



**PARLIAMENT OF INDIA
RAJYA SABHA**

229

**DEPARTMENT-RELATED PARLIAMENTARY STANDING
COMMITTEE ON SCIENCE & TECHNOLOGY,
ENVIRONMENT & FORESTS**

TWO HUNDRED AND TWENTY NINTH REPORT

ON

THE REGIONAL CENTRE FOR BIOTECHNOLOGY BILL, 2011

**(PRESENTED TO THE RAJYA SABHA ON 30TH AUGUST, 2012)
(LAID ON THE TABLE OF THE LOK SABHA ON 30TH AUGUST, 2012)**

**RAJYA SABHA SECRETARIAT
NEW DELHI
AUGUST 30, 2012/ BHADRAPADA, 1934 (SAKA)**

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CONTENTS

	PAGES
1. COMPOSITION OF THE COMMITTEE	(i)-(ii)
2. PREFACE	(iii)
3. REPORT OF THE COMMITTEE	
4. ANNEXURE	
5. *MINUTES OF THE MEETINGS OF THE COMMITTEE	

• To be appended at printing stage

**MEMBERS OF THE DEPARTMENT-RELATED PARLIAMENTARY
STANDING COMMITTEE ON SCIENCE & TECHNOLOGY,
ENVIRONMENT & FORESTS (2011-12)**

1. Dr.T. Subbarami Reddy — *Chairman*

RAJYA SABHA

- **2. Shri Janardan Dwivedi
- 3. Shri Anil H. Lad
- 4. Shri Rajiv Pratap Rudy
- 5. Dr. Chandan Mitra
- @ 6. Shri Rabinarayan Mohapatra
- 7. Shri Paul Manoj Pandian
- @ 8. Shri A.V. Swamy
- 9. Dr. Barun Mukherji
- 10. Prof. M.S. Swaminathan

LOK SABHA

- 11. Smt. Bijoya Chakravarty
 - 12. Shri Ninong Ering
 - #13. Vacant
 - 14. Smt. Kamla Devi Patle
 - 15. Shri Abdul Rahman
 - 16. Shri Gajendra Singh Rajukhedhi
 - 17. Shri S.S. Ramasubbu
 - 18. Shri Jagdish Singh Rana
 - 19. Dr. Anup Kumar Saha
 - 20. Shri Cosme Francisco Caitano Sardinha
 - 21. Shri Shibu Soren
 - 22. Dr. Rajan Sushant
 - 23. Shri Pradeep Tamta
 - 24. Shri Mansukhbhai Dhanjibhai Vasava
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 - 26. Prof. (Dr.) Ranjan Prasad Yadav
 - *27. Shri Kristappa Nimmala
 - 28. Vacant
 - 29. Vacant
 - 30. Vacant
 - 31. Vacant
-

* Nominated w.e.f. 25th November, 2011.

Shri Prataprao Ganpatrao Jadhav ceased to be a Member of the Committee w.e.f. 3rd January, 2012 on his resignation from the Membership of the Committee.

** Shri Janardan Dwivedi re-nominated w.e.f. 2nd February, 2012.

*** Shri Akhilesh Yadav ceased to be a Member of the Committee w.e.f. 2nd May, 2012 on his resignation from the Membership of the Lok Sabha.

@ Shri Rabinarayan Mohapatra and Shri A.V. Swamy nominated w.e.f. 15th May, 2012

SECRETARIAT

Dr. D.B. Singh, Additional Secretary
Shri Alok Chatterjee, Director
Shri V.S.P. Singh, Joint Director
Shri Girija Shankar Prasad, Deputy Director
Shri Deepak Kalra, Committee Officer
Shri Ranajit Chakraborty, Committee Officer

PREFACE

I, the Chairman of the Department-related Parliamentary Standing Committee on Science & Technology, Environment & Forests, having been authorized by the Committee to present the Report on its behalf, present this Two Hundred and Twenty Ninth Report on "The Regional Centre for Biotechnology Bill, 2011".

2. In its meeting held on 5th March and 20th July, 2012; the Committee heard the views of the Secretary, Department of Biotechnology and various experts on "The Regional Centre for Biotechnology Bill, 2011".
3. The Committee expresses its thanks to the Officers of the Department and experts for rendering their valuable views/clarifications sought by the Committee.
4. In the meeting held on 30th August, 2012 the Committee considered the draft report and adopted the same.

