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**STANDING COMMITTEE
ON EXTERNAL AFFAIRS
(2013-2014)**

FIFTEENTH LOK SABHA

MINISTRY OF EXTERNAL AFFAIRS

THE NALANDA UNIVERSITY (AMENDMENT) BILL, 2013

TWENTY THIRD REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2013/Agrahayana, 1935 (Saka)

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Presented to Lok Sabha on 17.12.2013
Laid in Rajya Sabha on 17.12.2013



LOK SABHA SECRETARIAT
NEW DELHI

December, 2013/Agrahayana, 1935 (Saka)

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**COMPOSITION OF THE STANDING COMMITTEE ON
EXTERNAL AFFAIRS (2013-2014)**

Shri Ananth Kumar - Chairman

**MEMBERS
LOK SABHA**

Sl.No	Name
2.	Shri Sultan Ahmed
3.	Shri Anto Antony
4.	Shri Sansuma Khunggur Bwiswmuthiary
5.	Shri Bhudeo Choudhary
6.	Shri Bhakta Charan Das
7.	Shri Suresh Kalmadi
8.	Shri Pradeep Kumar Majhi
9.	Shri Jose K. Mani
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11.	Shri Gobinda Chandra Naskar
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13.	Shri J. Ramesh
14.	Shri Rajendrasinh Rana
15.	Shri T.K.S. Elangovan
16.	Shri Francisco Sardinha
17.	Dr. Bhola Singh
18.	Shri Janardhana Swamy
19.	Vacant
20.	Vacant
21.	Vacant

RAJYA SABHA

22.	Smt. Jaya Bachchan
23.	Shri Murlidhar Deora
24.	Shri H.K. Dua
25.	Dr. Najma A. Heptulla
26.	Shri Balbir Punj
27.	Dr. K.P. Ramalingam
28.	Dr. Karan Singh
29.	Shri N.K. Singh
30.	Smt. Ambika Soni
31.	Shri D. P. Tripathi

SECRETARIAT

1.	Shri U.S. Saxena	-	Joint Secretary
2.	Dr. Ram Raj Rai	-	Director
3.	Smt Rita Jaiikhani	-	Additional Director

INTRODUCTION

I, the Chairman, Standing Committee on External Affairs (2013-2014) having been authorized by the Committee to submit the Report on their behalf, present this Twenty Third Report (Fifteenth Lok Sabha) on 'The Nalanda University (Amendment) Bill, 2013'.

2. The Bill was introduced in Rajya Sabha on 26th August, 2013 and on the request of Hon'ble Chairman, Rajya Sabha, on 3rd September, 2013 it was referred by the Hon'ble Speaker, Lok Sabha to the Standing Committee on External Affairs for examination and Report.

3. In the process of examination of the Bill, the Committee were briefed by the representatives of the Ministry of External Affairs and Nalanda University on 4th October, 2013. The Committee also took oral evidence of the representatives of the Ministry of External Affairs, Ministry of Law and Justice (Legislative Department) and Nalanda University on 22nd October, 2013. The Committee also sought written information on various aspects relating to Nalanda University and the Amendment Bill from the Ministry of External Affairs.

4. The Committee considered and adopted this Report at their sitting held on 10th December, 2013. The Minutes of the sittings of the Committee are appended to the Report.

5. The Committee wish to express their gratitude to the representatives of the Ministry of External Affairs who appeared before the Committee and placed their considered views and also for furnishing background information and written replies to the points raised by the Committee in connection with the examination of the Amendment Bill. The Committee would also like to thank the representatives of the Nalanda University and the Ministry of Law and Justice (Legislative Department) who also deposed before the Committee.

6. For facilitation of reference and convenience, the observations and recommendations of the Committee have been printed in bold in the body of the Report.

NEW DELHI
10th December, 2013
19 Agrahayana, 1935 (Saka)

ANANTH KUMAR,
Chairman,
Standing Committee on External Affairs

REPORT

CHAPTER-I

INTRODUCTORY AND GENERAL ISSUES RELATING TO NALANDA UNIVERSITY

The ancient Nalanda University was a great seat of learning, scholarship, philosophy and statecraft. To revive its glory, the need was felt for establishing a new University for the meeting of minds from the national and international arenas, to carry out research that would link philosophy to science, technology, economy and spirituality, and integrate both ancient and modern thinking. Accordingly, in 2007, the Government of Bihar decided to set up the University of Nalanda, and the State Legislature of Bihar unanimously passed the University of Nalanda Act 2007 to facilitate its founding. The University was established through a notification on 24th August, 2007.

1.2 Independently, in mid-2006, there was a proposal from the Government of Singapore for the revival of the ancient Nalanda University. It observed that Nalanda would be the ideal site for establishing a 21st century institution of learning, linking South and East Asia. After discussions between India and Singapore, it was decided that Nalanda University could be established under an inter-governmental agreement among the member-states of the East Asia Summit (EAS). But this idea was dropped because of a lack of agreement within the East Asia Summit. It was decided to establish the University under an Act of Parliament.

1.3 The 2nd East Asia Summit, held at Cebu, the Philippines in January, 2007, agreed on the revival of the Nalanda University, to enhance regional understanding and the appreciation of one another's heritage and history. The University was to be established on the basis of a Joint Press Statement at the 4th East Asia Summit held at Hua Hin, Thailand in October, 2009, which supported its establishment as a non-state, non-profit, secular and self-governing international institution. After the support of EAS leaders had been secured, the Ministry of External Affairs moved the Nalanda University Bill which was passed by both the Houses of Parliament in the Monsoon Session of 2010, and received the President's assent on 21st September, 2010. After the issuance of a gazette notification the Nalanda University Act came into effect on 25th November, 2010. Following this Act, the University of Nalanda Act 2007 passed by the Bihar Government in 2007 stands repealed.

1.4 India, as the host country, has made a significant contribution to the University. Apart from the 455 acres of land provided by the Government of Bihar free of cost, the Government of India has released Rs. 25.28 crores to the university so far. The Expenditure Finance Committee (EFC) has completed their appraisal about the University and finalized an expenditure of Rs. 2727 crores upto year 2020-21. To raise funds from external sources, an External Endowment Committee has been constituted, to seek funding through public-private partnerships.

1.5 In view of the fact that the Ministry of Human Resource Development is the nodal Ministry dealing with higher education in the country, when the Ministry was asked to justify its responsibility in the establishment and running of the University, Secretary East in the Ministry of External Affairs placed the following facts on the Bill:

“... So, it became an international University. It was because of this international background of the Nalanda University project that the Ministry of External Affairs was given the nodal role. Our role is a limited one. Our role is essentially as of a facilitator to assist the Nalanda University authorities in developing and bringing to fusion this very important initiative of the Government of India with the support of the participating countries of the East Asia Summit. We are also the conduit for the funding of the Nalanda University by the Government of India.”

1.6 Describing the role of Ministry of External Affairs in handling academic activities of the University, the Secretary East, Ministry of External Affairs submitted as under:

"... as far as its academic activities are concerned, bulk of its activities are concerned, we do not have any direct role. On the two sides of this table, we have two of the members of the Governing Board of the Nalanda University and they will confirm that the Ministry of External Affairs does not try to run or manage this University in any way. That is well beyond our competence. We are essentially handholding, we are essentially assisting this University especially keeping in mind the international character of the University, which is also an important part of India's soft power. We are trying to reinforce the civilisational outreach that we have in East Asia in particular but also elsewhere and there the Nalanda University played a very important role from Sixth Century A.D. to 12th Century A.D. when it was brought to an abrupt closure. I wanted to clarify that we do not have competence or any objective or any desire to run or to manage the Nalanda University."

1.7 The Ministry further clarified that the Ministry of Human Resource Development (MHRD) was consulted during the formulation of the Nalanda University Bill, 2010 and they had supported the proposal for introduction of the Bill. The Ministry of External Affairs (MEA) has also submitted in a written reply that in order to ensure continued involvement in decision making bodies of the University, it has been decided that the Additional Secretary (Financial Advisor) of the Ministry of Human Resource Development will be a member of the University's Finance Committee besides a representative of the rank of Additional Secretary will be on the Governing Board of the Nalanda University.

1.8 The Preamble of the Nalanda University Act, 2010 declares the University to be an international institution. The Ministry while highlighting the unique character of the University made the following submission:

“The Nalanda University is a stand-alone university created by an Act of Parliament which recognizes that unique status of the university....

... the core of the university’s academic programming is built around reviving inter-Asian connections and, once more, encouraging participatory dialogue and research that is built around the shared heritage and history of Asia. The international status of the University, internationalism in its governance structure and its freedom to reach out to the world in its pursuit of excellence, its freedom to set a globally compatible academic agenda and curriculum, all give to the University a status different from virtually all existing Indian universities.”

1.9 On being asked about the plans to actualize the vision as enshrined in The Nalanda University (Amendment) Bill, 2013 which proposes to amend the Preamble by adding the lines 'as a contemporary university inspired by the academic excellence and global vision of the historic Nalanda', the Ministry furnished the following reply:

"The new Nalanda University is a university that draws inspiration from its illustrious predecessor but is not its recreation. The vision for the revival of ancient Nalanda University is contained in the Vision Statement adopted by the Governing Board which mentions that the challenge for the University is to match the excellence of Nalanda of the first millennium CE for the third millennium CE. The University has, therefore, to be universalist in its outlook, open to currents of thoughts and practice from around the globe, and has to respond to the needs of a world which has miles to travel before it can ensure peace and prosperity with equity and hope for all the people of the world. Above all, Nalanda must be a centre of knowledge and a most excellent one. Its primary function must be to harness the best talents for the creation and dissemination of new knowledge as well as for the recovery and restoration of valuable old insights. Nalanda has to be open to students from across the world chosen for their desire for and capacity to absorb knowledge in diverse fields. Nalanda will be new but will aspire to be as good as its old self. It will draw upon the best resources of Asia and the world."

