

DRAFT
OF
THE
INDIAN INSTITUTES
OF INFORMATION
TECHNOLOGY BILL 2010

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS	Page No.
1. Short title and commencement	
2. Declaration of certain Indian institutions as institutions of national importance	
3. Definitions	

CHAPTER II

THE INSTITUTES

1. Incorporation of Institute	
2. Effect of incorporation of Institute	
3. Powers of Institute	
4. Institutes to be open to all races, creeds and classes	
5. Teaching at Institutes	
6. Visitor	
7. Authorities of Institute	
8. Terms of office of, vacancies among, & allowances payable to members of Board	
9. Powers and function of the Board	
10. Senate	
11. Functions of Senate	
12. Finance Committee	
13. Powers and functions of Finance Committee	
14. Buildings and Works Committee	
15. Powers and functions of the Building and Works Committee	
16. Powers and functions of the Chairperson	
17. Appointment to Director and Deputy Director	
18. Registrar	
19. Other authorities and officers	
20. Grants by Central Government	
21. Funds of the Institute	
22. Accounts and Audit	
23. Pension and Provident Fund	
24. Appointments	
25. Statutes	
26. Statutes, how made	
27. Ordinances	
28. Ordinance how made	
29. Tribunal of Arbitration	

CHAPTER III

THE COUNCIL

1. Coordination Council
2. Terms of office of member
3. Functions of the Council
4. The Chairperson of the Council
5. Rules

CHAPTER IV

MISCELLANEOUS

1. Establishment of Institutes of Information Technology under Public and Private Partnership
2. Acts and proceedings not to be invalidated by vacancies etc.
3. Removal of the Director, member of a Board, Senate or Finance Committee of the Institute
4. Power to remove difficulty
5. Transitional provisions

THE SCHEDULE

THE INDIAN INSTITUTES OF INFORMATION TECHNOLOGY BILL, 2010

A Bill to declare the Indian Institutes of Information Technology to be Institutions of National Importance and to provide for certain matters connected with such institutions including permitting not-for-profit public private partnership (N-PPP).

Preamble

Be it enacted by Parliament in the Sixty First Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

Short title and commencement

1. (1) This Bill may be called the Indian Institutes of Information Technology Bill, 2010.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Bill.

Declaration of Institutions of national importance

2. Whereas the objects of the institutions mentioned in the Schedule are such as to make them institutions of national importance, it is hereby declared that each such Institution is an Institution of national importance.

Definitions

3. In this Bill, unless the context otherwise requires:-

- a) "Board", in relation to any Institute, means the Board of Governors thereof;
- b) (i) "Chairperson" means the Chairperson of the Board.
(ii) "Chairperson of Council" means Chairperson of the Council.
- c) "Corresponding Institute", in relation to a society mentioned in column (2) of the Schedule, means the Institute as specified in column (3) of the Schedule;
- d) "Council" means the Council hereinafter established, under subsection (i) of Section 33.
- e) "Director", in relation to any Institute, means the Director thereof.
- f) "Deputy Director", in relation to any Institute, means the Deputy Director thereof;
- g) "Institute" means any of the Institutions mentioned in section (2) of the Schedule;
- h) "Notification" means a notification published in the official Gazette;
- i) "Prescribed" means prescribed by Statutes made under this Bill;
- j) "Registrar", in relation to any Institute, means the Registrar thereof;

- k) "Dean (A)" in relation to any institute means the Dean (Academics) thereof
- l) "Dean (R&D) in relation to any institute means the Dean (Research and Development) thereof
- m) "Schedule" means the Schedule annexed to the Bill.
- n) "Senate", in relation to any Institute, means the Senate thereof;
- o) 'Society' means any of the societies registered under the Societies Registration Act, 1860 and mentioned in column (2) of the Schedule;
- p) "Statutes" and "Ordinances", in relation to any Institute, mean the Statutes and Ordinances of the Institute made under this Bill
- q) "Govt Institutes" means those institutes which receive annual recurring grants to cover their recurring expenses wholly or substantially from Govt.,
- r) "NPPP" Institute means those Institutes which by virtue of participation of private partner are declared to be Institutes under not-for-profit public private partnership, and that these institutes do not receive govt. grants to cover substantial part of their operating or recurring expenses.
- s) "Private Partner" in relation to N-PPP Institute means an individual, or trust or company or society which invests substantially in the corpus of the institute and is so notified under Section 38.
- t) "Visitor", means the President of India..
- u) "Year" means the Financial Year unless for particular purpose it has been defined otherwise.