NEW DELHI:
August 30th, 2012

Dr. T. Subbarami Reddy
Chairman,
Department-related Parliamentary Standing Committee
on Science & Technology, Environment & Forests.

REPORT ON REGIONAL CENTRE FOR BIOTECHNOLOGY

Biotechnology, simply narrated, is technology based on biological and chemical sciences which is used, especially in agriculture, food science, industry, medicine and environment. It can be defined as application of scientific principles to processing of materials by biological agents for providing goods and services. Although, the application of biotechnology in its rudimentary form started in the ancient days with the use of micro organisms in making food items such as beverages, cheese and bread, the term Biotechnology was coined by Karl Ereky, a Hungarian engineer in 1919 to mean the process by which raw materials could be biologically upgraded into socially useful products with the aid of living organisms. The history of Biotechnology actually begins with zymotechnology which commenced as a search for a better understanding of industrial fermentation. Although now, most often associated with development of drugs, historically, biotechnology has been mainly associated with food, addressing such issues as malnutrition.

2. Biotechnology, which at the start of the 20th Century brought industry and agriculture together, its focus shifted to pharmaceuticals by World War II with the manufacture of Penicillin and by 1980, biotechnology established itself as promising industry especially in the field of drug discovery. Currently, Biotechnology has made its foray in a number of areas including agriculture, food processing, bioremediation, bio-prospecting, drug discovery, DNA fingerprinting, energy production, etc. Genetic engineering continues to be a hotly debated topic today with the advent of gene therapy, stem cell research, cloning and genetically modified food, etc. It is also being used to produce plants that are resistant to insects, weeds and pests. Growth and discovery of recombinant DNA of biotechnology which culminated in the origin of genetic engineering, however, was mired in controversies, scepticism and suspicion as regard consequences, it could have on the environment and human health. But growing acceptance of its economic value and hopes for therapeutic proteins, drugs, seeds, pesticides, modified human cells for treating genetic diseases, etc. has finally prevailed and Biotechnology, the world over has now been accepted as a rapidly emerging field of science with immense potential to develop healthcare solutions for man and animal and bring revolution in the field of agriculture, environment, etc. It is in the backdrop of recognition of this very fact that the need for establishment of a Regional Centre for Biotechnology under the auspices of UNESCO was felt to nurture high quality human resource in the SAARC region and particularly in India through education, training and research in interdisciplinary areas of science, engineering, medicine, agriculture, veterinary sciences and environment, etc.

3. Initiative to establish such a Centre dates back to the year 2003 when the Government of India made a commitment at the UNESCO Board. Three years later, Cabinet gave in principle approval for the setting up of the Centre at Faridabad, Haryana on 22nd September, 2005. UNESCO, at its 33rd General Conference held in Paris, passed a resolution to that effect in October, 2005. Then an agreement for the establishment and operation of the Regional Centre defining the terms and conditions governing the support

that the Centre would get, was signed between the Department of Biotechnology, Govt. of India and the UNESCO on 14th July, 2006. Subsequently, after over two years, approval for establishment of the Regional Centre as a category II Centre of UNESCO was accorded on 20th November, 2008 by the Cabinet, pending legislation. In pursuance of the approval of the Cabinet, an order of the Govt. of India (Ministry of Science & Technology, Deptt. of Biotechnology number BT/MED-II/UNESCO/01/2008) establishing the Regional Centre for Biotechnology Training and Education under the auspices of UNESCO at Faridabad was issued on 20th April, 2009 and the existing Regional Centre has been functioning since then. Thereafter, after a gap of over two and a half years, a Bill called 'The Regional Centre for Biotechnology Bill, 2011' (Annexure-I) was introduced in Lok Sabha on 20th December, 2011 which was referred* to the Committee for examination and report on 13th January, 2012.

4. The Committee held its first meeting with the Secretary and other senior officials of the Department of Biotechnology on the 5th March, 2012 for a preliminary discussion on the Bill. The Committee at its meeting held on the 20th July, 2012 heard the views of various experts on the various provisions of the Bill⁺. To gather more broad-based views on the proposed legislation, the Committee also invited the comments of Prof. (Dr.) Satyahari De of the Indian Institute of Technology, Kharagpur, and Dr. Arnab Kapat, Director, Reliance Institute of Life Sciences.