1.10 Further elaborating upon the Nalanda University being conceived as a unique project of the Government of India in partnership with EAS participating countries during the briefing, the Secretary East, Ministry of External Affairs informed the Committee about the present status of the University as under:

“The University has already started operating from its Project Office in New Delhi. It launched its website in October, 2011; its logo in November, 2011. The statutes were published in the Gazette of India on 31st March, 2012. The Government of Bihar has very generously transferred 455 acres of land acquired in Rajgir on a 99-year lease to the

University on 4th February, 2011. The construction of the boundary wall has essentially been completed. The first teaching programmes are scheduled to commence from the leased premises in the academic year 2014-15. I understand that that will be in September, 2014. The first two Schools will be the Schools of Ecology and Environmental Studies, and of Historical Studies. Teaching in all the seven Schools will commence in the academic year 2017-18. For the permanent campus of the University, an international architectural design competition was launched in November, 2012 and Vastu Shilpa consultants were declared winner by the international jury on 6th May, 2013. Since then, the design has been confirmed by the Governing Board of the University and preparatory steps are being taken to launch construction sometime early next year."

1.11 When the Committee desired to know that how the Government of India propose to monitor and regulate the international institution like Nalanda University, the Ministry of External Affairs submitted the following justification:

"The Government has representatives on the Governing Board which is the highest decision making body of the University and also on the Finance Committee and the Building and Works Committee of the University. All Government of India funding to the University is subject to laid down budgetary scrutiny and checks and balance as also parliamentary approvals and oversight. The Comptroller and Auditor General also monitors the functioning through periodic audit. All the subordinate legislation of the University is sent for notification to the MEA. There is a constant process of consultation between the MEA and various arms of Government of India, with regard to affairs of the university. The process of regulation is balanced to ensure that the autonomy of the institution is maintained."

1.12 Further, the Committee deliberated upon various academic aspects of the University including Schools, academic curricula and faculty. In the same context while describing the academic activities of the Nalanda University, the Ministry furnished the following details in a written reply:

"The University has announced that it will start teaching in two Schools viz. School of Historical Studies and the School of Ecology and Environment Studies in the academic session 2014-15 and is doing its best to adhere to this schedule. The tentative roll out plan for the other five Schools as per the Board's current view is as follows:

1 in 2015-16

1 in 2016-17

2 in 2017-18

1 in 2018-19"

1.13 When asked about the tentative roll out schedule for five Schools, the Ministry submitted the following facts in a written reply:

"Though the Board has discussed the schedule of start of the five remaining Schools that will follow the first two Schools, namely the Schools of Historical Studies and Ecology and Environment Studies, a final decision on the five remaining schools will be taken by the Governing Board at an appropriate time, preferably after it has been constituted following the adoption of the amendments. Thus, at present there is no agreed upon schedule regarding the order in which the other schools will roll out. All schools are expected to work at their peak capacity by 2021-22. The annual academic calendar is likely to be from end-August or beginning of September to late-April or early-May each year."

1.14 The Committee welcome the initiatives taken by India in partnership with the international community for reviving the ancient glory of Nalanda through the establishment of Nalanda University. The Committee observe that through enactment of the Nalanda University Act, 2010, the Government have taken initiative to establish the Nalanda University as an international institution. This will certainly advance the concept of an Asian Community by bringing together future generations in the common objective of making new discoveries of old relationships to realize the unity of minds. The Committee, however, would like to suggest that all efforts should be made to invoke and include the icons, nomenclature and cultural as well as scholarly traditions of the old Nalanda University in the new initiative. The Committee are hopeful that by reconciling the ancient glory with contemporary and future academic pursuits, the authorities would be able to develop it as an international centre of excellence.

1.15 The Committee observe that in the Joint Press Statement of the 4th East-Asia Summit on 25th October, 2009 on the revival of the Nalanda University and the Memorandum of Understanding (MoU) signed on 10th October, 2013, it is clearly mentioned that the Nalanda University will be non-state, non-profit, self-governing international institution and it will have academic freedom for attainment of these objectives. But neither the Nalanda University Act, 2010 nor the Nalanda University (Amendment) Bill, 2013 makes reference to these specific characters of the University, particularly in the Preamble. The Committee note this as a major lacunae and would like that the proposed amendment to the

preamble of the Nalanda University Act, 2010 should be appropriately modified to specifically include these terms so as to reflect the spirit as envisaged by the member countries of the East Asian Summit behind the proposal for setting up the Nalanda University.

1.16 The Committee take note of the tentative academic schedule of the University which envisages the beginning of academic activities from the year 2014-15. However, the Committee are disappointed to note that the final roll out plan for the remaining five Schools is yet to be decided by the Governing Board. The Committee do not favour such lack of planning on the part of the Ministry/University/Governing Board in delineating the exact academic plan of the University and desire that Ministry/University must streamline the academic activities in order to set achievable targets and start to work on that with immediate effect. The Committee also favour the endeavors being made by the Nalanda University to collaborate with other centers of excellence and would further like to suggest the University to also dwell upon the prospects of engaging with United Nations Educational Scientific & Cultural Organization (UNESCO) in this regard.

CHAPTER-II

NALANDA UNIVERSITY (AMENDMENT) BILL, 2013

A. GENERAL ISSUES ABOUT THE BILL

After the establishment of the South Asian University, Nalanda University is the second international university located in India. Since the coming into effect of the Nalanda University Act, 2010 there has been a perceived need to amend and further refine some of its provisions, create an even better governance structure for the University than exists presently and help speed up the project. Towards this end a Committee of Experts was constituted under the Planning Commission to suggest the amendments. The committee, headed by Prof. N. R. Madhava Menon, former Vice Chancellor of the West Bengal National University of Juridical Sciences, Kolkata, held four meetings on May 16, June 15, September 6 and October 7, 2012. The Committee of Experts tasked to suggest the amendments examined the issues of academic, administrative and financial autonomy related to appointments, salaries and emoluments, and auditing. It examined how existing gaps can be filled, and how the University can acquire international stature and excellence through representative and flexible governance and forward looking legislation, consistent with the Act. The Committee's recommendations have been factored into the draft amendments being proposed in the Bill.

2.2 According to the Ministry, the Bill deals with the twin issues of autonomy and governance. Based on the recommendations of the Committee of Experts, discussions with the University and inter-ministerial consultations, the following important aspects have been considered in the amendments: (1) The composition and functions of the Governing Board; (2) an enabling provision in Section 21 to bring the University as an entity under the ambit of the Headquarters Agreement and its notification with retrospective application from the date of commencement of the Act; (3) inclusion in the Preamble of the need to conclude an inter-governmental agreement; (4) an enabling provision allowing the Government of India to meet not only the University's capital expenditure, but its recurring expenditure as well and (5) retrospective application of Statutes, Ordinances and Regulations from the date of commencement of the Act.

2.3 When the Committee desired to know about the Ministry's justifications for introducing the Nalanda University (Amendment) Bill, 2013 during such short period and particularly when the University has not even started working. The Ministry in written reply submitted as under:

"Since the coming into effect of the Nalanda Act some deficiencies and omissions have come to notice because of which it was not possible to carry the University project forward. One such example is the constitution of the new Governing Board which was to have five members from amongst the Member States which provide maximum financial assistance. This clause would have come in the way of including countries that have a strong historical association with Nalanda University but are not in a position to make financial contributions. A need was, therefore, felt to amend this and certain other sections of the Nalanda University Act. The proposed amendments to the Act will improve the governance structure of the University. In addition to that, the provision to conclude an inter-governmental agreement, allow the Government of India to meet not only the university's capital expenditure but its recurring expenditure as well and retrospective application of its Statutes, Ordinances and Regulations from the date of commencement of the Act will help speed up the project. Though a Headquarters Agreements has been signed between the Government of India and Nalanda University, it cannot be fully implemented till the Amendment Bill is enacted."

2.4 The Committee observe that through the Nalanda University (Amendment) Bill, 2013, the Government has tried to rectify the omissions in the principal Act i.e. Nalanda University Act, 2010. The Committee express their concern over the manner in which the principal Act had been formulated as there were several major omissions in the Act. As per the Ministry's own admission that because of these lacunae it was not possible to carry forward the University project. The Committee by and large accept the amendments proposed in the Bill. However, the Committee have to comment upon certain clauses where they feel a need of revision in the proposed clauses of the Amendment Bill or corresponding changes in the principal Act.

CLAUSE-BY-CLAUSE EXAMINATION

B. PREAMBLE

2.5 Clause 2(a) of the Amendment Bill proposes to amend Preamble of the principal Act i.e. the Nalanda University Act, 2010 and proposes to modify the Preamble as under:

"in paragraph 3, after the words, "State of Bihar", the words "as a contemporary University inspired by the academic excellence and global vision of the historic Nalanda shall be inserted."

2.6 Elaborating upon the rationale for the amendment, the Ministry of External Affairs in the detailed explanatory note stated as under:

"The original paragraph in the Act does not have the words "as a contemporary university inspired by the academic excellence and global vision of the historic Nalanda."

2.7 The Ministry has further stated as under:

"This addition has been made to reflect the desire to anchor the vision of the new Nalanda University in the ancient Nalanda University". (Sl. No. 1 Detailed Explanatory Note and reasons for proposed amendment),

2.8 Further, Clause 2 (b) of the Bill proposes to amend Preamble of the principal Act by inserting a new paragraph which is as under:

"AND WHEREAS, as the University progresses, it is intended to conclude an inter-governmental agreement, and encourage Member States of the East Asia Summit to become parties to the said agreement."

2.9 During the sitting held on 22 October, 2013 the Committee were apprised about the signing of a Memorandum of Understanding on establishment of the Nalanda University by eight participating countries of the East Asia Summit on 10 October, 2013 at Bandar Seri Begawan, Brunei, Darussalam. In view of the entry "into force of the Memorandum of the Understanding, the Ministry proposed that clause 2 (b) of the Nalanda University (Amendment Bill, 2013) shall be substituted by the following:

"AND WHEREAS, an inter-governmental Memorandum of Understanding on the Establishment of Nalanda University (MoU) has entered into force on October '10, 2013 and it is intended to encourage other EAS participating countries that have not yet signed this MoU as well as any other State that subscribes to the object and purpose of the establishment of Nalanda University to become a signatory to this MoU."