Chapter II THE INSTITUTES

Incorporation of
Institute

4. (i) Each of the Institutes mentioned in section 2 shall be a body corporate having perpetual succession and a common seal and shall, by its name, sue and be sued.
- (ii) Each Institute shall belong to one of two categories: N-PPP Institute or Govt Institute. The former shall raise all or substantial part of its operating (recurring) expenses and not be dependent on Govt grants. For an Institute to be in the N-PPP category, it needs to be so notified. It shall be possible for a Govt. Institute to move to N-PPP category and vice-versa after a due process to be defined by the council.

(iii) The body corporate constituting each of the said Institutes shall consist of a Chairperson, a Director and other members of the Board for the time being of the Institute.

Effect of incorporation
of Institute

5. On and from the commencement of this Bill, -
- (a) any reference to a society in any law (other than this Bill) or in any contract or other instrument shall be deemed as a reference to the corresponding Institute;
 - (b) all property, movable and immovable, of or belonging to a society shall vest in the corresponding Institute;
 - (c) all the rights and liabilities of a society shall be transferred to and be the rights and liabilities of the corresponding Institute; and
 - (d) every person employed by a society immediately before such commencement shall hold his office or service in the corresponding Institute by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund, and other matters as he would have held the same if this Bill had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the Institute in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the Institute of compensation equivalent to three months' remuneration in the case of permanent employee and one month's remuneration in the case of other employees.

Powers of Institute

6. (1) Subject to the provisions of this Bill, every Institute shall exercise the following powers and perform the following duties, namely:-
- (a) to provide for instruction and research in such branches of engineering and technology, management, education, sciences and arts, as the Institute may think fit, and for the advancement of learning and dissemination of knowledge in such branches;
 - (b) to hold examinations and grant degrees diplomas and other academic distinctions or titles;
 - (c) to confer honorary degrees or other distinctions;
 - (d) to fix, demand and receive fees and other charges;
 - (e) to establish, maintain and manage halls and hostels for the residence of students;
 - (f) to supervise and control the residence and regulate the discipline of students of the Institute and to make arrangements for promoting their

health, general welfare and cultural and corporate life;

- (g) to provide for the maintenance of units of the National Cadet Corps for the students of the Institute;
- (h) to institute academic and other posts and to make appointments thereto (except in the case of the Director);
- (i) to frame Statutes and Ordinances and to alter, modify or rescind the same;
- (j) to deal with any property belonging to or vested in the Institute in such manner as the Institute may deem fit for advancing the objects of the Institute;
- (k) to receive gifts, grants, donations or benefactions from the Government and to receive bequests, donations and transfers of moveable or immovable properties from testators, donors or transferors, as the case may be;
- (l) to co-operate with educational or other institutions in any part of the world having objects wholly or partly similar to those of the Institute by exchange of teachers and scholars and generally in such manners as may be conducive to their common objects;
- (m) to institute and award fellowships, scholarships, exhibitions, prizes and medals; and
- (n) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Institute.

(2) Notwithstanding anything contained in subsection (1), an Institute shall not dispose of in any manner any immovable property without the prior approval of the Visitor in case of Govt Institutes and the Board in case of N-PPP Institutes.

Institutes to be open to all races, creeds and classes

7. (1) Every Institute shall be open for either sex and of whatever race, creed, caste or class, and no test or condition shall be imposed as to religious belief or profession in admitting or appointing members, students, teachers or workers or in any other connection whatsoever.

(2) No bequest, donation or transfer of any property shall be accepted by any Institute which in the opinion of the Board involves conditions or obligations opposed to the spirit and object of this section.

Teaching at Institutes

8. All teaching at each of the Institutes shall be conducted by or in the name of the Institute in accordance with the Statutes and Ordinances made in this behalf.

Visitor

9. (1) The President of India shall be the Visitor of every Institute.

(2) The Visitor may appoint one or more persons to review the work and progress of any Govt. Institute and to hold inquiries into the affairs thereof and to report thereon in such manner as the Visitor may direct.

