officio*;

(d) the Director of every Institute mentioned in the Second Schedule, *ex officio*;

(e) the Chairman, University Grants Commission, *ex officio*;

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

(g) five Secretaries to the Government of India to represent the Ministries or Departments of the Central Government dealing with bio-technology, atomic energy, information technology and space, *ex officio*;

(h) the Chairman, Defence Research and Development Organisation, *ex officio*;

(i) not less than three, but not more than five persons to be nominated by the Visitor, at least one of whom shall be a woman, having special knowledge or practical experience in respect of education, industry, science or technology;

(j) three members of Parliament, of whom two shall be chosen by the House of the People and one by the Council of States:

Provided that the office of member of the Council shall not disqualify its holder for being chosen as or for being, a member of either House of Parliament;

(k) two Secretaries to the State Government, from amongst the Ministries or Departments of that Government dealing with technical education where the Institute is located, *ex officio*;

(l) financial adviser, dealing with the Human Resource Development Ministry or Departments of that Government dealing with technical education where the Institute is located, *ex officio*; and

(m) one officer not below the rank of Joint Secretary to the Government of India in the Ministry or Department of the Central Government having administrative control of the scientific or technical education, *ex officio*, Member-Secretary.”.

Amendment of section 31.

13. In section 31 of the principal Act, in sub-section (2), after the word and figures “section 30”, the words, brackets, letters and figures “and clause (j) of sub-section (2) of section 30A” shall be inserted.

Amendment of section 37.

14. In section 37 of the principal Act,—

(i) in clause (a), after the words “every Institute”, the words “mentioned in the First Schedule” shall be inserted;

(ii) after clause (b), the following clauses shall be inserted, namely:—

“(c) recruitment process and disciplinary proceedings, which had commenced before the commencement of the National Institutes of Technology (Amendment) Act, 2010, shall be completed, *mutatis mutandis*, in accordance with the relevant provisions in force immediately before such commencement.

Explanation.— Recruitment process for a post may be taken to have commenced from the date of publication of the advertisement inviting application for the post, and disciplinary proceedings against an employee of the Institute may be taken to have commenced on the date of issue of charge sheet for major penalty or show cause notice for minor penalty to such employee;

(d) all matters, which are meant to be provided through Statutes and Ordinances under sections 25 and 27, respectively, shall, till such Statutes and Ordinances are made, be governed, *mutatis mutandis*, by the corresponding provisions in force immediately before the commencement of this Act.”.

Transitional provisions in respect of Institutes of Second Schedule.

15. Notwithstanding anything contained in this Act –

(a) the Board of every Institute specified in the Second Schedule functioning as such immediately before the commencement of this Act shall continue to so function until a new Board is constituted for that Institute under this Act, but on the constitution of new Board under this Act, member of the Board holding office before such constitution shall cease to hold office;

(b) every Senate constituted in relation to every Institute before the commencement of this Act shall be deemed to be the Senate constituted under this Act unless a Senate is constituted under this Act for that Institute but on the constitution of new Senate under this Act, members of the Senate holding office before such constitution shall cease to hold office.

Power to remove difficulties.

16. (1) If any difficulty arises in giving effect to the provisions of the National Institutes of Technology (Amendment) Act, 2010, 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 or expedient for removing the difficulty:

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

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

17. The Schedule to the principal Act shall be numbered as the First Schedule and after the First Schedule as so numbered, the following Schedule shall be inserted, namely:—

Amendment
of Schedule.

“THE SECOND SCHEDULE
[See sections 3(g), (m), 4(I) and 11A]
LIST OF INDIAN INSTITUTES OF SCIENCE EDUCATION RESEARCH

Sl. No.	Society	Corresponding Institute
1	2	3
1.	Indian Institute of Science Education and Research, Kolkata Society	Indian Institute of Science Education and Research, Kolkata.
2.	Indian Institute of Science Education and Research, Pune Society	Indian Institute of Science Education and Research, Pune.
3.	Indian Institute of Science Education and Research, Mohali Society	Indian Institute of Science Education and Research, Mohali.
4.	Indian Institute of Science Education and Research, Bhopal Society	Indian Institute of Science Education and Research, Bhopal.
5.	Indian Institute of Science Education and Research, Thiruvananthapuram Society	Indian Institute of Science Education and Research, Thiruvananthapuram.”.

STATEMENT OF OBJECTS AND REASONS

At present, there are twenty National Institutes of Technology which are governed by the National Institutes of Technology Act, 2007 (29 of 2007). The said Act came into force on 15th August, 2007. This Act declares these Institutions as Institutions of national importance. Admissions in National Institutes of Technology are based on the ranks secured by the candidates appearing at the All India Engineering Entrance Examination conducted by the Central Board of Secondary Education.