2.10 During the oral evidence held on 22 October, 2013 Secretary (East) made the following submission:

"In fact, on this point there is one more suggestion we wanted to make from our side. We wanted to have your permission and then we will send the modified amendment. When the principal Act was enacted, at that time we had used the nomenclature of EAS Member States, Member States of East Asia Summit. Subsequently when we were negotiating the draft MoU in September in Brunei, Darussalam, at that time The ASEAN Secretariat which is also a Secretariat for the East Asia Summit suggested that the correct terminology will be 'EAS participating countries' rather than Member States. So, we have discussed this with the Secretary, Legislative Department also. This is a

technical amendment we will move that wherever we have reference to EAS Member States we will change it to EAS participating countries."

2.11 The Ministry further elaborated the position through an Explanatory Note:

"In line with the use of the term 'participating countries' in the MoU, the Hon'ble Committee may kindly consider substitution of 'Member States' by 'participating Countries' occurring in sections 3 (d), (j) 9 (1) (d); (h), (i); and 31 (3) of the Principal Act and in clause 3, section 7 (1) (c), (d); clause 5, section 9 (2) of the Amendment Bill. Further, in clause 5, section (1)(j) of the Amendment Bill, the term 'members' shall be substituted by 'participating countries' In the Financial Memorandum, paragraph 1, in the third and fifth lines, the term 'member states' shall be substituted by the term 'participating countries'. Similarly, in paragraph 1, eighth line, the term 'member countries' shall be substituted by 'participating countries, In the Statement of Objects and Reasons, paragraph 4(a), the term 'Member States' shall be substituted by the term 'participating countries.'"

2.12 During the course of evidence, the Committee were enlightened upon the concept of Nalanda University as a self governing international institution as mentioned in the Joint Press Statement and the Memorandum of Understanding (MoU) and the establishment of the Nalanda University. But, when the Committee specifically desired to know about the reasons for not mentioning the other equally important terms like 'non-profit', 'non state' and 'self governing', either in the principal Act or in the Amendment Bill, the Ministry submitted the following facts in their post- evidence reply:

"The term non-profit is mentioned in Section 9 (2) of the principal Act. However, there was no particular reason for not mentioning the terms non-state, and self-governing either in the Act or in the Amendment Bill."

2.13 The Amendment Bill proposes to add a new line to the preamble to the effect that it seeks to establish the Nalanda University as a contemporary University inspired by the academic excellence and global vision of the historic Nalanda. The Committee feel that inclusion of these words would certainly reflect the desire to anchor the vision of the new Nalanda University in the ancient Nalanda University. The Committee, however, desire that Government/University should also take initiatives to translate this concept into a reality by reflecting the reconciliation of historic as well as contemporary features, making it relevant for future generations to come.

Further, in view of the signing of Memorandum of Understanding (MoU) by nine participating countries of the EAS and suggestions made by the ASEAN Secretariat regarding the use of correct terminology of 'EAS participating countries' substituting 'Member States', the Committee are of the opinion that the modifications suggested by the ASEAN Secretariat may be accepted and these may be appropriately incorporated in all concerned sections of the Revised Amendment Bill.

C. GOVERNING BOARD

1.14 Amendments to provisions regarding the structure of the Governing Board was one of the major reasons to bring this amendment Bill. Furnishing the comparative data on its composition, the Ministry stated as under:

The structure of the Governing Board is set out below:

Governing Board as set out in the Principal Act	Proposed Governing Board in the Amended Act
(a) the Chancellor;	(a) the Chancellor;
(b) the Vice Chancellor;	(b) the Vice Chancellor;
(c) five members from amongst the Member State which provide maximum financial assistance during a period of three years to be nominated by the Member States	(c) five members, one each to be nominated by five Member States of the East Asia Summit, invited by the Government of India with the concurrence of the Visitor;
(d) one member, not below the rank of Secretary in the Ministry of External Affairs, to be nominated by the Central Government;	(d) one member, not below the rank of Secretary dealing with East-Asia Summit Member States in the Ministry of External Affairs, to be nominated by the Central Government;
(e) two members, representing the State Government of Bihar, to be nominated by the State Government.	(e) two members, representing the State Government of Bihar, to be nominated by the State Government.
(f) one member not below the rank of Additional Secretary in the Ministry of Human Resource Development, to be nominated by the Central Government;	(f) one member not below the rank of Additional Secretary in the Ministry of Human Resource Development, to be nominated by the Central Government;
(g) three members from amongst the persons being renowned academicians or	(g) five persons of eminence to be recommended by the Governing Board and

educationist, to be nominated by the Central Government.	nominated with the approval of the Visitor.
	(h) two members of the academic faculty of the University nominated by the Vice Chancellor.
TOTAL: 14 members	TOTAL: 18 members

2.15 Clause 3 of the Bill proposes to amend section 7 (1) (c) of the principal Act by substituting the clause as under:

" five members, one each to be nominated by five Member States of the East Asia Summit, invited by the Government of India with the concurrence of the Visitor;"

2.16 Elaborating upon the rationale of the amendment, the Ministry in the detailed Explanatory Note stated as under:

"The Act provides for "five members from amongst the Member States which provide maximum financial assistance during a period of three years to be nominated by the Member States;"

2.17 The Ministry further stated as under:

"It is proposed to have members from the EAS by invitation, without linking membership to financial assistance".

2.18 On being enquired about the objectives of inviting the representatives of EAS member countries in the Governing Board and the criteria for selection of the five countries, the Ministry in a written reply stated as under:

"The objective of inviting the representatives of EAS member countries to the Governing Board is to further reinforce the international character of the University and to involve them fully in making policies, giving directions and management of the University's affairs. Although the basis for the invitation will be decided by the Government of India, it would be left to the countries to choose a person from any field. Article 4 of the Memorandum of Understanding states that the membership of the Governing Board will include five representatives from participating countries of the East Asia Summit to enhance their role in developing Nalanda University as an international institution of excellence."

2.19 However, when the Committee further expressed their concern about the rationale for the proposed amendment to section 7 (1) (c) in view of the Government's intention to have participation of other countries/ non-member countries section 9 (1) (j) and the provision for nomination by five EAS member states is not limiting the participation of non-EAS countries, the Ministry of External Affairs clarified the position in post evidence reply as under:

".....the Government does not consider it appropriate to invite non-EAS countries to join the Governing Board. Secondly, para 2 of MoU's Article 4 on the governance structure clearly states that the membership of the Governing Board will include five representatives from participating countries of the East Asia Summit to enhance their role in developing Nalanda University as an international institution of excellence. As such, any non-EAS country deciding to become a signatory to the MoU will know that membership of the Governing Board is not open to them. Thirdly, as per the new sub-clause 9 (1) (j), one of the objectives of the University shall be to encourage other interested countries, who are not participating countries of the East Asia Summit, to collaborate in developing the Nalanda University as an international centre of excellence. This implies that collaboration can be in any form, whether academic or financial, without these countries being on the Governing Board. There is no barrier on nationality in the category of five eminent persons to be nominated by the Governing Board under section 7 (1) (g) of the Amendment Bill. If it is felt that someone from a non-EAS participating country would be useful on the Board he could be invited to become a member under this Section."

2.20 On the particular issue of resolution of the cases of objections being raised by other member states or the individuals being nominated by member states, the Ministry of External Affairs in written reply submitted as under:

“Issues, if any, will be resolved through friendly consultations. Article 8 of the MoU states that any issue concerning interpretation or implementation of this MoU shall be settled through mutual consultations.”

2.21 The Committee note that in the proposed amendment, five Members from participating countries of the East Asian Summit (EAS) will be nominated by invitation in the Governing Board and linking of membership to financial assistance has been removed. Simultaneously, Ministry has pronounced that inviting the representatives from abroad is to further reinforce the international character of the University and to involve them further in making policies, giving directions and management of University's affairs. But, the Committee are of the opinion that 'five Members one each amongst the EAS Member States, is restrictive and might be contradictory with the Government's expressed intention of 'promotion of global inclusiveness' as proposed in clause 5 to amend sections 9 (1) (b) as well as 'to encourage other interested countries, who are not members of the EAS to collaborate in developing Nalanda

University' as mentioned in section 9 (1) (j). The Committee are not convinced with the explanation furnished by the Ministry referring to similar clause in the Memorandum of Understanding (MoU) as the binding one and strongly desire that inspite of considering to invite someone from non-EAS participating countries out of the category of five eminent persons from India using section 7 (1) (g) of the Amendment Bill, the Ministry should make a clear provision in the same clause or in a separate clause for inclusion of atleast two representatives from non-EAS participating countries, in addition to five representatives of EAS participating countries to ensure the active participation of these countries in the Governing Board to make it global in real term.

2.22 Clause 3 of the Bill also proposes to amend section 7 (1) (d) of the principal Act as under:

"for the words "rank of Secretary", the words "rank of Secretary dealing with East Asia Summit Member States" shall be substituted."

2.23 Elaborating upon the rationale for the amendment, the Ministry in the detailed explanatory note stated as under:

"The Act provides for "one member, not below the rank of Secretary in the Ministry of External Affairs, to be nominated by the Central Government;"

2.24 The Ministry further stated as under:

"The addition of "dealing with the EAS Member States" has been made for clarity."

2.25 The Committee desired to know the significance of adding the phrase, 'dealing with the East Asia Summit Member States'. The Ministry in post-evidence reply stated as under:

"...The phrase has been added to ensure that the incumbent Secretary dealing with participating countries of the East Asia Summit is always on the Governing Board. ...there is no intention to invite non-EAS countries to join the Governing Board. Secondly, the specific nomination of the incumbent Secretary has been provided for functional reasons."

2.26 The Committee are not satisfied with explanation furnished by the Ministry regarding the proposed amendment to section 7 (1) (d) limiting the nomination of Secretary level officer dealing with East Asia Summit Member States in the Governing Board. In order to widen the base for the selection of the Officers to be nominated to the Governing Board and even for

more stability, the Committee strongly recommend that the amendment may read as ' one member not below the rank of Secretary having experience in dealing with East Asia Summit Member States'.