5. Considering the significance of the Bill, the Committee also issued a Press Release in national dailies and other regional newspapers on the 11th February, 2012, inviting memoranda containing suggestions/ views/ comments of experts/ institutions / organisations interested in the subject matter of the Bill. In response to the Press Release, the Committee received six memoranda on the Bill, which were duly examined.

6. The Committee at its meeting held on 30th August, 2012, considered and adopted the draft report.

7. **SALIENT FEATURES OF THE BILL**

- (i) The Regional Centre for Biotechnology is being established as a category II institution under the auspices of UNESCO meaning thereby that it would not legally be a part of UNESCO but associated with it through formal arrangements approved by UNESCO general conference. It would help to implement UNESCO's programme through capacity building, exchange of information in a particular discipline, theoretical and experimental research and advance training and also to contribute to technical cooperation among developing countries.

* Rajya Sabha Parliamentary Bulletin Part-II dated 16th January, 2012

⁺ The list of experts is at Annexure

- (ii) The Regional Centre for Biotechnology shall be an institution of national importance.
- (iii) The jurisdiction of the Regional Centre shall extend to the whole of India and to Centres established within or outside India.
- (iv) It shall disseminate and advance knowledge by providing instructional and research facilities in various branches of Biotechnology and related fields.
- (v) It shall provide capacity building through education, training, Research & Development in Biotechnology through regional and international cooperation.
- (vi) It shall facilitate transfer of Biotechnology related knowledge and technology in the South Asian Association for Regional Cooperation (SAARC) Region and more generally in the Asian region.
- (vii) It shall promote and strengthen international cooperation to improve the social and economic conditions and welfare of the people.
- (viii) It shall grant Masters and Doctoral Degrees in Biotechnology and related subjects at the interface of a varied disciplines including physical; chemical, biological, medical, agricultural and engineering and such other relevant sciences.
- (ix) It shall produce human resource suited to drive innovation in Biotechnology in areas of new opportunities and fill up talent gap in deficient areas. It would collect and disseminate through networking the relevant local knowledge in the field of Biotechnology.
- (x) The Regional Centre shall be administered by a Board of Governors, comprising of Secretary, Deptt. of Biotechnology as its Ex-officio Chairperson; a representative of Govt. of India nominated by the Secretary, Deptt. of Biotechnology; a representative of Director General, UNESCO; and a representative each of the other Member State of UNESCO.
- (xi) It shall also have a Programme Advisory Committee; an Executive Committee and a Finance Committee.
- (xii) The Central Government would provide grant or loans to the Centre. The one time capital investment for setting up the Centre is estimated to be Rs. 53.11 Crores and the recurring expenditure in the range of Rs. 15.00 Crores per annum.

8. Uniqueness of the proposed Centre

8.1 The proposed Centre would be a unique institution in the sense that it would be the first every inter-disciplinary institute in life sciences and Biotechnology in the country with an international connection through UNESCO. The Centre proposes to offer a peculiar amalgamation of education, training and research. The Centre would offer novel courses on issues pertaining to regulation, toxicology, technology transfer, biological engineering, molecular breeding, drug discovery, imaging techniques, nano-medicine, IP management in life sciences, etc. which are very much needed in our country through education in inter-disciplinary Ph.D Programme. The Centre aims at producing a highly specialized cadre of competent and capable scientists who could translate lab research to clinical practice with vast knowledge of medicine and practice of scientific investigation. Through training, young scientists would be nurtured to play the leadership role in biotech science. This Centre will also offer opportunities for industry to hone and enhance their skills in specific areas and an important focus of expertise building would be regulation, product development, manufacturing science and bio-entrepreneurship. The Centre would carry out and promote multi-disciplinary innovative research in biotech sciences by integrating science, engineering, medicine, etc. Broad range of areas in synergy with biotech science which are proposed to be pursued, include inter-alia, biomedical science, biochemical and biophysical sciences, climate science, agricultural and environment, Biotechnology Regulatory Affairs, Intellectual Property Right and policy.