- (3) Upon receipt of any such report, the Visitor may take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the Govt. Institute shall be bound to comply with such directions.

Authorities of Institute

10. The following shall be the authorities of an Institute namely:

- (a) The Chairperson
- (b) The Board of Governors
- (c) The Senate
- (d) The Finance Committee
- (e) The Building and Works Committee
- (f) Such other authorities as may be declared by Statutes to be the authorities of the Institute

The Board

11. The Board of an Institute shall consist of the following persons, namely:-

- (a) the Chairperson, to be nominated by the Visitor in case of Govt IITs and to be elected by the respective Boards in case of N-PPP Institutes.
- (b) the Director, ex-officio,
- (c) One person to be nominated by the Government of the State in which the Institute is situated;
- (d) four persons having special knowledge or practical experience in respect of education, engineering or science including the IT Industry, to be nominated by the Council in case of Govt Institute; and by the Board in case of N-PPP institutes.
- (e) one professor of the Institute, to be nominated by the Senate.
- (f) Dean (A) and Dean (R&D), ex officio
- (g) One nominee of the Ministry in the Central Government dealing with Technical Education.
- (h) One nominee of the Ministry in the Central Government dealing with Information Technology.
- (i) two persons to be nominated by the private partners of the Institute in case of N-PPP institute.
- (j) One eminent person having knowledge and experience from civil society to be nominated by the Council in case of Govt Institute; and by the Board in case of N-PPP institutes.

Terms of office of, vacancies among, & allowances payable to members of Board

12. (1) Save as otherwise provided in this section, the term of office of the Chairman or any other member of the Board shall be three years from the date of his nomination.

- (2) The term of office of an *ex-officio* member shall continue so long as he holds the office by virtue of which he is a member.

- (3) The term of office of a member nominated under clause (e) of section 11 shall be two years from the 1st day of January of the year in which he is nominated.
- (4) The term of office of a member nominated to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he has been nominated.
- (5) Notwithstanding anything contained in this section, an outgoing member shall, unless the Board otherwise directs, continue in office until another person is nominated as a member in his place.
- (6) The members of the Board shall be entitled to such allowances, if any, from the Institute as may be provided for in the Statutes but no member other than the persons referred to in clauses (b) and (g) of section 11 shall be entitled to any salary by reason of this sub-section.

Powers and function of
the Board

13. (1) Subject to the provisions of this Bill, the Board of any institute shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall exercise all the powers of the Institute not otherwise provided for by this Bill, the Statutes and the Ordinances and shall have the power to review the acts of the Senate, the Finance Committee and the Building and Works Committee.

(2) Without prejudice to the provisions of sub-section (1), the Board of any Institute shall -

- (a) take decisions on questions of policy relating to the administration and working of the Institute;
- (b) institute courses of study at the Institute;
- (c) make Statutes;
- (d) institute and appoint persons to academic as well as other posts in the Institute;
- (e) consider and modify or cancel Ordinances;
- (f) consider and pass resolutions on the annual report, the annual accounts and the budget estimates of the Institute.
- (g) Exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Bill or the Statutes.

(3) The Board shall have the power to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Bill.

Senate

14. The Senate of each Institute shall consist of the following persons, namely :-

- (a) the Director, *ex-officio*, who shall be the Chairman of the Senate;

- (b) the Deputy Director, ex-officio;
- (c) Dean (A), ex-officio as member-secretary
- (d) the Professors appointed or recognized as such by the Institute for the purpose of imparting instruction in the Institute;
- (e) three persons, not being employees of the Institutes, to be nominated by the Board in consultation with the Director, from among educationists of repute, one each from the fields of science, engineering and humanities; and
- (f) such other members of the staff as may be laid down in the Statutes.

Functions of Senate

15. Subject to the provisions of this Bill, the Statutes and the Ordinances, the Senate shall be the principal academic body of the Institute and shall have control over and be responsible for maintenance of standards of education, teaching and training, inter-departmental coordination, research, examinations and tests within the Institute and shall exercise such other powers and such other duties and functions as may be prescribed or conferred upon it by the Statutes.