2.27 Though the Government has not proposed any amendment in section 7 (1) (e) of the principal Act which reads as under:

"...Two members representing the State Government of Bihar to be nominated by the State Government."

2.28 However, the Committee desired to know the rationale for incorporating two Members representing the State Government of Bihar. The Ministry in post-evidence reply stated as under:

"The rationale of incorporating two Members representing the State Government of Bihar is that the University is located in Bihar and the support of the state will be crucial to deal with issues, such as provision of land, municipal permissions, logistical support etc. The functioning of the University will be facilitated by the presence of nominees of the State Government on the Governing Board. This provision already existed in the principal Act and it did not seem appropriate to alter this position. It was felt prudent to respect the freedom and choice of the Government of Bihar on the position/status of their nominees, who can be from any field."

2.29 However, in view of specific provisions related to nomination of representatives from Ministry Of External Affairs (MEA) and Ministry of Human Resource Development (MHRD) by Central Government which the Committee desired to know the specific reasons for no specific mention of category regarding the nomination by the State Government of Bihar under clause 7 (1) (e) to the Governing Board. The Ministry submitted the following explanation in a written reply:

"In the case of the State Government of Bihar, it will be free to nominate anyone, including its officials, to the Board. If it nominates officials in their ex-officio capacity then the same rules as those that apply to all ex-officio members will apply. If they nominate individuals then they will have a term of three years as all other nominated members. A clarification to this effect will be made in the Statutes."

2.30 The Committee note that Government has not proposed any amendment to section 7 (1) (e) regarding the representation of the State Government of Bihar to the Governing Board. The Committee, however, find that this clause is silent on the issue whether these two nominees of the State Government will be ex-officio Members or individuals and the State Government has been kept free to nominate anyone under this category. While describing the rationale of incorporating two members representing the State Government of Bihar, the Ministry has

clearly stated that support of state is crucial to deal with issues such as provision of land, municipal permission, logistical support etc. The Committee are unable to understand to keep this category open for the persons of any field when the objective to give representation to the State is clear. The Committee, therefore, desire that section 7 (1) (e) should be amended appropriately mentioning the specific Cabinet Ministers and/or senior officers to be nominated under this category to represent the State Government in the Governing Board.

2.31 Clause 3 of the Amendment Bill further proposes to amend section 7 (1) (g) of the principal Act as under:

"five persons of eminence to be recommended by the Governing Board and nominated with the approval of the Visitor;"

2.32 In the Detailed Explanatory Note, the Ministry submitted as under:

"The Act provides for "three members from amongst the persons being renowned academician or educationist, to be nominated by the Central Government;"

2.33 Furnishing the rationale of the proposed amendment, the Ministry in the Detailed Explanatory Note further stated as under:

"The number has been increased from three to five, firstly for larger representation; and secondly, to choose persons of eminence from a wider field. To enable the Governing Board to be a stake holder in the process, nominations will be based on its recommendation."

2.34 In this context, when the Committee desired to know the justification for keeping it open for all the persons of eminence and not restricting it to renowned national level educationists or academicians, the Ministry submitted following explanation in a written reply:

"It has been kept open to all persons of eminence so as not to restrict the field to educationists or academicians only. All fields does not exclude these two categories."

2.35 The Government has also stated that there is no specific category in its mind and it has been left open-ended to enable a wider search of suitable persons from within the country or even outside.

2.36 The Committee observe that amendment to Clause 7 (1) (g), proposes to increase the number of nominated persons of eminence in the Governing Board from three to five to give larger representation and provide a wider field for selection to the Board. The Committee however, are not convinced with the rationale furnished by the Ministry regarding keeping it open for all the persons of eminence and not restricting it to renowned educationists or academicians. The Committee are of the opinion that specific areas of activities from which these five eminent persons are to be nominated should be explicitly mentioned in the Act itself without leaving it open ended. Further, the Committee have a strong view that majority of the nomination under this category should be made from amongst eminent educationalists and academicians. The Committee, therefore, desire that the proposed clause should be modified so as to ensure that atleast three of such Members be renowned academicians/educationists as was originally mentioned in the principal Act and two persons may be nominated from amongst eminent persons belonging to other fields.

2.37 Clause 3 of the Amendment Bill further proposes to amend section 7 (4) by making the following substitution:

"The Registrar of the University shall be the Secretary of the Governing Board."

2.38 In the Detailed Explanatory Note the Ministry stated as under:

"As per the Act "The member, being the secretary in the Ministry of External Affairs, nominated under clause (d) of sub-section (1), shall be the Member-Secretary of the Governing Board."

2.39 The Ministry further stated that the Secretary MEA is too senior and busy a person to be entrusted with the responsibility of being the Member Secretary of the Governing Board. The Registrar should be the Secretary of the Governing Board, as per the practice in other such institutions.

2.40 In this context, the Committee desired to know whether it is possible to nominate a person to the post of Secretary to the Governing Board, without he or she being a member. The Ministry in the written reply stated as under:

“This is the standard practice in Indian universities. The Registrar is the ex-officio Secretary of the Executive Council but is not be deemed to be a member. In

international academic institutions, Governing Boards do not generally have a Member-Secretary. This role is usually performed by the Vice-Chancellor's office. This reduces governance friction and the creating of another power centre. As Secretary, the Registrar will attend all meetings of the Board but will have no voting rights."

2.41 The Committee note that the Government proposes to amend section 7 (4) of the principal Act following the standard practice in Indian Universities appointing the Registrar as ex-officio Secretary of the Governing Board. But so far as international academic institutions are concerned, the Governing Boards do not generally have a Member-Secretary and this role is usually performed by the Vice-Chancellor's office. The Committee, therefore, desire that as per the international practices and the status of Nalanda University being an international institution in the making, this role should be performed by the Vice-Chancellor and there is no need to appoint Registrar as ex-officio Secretary of the Governing Board. If required this section should be amended appropriately.

2.42 During the oral evidence held on 22nd October, 2013, the Committee had deliberated upon the need to make President, ICCR an ex-officio member of the Governing Board of the Nalanda University, thereby enlarging the same.

2.43 On the issue of inclusion of President, ICCR, in the Governing Board the Ministry in post-evidence written reply submitted as under:

"...While seeking the approval of the Cabinet, the Government will consider recommending the inclusion of the Chairman, Indian Council for Cultural Relations (ICCR) as an ex-officio member of the Governing Board...

....The following new Sub-Section 7 (1) (i) was discussed at the hearing on October 22, 2013, and would be considered by the Government while seeking the approval of the Cabinet. The President, Indian Council for Cultural Relations (ICCR), to be nominated by the Central Government, as ex-officio member....."

2.44 The Committee observe that the erstwhile Nalanda University was part of the cultural heritage of India and through the new initiative for establishment of Nalanda University, the Government aims to expand India's soft-diplomacy. The Indian Council for Cultural Relations (ICCR) is the premier organization mandated to carry forward India's cultural diplomacy to foreign shores. The representation of ICCR in the Governing Board of Nalanda University

would certainly support this objective of the University. The Committee, therefore, would like to suggest that the President, ICCR should be nominated by name by the Government as an ex-officio member of the Governing Board of Nalanda University and desire that necessary amendment in section 7 of the Act should be made in this regard.

D. POWERS AND FUNCTIONS OF THE GOVERNING BOARD

2.45 Clause 4 of the Amendment Bill proposes to amend section 8 (2) of the principal Act as under:

"Provided that the Nalanda Mentor Group shall exercise the powers and discharge the functions of the Governing Board for period of one year or till such time the members referred to in clauses (c) to (g) of sub-section (1) of section 7 are nominated, whichever is earlier."

2.46 In the same when the Committee wanted to know about the current status of the Nalanda Mentor Group and also about the Governing Body, please state the relevance of mentioning 'Nalanda Mentor Group' in Section 8 (2), the Ministry submitted the following written reply:

" In order to ensure continuity, the Nalanda Mentor Group assumed the powers and functions of the Governing Board of the University on the commencement of the Principal Act under Section 8(2). Their term has been extended twice due to inability to constitute the new Board. The current tenure of the Board expires on November 24, 2013. Since the Nalanda University (Amendment) Bill, 2013, is currently under consideration of Parliament, steps will be taken to extend the tenure of the Governing Board as an interim measure.

It is only an interim provision as it was necessary to have a body for governing the University till the constitution of the new board. Since this was the body that had laid down the vision of the University, it was essential that the NMG be there for continuity and to safeguard the vision of the project."

2.47 When the Committee specifically asked about deletion of the phrase 'for a period of one year or' and 'whichever is earlier' in this section and substitution of the word 'nominated' is substituted by the word 'appointed' in the same para to make it perfect, the Ministry replied as under:

"If the Hon'ble Committee so desires, its observations will be incorporated into the revised draft of the Bill, for the consideration of the Cabinet."

2.48 While going through the amendment proposed under section 8 (2), the Committee find that the presence of words 'of one year or' and 'whichever is earlier' has no significance in the clause since it was relevant for the first year of the extension of tenure of Mentor Group. The Committee, therefore, desire that these words may be deleted in the revised

Nalanda University (Amendment) Bill. Similarly, the Committee find it more appropriate to use the word 'appointed' for the members of the Governing Board being referred to in sub-section (1) of section 7 in place of 'nominated'.

E. OBJECTIVES OF THE UNIVERSITY

2.49 Clause 5 of the Amendment Bill proposes to insert a new sub-section after sub-section 9(2) namely:

"Notwithstanding anything contained in sub-section (2), the Government of India may meet both capital and recurring expenditure of the University to the extent required."

2.50 Furnishing the rationale for the proposed amendment, the Ministry in the Detailed Explanatory Note stated as under:

"The Financial Memorandum to the Nalanda University Bill, 2010 provided that the Government of India would contribute towards the capital expenditure for the establishment and maintenance of the University, and any other expenditure of recurring and non-recurring nature from the Consolidated Fund of India was not involved. Contributions from other countries, institutions and organizations are voluntary and may not be significant. Therefore, this new sub-section has been introduced to enable the Government of India to meet the expenditure of the University to the extent required, including recurring expenditure."

