

Bill No. 30 of 2013

THE NATIONAL INSTITUTES OF TECHNOLOGY, SCIENCE
EDUCATION AND RESEARCH (AMENDMENT)
BILL, 2013

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BILL

further to amend the National Institutes of Technology, Science Education and Research Act, 2007.

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

1. (1) This Act may be called the National Institutes of Technology, Science Education and Research (Second Amendment) Act, 2013.

Short title and commencement.

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

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

Amendment of section 2.

Amendment of section 3.	<p>3. In section 3 of the principal Act,—</p> <p>(i) in clause (c), for the words “the First Schedule and the Second Schedule” at both the places where they occur, the words “the First Schedule, the Second Schedule and the Third Schedule” shall be substituted;</p> <p>(ii) in clause (d), the words, brackets, figures and letter “or sub-section (I) of section 30A” shall be omitted;</p> <p>(iii) in clauses (g), (k) and (m), for the words “the First Schedule and the Second Schedule” wherever they occur, the words “the First Schedule, the Second Schedule and the Third Schedule” shall be substituted.</p>	5
Amendment of section 4.	<p>4. In section 4 of the principal Act,—</p> <p>(a) in sub-section (I), for the words “the First Schedule and the Second Schedule”, the words “the First Schedule, the Second Schedule and the Third Schedule” shall be substituted;</p> <p>(b) after sub-section (I), the following sub-section shall be inserted, namely:—</p> <p style="padding-left: 40px;">“(IA) The Bengal Engineering and Science University, Shibpur shall be deemed to have been incorporated under this Act, and on such incorporation, be called the Indian Institute of Engineering Science and Technology, Shibpur.”.</p>	10
Insertion of new sub-section (IA).	<p style="padding-left: 40px;">“(IA) The Bengal Engineering and Science University, Shibpur shall be deemed to have been incorporated under this Act, and on such incorporation, be called the Indian Institute of Engineering Science and Technology, Shibpur.”.</p>	15
Insertion of new section 5A.	<p>5. After section 5 of the principal Act, the following section shall be inserted, namely:—</p> <p>“5A. On and from the commencement of the National Institutes of Technology, Science Education and Research (Amendment) Act, 2013—</p> <p>(a) any reference to the Bengal Engineering and Science University, Shibpur in any law, contract or other instrument shall be deemed as a reference to the Indian Institute of Engineering Science and Technology, Shibpur;</p> <p>(b) all property, movable and immovable, of or belonging to the Bengal Engineering and Science University, Shibpur, shall vest in the Indian Institute of Engineering Science and Technology, Shibpur;</p> <p>(c) all the rights and liabilities of the Bengal Engineering and Science University, Shibpur shall be the rights and liabilities of the Indian Institute of Engineering Science and Technology, Shibpur;</p> <p>(d) every person (including Director, officers and other employees) who is employed in the Bengal Engineering and Science University, Shibpur, immediately before the date of commencement of the National Institutes of Technology, Science Education and Research (Amendment) Act, 2013, shall, on and after such commencement, become an employee of the Indian Institute of Engineering Science and Technology, Shibpur and shall hold his office or service by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same on the date of the commencement of the National Institutes of Technology, Science Education and Research (Amendment) Act, 2013, as if the said Act had not been brought into force and shall continue to do so until his employment is terminated or until such tenure, remuneration, terms and conditions are altered by the Statutes or Ordinances:</p> <p style="padding-left: 40px;">Provided that the tenure, remuneration, terms and conditions of service of such person shall not be altered to his disadvantage without the previous approval of the Central Government:</p> <p style="padding-left: 40px;">Provided further that any reference to the Chancellor and the Vice-Chancellor of the Bengal Engineering and Science University, Shibpur in any</p>	20
Effect of incorporation of Bengal Engineering and Science University, Shibpur.	<p style="padding-left: 40px;">Provided further that any reference to the Chancellor and the Vice-Chancellor of the Bengal Engineering and Science University, Shibpur in any</p>	30
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law, instrument or other document made before the commencement of the said Act, shall be construed as a reference to the Visitor and the Director, respectively, of the Indian Institute of Engineering Science and Technology, Shibpur;

5 (e) Vice-Chancellor of the Bengal Engineering and Science University, Shibpur shall be the Director of the Indian Institute of Engineering Science and Technology, Shibpur till such date the Central Government appoints new Director for the Indian Institute of Engineering Science and Technology, Shibpur;

10 (f) any examination conducted by the Bengal Engineering and Science University, Shibpur immediately before the commencement of the National Institutes of Technology, Science Education and Research (Amendment) Act, 2013 for admission or award of degrees shall be valid examination and shall be deemed to have been conducted by the Indian Institute of Engineering Science and Technology, Shibpur.”.