Finance Committee

16. The Finance Committee shall consist of the following members in case of Govt. Institutes.

- (1) The Chairperson ex-officio, who will be the Chairperson of the Committee;
- (2) Two nominees of the Ministry in the Central Government dealing with Technical Education - one nominee from the Technical Division and other from the Finance Division
- (3) One person nominated by the Board;
- (4) The Director ex-officio;
- (5) The officer incharge of Finance and Accounts of the Institute as ex-officio Secretary. Other than ex-officio members, the members of the Finance Committee will hold office for a term of three years.

The Finance Committee shall consist of the following members in case of N-PPP Institute.

- (a) The Chairperson, ex-officio, who will be the Chairperson of the Committee,
- (b) One nominee of private partner,
- (c) One person nominated by the Board,

(d) The Director, ex-officio

(e) Officer in-charge of Finance & Accounts of the Institute as ex-officio secretary.

Powers and functions of Finance Committee

17. (1) The Finance Committee will examine the accounts and scrutinize proposals for expenditure;

(2) The Finance Committee will examine annual accounts for financial estimates of the Institute and submit the same to the Board together with its comments for the approval of the Board;

(3) Subject to such powers as may be delegated by the Statutes, may sanction expenditure up to the prescribed limits.

Buildings and Works Committee

18. The Buildings and Works Committee will consist of:-

(1) The Director ex-officio as Chairman of the Committee.

(2) One person nominated by the Board.

(3) An engineer not below the rank of Chief Engineer, serving or retired, in the Central or State Governments or an equivalent agency or public sector undertaking, nominated by the Board.

(4) One person from a centrally funded institution/ university in same city/area.

(5) The Registrar, ex-officio.

(6) The Officer incharge of the estate of the Institute as ex-officio Secretary.

Powers and functions of the Building and Works Committee

19. The Committee will discharge the following functions and enjoy the following powers:-

(1) It will be responsible, subject to the directions of the Board, for all major capital works and to obtain the necessary administrative and financial approval thereof from the Board.

(2) It will undertake all minor original works and maintenance of estate and will give financial and administrative approval thereof within the sanctioned budget allotted for the purpose.

(3) It will give technical approval for all works.

(4) It will exercise the power of enlistment of contractors, floating and acceptance of tenders, issuance of work orders, undertaking of works departmentally and supervising works in progress.

(5) It will determine all cases of claims and settlement of unscheduled rates

(6) Subject to ratification by the Finance Committee the Building and Works Committee will decide, from the time, the schedule of rates applicable to the Institute.

(7) The Board can call upon the Buildings and Works Committee to perform such other functions in the matter of construction of buildings and development of land as it deems fit.

Powers and functions
of the Chairperson

(8) The Chairman of the Buildings and Works Committee may exercise all or any of the powers of the Committee as the situation may demand. Every such order will be reported to the Committee and the Board at the next meeting of the Committee or the Board.

20.(1)The Chairperson shall preside at the meetings of the Board, the Finance Committee and at convocations of the Institute.

(2) It shall be the duty of the Chairperson to ensure that decisions taken by the Board are implemented.

(3) The Chairperson will determine whether, if the Board has not met, any business which it may be necessary for the Board to perform may be carried out by circulation an appropriate resolution thereon among its members and any resolution so circulated and approved by a simple majority shall be as effective and binding if such resolutions had been passed at a meeting of the Board.

(4) Where in the opinion of the Director or the Chairperson the situation so demands that an immediate decision needs to be taken in the interest of the Institute the Chairperson, on the recommendation of the Director may issue such orders as may be necessary, provided that such orders will be submitted for ratification of the Board either through circulation or at the next meeting.

(5) The Chairperson shall exercise such powers and perform such other duties as may be assigned to him by this Bill, Statutes, or by resolution of the Board of Governors.

Appointment of
Director and Deputy
Director

21.(1) The Director of a Govt Institute will be appointed by the Visitor, on whose directions the Board will issue an order of appointment; and in case of the N-PPP institute the Director will be appointed by the Board thereof.

(2) The Deputy Director Dean (A) and Dean (R&D)will be appointed by the Board of Governors on recommendations of the Director and on such terms and conditions as may be laid down by the Statutes. Theywill exercise such powers and perform such duties as may be assigned to themby this Bill, the Statutes or the Director, with the approval of the Chairperson.

(3) The Director shall be the principal academic and executive officer of the Institute and shall be responsible for proper administration of the Institute and for imparting of instruction and maintenance of discipline therein.