2.51 While further elaborating the reasons for introducing amendment to Section 9 (3) for meeting both Capital and Recurring expenditure of University, the Ministry in written reply submitted as under:

"The participating countries of the East Asia Summit encouraged funding on voluntary basis from government and other sources. In view of voluntary nature of the financial contribution from the participating countries of the East Asia Summit, institutions, organizations and other sources, and until the University starts generating its own resources, a significant portion of the capital and recurring expenditure will have to be met by the Government of India. The University will endeavour to raise funds from sources other than the Government of India to the extent possible. Apart from seeking donations for its Endowment Fund, the University has also drawn up a revenue model incorporating all possible avenues of revenue generation. While Indian universities in the public sector on an average only generate about 15-20% of their operating costs, Nalanda University is hoping to generate a much higher percentage. Nalanda University will endeavour to raise over 50% of its operating expenses when it becomes fully operational."

2.52 The Ministry in a written submission further stated as under:

"The University expects to raise over 50 per cent of its operating expenses when it become fully operational by 2021. A decision on further budgetary support will be taken at an appropriate time".

2.53 During the course of evidence, the representative of Ministry of External Affairs (MEA) submitted as under:

"...Our objective is to ensure that the University has an assured funding up to the fiscal year 2021-22. With that objective in mind, we had asked the Nalanda University authorities to project their budget both for recurring expenditure and capital expenditure, and the budget was further discussed with them and with Expenditure Finance Committee (EFC). They gave certain suggestions and directions. On that basis we have fine-tuned the budget."

2.54 The Committee also deliberated upon the financial aspects regarding the establishment of Nalanda University and desired the Ministry to furnish the projected figures annually from 2010-11 upto 2021-22 as prepared by Ed. CIL and enlighten the Committee about the response of Expenditure Finance Committee (EFC) on the same, the Ministry in written reply submitted as under:

"According to the original project report prepared by EdCIL for the Government of Bihar, the initial capital expenditure on the project was expected to be Rs. 1,005 crores. According to the revised DPR submitted for Nalanda University, the projected Capital Expenditure was as follows:

No.	Particulars	Total INR (Lakhs)
1.	Building & Civil Works	1,84,077.54
2.	Furniture, Library Books, Teaching Equipments & Machinery	20,228.69
3.	Preliminary and Pre-operative Expenses	5,000
4.	Contingency @ 3% on sum (1&2)	6,129.19
	Total	2,15,435.42

The year wise projection of Capital Expenditure by Ed CIL was as follows:

Total Capital Cost (2010-11 to 2020-21)		Rs. 2,15,435.42 Lakhs
	2010 – 11	Rs. 112.0 Lakhs
	2011 – 12	Rs. 800.0 Lakhs
	2012 – 13	Rs. 1985.9 Lakhs
	2013 – 14	Rs. 52424.9 Lakhs
Year-wise break-up of	2014 - 15	Rs. 42295.4 Lakhs
The capital expenditure	2015 - 16	Rs. 35565.7 Lakhs
	2016 - 17	Rs. 29461.0 Lakhs
	2017 – 18	Rs. 17251.5 Lakhs
	2018 – 19	Rs. 14730.5 lakhs
	2019 – 20	Rs. 12730.3 Lakhs
	2020 – 21	Rs. 8078.3 Lakhs

In its meeting on July 9, 2013, the EFC examined the Nalanda University project proposal and observed that the cost of construction in administrative and academic areas be brought down, the University may relook at proposed Teacher to Student ratios as well as Teaching

to Non-Teaching staff ratio to bring it in line with standard norms as well as incorporate a revenue model. Based on these observations, a detailed exercise was carried out to review the cost estimates and a revenue model was also devised by the University to meet its expenditure to the extent possible.

As a result of this exercise, the total capital cost of the project was revised downwards to Rs. 1,749.65 crore from Rs. 2,154.35 crore, while the recurring cost has come down to Rs. 977.45 crore from the original figure of Rs. 1,378.26 crore. The total cost of the project was reduced to Rs. 2727.10 crore from the earlier estimate of Rs. 3,532.61 crore, with an aggregate reduction of Rs. 805.51 crore.

The EFC accepted the Ministry's submissions in terms of revised cost and recommended the project for Cabinet approval".

2.55 In context of the Ministry's projection regarding the Nalanda University for future and the actual experience so far, the Committee desired to be acquainted with the details of projected Demands for Grants, Budgetary Estimates, Revised Estimates allocated and Actual Expenditure incurred under the 'Nalanda University' since its inception. The Ministry in a written reply stated as under:

"The details of BE, RE, etc. are as below:

(Rs. in crore)

	2009-10	2010-11	2011-12	2012-13	2013-14
Projected Demand	---	49.50	100.00	598.95	547.07
BE	50.00	5.00	10.00	15.00	125.00
RE	1.00	2.00	10.00	12.00	---
Actual Expenditure	0.24	2.21	7.17	11.51	4.15*

*Actual expenditure as on 30.09.2013".

2.56 The Committee note that the establishment of the Nalanda University is primarily an initiative of the East Asia Summit expecting significant contribution from participating countries. But in view of voluntary nature of financial contribution from them, the major burden of capital and recurring expenditure has to be borne by the Government of India. The new clause in section 9 has been inserted to fulfill this objective. The Committee approve the insertion of this clause to enable the Government of India for bearing the major expenditure burden for the setting up the University. The Committee, however, desire that Ministry/University should continue to make efforts to garner resources from other possible avenues of revenue generation. The Committee also recommend that the Constitution of the

International Advisory Committee and the Endowments Committee, whose Chairmen will be permanent invitees of the Governing Board be provided for in the Act itself and tasked with the responsibility of fostering partnership and garnering resources consistent with the vision and objectives of the University. They should be suitably empowered to do so by suitable provision in the relevant Statutes.

2.57 The Committee have been continuously taking note of the pace and progress of the Nalanda University and have thus commented upon it in the 14th and 20th Report on Demands for Grants of the Ministry of External Affairs for the year 2012-13 and 2013-14 respectively as well as in the 17th Action Taken Report on the abovesaid 14th Report . The Committee had particularly commented upon the delay in implementation of the project and gaps between Projected Demands, Budgetary Estimates, Revised Estimates and actual expenditure relating to the University. The Committee take note of two very significant developments i.e. signing of Memorandum of Understanding (MoU) by nine countries for the establishment of the Nalanda University and approval of revised proposal by Expenditure Finance Committee (EFC) for the expenditure upto year 2020-21 and hope that the Nalanda University will now be in better position to streamline its internal procedures to expedite the pace of the implementation of the project both in terms of infrastructure development as well as the academic activities. The Committee further desire that University should draw defined timeline for completion of short term, medium term and long term activities for establishment of the University and adhere to the schedule strictly.

F POWERS OF THE UNIVERSITY

2.58 Clause 6 (d) of the Amendment Bill further proposes to amend section 10 (xxiv) of the principal Act as under:

"For the words "to borrow", the words "to borrow funds" shall be substituted."

2.59 In the Detailed Explanatory Note the Ministry have stated that the original provision is silent on what to borrow. The word "Funds" has been added for clarity.

2.60 The Committee note that in the proposed amendment to section 10 (xxiv), the Ministry has not specified any source from where the funds can be borrowed by the University, if required. The Committee, therefore, desire that if the Ministry has any specific source(s) in their mind, it should be clearly mentioned in the amendments. It is also suggested to include the words 'if necessary' after the phrase 'to borrow funds' to make it more relevant.

G UNIVERSITY OPEN TO ALL PERSONS

2.61 Clause 7 of the Amendment Bill proposes to amend section 11 of the principal Act as under:
"For the words "irrespective of gender", the words "irrespective of nationality, gender" shall be substituted."

2.62 In the Detailed Explanatory Note the Ministry stated as under:

"The original provision does not include nationality. "Nationality" has been added to make the University more inclusive and give it the authority to recruit faculty and admit students from anywhere outside India."

2.63 Acknowledging the concerns of the Members on the omission during the briefing, the representative of the Ministry submitted as under:

"That was a serious omission in the principal Act. That is being rectified now. A good part of academy will be international".

2.64 While further clarifying, the Secretary (East) from Ministry of External Affairs submitted as under:

"...On the question of faculty both through amendments as well as general approach of university authorities, an effort is being made to ensure that it will be an international faculty. We are also providing amenities for faculty to attract the best talent not only from within India, but from outside also. There is also a specific provision; I may refer to section 10(xxix) which asks for appointment of persons working in any university, academic institution for a specific period. We will get talent from outside for a limited period to reinforce the faculty of the university".

2.65 During the course of evidence, the representative of the Ministry further elaborated as under:

"...Apart from the Visitor of the University, who will be hon. President of India, all other positions that of Vice Chancellor and faculty positions will be open to nationals of other countries. We expect a significant percentage of faculty and student body to come from other countries. That would be our endeavour to underline the international character of the university..."

2.66 The Committee welcome the proposed amendment to section 11 rectifying the serious omission on the part of the Ministry and adding the word 'nationality' alongwith words

'irrespective of gender' in the principal Act. Inclusion of this word is essential because Nalanda University is an international institution and significant part of students and faculty will be international. The Committee, however, recommend that after being empowered through this amendment, appropriate steps should be taken to ensure diversity of nationalities in all endeavors of the University including in recruiting process for academic staff as well as in admission of students to make this institution a prime international institution.

H. PRIVILEGES AND IMMUNITIES OF UNIVERSITY, ACADEMIC STAFF, ETC.

2.67 Clause 11 of the Amendment Bill, proposes to amend section 21 as under:

“The University, members of the academic staff and, where applicable, their dependents or members of the family shall enjoy such privileges and immunities as the Central Government may, after entering into an agreement with the University from a date not earlier than the date of the commencement of this Act, notify under section 3 of the United Nations (Privileges and Immunities) Act, 1947”.

2.68 In the Detailed Explanatory Note the Ministry stated as under:

"The original provision does not include the University as an entity to enjoy privileges and immunities under section 3 of the United Nations (Privileges and Immunities) Act, 1947.

Secondly, the retrospective application is considered necessary to give a legal basis for appointments and financial decisions taken since the commencement of the Nalanda University Act, 2010.