8.2 The Centre would be a part of Biotech Science Cluster – a hub of Biotechnology innovation and commerce in Faridabad, Haryana and would be co-located with Translational Health Science & Technology Institute (THSTI), National Institute of Plant Genome Research (NIPGR) and National Institute of Immunology (NII). Thus it will have synergies and close relationship with all these institutes and will be able to share the common facilities like Bio-incubator, Biotech Park, Technology platforms, clinical Development Services Agency, etc.

8.3 The benefits that are expected to accrue to the country from the Centre, as informed by the Department, are as follows:-

- Allows freedom to ensure that over 90 % scientists in the Centre are Indian.
- Indian students will have world class education and training at their doorstep.
- IPR generated through research in this Centre will belong to India, no matter who produces it.
- The centre would produce highly skilled and trained human resource to be able to deliver low-cost yet effective healthcare, agricultural and veterinary technologies in the country.

- The centre would serve as a window for showcasing Indian competence in global market for economic gains.

9. Observations/ recommendations

9.1 Given the purport, intent and object of the Regional Centre for Biotechnology Bill, 2011, the Committee tends to broadly agree with the Bill as it undoubtedly carries with it immense potential of development, advancement and growth of high quality education, training and research in Biotechnology with resultant advantages for the country. The Committee appreciates that conceptually it is a well conceived and a brilliant proposition and hopes that it would deliver up to the hilt. But having said that the Committee also has some serious reservations, particularly, on the manner in which the entire issue of the establishment of the Centre has been handled. The observations/recommendations/reservations of the Committee on the Bill are given below:-

9.2 The first and serious concern that the Committee expresses in the context of the Bill is that of a unduly long- long time taken in the process of setting up of the proposed Centre, notwithstanding the fact that it was so important, so opportune and so significant for the country. When the Committee enquired about the factors that caused the delay, it was informed that because it was a green field project; this was the first Institute of its kind to be established in India; much knowledge and experience was not there and consultations had to be held at different levels together with the requirement of regular consultations with UNESCO on the issue of the Executive Board, the Council and Board of Governors to be constituted, etc. so much time was lost in holding these consultations/ deliberations. Further, to work out the details of the operationalisation of the Centre such as the terms and conditions for governing, modalities of financing, deciding the status and the locations of the Centre, etc. also took a lot of time. A National Expert Group was appointed to go into these details which gave its recommendations in May, 2007. Subsequently, a Cabinet note in consultation with various Ministries like the Ministry of Finance, Human Resource Development, External Affairs, Health & Family Welfare and Planning Commission was moved for obtaining approval for establishment of the Centre. Various provisions of the draft Bill prepared by a Committee appointed for the purpose were deliberated upon by a Committee of Experts which suggested many changes. The draft Bill as such had to be thoroughly revised. Again draft Bill was placed before the Committee which deliberated on its provisions and finalised the document. All these activities took about a period of two years and finally a draft note for Cabinet was prepared and circulated for enactment of the legislation in consultation with the Ministry of Law & Justice and finally the Bill was introduced in December, 2011. On being confronted with a categorical query as to why it took three long years from November, 2008, when the Union Cabinet gave its approval for establishment of the Centre to bring forward this legislation in 2011, the Secretary replied that this delay was because of the process of consultations with regional countries and also because it was very difficult to engage with Bangladesh, Nepal, Pakistan, Bhutan, Malaysia etc. at various levels. Then, it was not clear whether these countries would agree to the principles of participation/

contribution. So, it was a very complex process as UNESCO also had to be part of the discussion.

9.3 The Committee understands that it was altogether a new venture involving several countries and multifarious agencies/ authorities, mostly outside the country and hence a time taking activity. However, it fails to digest the fact that though the concept of Regional Centre was conceived way back in 2003, even after passage of nine long years it is still to take a final and concrete shape. It is of the view that all the requisite spade/ ground work of consultations/deliberations, etc. could have been done at the very initial stage, at least before signing an agreement with UNESCO in 2006. **The Committee is constrained to observe that such delay typically epitomizes bureaucratic attitude and business as usual approach adopted in this matter which ultimately resulted in time and cost overrun of this project.** The Committee takes note of the fact that while in the Cabinet note of September, 2005 the indicative budget projected for the Centre was Rs. 30.95 Lakhs, the order of Deptt. of Biotechnology notified in 2006 estimated that the Regional Centre for Biotechnology shall be established at a total cost of Rs. 99.55 Crores. The financial Memoranda attached with the Bill mentions an estimated one time capital investment for the Centre to be Rs. 53.11 Crores as one time capital investment added by the recurring expenditure in the range of Rs. 15.00 Crores per annum to be borne by the Central Govt. The Committee is sure that this may not be the final figure as it is bound to increase in view of inflationary measures and other factors as very rightly admitted by Secretary, DBT that a revised Expenditure Finance Committee (EFC) had been sent to the Ministry of Finance. The Committee also takes note of the fact that the agreement signed between India and UNESCO on 14th July, 2006, which was to remain in force for a period of six years expired on 13th July, 2012, due to the progress of the project at a snail's pace. The Committee fears that the slow pace of progress coupled with typical bureaucratic approach does not put India in good stead and may have its reflection on its image at the international level.