(4) The Director shall submit annual reports and accounts to the Board, provided that the Chairperson may require him to submit such special or periodical reports as may be deemed fit.

(5) The Director shall exercise such powers and perform such other duties as may be assigned to him by this Bill, the Statutes or ordinances or the Board of Governors by resolution

(6) If, in the opinion of the Director, the situation is of an emergent nature and it is necessary to take immediate action thereon he may, for reasons to be recorded in writing, exercise any power conferred upon any authority of the Institute, other than the Chairperson and to take necessary action, provided that he shall, as soon as may be possible, report the entire matter to the Chairperson, whose decision thereon will be final.

Appointment of Registrar

22. (1) The appointment of the Registrar of each Institute shall be on such terms and conditions as laid down by the Statutes. He will be the custodian of records, the common seal, the funds of the Institute and the property of the Institute, as the Board shall commit to his charge.

(2) Subject to general direction and control of the Director, the Registrar will be responsible for and accountable to the Director for the proper administration of the Institute and will exercise powers therefor as may be assigned to him by the Act, Statutes or the Director by general or special order

(3)The Registrar shall be ex-officio Secretary of the Board, such committee as may be prescribed by Statutes.

(4) The Registrar shall exercise such other powers and perform such other duties as may be assigned to him by this Act, the Statutes, the Board of Governors or the Director and in performing such duties and exercising such powers he shall be responsible to the Director for the proper discharge of his functions.

Other authorities and officers

23.The Powers and duties of officers other than those herein before mentioned shall be determined by the Statutes.

Grants by Central Government

24.For the purpose of enabling the Institutes to discharge its functions efficiently under this Act, the Central Government may after due appropriation made by Parliament by law in this behalf, pay to each Institute in each financial year such sums of money and in such manner as it may think fit.

Funds of the Institute

25.(1) Every Institute shall maintain a fund to which shall be credited :

- (a) all money provided by the Central Government or State Govt
- (b) all fees and other charges received by the Institute
- (c) all money received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers and from the Private Partner, if any.
- (d) all money received by the Institute in any other manner or from any other source.

(2) All money credited to the Fund of any Institute shall be deposited in such banks or invested in such manner as the Director may decide.

(3) The Fund of any Institute shall be applied towards meeting the expenses of the Institute, including expenses incurred in the exercise of its powers and discharge of its duties under this Act.

Accounts and Audit

26.(1) Every Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance sheet, in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India for Govt Institutes, and by the Board for N-PPP institute.

(2) The accounts of every Govt. Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

The accounts of every N-PPP Institute shall be audited by a chartered accountant as specified in societies act.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of any Govt. Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Institute.

(4) The accounts of every Govt. Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

(5) Every Govt. Institute may appoint a statutory auditor for audit of its accounts, without derogating from the provisions of section 26 (2), (3) and (4).

Pension and Provident Fund

27.(1) Every Institute shall constitute for the benefit of its employees, including the Director in such manner and subject to such conditions as may be prescribed by the Statutes, such pension, insurance and Provident Funds as it may deem fit, provided that the Central Government may declare that the provisions of the Provident Fund Act, 1925 shall apply to such Provident Fund as if it were a government Provident Fund.

Appointments

28.All appointments on the staff of any Institute, except that of the Director, shall be made in accordance with the procedure laid down in the Statutes, by –

(a) The Board, if the appointment is made on the academic staff in the post of Associate Professor or above or if the appointment is made on the non-academic staff in any cadre the maximum of the pay scale for which shall be as prescribed in the Statutes from time to time.

(b) By the Director, in other cases.

Statutes

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

- (a) the conferment of honorary degrees;
- (b) the formation of departments / divisions of teaching;
- (c) the fees to be charged for courses of study in the Institute and for admission to the examinations of degrees and diplomas of the Institute;
- (d) the institution of fellowships, scholarships, exhibitions, medals and prizes ;
- (e) the term of office and the method of appointment of officers of the Institute;
- (f) the qualifications of teachers of the Institute;
- (g) the classifications, the method of appointment and the determination of the terms and conditions of service of teachers and other staff of the Institute,
- (h) the constitution of pension, insurance and provident funds, for the benefit of the officers, teachers and other staff of the Institute;
- (i) the constitution, powers and duties of the authorities of the Institute;
- (j) the establishment and maintenance of halls and hostels;
- (k) the conditions of residence of students of the Institute and the levying of fees for residence in the halls and hostels and of other charges ;
- (l) the manner of filling vacancies among members of the Board;
- (m) the allowances to be paid to the Chairman and members of the Board;
- (n) the authentication of the orders and decisions of the Board;
- (o) the meetings of the Board, the Senate, or any Committee, the quorum at such meetings and the procedure to be followed in the conduct of their business;
- (p) any other matter which by this Bill as to be or may be prescribed by the Statutes.