The Act did not provide any privileges and immunities to the University as an entity and the proposed addition is to remove this lacuna. The second addition has been included to specify the date of applicability of the privileges and immunities conferred in this section”.

2.69 During the course of evidence, the representative of Ministry of External Affairs clarified as under:

"There are two changes being proposed here. First is, it is an act of omission that the University was left out here. So, while these privileges and immunities are provided to academic staff, the University as an entity was not eligible”.

2.70 While elaborating upon the significance of inserting an enabling provision in Section 21 to bring the University as an entity under the ambit of the Headquarters Agreement, and its notification

with retrospective application from the date of commencement of the Act, the Ministry in their written reply submitted as under:

“The previous Act did not provide any privileges and immunities to the University as an entity and the proposed addition is to remove this lacuna. The University as an entity has been brought under the ambit of Headquarters Agreement because its assets, income and other property shall be exempt from all direct taxes other than charges for public utility services; from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported for its official use, including its publications; and the right to purchase, hold or dispose of any currencies, securities and funds through authorized channels. The Host country shall take such steps as may be necessary to protect the University premises against any intrusion or damage and to prevent any disturbance of the peace of the University or impairment of its dignity. The retrospective application of the agreement will regularize the University’s administrative and other functions since its establishments.”

2.71 The Committee further sought clarification regarding entering into an agreement with the Central Government to notify the University under Section 3 of the United Nations (Privileges and Immunities) Act, 1947 under Section 21, its implications as well as reasons for retrospective application of the provision and application of immunities. The Ministry in their written reply submitted as under:

“The Headquarters Agreement signed on July 20, 2013 lays down obligations on the part of the Government of India as Host Country for the University. It was necessary for the University to enter into this agreement with the Central Government to facilitate notification of privileges and immunities under the United Nations (Privileges & Immunities) Act, 1947.

The retrospective application of the agreement will regularize the University’s administrative and other functions since its establishment.

The privileges and immunities will apply only to academic staff as defined in the Statutes. The non-academic/administrative staff will be governed by the established rules and regulations.

The immunities are extended to foreign nationals working in the University as academic staff. The academic staff who are nationals of the host country (India) or permanent residents in India shall be granted only exemption from taxation in respect of salaries, honoraria, allowances and other emolument.

The academic staff who are not from the host country (India) shall be granted exemption from taxation in respect of their salaries, honoraria, allowances and other emoluments; the right to get the appropriate visa; the freedom to maintain movable and immovable property while in the employment of the University in the host country; and the right to import free of custom duties, taxes and other levies, items for personal use.”

2.72 Clarifying further on the Headquarters Agreement, the representative of Ministry of External Affairs during the evidence submitted as under:

"...Under the Headquarters Agreement, there are provisions like inviolability of the premises and protection of property and archives. This is something which we are committing from our side..."

2.73 He further added that:

"...This is a notification and this provides a legal framework under which these UN privileges and immunities are given. There is the UN (Privileges and Immunities) Act, 1947 under which this is being notified as an international institution. This is an existing provision of the principal Act. The only change that is being made is adding University which was not there earlier. Otherwise, it is an existing provision".

2.74 On Committee's query regarding the impact of deleting the phrase related to retrospective application on the working of the University, the Ministry in post-evidence reply submitted as under:

"Although the deletion of the phrase related to the retrospective application will not affect the working of the University, its retention will help it to carry out its functions without any apprehensions concerning the University's decisions since its establishment. As mentioned above, the main purpose served by the retrospective clause is to ensure that the University as an entity is eligible for the privileges and immunities since its inception, on par with its academic staff. "

2.75 When specifically asked about the reasons for seeking retrospective application of Statutes, Ordinances and Regulations from the date of commencement of the Act, the Ministry of External Affairs furnished the following categorical reply:

"Retrospective application of the Statutes, Ordinance and Regulations is the standard norm required for good governance. This provision is also contained in the Central University Act as well as the South Asian University Act. The inclusion of this provision had been overlooked in the principal Nalanda University Act. It is now proposed to rectify this initial omission."

2.76 The Committee note that clause 11 of the Amendment Bill proposes to amend section 21 of the Act first by adding word 'University' with a view to provide privileges and immunities to the University as an entity and second, addition has been included to provide retrospective application of the privileges and immunities conferred in this section. The Committee find it justified to add 'University' as an entity in this section at par with its academic staff but they are not convinced with the explanation furnished by the Ministry about applicability of these privileges and immunities since commencement of the Nalanda University Act. The Ministry

has also accepted that deletion of the phrase related to the retrospective application will not affect the working of the University. This phrase also does not seem necessary since Headquarter Agreement has been signed on July 20, 2013 and Memorandum of Understanding (MoU) with EAS participating countries regarding establishment of the Nalanda University has been signed on October 10, 2013. The Committee, therefore, strongly recommend that the amendments to section 21 should be modified appropriately to make it applicable from the date of signing of Headquarters Agreement and not from the date of commencement of the Act.

NEW DELHI
10 December, 2013
19 Agrahayana, 1935 (Saka)

ANANTH KUMAR,
Chairman,
Standing Committee on External Affairs

APPENDIX-I

MINUTES OF THE THIRD SITTING OF THE STANDING COMMITTEE ON EXTERNAL AFFAIRS (2013-14) HELD ON 4TH OCTOBER, 2013

The Committee sat on 4th October, 2013 from 1100 hrs. to 1300 hrs. in Committee Room No. 53, Parliament House, New Delhi.

Present

Shri Ananth Kumar – Chairman

Members

Lok Sabha

2. Shri Bhudeo Chaudhary
3. Shri Inder Singh Namdhari
4. Shri Gobinda Chandra Naskar
5. Shri T.K.S. Elangovan
6. Shri Francisco Sardinha
7. Shri Bholu Singh
8. Shri Janardhana Swamy

Rajya Sabha

9. Shri H.K. Dua
10. Shri Balbir Punj
11. Dr. K.P. Ramalingam
12. Shri N.K. Singh
13. Smt. Ambika Soni
14. Shri D.P. Tripathi

Secretariat

1. Dr. Ram Raj Rai - Director
2. Smt. Rita Jaikhani - Additional Director

Representatives of Ministry of External Affairs and Nalanda University

- | | | |
|----|-------------------------|-------------------------------------|
| 1. | Shri Ashok K. Kantha | Secretary (East) |
| 2. | Dr. Jitendra Nath Misra | Additional Secretary (Nalanda) |
| 3. | Dr. Neeru Chadha | Joint Secretary (L&T) |
| 4. | Smt. Neeta Bhushan | Joint Secretary (Parliament) |
| 5. | Shri Anurag Srivastava | Director (Finance) |
| 6. | Dr. Gopa Sabharwal | Vice Chancellor, Nalanda University |
| 7. | Shri. M.C. Singhania | Consultant (Nalanda) |

2. At the outset, the Chairman welcomed the Members of the Committee and representatives of the Ministry of External Affairs and Nalanda University to the sitting of the Committee to have a briefing on the Nalanda University (Amendment) Bill, 2013.

3. Secretary (East) explained the background and rationale of the proposed amendments and also dwelled upon the progress achieved so far in the Nalanda University Project. He further informed the Committee about the features of Headquarters Agreement between Ministry on External Affairs and Nalanda University the Immunities and Privileges to be extended to the Nalanda University under United Nations (Privileges/Immunities Act), 1947 through the amendment Bill, steps taken to conclude inter-governmental agreement and the process of signing the Memorandum of Understanding (MoU) in the Eighth East Asia Summit in Brunei on 10 October, 2013 and also contributions being pledged by various countries.

4. Thereafter, the Members of the Committee raised various queries, inter-alia regarding core proposals in the Expenditure Finance Committee (EFC), funding pattern, University's idea of public private partnership, issues related to autonomy and governance, tentative academic schedule, inclusion of classical Indian languages in course curricula of the University etc. The Members also drew attention of the Ministry to the proposed amendment in Section 7,8,9,10, 11 and 21 of the principal Act and raised concerns over composition and functioning of the Governing Board, incorporation of symbols and structural concepts from the old Nalanda University and functioning of Nalanda University after the notification of the Nalanda University Act, 2010 in the Gazette of India.

5. The representatives of the Ministry of External Affairs and the Nalanda University also replied to various queries raised by the Members of the Committee. The Chairman, CEA directed the Ministry of External Affairs to furnish written replies on the points raised by the Committee for which the information was not readily available.

The Committee then adjourned.

A verbatim record of the proceedings has been kept.

APPENDIX-II

MINUTES OF THE FIFTH SITTING OF THE STANDING COMMITTEE ON EXTERNAL AFFAIRS (2013-14) HELD ON 22TH OCTOBER, 2013

The Committee sat on 22 October, 2013 from 1500 hrs. to 1730 hrs. in Room No. G-074, Parliament Library Building, New Delhi.

PRESENT

Dr. Karan Singh- In the Chair

Members

Lok Sabha

1. Shri Bhudeo Chaudhary
2. Shri Bhakta Charan Das
3. Shri Suresh Kalmadi
4. Shri Inder Singh Namdhari
5. Shri Gobinda Chandra Naskar
6. Shri Francisco Sardinha
7. Shri Bhola Singh

Rajya Sabha

8. Shri H.K. Dua
9. Dr. Najma A. Heptulla
10. Shri Balbir Punj
11. Dr. K.P. Ramalingam
12. Shri N.K. Singh
13. Smt. Ambika Soni

Secretariat

1. Dr. Ram Raj Rai - Director
2. Smt. Rita Jaiikhani - Additional Director

Representatives of the Ministry of External Affairs and Nalanda University

1. Shri Ashok K. Kantha Secretary (East)
2. Dr. Jitendra Nath Misra Additional Secretary (Nalanda)

3. Smt. Neeta Bhushan Joint Secretary (Parliament)
4. Shri Anurag Srivastava Director (Finance)
5. Dr. P.K. Choudhary Director (L&T)
6. Dr. Gopa Sabharwal Vice Chancellor, Nalanda University
7. Shri. M.C. Singhania Consultant (Nalanda)
8. Shri Sudhir Kumar Consultant (Nalanda University)

Representatives of the Ministry of Law & Justice (Legislative Department)

1. Shri P.K. malhotra Secretary
2. Shri R. Sreenivas Deputy Legislative Counsel

Hon'ble Chairman, CEA (Shri Ananth Kumar) could not attend the sitting of the Committee due to some urgent engagement. The Committee, therefore, chose Dr. Karan Singh to act as Chairman for the sitting in terms of Rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha. At the outset, the Chairperson welcomed the Members of the Committee and representatives of the Ministry of External Affairs, the Ministry of Law & Justice (Legislative Department) and the Nalanda University to the sitting of the Committee in connection with the oral evidence on the Nalanda University (Amendment) Bill, 2013.

