



PARLIAMENT OF INDIA
RAJYA SABHA

228

**DEPARTMENT - RELATED PARLIAMENTARY
STANDING
COMMITTEE ON HUMAN RESOURCE DEVELOPMENT**

TWO HUNDRED TWENTY-EIGHTH REPORT

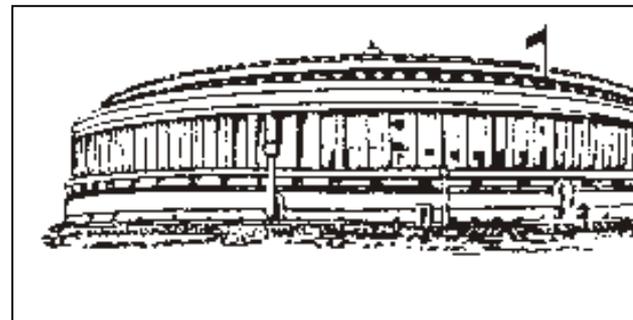
ON

THE INSTITUTES OF TECHNOLOGY (AMENDMENT) BILL, 2010

**(PRESENTED TO THE RAJYA SABHA ON 26TH NOVEMBER, 2010)
(LAID ON THE TABLE OF LOK SABHA ON 26TH NOVEMBER, 2010)**

**RAJYA SABHA SECRETARIAT
NEW DELHI**

NOVEMBER, 2010/AGRAHAYANA, 1932 (SAKA)



Website:<http://rajyasabha.nic.in>
E-mail:rsc-hrd@sansad.nic.in

PARLIAMENT OF INDIA RAJYA SABHA

DEPARTMENT - RELATED PARLIAMENTARY STANDING
COMMITTEE ON HUMAN RESOURCE DEVELOPMENT

TWO HUNDRED TWENTY-EIGHTH REPORT

ON

THE INSTITUTES OF TECHNOLOGY (AMENDMENT) BILL, 2010

(PRESENTED TO THE RAJYA SABHA ON 26TH NOVEMBER, 2010)
(LAID ON THE TABLE OF LOK SABHA ON 26TH NOVEMBER, 2010)



RAJYA SABHA SECRETARIAT
NEW DELHI
NOVEMBER, 2010/AGRAHAYANA, 1932 (SAKA)

CONTENTS

		PAGES
1.	COMPOSITION OF THE COMMITTEE.....	(i)-(ii)
2.	PREFACE	(iii)
3.	REPORT	1-9
4.	OBSERVATIONS/RECOMMENDATIONS OF THE COMMITTEE — AT A GLANCE	10-14
5.	MINUTES	15-20
6.	ANNEXURE	21-36

**COMPOSITION OF THE COMMITTEE ON HRD
(2010-11)**

RAJYA SABHA

1. Shri Oscar Fernandes — *Chairman*
2. Shrimati Mohsina Kidwai
3. Dr. K. Keshava Rao
4. Shri Prakash Javadekar
5. Shri M. Rama Jois
6. Shri Pramod Kureel
7. Shri N.K. Singh
8. Shrimati Kanimozhi
9. Dr. Janardhan Waghmare
10. Shri N. Balaganga

LOK SABHA

11. Shri Kirti Azad
12. Shri P.K. Biju
13. Shri Jeetendra Singh Bundela
14. Shri Angadi Suresh Chanabasappa
15. Shrimati J. Helen Davidson
16. Shri P. C. Gaddigoudar
17. Shri Rahul Gandhi
18. Shri Deepender Singh Hooda
19. Shri Prataprao Ganpatrao Jadhao
20. Shri Suresh Kalmadi
21. Shri P. Kumar
22. Shri Prasanta Kumar Majumdar
23. Capt. Jai Narain Prasad Nishad
24. Shri Sheesh Ram Ola
25. Shri Tapas Paul
26. Shri Brijbhushan Sharan Singh
27. Shri Ashok Tanwar
28. Shri Joseph Toppo
29. Dr. Vinay Kumar Pandey 'Vinnu'
30. Shri P. Viswanathan
31. Shri Madhu Goud Yaskhi

SECRETARIAT

Shrimati Vandana Garg, Additional Secretary

Shri Arun Sharma, Joint Director

Shri Sanjay Singh, Assistant Director

Shrimati Himanshi Arya, Committee Officer

Shrimati Harshita Shankar, Committee Officer

PREFACE

I, the Chairman of the Department-related Parliamentary Standing Committee on Human Resource Development, having been authorized by the Committee, present this Two Hundred and Twenty-eighth Report of the Committee on the Institutes of Technology (Amendment) Bill, 2010*.

2. The Institutes of Technology (Amendment) Bill, 2010 was introduced in the Lok Sabha on 30 August, 2010. In pursuance of Rule 270 relating to Department-related Parliamentary Standing Committees, the Chairman, Rajya Sabha in consultation with the Speaker, Lok Sabha referred** the Bill to the Committee on 15 September, 2010 for examination and report within three months.

3. The Committee considered the Bill in two sittings held on 1 October, and 25 November, 2010.

4. On 1 October, 2010, the Committee heard the Secretary, Department of Higher Education on various provisions of the Bill.

5. The Committee, while drafting the Report, relied on the following:—

- (i) Background Note on the Bill and Note on the clauses of the Bill received from the Department of Higher Education;
- (ii) Presentation made and clarifications given by the Secretary, Department of Higher Education; and
- (iii) Feedback received from the Department on the questionnaire and the issues raised by the Members during the course of the oral evidence of the Secretary.

6. The Committee considered the Draft Report on the Bill and adopted the same in its meeting held on 25 November, 2010.

7. For facility of reference, observations and recommendations of the Committee have been printed in bold letters at the end of the Report.