Statutes, how made

30.(1) The first Statutes of each Govt Institute shall be framed by the Council with the previous approval of the Visitor and a copy of the same shall be laid as soon as may be before each House of Parliament.

A model Statute for the N-PPP Institute shall be framed by the Board of each N-PPP Institute.

(2) The Board may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided.

(3) Every new Statute or addition to the Statutes or any amendment or repeal of Statute in case of Govt. Institute shall require the previous approval of the Visitor who may assent thereto or withhold assent or remit it to the Board for consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute in a Govt. Institute shall have no validity unless it has been assented to by the Visitor .

Ordinances

31. Subject to the provisions of this Bill and the Statutes, the Ordinances of each Institute may provide for all or any of the following matters, namely :-

- (a) the admission of the students to the Institute;
- (b) the courses of study to be laid down for all degrees and diplomas of the Institute;
- (c) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the Institute, and shall be eligible for degrees and diplomas;
- (d) the conditions of award of the fellowships, scholarships, exhibitions, medals and prizes;
- (e) the conditions and mode of appointment and duties of examining bodies, examiners and moderators;
- (f) the conduct of examinations;
- (g) the maintenance of discipline among the students of the Institute; and
- (h) any other matter which by this Bill or the Statutes is to be or may be provided for by the Ordinances.

Ordinance how made

- 32.(1) Save as otherwise provided in this section, Ordinances shall be made by the Senate.
- (2) All Ordinances made by the Senate shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Board and shall be considered by the Board at its next succeeding meeting.
- (3) The Board shall have power by resolution to modify or cancel any such Ordinance and such Ordinance shall from the date of such resolution stand modified accordingly or cancelled, as the case may be.

Chapter III

THE COUNCIL

Council of IIITs

- 33.(1) In order that there may be better coordination between the Institutes the Central Government may, by notification in the Official Gazette, establish a central body to be called the Council of IIITs. It will come into effect from the date specified in notification. The Council will hereinafter be referred to as the Council for the sake of convenience.
- (2) The Council shall consist of the following members :
 - (a) The Minister incharge of technical education in the Central Government, *ex-officio*, as Chairperson ;
 - (b) An eminent academic retired or serving as Vice Chairperson;
 - (c) The Secretary incharge of technical education in the Central Government, *ex-officio*;
 - (d) The Chairperson of each Institute, *ex-officio*;
 - (e) The Director of each Institute, *ex-officio*;
 - (f) The Director-General, Council of Scientific and Industrial Research, *ex-officio*;
 - (g) Chairperson, All India Council for Technical Education, *ex-officio*;
 - (h) The Director, Indian Institute of Science, Bangalore;
 - (i) Three persons to be nominated by the Central Government, one

to represent the Ministry concerned with technical education, Finance and Information Technology

- (j) Three persons to be nominated by the Visitor, who have special knowledge of or practical experience in respect of education, industry, science, technology or administration, finance and information technology.
- (k) Three persons from the IT industry to be nominated by the Council.
- (l) One person from civil society to be nominated by the Council.

(3) There will be a Secretariat of the Council and the Secretary of the Council shall be nominated by the Council.

Secretariat of the Council

34.(1) Save as otherwise provided in this section, the term of office of a member of the Council shall be three years from the date of his nomination;

Terms of office of member

(2) The term of office of an ex-officio member shall continue so long as he holds the office by virtue of which he is a member.

(3) A member of the Council referred to in clause (i) of sub-section (2) of section 34 shall hold office during the pleasure of the Central Government.