3. The Committee were informed that a Memorandum of Understanding on the establishment of Nalanda University has been signed by eight participating countries of the East Asia Summit on 10th October, 2013 at Bandar Seri Begawan, Brunei Darussalam at the 8th East Asia Summit and 11th ASEAN –India Summit. Thereafter, the Committee were briefed about the voluntary contributions already made as well as indicated by various countries, capital expenditure and recurring expenditure finalized by EFC for the Nalanda University and overall progress achieved in the implementation of Nalanda University Project since its inception.

4. Thereafter, the Committee undertook clause-by-clause discussion of the Nalanda University (Amendment) Bill, 2013 and the witnesses responded to the observations made by the Members of the Committee.

The Committee then adjourned.

A verbatim record of the proceedings has been kept.

APPENDIX-III

MINUTES OF THE SEVENTH SITTING OF THE STANDING COMMITTEE ON EXTERNAL AFFAIRS (2013-14) HELD ON 10TH DECEMBER, 2013

The Committee sat on 10th December, 2013 from 1500 hrs. to 1600 hrs. in Room No.67, Parliament House, New Delhi.

PRESENT

Shri Ananth Kumar - **Chairman**

Members

Lok Sabha

2. Shri Bhakta Charan Das
3. Shri Suresh Kalmadi
4. Shri Gobinda Chandra Naskar
5. Shri Rajendrasinh Rana
6. Shri T.K.S. Elangovan
7. Shri Janardhana Swamy

Rajya Sabha

8. Shri H.K. Dua
9. Dr. Najma A. Heptulla
10. Dr. K.P. Ramalingam
11. Dr. Karan Singh
12. Shri N.K. Singh

Secretariat

1. Dr. Ram Raj Rai - Director

2. At the outset, Hon'ble Chairman, CEA welcomed Members to the sitting of the Committee.

3. The Committee then took up for consideration the draft Report on 'The Nalanda University (Amendment) Bill, 2013'. Hon'ble Chairman, CEA invited the Members to offer their suggestions,

if any, for incorporation in the draft Report. The Members suggested some minor modifications. Then, the Committee adopted the draft Report with minor modifications.

4. The Committee then authorized Hon'ble Chairman, CEA to finalize the Report incorporating the suggestions made by the Members and present the same to Parliament.

The Committee then adjourned.

Bill No. LVI of 2013

THE NALANDA UNIVERSITY (AMENDMENT) BILL, 2013

A

BILL

to amend the Nalanda University Act, 2010.

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 Nalanda University (Amendment) Act, 2013.

Short title
and
commencement.

(2) Save as otherwise provided in this Act, it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

39 of 2010. 5 **2.** In the Nalanda University Act, 2010 (hereinafter referred to as the principal Act), in the preamble,—

Amendment
of preamble.

(a) in paragraph 3, after the words, "State of Bihar", the words "as a contemporary University inspired by the academic excellence and global vision of the historic Nalanda" shall be inserted;

(b) after paragraph 3, the following paragraph shall be inserted, namely:—

“AND WHEREAS, as the University progresses, it is intended to conclude an inter-governmental agreement, and encourage Member States of the East Asia Summit to become parties to the said agreement.”.

Amendment
of section 7.

3. In section 7 of the principal Act,—

(a) in sub-section (1)—

(i) for clause (c), the following clause shall be substituted, namely:—

"(c) five members, one each to be nominated by five Member States of the East Asia Summit, invited by the Government of India with the concurrence of the Visitor;" 5

(ii) in clause (d), for the words "rank of Secretary", the words "rank of Secretary dealing with East Asia Summit Member States" shall be substituted;

(iii) for clause (g), the following clause shall be substituted, namely:—

"(g) five persons of eminence to be recommended by the Governing Board and nominated with the approval of the Visitor;" 10

(iv) after clause (g), the following clause shall be inserted, namely:—

"(h) two members of the academic faculty of the University nominated by the Vice-Chancellor.";

(b) in sub-section (2), for the words, brackets and letters "clauses (c) to (g)", the words, brackets and letters "clauses (c), (e), (g) and (h)" shall substituted; 15

(c) in sub-section (3), for the words "The Chancellor", the words "The Chancellor or in his absence, any member nominated by him from the Governing Board" shall be substituted;

(d) for sub-section (4), the following sub-section shall be substituted, namely:— 20

"(4) The Registrar of the University shall be the Secretary of the Governing Board.".

Amendment
of section 8.

4. In section 8 of the principal Act, in the proviso to sub-section (2), for the words, brackets and letters "clauses (c) to (g)", the words, brackets and letters "clauses (c) to (h)" shall be substituted. 25

Amendment
of section 9.

5. In section 9 of the principal Act,—

(i) in sub-section (1),—

(a) for clause (a), the following clause shall be substituted, namely:—

"(a) to meet and set global standards of academic excellence and research and enable capacity building in the domain of philosophy, language, history and other areas of higher learning;" 30

(b) in clause (b), for the words "promotion of", the words "promotion of global inclusiveness" shall be substituted;

(c) clause (c) shall be omitted;

(d) after clause (i), the following clause shall be inserted, namely:— 35

"(j) to encourage other interested countries, who are not members of the East Asia Summit, to collaborate in developing the Nalanda University as an international centre of excellence.";

(ii) in sub-section (2), for the words "from each of the Member States", the words "from the Member States, Institutions and Organisations" shall be substituted; 40

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Notwithstanding anything contained in sub-section (2), the Government of India may meet both capital and recurring expenditure of the University to the extent required."

6. In section 10 of the principal Act,—	Amendment of section 10.
(a) for clause (ii), the following clause shall be substituted, namely:—	
“(ii) to set up a consortium of international partners in furtherance of the objectives of the University;”;	
(b) in clause (ix), for the words “Readerships and Lecturerships”, at both the places where they occur, the words “Associate Professorships and Assistant Professorships” shall be substituted;	
(c) in clause (xxiii), for the word “Ordinances”, the word “Statutes” shall be substituted;	
(d) in clause (xxiv), for the words “to borrow”, the words “to borrow funds” shall be substituted;	
(e) after clause (xxviii), the following clause shall be inserted, namely:—	
“(xxix) to appoint persons working in any other University or academic institution, including those located outside the country, as faculty of the university for a specified period.”.	
7. In section 11 of the principal Act, for the words “irrespective of gender”, the words "irrespective of nationality, gender" shall be substituted.	Amendment of section 11.
8. In section 12 of the principal Act, in sub-section (1), the proviso shall be omitted.	Amendment of section 12.
9. In section 13 of the principal Act, after clause (2), the following clauses shall be inserted, namely:—	Amendment of section 13.
“(2A) the Deans;	
(2B) the Provosts;”.	
10. After section 15 of the principal Act, the following sections shall be inserted, namely:—	Insertion of new sections 15A and 15B.
“15A. The Deans shall be appointed in such manner and on such terms and conditions of service and exercise such powers and perform such functions as may be prescribed by the Statutes.	Deans.
15B. The Provosts shall be appointed in such manner and on such terms and conditions of service and exercise such powers and perform such functions as may be prescribed by the Statutes.”.	Provosts.
11. For section 21 of the principal Act, the following section shall be substituted and shall be deemed to have been substituted with effect from the 25th November, 2010, namely:—	Substitution of new section for section 21.
“21. The University, members of the academic staff and, where applicable, their dependents or members of the family shall enjoy such privileges and immunities as the Central Government may, after entering into an agreement with the University from a date not earlier than the date of the commencement of this Act, notify under section 3 of the United Nations (Privileges and Immunities) Act, 1947.”.	Privileges and immunities of University, academic staff, etc.
12. In section 22 of the principal Act, for clause (3), the following clause shall be substituted, namely:—	Amendment of section 22.
“(3) the Councils of Schools of Studies;”.	
13. In section 24 of the principal Act,—	Amendment of section 24.
(a) in sub-section (2)—	

(i) for clause (iv), the following clause shall be substituted, namely:—

“(iv) Economics and Management;”;

(ii) in clause (v), for the word "Langauges", the word “Linguistics” shall be substituted;

(iii) after clause (vi), the following clause shall be inserted, namely:— 5

“(via) Information Sciences and Technology;”;

(b) in sub-section (3), for the word “Board”, the word “Council” shall be substituted;

(c) in sub-section (4), for the words “Boards of School”, the words “Councils of Schools” shall be substituted. 10

Amendment of section 27.

14. In section 27 of the principal Act, for clause (k), the following clause shall be substituted, namely:—

“(k) Schools of Studies, members of their Councils and the powers and functions of such Councils;”.

Amendment of section 31.

15. In section 31 of the principal Act, in sub-section (3), for the words “shall also be submitted”, the words “shall be sent” shall be substituted. 15

Amendment of section 32.

16. In section 32 of the principal Act, sub-section (6) shall be omitted.

Amendment of section 42.

17. In section 42 of the principal Act, after sub-section (2), the following sub-section shall be inserted and shall be deemed to have been inserted with effect from the 25th November, 2010, namely:— 20

“(3) The power to make Statutes, Ordinances and Regulations shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances, Regulations or any of them but no such retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially affect the interests of any person to whom such Statute, Ordinance or Regulations may be applicable.”. 25

Amendment of section 43.

