

Bill No. 169 of 2016

THE INSTITUTES OF TECHNOLOGY (AMENDMENT) BILL, 2016

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further to amend the Institutes of Technology Act, 1961.

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

1. (1) This Act may be called the Institutes of Technology (Amendment) Act, 2016.

Short title and commencement.

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

59 of 1961.

2. In the Institutes of Technology Act, 1961 (hereinafter referred to as the principal Act), in section 2, for the words and brackets "and the Indian Institute of Technology (Banaras Hindu University), Varanasi", the words and brackets "the Indian Institute of Technology (Banaras Hindu University), Varanasi, the Indian Institute of Technology, Tirupati,

Amendment of section 2.

the Indian Institute of Technology, Palakkad, the Indian Institute of Technology, Goa, the Indian Institute of Technology, Dharwar, the Indian Institute of Technology, Bhilai, the Indian Institute of Technology, Jammu and the Indian Institute of Technology (Indian School of Mines), Dhanbad" shall be substituted.

Amendment
of section 3.

3. In section 3 of the principal Act,— 5

(A) in clause (c), after sub-clause (xiii), the following sub-clauses shall be inserted, namely:—

"(xiv) in relation to the society known as the Indian Institute of Technology, Tirupati, the Indian Institute of Technology, Tirupati;

(xv) in relation to the society known as the Indian Institute of Technology, Palakkad, the Indian Institute of Technology, Palakkad; 10

(xvi) in relation to the society known as the Indian Institute of Technology, Goa, the Indian Institute of Technology, Goa;

(xvii) in relation to the society known as the Indian Institute of Technology, Dharwar, the Indian Institute of Technology, Dharwar; 15

(xviii) in relation to the society known as the Indian Institute of Technology, Bhilai, the Indian Institute of Technology, Bhilai;

(xix) in relation to the society known as the Indian Institute of Technology, Jammu, the Indian Institute of Technology, Jammu;

(xx) in relation to the society known as the Indian School of Mines, Dhanbad, the Indian Institute of Technology (Indian School of Mines), Dhanbad."; 20

(B) after clause (ga), the following clause shall be inserted, namely:—

'(gb) "Indian School of Mines, Dhanbad" means the society known as the Indian School of Mines, Dhanbad;'; 25

(C) in clause (j), after sub-clause (xi), the following sub-clauses shall be inserted, namely:—

"(xii) the Indian Institute of Technology, Tirupati;

(xiii) the Indian Institute of Technology, Palakkad;

(xiv) the Indian Institute of Technology, Goa; 30

(xv) the Indian Institute of Technology, Dharwar;

(xvi) the Indian Institute of Technology, Bhilai;

(xvii) the Indian Institute of Technology, Jammu;

(xviii) the Indian School of Mines, Dhanbad;"

Amendment
of section 4.

4. In section 4 of the principal Act, after sub-section (ID), the following sub-section shall be inserted, namely:— 35

"(IE) The Indian School of Mines, Dhanbad shall, on such incorporation, be called the Indian Institute of Technology (Indian School of Mines), Dhanbad."

Amendment
of section 5.

5. In section 5 of the principal Act, after *Explanation 2*, the following *Explanation* shall be inserted, namely:— 40

"*Explanation 3.*—The reference in this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology, Tirupati, the Indian Institute of Technology, Palakkad, the Indian Institute of Technology, Goa, the Indian Institute of Technology, Dharwar, the Indian Institute of Technology, Bhilai, the

Indian Institute of Technology, Jammu, and the Indian Institute of Technology (Indian School of Mines) Dhanbad, as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2016 comes into force."

6. In section 38 of the principal Act,—

Amendment
of section 38.

5 (i) after clause (o), the following clauses shall be inserted, namely:—

"(p) until the first Statutes and Ordinances in relation to the Indian Institute of Technology, Tirupati, the Indian Institute of Technology, Palakkad, the Indian Institute of Technology, Goa, the Indian Institute of Technology, Dharwar, the Indian Institute of Technology, Bhilai, the Indian Institute of Technology, Jammu, are made under this Act, the Statutes and Ordinances of such Institutes, as in
10 force immediately before the commencement of the Institutes of Technology (Amendment) Act, 2016, shall apply to those Institutes with necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act;

15 (q) the Executive Board, referred to in Rule 7 of the Rules and Regulations of the Indian School of Mines, Dhanbad, functioning as such immediately before the commencement of the Institutes of Technology (Amendment) Act, 2016, shall continue to so function until a new Board is constituted for the Indian Institute of Technology (Indian School of Mines), Dhanbad, under this Act, but
20 on the constitution of a new Board under this Act, the Executive Board of the Indian School of Mines, Dhanbad shall cease to function so far as the Indian Institute of Technology (Indian School of Mines), Dhanbad is concerned;

25 (r) the Academic Council, referred to in Rule 9 of the Rules and Regulations of the Indian School of Mines, Dhanbad, functioning as such immediately before the commencement of the Institutes of Technology (Amendment) Act, 2016 shall continue to so function until a new Senate is constituted for the Indian Institute of Technology (Indian School of Mines), Dhanbad under this Act, but
30 on the constitution of a new Senate under this Act, the Academic Council of the Indian School of Mines, Dhanbad shall cease to function so far as the Indian Institute of Technology (Indian School of Mines), Dhanbad;

(s) until the first Statutes and the Ordinances in relation to the Indian Institute of Technology (Indian School of Mines), Dhanbad are made under this Act, the Statutes and Ordinances as are applicable to the Indian Institute of Technology, Roorkee immediately before the commencement of the Institutes of
35 Technology (Amendment) Act, 2016, shall apply to the Indian Institute of Technology (Indian School of Mines), Dhanbad, with the necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act;