2. On the recommendation of the Scientific Advisory Council to the Prime Minister, five new institutions, each named as the Indian Institute of Science Education and Research have been established at Kolkata, Pune, Mohali, Bhopal and Thiruvananthapuram. The vision of these institutes encompasses creation of Institutes of the highest caliber in which teaching and education in basic sciences will be totally integrated with the state-of-the-art research. These Institutes will be devoted to undergraduate and postgraduate teaching in sciences in an intellectually vibrant atmosphere of research and will actively forge strong relationship with existing universities and colleges and network with laboratories and institutions, as also to establish advanced research laboratories and central facilities.

3. For the aforesaid purposes, it has been felt that it is necessary to bring all the five Indian Institutes of Science Education and Research under the said Act and to declare them as Institutions of national importance. Further, it is proposed to strengthen the networking of National Institutes of Technology and the Indian Institutes of Science Education and Research by giving representation in their Board of Governors to the Indian Institute of Technology and also to bring the appointment procedure of the Deputy Director of National Institutes of Technology in line with that of Indian Institutes of Technology. Therefore, it is necessary to amend the said Act. The Bill, *inter alia*, provides:—

(i) to declare all the five Indian Institutes of Science Education and Research to be the Institutions of national importance and for that purpose, insertion of the Second Schedule in the said Act, enlisting therein the Indian Institutes of Science Education and Research and consequential amendments in various provisions of the Act;

(ii) insertion of a new section 11A for the constitution of the Board of Governors for Science and Educational Research Institutions specified in the proposed Second Schedule;

(iii) insertion of a new section 30A to establish a common Council for all the Institutes of Science Education and Research specified in the proposed Second Schedule;

(iv) to strengthen the networking of National Institutes of Technology and the Indian Institutes of Science Education and Research by giving representation in their Board of Governors to the Indian Institute of Technology in whose "territory" or "zone" the National Institute of Technology or the Indian Institute of Science Education and Research falls;

(v) to bring the appointment procedure of the Deputy Director of the National Institutes of Technology in line with that of Indian Institutes of Technology.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 7th January, 2010.

KAPIL SIBAL.

FINANCIAL MEMORANDUM

There are twenty National Institutes of Technology in the country at present and these are located in various States. Cent percent, Central assistance is provided to these Institutes under both Plan, Non-Plan and Plan (OSC) heads, respectively, by the Department of Higher Education, Ministry of Human Resource Development. The requirement of funds by National Institutes of Technology is determined each year on the basis of their requirements in the beginning of the year.

2. There is only one Budget Head for all National Institutes of Technology. The budget provision for these Institutions during the year 2009-2010 is Rs.87.00 crore, Rs.523.90 crore and Rs.776.00 crore under the head Plan, Non-Plan and Plan (OSC), respectively. Out of this, a sum of Rs. 52.50 crore, Rs. 265.42 crore and Rs. 491.30 crore, respectively, have since been released up to 31-10-2009.

3. Clause 12 of the Bill proposes to insert a new section 30A for establishment of Council for the Institute of Science Education and Research. There are five Indian Institutes of Science Education and Research in the country at present and these are located at Kolkata, Pune, Mohali, Bhopal and Thiruvananthapuram. Now, the Bill proposes to declare these Indian Institutes of Science Education and Research as "Institutions of national importance" under the National Institutes of Technology Act, 2007 (29 of 2007). Cent percent. Central assistance is provided to these Institutes under Plan heads by the Department of Higher Education, Ministry of Human Resource Development. The requirement of funds by Indian Institutes of Science Education and Research is determined each year on the basis of their requirements in the beginning of the year.

4. There is only one Budget Head for all Indian Institutes of Science Education and Research. The budget provision for these Institutions during the year 2009-2010 is Rs. 215.00 crore and out of this, Rs. 153.83 crore has been released up to 31-12-2009. During the Eleventh Five Year Plan, the total outlay is Rs. 2000 crore for all the five Indian Institutes of Science Education and Research.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill provides that the Deputy Director of every Institute is to be appointed in such manner and on such terms and conditions as may be laid down by the Statutes and shall exercise such powers and perform such duties as may be assigned to him by the National Institutes of Technology Act, 2007 (29 of 2007) or the Statutes or by the Director.

Clause 12 of the Bill empowers the Central Government to notify the date of establishment of the Council for all the Indian Institutes of Science Education and Research.