9.4 **The Committee notes the efforts and hard work put in by the Secretary, DBT towards establishment of the Centre but it strongly feels that this mission could have been accomplished early had the responsibility of its establishment been shared, devolved and decentralized and the Secretary, DBT had not bothered to carry the entire burden on his own shoulders. The Committee is also of the opinion that the delay caused in the establishment of the Centre, for whatever reasons, has deprived the country of the benefits that it could have reaped with the timely completion and operationalisation of the Centre.**

9.5 The second and more disturbing and distressing issue about the Regional Centre for Biotechnology Bill is its establishment vide Executive Order of Govt. of India, Deptt. of Biotechnology No. BT/MED-II/UNESCO/01/2008 dated the 20th April, 2009, almost 2 ½ years before, this Bill was introduced in the Parliament. The Committee taking a serious note of this point asked Secretary, DBT to explain the circumstances and reasons why he could not get this legislation passed by Parliament before starting work on it. The Secretary was further asked to explain whether this was a deliberate attempt on the part of the Department to bypass the Parliament and the Standing Committee. The Secretary

replied that he had all respect for the Parliament and that he had not started any educational programme of this Institute. All that had been done was to hire a Director, so that, the building could be constructed. The Faridabad cluster was a very big cluster involving a large investment for Biotechnology with 3-4 separate institutions. Their only concern was that when landscaping was done, the original building of this institution should also come up through the same architect to have shared technical facility and to minimize the cost. He further added that not a single student had been enrolled and nothing in terms of what was to be done under this Centre had been started so far.

9.6 On being further enquired about the source from where fund was being received, who was giving it and on what account, whether it had the sanction of the Parliament, what would happen to the Executive Order and to the money which was already spent on it if Parliament decided not to have an institution of this kind at all, the Secretary submitted that the Government had given approval for creating infrastructure. What was required through this legislation was the degree granting right. He further added that as a research institution, this Centre could function with an Executive Order, but it could not grant degrees. He further clarified that here the question was whether Parliament could allow this Centre to have the authority to grant degrees or not and that was why no educational activity was started in this Institute. On the issue of funding, the Secretary replied that it was actually a part of the Budget. When further enquired, as to whether under the General Financial Rules, the Department could spend money against an item which had not been sanctioned by the Parliament and how could the Budget Expenditure for an institution which did not have the approval of the Parliament could be valid, the Secretary reiterated his stand by saying that all that was intended here was to go to the Parliament to get the right to grant degrees, otherwise, it would run like a research institute and for research institutes the Parliamentary approval is for the Budget. So, it was degree granting right, which was a content of this Bill.

9.7 The Committee, however, does not appreciate the arguments advanced by the Secretary, DBT and takes a strong exception over the manner in which the Centre has been established through an Executive Order pending passing of legislation by the Parliament. The Committee expresses its serious concern over the fact it has almost become a practice of Government Departments, particularly, the scientific Departments to get an institution established through an executive order and afterwards bring the Bill before the Parliament. The Committee had come across a similar situation when it was examining the Academy of Scientific and Innovative Research Bill, 2010 and had observed that it would have been appropriate if the Academy had been set up only after the Parliament had passed the Bill. But it appears that either the observation of the Committee had not been taken seriously by the scientific departments or they are deliberately creating a fait accompli situation for the Parliament to accord ex-post facto approval to the piece of legislation which had already been made operational through an executive order. The Committee feels that such an attempt on the part of the Ministries/Departments of Govt. of India tantamount to taking Parliament for a ride and to make the Parliament succumb to support or accept whatever had been done by them. The Committee finds no genuine, convincing reasons or urgency which warranted establishment of the Regional Centre for

Biotechnology through an executive order. This is also borne out by the fact that no substantial/ significant headway has been made in the process of the setting up of the Centre, even after over three years have elapsed. The Committee is, therefore, of the considered view that such situation could have been avoided. The Committee, therefore, strongly recommends that henceforth it must be ensured by Govt. that no such incidence recurs in future.