6. In section 11A of the principal Act,—

Amendment of section 11A.

15 (a) in the marginal heading for the words “Second Schedule”, the words “Second Schedule and Third Schedule” shall be substituted;

(b) in the opening portion, for the words “the Second Schedule”, the words “the Second Schedule and the Third Schedule” shall be substituted.

7. In section 30 of the principal Act, in sub-section (1), after the words “the First Schedule”, the words “the Second Schedule and the Third Schedule” shall be inserted.

Amendment of section 30.

8. Section 30A of the principal Act shall be omitted.

Omission of section 30A.

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

Amendment of section 31.

25 10. In section 37 of the principal Act, after clause (d), the following clauses shall be inserted, namely:—

Amendment of section 37.

30 “(e) the court, the Academic Council and the Executive Council of the Bengal Engineering and Science University, Shibpur performing functions as such immediately before the commencement of the National Institutes of Technology, Science Education and Research (Amendment) Act, 2013 shall continue to function until a Board is constituted for the Indian Institute of Engineering Science and Technology, Shibpur under this Act, but on and after the constitution of a Board under this Act, the members of the court, the Academic Council and the Executive Council, shall cease to hold office;

35 (f) the authorities of the Bengal Engineering and Science University, Shibpur, by whatever names so called, performing functions as such immediately before the commencement of the National Institutes of Technology, Science Education and Research (Amendment) Act, 2013 shall continue to function until a new Authority is appointed or constituted for performing the same functions under the said Act, but on and after such appointment or constitution, the authorities performing the functions under the Bengal Engineering and Science University, Shibpur Act, 2004 or any Statutes or Ordinances made thereunder shall cease to hold office;

XIII of 2004. 40

45 (g) every Senate or any other authorities in the names so called constituted in relation to every Institute before the commencement of the National Institutes of Technology, Science Education and Research (Amendment) Act, 2013 shall be deemed to be the Senate constituted under the said Act until a new Senate is constituted under this Act for that Institute, but on the constitution of a new Senate under this Act, the members of the Senate holding office before such constitution shall cease to hold office;

50 (h) until the first Statutes and the Ordinances are made and brought in force under the National Institutes of Technology, Science Education and Research (Amendment) Act, 2013, the Statutes, Ordinances and rules made for the

Bengal Engineering and Science University, Shibpur immediately before the commencement of the said Act shall continue to apply to the Indian Institute of Engineering Science and Technology, Shibpur in so far as they are not inconsistent with the provisions of the said Act.”.

Power to
remove
difficulties.

11. (1) If any difficulty arises in giving effect to the provisions of the National Institutes of Technology, Science Education and Research (Amendment) Act, 2013, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to be necessary or expedient for removing the difficulty: 5

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act. 10

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

Amendment of
Schedule.

12. After the Second Schedule of the principal Act, the following Schedule shall be inserted, namely:— 15

“THE THIRD SCHEDULE

[See sections 3(g), (k)(m), 4(1) and 11A]

LIST OF INDIAN INSTITUTES OF ENGINEERING SCIENCE AND TECHNOLOGY

Sl. No.	University or Society	Corresponding Institute
(1)	(2)	(3)
	Bengal Engineering and Science University, Shibpur.	Indian Institute of Engineering Science and Technology, Shibpur.”.

Repeal and
savings.

13. (1) The Bengal Engineering and Science University, Shibpur Act, 2004 is hereby repealed. XIII of 2004. 25

(2) The provisions of the General Clauses Act, 1897 shall apply to the repeal of the said Act as if the Act referred to in sub-section (1) were a Central Act. 10 of 1897.

(3) Notwithstanding such repeal, anything done or any action taken under the repealed Act, shall be deemed to have been done or taken under the corresponding provisions of that Act, as amended by this Act. 30

STATEMENT OF OBJECTS AND REASONS

The National Institutes of Technology Act, 2007 came into force on the 15th August, 2007. This Act was amended in 2012 and named as the National Institutes of Technology, Science Education and Research (Amendment) Act, 2012. The Ministry of Human Resources Development in December, 2007 communicated to the State Government of West Bengal that the Government of India decided in principle to upgrade Bengal Engineering and Science University—Shibpur, West Bengal to Indian Institute of Engineering Science and Technology—Shibpur, West Bengal. For the aforesaid purposes, it has been felt necessary to bring the Bengal Engineering and Science University—Shibpur, West Bengal under the National Institutes of Technology, Science Education and Research Act, 2007 by an amending legislation, namely, the National Institute of Technology, Science Education and Research (Amendment) Bill, 2013.