The matters, in respect of which Statutes are to be made or notifications are to be issued, pertain to procedural or administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE NATIONAL INSTITUTES OF TECHNOLOGY ACT, 2007

(29 OF 2007)

*	*	*	*	*
	<p>2. Whereas the objects of the institutions mentioned in the Schedule are such as to make them Institutions of national importance, it is hereby declared that each such institute is an Institution of national importance.</p>			<p>Declaration of certain Institutions as Institutions of national importance.</p>
	<p>3. In this Act, unless the context otherwise requires,—</p>			<p>Definitions.</p>
*	*	*	*	*
	<p>(c) “Corresponding Institute”, in relation to a society mentioned in column (2) of the Schedule, means the Institute as specified in column (3) of the Schedule;</p>			
	<p>(d) “Council” means the Council established under sub-section (1) of section 30;</p>			
*	*	*	*	*
	<p>(g) “Institute” means any of the Institutions mentioned in column (3) of the Schedule;</p>			
*	*	*	*	*
	<p>(k) “Schedule” means the Schedule annexed to the Act;</p>			
*	*	*	*	*
21 of 1860.	<p>(m) “Society” means any of the societies registered under the Societies Registration Act, 1860 and mentioned in column (2) of the Schedule;</p>			
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CHAPTER II

THE INSTITUTES

	<p>4. (1) Each of the Institutes mentioned in column (3) of the Schedule shall be a body corporate having perpetual succession and a common seal and shall, by its name, sue and be sued.</p>			<p>Incorporation of Institutes.</p>
*	*	*	*	*
	<p>6. (1) Subject to the provisions of this Act, every Institute shall exercise the following powers and perform the following duties, namely:—</p>			<p>Powers of Institutes.</p>
*	*	*	*	*
	<p>(h) to institute academic and other posts with the prior approval of the Central Government, and to make appointments thereto excluding the Director and the Deputy Director;</p>			
*	*	*	*	*
	<p>11. The Board of every Institute shall consist of the following members, namely:—</p> <p>(a) the Chairperson to be nominated by the Visitor;</p> <p>(b) the Director, <i>ex officio</i>;</p>			<p>Board of Governors.</p>

(c) two persons not below the rank of the Joint Secretary to the Government of India to be nominated by the Central Government from amongst persons dealing with technical education and finance;

(d) two persons to be nominated by the Government of the State in which the Institute is situated, from amongst persons, who, in the opinion of that Government, are technologists or industrialists of repute;

(e) two persons, at least one of whom shall be a woman, having special knowledge or practical experience in respect of education, engineering or science to be nominated by the Council; and

(f) one professor and one assistant professor or a lecturer of the Institute to be nominated by the Senate.

Term of office of, vacancies among, and allowances payable to, members of Board.

12. Save as otherwise provided in this section,—

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(c) the term of office of a member nominated under clause (f) of section 11 shall be two years from the date of his nomination;

(d) a casual vacancy shall be filled up in accordance with the provisions of section 11;

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(f) the member of the Board shall be entitled to such allowances, if any, from the Institute as may be provided for in the Statutes but no member other than the members referred to in clauses (b) and (f) of section 11 shall be entitled to any salary by reason of this clause.

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Director and Deputy Director.

17. (1) The Director and Deputy Director of an Institute shall be appointed by the Visitor, on such terms and conditions of service and on the recommendations of a Selection Committee constituted by him in such manner, as may be prescribed by the Statutes.

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(5) The Deputy Director of every Institute shall exercise such powers and perform such other duties as may be assigned to him by this Act or the Statutes or by the Director.

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Appointments.

24. All appointments of the staff of every Institute, except that of the Director and Deputy Director, shall be made in accordance with the procedure laid down in the Statutes, by—

(a) the Board, if the appointment is made on the academic staff in the post of Lecturer or above or if the appointment is made on the non-academic staff in any cadre the maximum of the pay scale for which exceeds rupees ten thousand five hundred;

(b) the Director, in any other case.

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CHAPTER III

THE COUNCIL

Establishment of Council.

30. (1) With effect from such date as the Central Government may, by notification, specify in this behalf, there shall be established for all the Institutes specified in column (3) of the Schedule, a central body to be called the Council.

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31.(1)*

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(2) The term of office of a member elected under clause (j) of sub-section (2) of section 30 shall expire as soon as he ceases to be member of the House, which elected him.

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Term of office of, vacancies among, and allowances payable to members of Council.

37. Notwithstanding anything contained in this Act—

(a) the Board of Governors of every Institute functioning as such immediately before the commencement of this Act shall continue to so function until a new Board is constituted for that Institute under this Act, but on the constitution of a new Board under this Act, the member of the Board holding office before such constitution shall cease to hold office;

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Transitional provisions.

LOK SABHA

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BILL

to amend the National Institutes of Technology Act, 2007.

(Shri Kapil Sibal, Minister of Human Resource Development)

GMGIPMRND—1219LS(S5)—15-03-2010.