9.8 The Committee forcefully and strongly differs with the argument of the Secretary, DBT that it is only the degree granting right in the Bill for which the Department has come before the Parliament. All the necessary provisions right from the establishment of the Centre, modalities of its functioning, funding, objects, etc. find place in the Bill, which have to be approved by the Parliament and, therefore, the contention of the Secretary of seeking only degree granting right through this Bill appears to be totally misplaced and implausible.

9.9 Another contention of the Secretary, DBT that parliamentary approval for the funding of the Centre was not required too does not hold good, particularly, if seen in the context of Clause 28 of the Bill which provides that the Central Government may after due appropriation made by Parliament by law make to the Regional Centre grants and loans for being utilized for the purposes of this Act. **The Committee, therefore, feels that funding made so far to the Centre pending its approval by the Parliament does not seem to be in order and in future such type of practices need to be discouraged.**

9.10 Clause 3(3) of the Bill provides that the Head Office of the Regional Centre shall be in the NCR Region as referred to in the National Capital Region Planning Board Act, 1985 which includes the States of Haryana, Rajasthan and Uttar Pradesh. The Committee feels that since the location of the Head Office of the Centre has not been specifically mentioned, it is probable that the head Office of the Centre may be apart and away from the location of the Regional Centre which is proposed to be in Faridabad. The Committee is of the opinion that administratively and functionally, it would be convenient and conducive to have the Head Office of the Centre at the same place preferably at the same campus where the Centre is proposed to be located. This should also facilitate keeping a close eye on the day-to-day functioning of the Centre. **The Committee, therefore, recommends that Govt. should pay due consideration to this recommendation of the Committee.**

9.11 Clause 4 of the Bill provides that since the objects of the Regional Centre for Biotechnology are such as to make it an institution of National importance, it should be known as the Institute of national importance. In India an institute of national importance is defined as one which serves as a pivotal player in developing highly skilled personnel within the specified region of the country. Only a few institutes make to this coveted list which are Centres of excellence in research, academics and other such elite schools of education. All the IITs, NITs, AIIMS, National Institute of Pharmaceutical Research and Education, ISI and some other Institutes are institutes of national importance. Admission to these Institutes is through highly competitive examinations like the IIT-JEE/GMAT/AIEEE, etc.

9.12 The Committee is of the opinion that ideally an institute ought not be classified and declared as an institution of national importance, even before its inception, but it should earn such a tag based on its actual, outstanding, consistent performance and achievements. In the instance case, as the Centre is being declared as an Institute of national importance by an Act of the Parliament, the Committee hopes that the Centre would strive to become an outstanding and unique Institute worthy of its status as an institute of National importance granted to it.

9.13 One of the functions of the Regional Centre as provided in Clause 8(g) is to collect and disseminate relevant local knowledge in the field of Biotechnology through networking. Dissemination of local knowledge in today's competitive world, when there is a cut throat competition for patenting Intellectual Property Rights, the Committee feels is not a wise and sound proposition, particularly when the country has already had the bitter experience of patenting of Neem, Turmeric, Basmati Rice, etc by other countries. The Committee is apprehensive about the safety of the local knowledge after dissemination as regards Intellectual Property Rights. **The Committee, therefore, recommends that Regional Centre while discharging this particular function must exercise utmost restraint and caution and take all necessary measures including obtaining patent where feasible, to protect our local knowledge from being stolen/ misused/ patented outside. The regulations under the National Biodiversity Act (2002) should be strictly observed.**