40 (t) notwithstanding anything contained in the Institutes of Technology (Amendment) Act, 2016, any student who joined classes of the Indian School of Mines, Dhanbad on or after the commencement of 2015-2016 academic session or completed the courses on or after 2015-2016 academic session shall for the purpose of clause (b) of sub-section (1) of the section 6, be deemed to have
45 pursued a course of study in the Indian Institute of Technology (Indian School of Mines), Dhanbad provided that such student has not already been awarded degree or diploma for the same course of study;

(u) if any difficulty arises in giving effect to the provisions of the Institutes of Technology (Amendment) Act, 2016, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the
50 provisions of this Act, as may appear to be necessary for removing the difficulty;

Provided that no order shall be made under this clause after the expiry of two years from the commencement of the Institutes of Technology (Amendment) Act, 2016:

Provided further that every order made under this clause shall be laid, as soon as may be after it is made, before each House of Parliament.";

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

"*Explanation 4.*—The reference in clauses (q), (r) and (s) of this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology (Indian School of Mines), Dhanbad, as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2016 come into force.".

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STATEMENT OF OBJECTS AND REASONS

The Institutes of Technology Act, 1961 was enacted by Parliament in December, 1961 to, *inter alia*, declare certain Institutes of Technology to be institutions of national importance.

2. The Government of India has set up six new Indian Institutes of Technology as registered societies. These institutes need to be brought within the ambit of the aforesaid Act for the purpose of declaring them as institutions of national importance.

3. The Government of India made an announcement in February, 2015 of its intention to convert Indian School of Mines, Dhanbad into an Indian Institute of Technology. This is in line with the overall thinking of the Government to have more Indian Institutes of Technology level institutions by upgrading existing institutions as well as creating new Indian Institutes of Technology.

4. Accordingly, a need has been felt to amend the said Act to effectuate the conversion of Indian School of Mines, Dhanbad into Indian Institute of Technology (Indian School of Mines), Dhanbad and to bring the six newly set up Indian Institutes of Technology within its ambit. Therefore, the Institutes of Technology (Amendment) Bill, 2016, *inter alia*, seeks to make the following amendments to the Institutes of Technology Act, 1961, namely:—

(a) to include six new Indian Institutes of Technology and declare them as institutions of national importance;

(b) to declare the Indian School of Mines, Dhanbad as an institution of national importance and integrate it with the Indian Institutes of Technology system;

(c) to incorporate the newly set up Indian Institutes of Technology and Indian Institute of Technology (Indian School of Mines), Dhanbad under the provisions of the Act;

(d) to provide that till such time the Statutes and Ordinances of new Indian Institutes of Technology and Indian Institute of Technology (Indian School of Mines), Dhanbad come into force, the six new Indian Institutes of Technology, would be governed by the existing Statutes and Ordinances of such Institutes as in force and the Indian Institute of Technology (Indian School of Mines), Dhanbad would be governed by the Statutes and Ordinances of the Indian Institute of Technology, Roorkee.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 14th July, 2016.

PRAKASH JAVADEKAR

FINANCIAL MEMORANDUM

Clause 2 of the Institutes of Technology (Amendment) Bill, 2016 provides for establishment of six new Indian Institutes of Technology including conversion of Indian School of Mines, Dhanbad into Indian Institute of Technology (Indian School of Mines), Dhanbad and their declaration as institutions of national importance.

2. During the year 2016-2017, the six new Indian Institutes of Technology have been provided a budget allocation of Rs.230.00 crores and IIT (Indian School of Mines), Dhanbad has been provided Rs.100.00 crores under Plan Funds and Rs.85.20 crores under Non-Plan allocation.

3. The expenditure for establishment of six new IITs and conversion of Indian School of Mines, Dhanbad into IIT would be met from the Consolidated Fund of India through the budgetary provision under the Department of Higher Education, Ministry of Human Resource Development.

4. The Bill does not involve any other expenditure of recurring or non-recurring nature from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (*i*) of clause 6 of the Bill inserts new clauses (*p*) and (*s*) in section 38 of the Act which empowers the Institutes of Technology to make Statutes and Ordinances. New clause (*u*) empowers the Central Government, by order, to remove certain difficulties which may appear to it to be necessary or expedient. Further, such order is not to be made under the said clause after the expiry of a period of two years from the commencement of the proposed legislation. Every such order shall be laid before each House of Parliament.

2. The matters in respect of which the Statutes, Ordinances or orders may be made or issued are matters of administrative details and procedure and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACT FROM THE INSTITUTES OF TECHNOLOGY ACT, 1961

(59 OF 1961)

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Declaration of
certain
Institutions as
Institutions of
national
importance.

2. Whereas the objects of the institutions known as the Indian Institute of Technology, Bombay, the College of Engineering and Technology Delhi, the Indian Institute of Technology, Guwahati, Assam, the Indian Institute of Technology, Kanpur, the Indian Institute of Technology, Madras, the Indian Institute of Technology, Roorkee, the Indian Institute of Technology, Bhubaneswar, the Indian Institute of Technology, Gandhi Nagar, the Indian Institute of Technology, Hyderabad, the Indian Institute of Technology, Indore, the Indian Institute of Technology, Jodhpur, the Indian Institute of Technology, Mandi, the Indian Institute of Technology, Patna, the Indian Institute of Technology, Ropar and the Indian Institute of Technology (Banaras Hindu University), Varanasi are such as to make them institutions of national importance, it is hereby declared that each such institution is an institution of national importance.

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further to amend the Institutes of Technology Act, 1961.

(Shri Prakash Javadekar, Minister of Human Resource Development)