18. In section 43 of the principal Act,—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) the first Registrar, the first Finance Officer, the first Deans and the first Provosts shall be appointed by the Governing Board, as it may deem fit, and each of the said officers shall hold office for a term of three years;”;

(ii) clause (b) shall be omitted. 30

STATEMENT OF OBJECTS AND REASONS

The Nalanda University Act, 2010 (the Act) was enacted to implement the decisions arrived at the Second East Asia Summit held on the 15th January, 2007, in the Philippines and subsequently at the Fourth East Asia Summit held on the 25th October, 2009 in Thailand for the establishment of the Nalanda University in the State of Bihar as an international institution for the pursuit of intellectual, philosophical, historical and spiritual studies and for matters connected therewith or incidental thereto.

2. The Act came into force on the 25th November, 2010. The President of India is the Visitor of the University and Professor Amartya Sen is the Chancellor and Chairman of the Governing Board. The University has commenced its operations from its office in New Delhi. The construction of the buildings that will come up in Phase I is expected to begin in the last quarter of 2013-14. Teaching in the Schools of Ecology and Environment Studies and Historical Studies is expected to begin from leased premises in September, 2014. Teaching in all the seven schools will commence in the academic year 2017-18.

3. It has become necessary to amend certain provisions of the Act in order to create an even better governance structure for the University than exists presently, and help speed up the project. At present, there is no provision in the Act to extend privileges and immunities provided under the Act to the University, in addition to its academic staff so as to enable from the date of the commencement of the Act. A provision is required the Government of India to meet not only the University's capital expenditure but its recurring expenditure as well. The Act does not provide for retrospective operation of the Statutes, Ordinances and Regulations from the date of commencement of the Act, which will provide the University a legal basis for appointments, and for financial decisions made before the Statutes, Ordinances and Regulations came into force.

4. In view of the above, it becomes necessary to amend the Nalanda University Act, 2010 by the Nalanda University (Amendment) Bill, 2013, which, *inter alia*, provides for the following, namely:—

(a) to encourage Member States of the East Asia Summit to conclude an inter-governmental agreement with a view to providing further substantive basis for the University to be treated as an international organisation;

(b) to amend section 7 of the Act relating to the "Governing Board" so as to increase the number of persons of eminence and to include two members from the academic faculty of the University on the Governing Board;

(c) to insert a new sub-section (3) to section 9 of the Act so as to enable the Government of India to meet the University's capital and recurring expenditure to the extent required;

(d) to insert new sections 15A and 15B so as to make a provision for the appointment of Deans and Provosts;

(e) to substitute section 21 of the Act relating to "privileges and immunities" so as to extend the said privileges and immunities to the University, in addition to the members of the academic staff, under the Headquarters Agreement, applicable from the date of commencement of the Act; and

(f) to insert a new sub-section (3) to section 42 so as to empower the University to bring its Statutes, Ordinances and Regulations in to force with retrospective effect from the date of commencement of the Act.

5. The Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

Clause 5 of the Bill seeks to amend sub-section (2) of section 9 to provide that the Nalanda University shall be a non-profit public-private partnership, which shall seek support from each of the member States and from other sources but shall be autonomous and accountable to the Governing Board. Accordingly, the University's funding is based on the contributions from the Government of India, and from amongst the Member States of the East Asia Summit, in addition to benefactions, donations and gifts received in accordance with the regulations made by the Governing Board. Private donations, international contributions from other foreign governments and member countries of the East Asia Summit are expected on a voluntary basis.

2. Clause 5 of the Bill further seeks to insert new sub-section (3) to said section so as to provide that the Government of India may meet both capital and recurring expenditure of the University to the extent required. To minimise the burden of recurring expenditure on the Government, the University will take steps to reduce recurring expenditure, and create a revenue model whereby it is able to meet recurring expenditure to the maximum extent possible.

3. Educational Consultants India Ltd. had prepared a detailed Project Report, under which the capital expenditure projected between 2010-2011 and 2021-2022 is Rs. 2154.35 crores, and the recurring expenditure which begins from 2014-2015 is Rs. 1,378.27 crores. On the basis of the said Report, the Ministry of External Affairs had submitted the Expenditure Finance Committee Memorandum for the consideration of the Expenditure Finance Committee (EFC). Based on the observations of the EFC, efforts are being made to significantly reduce both capital and recurring expenditure. Taking into account the inputs, the University is working on a revenue model to deal with recurring expenditure. In parallel, it has constituted an External Endowment Committee to raise funds through Public-Private Partnership, and is also preparing estimates of capital and recurring expenditure beyond 2021-2022. Taking into account the inputs due to be received from the University, the EFC proposal will be further refined and a revised proposal for continuous budgetary support until 2021-2022 will be sent to the EFC. Thereafter, the proposal will be brought before the Cabinet separately.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill seeks to insert a new section 15A which provides that the Deans shall be appointed in such manner and on such terms and conditions of service and exercise such powers and perform such functions as may be prescribed by the statutes. The said clause of the Bill further seeks to insert a new section 15B which provides that the Provosts shall be appointed in such manner and on such terms and conditions of service and exercise such powers and perform such functions as may be prescribed by the Statutes.

2. The matters in respect of which the Statutes or Ordinances or Regulations may be made are matters of procedure and administrative detail. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACTS FROM THE NALANDA UNIVERSITY ACT, 2010

(39 OF 2010)

* * * * *

AND WHEREAS, it is considered expedient to make provision for implementing the decisions arrived at in the aforesaid East Asia Summits for establishment of the Nalanda University in the State of Bihar and declare it to be an institution of national importance.

* * * * *

Governing Board.

7. (1) There shall be a Governing Board of the University consisting of the following persons as its members, namely:—

* * * * *

(c) five members from amongst the Member States which provide maximum financial assistance during a period of three years to be nominated by the Member States;

(d) one member, not below the rank of Secretary in the Ministry of External Affairs, to be nominated by the Central Government;

* * * * *

(g) three members from amongst the persons being renowned academician or educationist, to be nominated by the Central Government.

(2) Each member of the Governing Board referred to in clauses (c) to (g) of sub-section (1), shall hold office for a fixed term of three years.

(3) The Chancellor shall be the Chairperson of the Governing Board.

(4) The member, being the Secretary in the Ministry of External Affairs, nominated under clause (d) of sub-section (1), shall be the Member-Secretary of the Governing Board.

* * * * *

Powers and functions of Governing Board.

8. (1) * * * * *

(2) The Governing Board shall exercise such powers as may be prescribed by the Statutes:

Provided that the Nalanda Mentor Group shall exercise the powers and discharge the functions of the Governing Board for a period of one year or till such time the members referred to in clauses (c) to (g) of sub-section (1) of section 7 are nominated, whichever is earlier.

Objectives of University.

9. (1) The objectives of the University shall be—

(a) to impart education and to enable research towards capacity building of the Member States in the domain of ancient science (in particular, practised in the Nalanda several centuries ago), philosophy, language, history and other areas of higher learning vital for improving the quality of life;

(b) to contribute to the promotion of regional peace and vision by bringing together the future leaders of the East Asia, who by relating to their past history can enhance their understanding of each others' perspectives and to share that understanding globally;

(c) to harmonise the academic standards and accreditation norms in teaching, research and curriculum that are acceptable to all Member States;

* * * * *

(2) The University shall be non-profit public-private partnership, which shall seek support from each of the Member States and from other sources but shall be autonomous and accountable to the Governing Board.

10. The University shall have the following powers, namely:—

Powers of University.

* * * * *

(ii) to set up a consortium of international partners and friendly countries in furtherance of the objects of the University;

* * * * *

(ix) to institute Professorships, Readerships and Lecturerships and other teaching and academic positions, required by the University and to appoint persons to such Chairs, Professorships, Readerships and Lecturerships and other teaching and academic positions;

* * * * *

(xxiii) to receive benefactions, donations and gifts in accordance with the Ordinances and to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties, for the purposes or objects of the University and to invest funds in such manner as it deems fit;

(xxiv) to borrow, with the approval of the Governing Board.

* * * * *

11. The University shall be open to all persons irrespective of gender, caste, creed, disability, ethnicity or socio-economic background.

University open to all persons.

12. (1) The President of India shall be the Visitor of the University:

Visitor.

Provided that the President may, by order, nominate any person to be the Visitor and such person so nominated shall hold office for such term, not exceeding five years as may be specified in the order and the person so nominated shall exercise the powers and discharge duties of the Visitor.

* * * * *

13. The following shall be the officers of the University:—

Officers of University.

* * * * *

21. The members of the academic staff and, where applicable, their dependents or members of the family, shall enjoy such privileges and immunities as the Central Government may, after entering into an agreement with the University, notify under section 3 of the United Nations (Privileges and Immunities) Act, 1947.

Privileges and immunities of academic staff, etc.

46 of 1947.

22. The following shall be the authorities of the University:—

Authorities of the University.

* * * * *

(3) the Boards of Schools of Studies;

24. (1) * * * * *

The School of Studies.

* * * * *

(2) Without prejudice to the generality of the foregoing provision contained in sub-section (1), the University shall have the following Schools, namely:—

* * * * *

(iv) Business Management in relation to Public Policy and Development Studies;

(v) Language and Literature;

* * * * *

(3) Every School of Studies shall have a Board comprising of such members as may be prescribed by the Statutes.

(4) The powers and functions of the Boards of School of Studies shall be prescribed by the Statutes.

* * * * *

Statutes.

27. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

* * * * *

(k) Schools of Studies, members of its Board and the power and functions of such Board;

* * * * *

Annual report.

31. (1)* * * * *

(3) A copy of the annual report so prepared shall also be submitted to the Member States and exhibited on the website of the University.

Annual accounts, etc.

32.(1)* * * * *

(6) A copy of the audited annual accounts shall also be submitted to the Member States.

* * * * *

Transitional provisions.

43. Notwithstanding anything contained in this Act and the Statutes,—

(a) the first Registrar and the first Finance Officer shall be appointed by the Governing Board and each of the said officers shall hold office for a term of three years;

(b) the first Board of School of Studies shall consist of not more than eleven members, who shall be nominated by the Governing Board and they shall hold office for a term of three years;

* * * * *

RAJYA SABHA

A
BILL

to amend the Nalanda University Act, 2010.

(Shri Salman Khurshid, Minister of External Affairs)