9.14 Clause 10(1) (a) mentions that the Regional Centre shall have the power to provide for Masters and Doctoral degrees in Biotechnology and related subjects. It would run post graduate and research programmes. The Committee apprehends that unless the Centre gets high quality students and students of sound scientific understanding and talent, it would not be able to produce high quality scholars to live up to the expectations of the Centre. The Committee feels that it should also run some programmes in order to attract the best talent, at a relatively young age. **The Committee is, therefore, of the view that Centre may also develop and run a five year integrated programme leading to Masters degree in Biotechnology for students passing out of senior secondary schools so that they do not stray away to other disciplines in absence of viable options in the field of Biotechnology. This way Govt. would be able to tap, develop and nurture high quality under graduate students so as to polish and hone them into bright and brilliant scholars.**

9.15 Further through Clause 10(1) (w), an attempt has been made to give sweeping and unfettered powers to the Centre to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objectives. The Committee finds that some 22 powers of the Regional Centre have been enumerated in Clause 10(1) which are quite exhaustive and all encompassing. Granting such an unlimited/ broad mandate is fraught with the risk of being misused. **The Committee, therefore, recommends that this sub-clause should be deleted.**

9.16 Clause 13 of the Bill provides for the authority of the Regional Centre. The Committee finds that there are 4 specific authorities, namely, the Board of Governor, the Programme Advisory Committee, the Executive Committee and the Finance Committee mentioned in the Bill and one general provision, i.e., such other authorities as may be declared by the statutes to be the authority of the Regional Centre. As regards the Board of Governors, it would be composed of two Members/representatives of Govt. of India including the Secretary, DBT as Ex-officio Chairperson. The rest of the Members include a representative of the Director-General of UNESCO and a representative each of the other Member States of UNESCO in such manner as specified by the statutes. Article 4(1)(a)(ii) of the agreement between the Govt. of India and the UNESCO concerning the establishment of the Regional Centre for Biotechnology, training and education in India mentions that the Board of Governors shall consist of a representative of each of the other Member States that (1) has sent the requisite notification to Director-General of UNESCO, or that (2) makes a substantial contribution to the operating budget or running of the Regional Centre, and is thus accorded a seat by decision of the Board of Governors.

9.17 The Committee finds that in all probability, the number of representation from the Govt. of India on the Board of Governors would be less than that of the representatives from the outside. Since all the powers for the running and administration of the Regional Centre would be vested in the Board of Governors, the Committee fears that there would not be Indian command and control over the Centre and hence Indian interest may be in jeopardy. **The Committee, therefore, recommends that this aspect must be seriously looked into by the Govt. and it should be ensured that Indian representation on the Board of Governors is suitably enhanced so as to tilt the balance in favour of India, the host country for this Regional Project.**

9.18 Clause (14)(1)(i) provides that the Secretary, DBT would be the Ex-officio Chairperson of the Board of Governors. By virtue of Secretary of a Department, the person concerned would be overly busy in running the affairs of the Department and may find it difficult to spare time from his busy schedule to discharge the powers and functions of the Chairperson of the Board of Governors, who is mandated to exercise and discharge such powers and functions of the Board of Governors, as may be delegated by the Board and such other powers and functions as may be specified by the statutes [Clause 15(1)]. **The Committee, therefore, feels that Govt. should think in terms of having a Chairperson of the Board of Governors someone other than the Secretary, DBT and to have it manned by a person of caliber, competence, dedication and devotion who can devote sufficient time to make the dream of Regional Centre, as an institute of national importance come true.**

9.19 The Committee finds that there is no clear cut provision for representation of women on the Board of Governors of the Regional Centre. It is of the view that women scientists must find representation on the Board of Governors of the Centre and therefore recommends that suitable provisions for this purpose may be made in the Bill.

9.20 So far as, the Executive Committee as provided in the Clause 13(c) is concerned, it is proposed to be the advisory body for issues concerning the management of the Regional Centre and advise from time to time to the Board of Governors [Clause 17(1)]. The Committee is surprised to note that while it has been designated as an Executive Committee, its functions as laid down in the bill, is purely advisory and hence feels that calling it an Executive Committee appears to be rather a misnomer. **The Committee, therefore, is of the opinion that it should appropriately be called an Advisory Committee and not an Executive Committee.** The Committee also notes that while the Executive Committee in the Bill has been mandated to act as an advisory body, in the agreement signed with UNESCO [Article (4)(2)(a)] it is to be constituted for the day-to-day management of the Centre. **The Committee, therefore, recommends that this dichotomy and contradiction in the function of the Executive Committee as given in the Agreement and in the Bill should be resolved.**