(4) The term of office of a member nominated to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he has been nominated;

(5) Notwithstanding anything contained in this section an outgoing member shall, unless the Central Government otherwise directs, continue in office until another person is nominated as a member in his place;

(6) The members of the Council shall be paid such travelling and other allowances by the Central Government as may be determined by that Government, but no member shall be entitled to any salary by reason of this sub-section.

35.(1) It shall be the general duty of the Council to coordinate the activities of all the Institutes and to advise the Visitor thereon;

Functions of the Council

(2) Without prejudice to the provisions of sub-section (1), the Council shall perform the following functions:-

- (a) to broadly advise on areas of specialization and specific concern of each of the Institutes;
- (b) to advise on matters relating to the duration of courses, the degrees and other academic distinctions to be conferred by the institutes, admission standards and other academic matters;

- (c) to advise on the policy regarding cadres, methods of recruitment and conditions of service of employees, institution of scholarship and freeships, levying of fees and other matters of common interest;
- (d) to examine the development plan of each Institute, give broad approval of the plan and to indicate the financial implication of such plans;
- (e) to examine the annual budget estimates of each Institutes and to recommend to the Central Government the allocation of funds for that purpose;
- (f) to advise the Visitor, if so required in respect of any function to be performed by him under this Act;
- (g) To recommend the establishment of new Institutes under N-PPP mode;
- (h) The Council may appoint such Committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act.
- (i) to perform such other function as are assigned to it by or under this Bill or by general or special order of the Visitor.

Provided that nothing in this section will derogate the powers and functions vested by law in the Board of Governors and the Senate and other statutory authorities under section 10 of each Institute.

The Chairperson of the Council

- 36.(1) The Chairperson of the Council shall ordinarily preside at the meetings of the Council;
- (2) It shall be the duty of the Chairperson of the Council and, subject to his directions, of the Vice Chairperson to ensure that the decisions taken by the Council are implemented;
- (3) The Chairperson shall exercise such of the powers and perform such of the duties as are assigned to him by this Act.

Rules

- 37.(1) The Central Government may make rules to carry out the purposes of this chapter;
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
 - (a) the manner of filling vacancies among the members of the Council;
 - (b) the disqualification for being chosen as and for being a member of the Council;
 - (c) the circumstances in which and the authority by which members may be removed;

- (d) the meetings of the Council and the procedures of conducting business thereat;
- (e) the travelling and other allowances payable to members of the Council
- (f) the functions of the Council and the manner in which such functions may be exercised.
- (g) acceptance of proposals for establishment of N-PPP Institutes.

Chapter IV

MISCELLANEOUS

Establishment of Institutes of Information Technology under Public and Private Partnership

38. To address the increasing skill challenges of the Indian IT industry and growth of the domestic IT market, the Central Government may establish under this Bill Indian Institutes of Information Technology in the not-for-profit Public and Private Partnership mode with particular stress on general as well as selected aspects of the technology as may be deemed appropriate.

The specific purpose, constitution of Governing Bodies, powers, functions, funding and other aspects of running such Institutes shall be separately and specifically provided in the Statutes

Council shall have powers to consider proposals for establishment of new institutes under N-PPP mode by private partners, state govt. and central govt., and give its approval after examination under a due process to be provided in the rules.

Acts and proceedings not to be invalidated by vacancies etc.

39. No act of the Council, or any Institute, Board or Senate or any other body set up under this Bill or the Statutes shall be invalid merely by reason of :-

- (a) any vacancy in or defect in the constitution thereof;
- (b) any defect in the selection, nomination or appointment of a person acting as a member thereof;
- (c) any irregularity in its procedure not affecting the merits of the case;

Removal of the Director, member of a Board, Senate or Finance Committee of the Institute

40.(1) The Visitor may, by rules to be framed in this behalf by the Central Government, order the removal of the Director of a Govt. Institute or of any member of a duly constituted authority of a Govt. Institute on charges relating to moral turpitude, unbecoming conduct, gross indiscipline, conflict of interest or any other ground provided in the rules;

(2) The Director of a Govt. Institute shall not be removed from office without charges being served on him specifying the grounds for the proposed removal from office, with an opportunity being afforded to him to explain his conduct and reply to the charges. The Visitor shall pass orders in this behalf taking into consideration an enquiry to be held by a committee consisting of:-

(a) a Chairperson appointed by the Visitor not below the rank of a serving or retired Secretary to the Government of India or Chief Secretary of a State;

(b) a person appointed by the Visitor who shall be a Director of an Indian Institute of Technology, or has held the post in the past;

(c) a person appointed by the Visitor who shall be the Director of an Indian Institute of Management or has held the post in the past.