2. The National Institutes of Technology, Science Education and Research (Amendment) Bill, 2013 *inter alia*, provides for:—

(i) conversion of the Bengal Engineering and Science University—Shibpur, West Bengal as Indian Institute of Engineering Science and Technology—Shibpur, West Bengal, under the National Institutes of Technology, Science Education and Research Act, 2007;

(ii) insertion of a sub-section (1A) in section 4 of the National Institutes of Technology, Science Education and Research Act, 2007 for deemed incorporation of the Indian Institute of Engineering Science and Technology—Shibpur, West Bengal specified in the proposed Third Schedule;

(iii) omission of section 30A of the Act so as to establish a common Council for all the Institutes listed in the First Schedule, the Second Schedule and the proposed Third Schedule; and

(iv) to repeal the Bengal Engineering and Science University, Shibpur, West Bengal Act, 2004.

3. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 18th December, 2012.

M.M. PALLAM RAJU.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 33-6/2012-TS.III, dated 19th February, 2013 from Shri M.M. Pallam Raju, Minister of Human Resource Development to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the National Institutes of Technology, Science Education and Research (Amendment) Bill, 2013, recommends the introduction and consideration of the Bill in Lok Sabha under clauses (1) and (3) of article 117 of the Constitution of India.

FINANCIAL MEMORANDUM

The Bill proposes to declare the Indian Institute of Engineering Science and Technology— Shibpur, West Bengal as an Institution of national importance under the provisions of National Institutes of Technology, Science Education and Research Act, 2007. The substantial assistance of the Central Government would be provided to the Indian Institute of Engineering Science and Technology—Shibpur, West Bengal under Plan Heads by the Department of Higher Education, Ministry of Human Resource Development.

2. For the current financial year, an amount of one crore rupees has been allocated for setting up of the Indian Institute of Engineering Science and Technology—Shibpur, West Bengal. An outlay of 592.20 crore of rupees [300.30 crore of rupees as non-recurring towards capital expenditure and 291.90 crore of rupees as recurring expenditure] over a period of five years with the stipulation that sanction of funds would be on incremental basis after assessing the requirement as part of the annual budgetary exercise.

ANNEXURE

EXTRACTS FROM THE NATIONAL INSTITUTES OF TECHNOLOGY ACT, 2007

(29 OF 2007)

* * * * *

2. Whereas the objects of the institutions mentioned in the First Schedule and the Second 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.

Declaration of certain Institutions as Institutions of national importance.

3. (1) * * * * *

Definitions.

(c) "Corresponding Institute", in relation to a society mentioned in column (2) of the First Schedule and the Second Schedule, means the Institute as specified in column (3) of the First Schedule and the Second Schedule;

(d) "Council" means the Council established under sub-section (1) of section 30 or sub-section (1) of section 30A, as the case may be;

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(g) "Institute" means any of the Institutions mentioned in column (3) of the First Schedule and the Second Schedule;

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(k) "Schedule" means the First Schedule and the Second Schedule annexed to the Act;

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(m) "Society" means any of the societies registered under the Societies Registration Act, 1860 and mentioned in column (2) of the First Schedule and the Second Schedule;

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CHAPTER II

THE INSTITUTES

4. (1) Each of the Institutes mentioned in column (3) of the First Schedule and the Second Schedule shall be a body corporate having perpetual succession and a common seal and shall, by its name, sue and be sued.

Incorporation of Institutes.

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

* * * * *

Board of Institutes of Second Schedule.

CHAPTER III

THE 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 First Schedule, a central body to be called the Council.

Establishment of Council.

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Establishment of Council for the Institutes of Second Schedule.

30A. (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 Second Schedule, a central body to be called the Council.

(2) The Council under sub-section (1) 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) four 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 Advisor, 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 the 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.

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

31(1) * * * * *

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

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Transitional provisions.

37. Notwithstanding anything contained in this Act—

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further to amend the National Institute of Technology, Science Education and Research
Act, 2007.

(Shri M.M. Pallam Raju, Minister of Human Resource Development)