9.21 Further, although, a Finance Committee has been proposed to be established vide Clause 13(d), its constitution, powers and functions have been left to be specified by the statutes vide Clause 18 of the Bill. This somehow suggests that the concept or the purpose for which it is proposed to be constituted is not clear. When the Committee enquired from the Secretary about the reasons of having a Finance Committee without narrating its functions, the Secretary replied that because a large part of money for the Centre was coming from the Govt. of India, it was felt that this should be audited by CAG. The need was, therefore, felt to have a Finance Committee to ensure compliance with the General Financial Rules. **The Committee fails to understand that if as stated by the Secretary this was the rationale for having a Finance Committee, why at least its broad functions have not been made out in the Bill.**

9.22 Clause 33(1) of the Bill lays down that there shall be a review of the functioning of the Regional Centre once in every 4 years by the persons of eminence to be appointed by the Central Govt. **The Committee feels that the Regional Centre has an innovative and novel mandate which would keep on evolving from time and hence its review may be carried out at regular intervals preferably once in two years instead of once in four years. It is also of the view that in the interest of openness and transparency, the report of such review should not be treated as confidential and be put in the public domain through the website of the Centre. Later on, action taken on the report may also be shared with the public. The Committee, therefore, recommends that suitable provision to this effect should be made in the Bill.**

9.23 In the Regional Centre for Biotechnology, apart from education and training, Research and Development in Biotechnology is also proposed to be carried out. However, the Committee finds that the Bill is silent on the issue of proprietary rights on the intellectual property generated in the Institute through research work. Clarity on this issue, assumes importance because it is a Centre which would have research scholars from countries in SAARC and South Asian Region and intellectual property could be generated by researchers from any of the countries. In reply to a question, as to how the patent issue of scientific innovation and research would be settled, the Department in its replies to the questionnaire clarified that patenting issue will be settled as per the Ministry

of Science and Technology guidelines. In case, it was an outcome of the projects funded by other contributing Member-States, it would be settled as per the terms of participation which would be decided at the time a Member-State joined the Centre. However, in its Background Note on the Bill submitted to the Committee, the Department had stated that the IPR generated through research in this Centre would belong to India, no matter who produces the same.

9.24 The Committee finds that on this particular issue, the Department has taken conflicting and contradictory stand which needs to be addressed in right earnest. **The Committee, is of the view that since the Centre is primarily funded and supported by the Govt. of India, the IPR generated in the Centre should belong to India to the extent possible and while finalising terms of participation of Member-States, this point must be categorically and unequivocally be provided for. In any case, the Centre should develop an IPR policy acceptable to all its stakeholders.**

9.25 The Committee further recommends that emphasis on research, particularly, in drugs should be focused mainly on diseases specific and peculiar to India and South Asian Region.

9.26 Since, the Regional Centre is proposed to be an institute of national importance and a unique centre for education, training and research, the Committee feels that students from the weaker and backward sections of the society should also get opportunity to participate in the activities of the Centre. The Committee enquired from the Secretary, DBT if there was any provision for reservation in admission for such students in the Regional Centre, it was replied that under Section 2(d) of the Central Educational Institutions (Reservation in Admission) Act, 2006, reservation in admission would be provided inter-alia in an institution of national importance set up by an Act of Parliament and since the Regional Centre for Biotechnology is going to be an institution of national importance, provisions for reservation as provided in the Act automatically applied to this Centre as well. The Committee is satisfied with the explanation given by the Department.

9.27 The Committee hopes that government would give due consideration to the observations and recommendations of the Committee and now that considerable time has already been taken to establish the Regional centre it would at least now ensure that this Centre is made fully it operational at the earliest possible.

Annexure-II

List of Experts

1. Prof. Akhilesh Kumar Tyagi, Director, National Institute of Plant Genome Research (NIPGR);
 2. Prof. T.P. Singh, Distinguished Biotechnology Research Professor (DBT) Department of Biophysics, All Indian Institute of Medical Sciences;
 3. Dr. Satyajit Rath, Senior Scientist, National Institute of Immunology;
 4. Mr. Amit Khare, Joint Secretary, Ministry of Human Resources Development; and
 5. Dr. Shahid Jameel, Group Leader-Virology, International Centre for Genetic Engineering & Biotechnology (ICGEB).
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