(3) no member of a duly constituted authority of a Govt. Institute may be removed without being given an opportunity to be heard by a person nominated by the Visitor in this behalf.

(4) In case of N-PPP Institute, the powers for removal of the Director will rest with the respective Board.

41. If any defect arises in giving effect to the provisions of this Bill the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may be necessary or expedient for removing the difficulty.

Power to remove
difficulty

Provided that no such order shall be made after the expiry of a period of two years from the date of which this Bill receives assent of the President.

Provided further every order made under this section shall as soon as may be after it is made, be laid before each of Houses of Parliament.

42. Notwithstanding anything contained in this Bill—

Transitional provisions

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

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

(c) Until the first Statutes and the Ordinances are made under this Act, the rules, regulations and byelaws at present prevailing in each Institutes will be deemed to be Statutes and Ordinance of that institute, except to the extent of any inconsistency with the provisions of this Act.

THE SCHEDULE

(SEE SECTIONS 3 (C), (G), (M) AND SECTION 4(1))

LIST OF CENTRAL INSTITUTIONS INCORPORATED INTO THE BILL

Sl. No.	Society	Corresponding Institute
1	2	3
1.	Indian Institute of Information Technology, Allahabad Society	Indian Institute of Information Technology, Allahabad Deoghat, Jhalwa, Allahabad – 211 012 (U.P.), India
2.	Atal Bihari Vajpayee Indian Institute of Information Technology and Management, Gwalior Society	Atal Bihari Vajpayee Indian Institute of Information Technology and Management, Gwalior Morena Link Road, Gwalior, India - 474010
3.	Pandit Dwarka Prasad Mishra Indian Institute of Information Technology, Design & Manufacturing Jabalpur Society	Pandit Dwarka Prasad Mishra Indian Institute of Information Technology, Design & Manufacturing Jabalpur Dumna Airport Road, P.O.: Khamaria, Jabalpur - 482005, Madhya Pradesh, India
4.	Indian Institute of Information Technology, Design & Manufacturing, (IIITD&M) Kancheepuram Society	Indian Institute of Information Technology, Design & Manufacturing, (IIITD&M) Kancheepuram Near GATE Office Indian Institute of Technology Madras Campus (IITM), Chennai 600036, Tamil Nadu, India

Statement of objects and reasons:

1. With India as having emerged as one of the most important nations in the field of information technology and its applications, there is a need to generate high level research manpower and produce research and technology which can contribute significantly to the global competitiveness of key sectors of the Indian economy and industry related to IT (including both information technology and communication technology).
2. It was decided therefore to setup institutes of information technology as research led institutions. Besides working on high level research and technology development in the area of IT, they would also be focused on applied research and education in selected domain areas such as manufacturing, drug development, health, energy, economics, society and public policy, etc. These institutes will also provide holistic education combining humanities and social sciences with special emphasis on human values.
3. FOUR number of Indian Institutes of Information Technology were set up by the central government as duly constituted societies registered under the Societies Registration Bill in the last decade in order to create dedicated, deemed universities for imparting high level technical and management education in the newly emerging areas of information technology and communication technology.
4. At the same time, a few institutes were estup as deemed universtiies in a not-for-profit public private partnership (N-PPP) mode in which the state governments (AP and Karnataka) provided land and buildings, with the institutions raising their own recurring operating expenses. These were managed by professionals from academics and research under the guidance of fully empowered boards of governors, with representatives of government as well as industrial partners. Whereas the Board also consists of representatives from different sections of soeity, the institute functions as a public universitiy setting high standards in teaching, research, technology development and societal impact.

5. It is proposed now that a law be enacted to achieve twin objectives
 1. to declare the above FOUR government institutions as institutions of national importance, retaining the individuality and autonomy of each institute; making provisions for coordination and regulation of the affairs of these institutes; and empowering these institutes to grant degrees, diplomas and other academic distinction,
 2. to allow the setting up of institutes in public private partnership mode which can function with complete autonomy and at the same time with professionalism and integrity.

The bill seeks to achieve this object.