NEW DELHI;
November 25, 2010
Agrahayana 4, 1932 (*Saka*)

OSCAR FERNANDES
Chairman,
Department-related Parliamentary
Standing Committee on Human Resource Development.

* Published in Gazette of India Extraordinary Part II Section 2 dated the 30th August, 2010.

**Rajya Sabha Parliamentary Bulletin Part II No. 47661 dated the 15th September, 2010.

REPORT

I. INTRODUCTION

1.1 The Institutes of Technology (Amendment) Bill, 2010 was introduced in the Lok Sabha on 30 August, 2010 and referred to the Department-related Parliamentary Standing Committee on Human Resource Development on 15 September, 2010 for examination and report thereon.

1.2 The Institutes of Technology Act, 1961 was enacted by the Parliament in December, 1961 to declare certain Institutes of Technology to be the institutions of national importance. There were seven IITs situated at Kharagpur, Bombay, Delhi, Kanpur, Madras, Guwahati and Roorkee in the beginning of the Eleventh Plan which were governed by the afore mentioned Act. The Cabinet in its meeting held on 17 July, 2008 approved the establishment of eight more IITs at Bhubaneswar, Gandhinagar, Hyderabad, Patna, Jodhpur, Ropar, Mandi and Indore. All the eight new IITs have been registered as societies under the Societies Registration Act, 1860, pending their inclusion in the Institutes of Technology Act, 1961.

1.3 The Government of India in pursuance of its overall vision to have more Indian institutes of technology level institutions in the country had constituted an Expert Committee to identify certain academic institutions which had the potential for being upgraded to the level of the Indian Institutes of Technology. The Institute of Technology, Banaras Hindu University was identified as one of such institutions. 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.

1.4 The Institutes of Technology (Amendment) Bill, 2010 seeks to amend the Institutes of Technology Act, 1961 with a view to achieve the following objectives:—

- (a) to include eight new Indian Institutes of Technology and declare them as institutions of national importance;
- (b) to declare the Institute of Technology, Banaras Hindu University as an institution of national importance and integrate it with the Indian Institutes of Technology system;
- (c) to empower the Central Government to notify 'Zones' in the country for advising the State Government and the Union territory included in its zone in the matter of technical education and any technical issue referred by them to the institute for advice;
- (d) to cast upon the Indian Institutes of Technology, a duty to support States or Union Territories technologically in their 'Zones' and address their technological problems; and
- (e) to incorporate the newly set up Indian Institutes of Technology and Indian Institute of Technology (Banaras Hindu University), Varanasi under the provisions of the Act.

1.5 The Secretary, Department of Higher Education during her presentation before the Committee stated that the mandate of the Department was to enhance access, equity and quality of higher education in the country and the existing IITs were the prime example in this direction. The proposed legislation before the Committee indicated a significant step in fulfilling the aspirations of young

students so far as higher education is concerned. The Committee was informed that the objective for bringing about the present amendments in the Institutes of Technology Act, 1961 was three-fold. The primary objective was to include the eight-plus one institutions under the Umbrella Act. Secondly, it would empower the Central Government to notify zones in the country for IITs to be able to advise State Governments and oversee technical education institutions in the States and Union territories. Lastly, the IITs would also be entrusted with the responsibility to oversee technological problems of the States/Union territories located in the zone placed in their charge. The Secretary drew the attention of the Committee to the fact that with the enhanced number of IITs, it would be possible to achieve the objective of increasing the Gross Enrolment Ratio (GER) in higher education.

1.6 About the Department's preparedness with respect to infrastructure, faculty and the contingency plan with respect to the eight new IITs, it was informed that the Department was getting adequate support from the State Governments in providing infrastructure till permanent campus/site for these institutions was earmarked. It was further informed that the Department was committed to providing infrastructure and faculty to the students on a year-wise basis so as to ensure that the entire teaching-learning process could continue without any hindrance. As for the conversion of Institute of Technology, Banaras Hindu University into an IIT and its having a separate structure, it was informed that in order to conform to the recommendations of the Yash Pal Committee, the Department has been endeavoring to ensure that multiple disciplines were taught in all the institutions of the higher education. As IT, BHU already had the history of teaching multiple disciplines, it was advisable that it should be integrated with IIT system for synergy and at the same time retain its linkage with the parent institution.

II. CONSULTATION PROCESS

2.1 The Committee was informed that all the concerned Ministries/Departments *i.e.* the Department of Expenditure, Ministry of Finance, Department of Legal Affairs and Legislative Department, Ministry of Law & Justice, Ministry of Science & Technology and the Planning Commission were consulted with regard to the proposed amendments in the Institutes of Technology Act, 1961. Committee's attention was drawn to a very specific suggestion made by the Planning Commission, *i.e.* instead of amending the Act again and again, a thorough review of the Act was required so as to include all features that were necessary in the current context. Following broad indicators were highlighted by the Planning Commission in this regard:

- the amendments should be comprehensive enough to reflect the global best practices and norms and standards of governance, finance, teaching, research, collaboration etc.
- they should prescribe core performance indicators in order to optimize return on public investments and for ensuring public accountability.
- scope for creativity and innovation also needed to be provided.

2.2 On being asked to clarify the reasons for not going for a holistic review of the Act, especially in the light of specific recommendation made by the Planning Commission, the Department informed that the present legislation had a limited objective of incorporating the eight new IITs along with IIT, BHU (Varanasi) in the IT Act 1961, at the earliest. Any thorough or comprehensive review of the Act would have required discussion with the IIT Council/Standing Committee of the IIT Council as well as other experts which would have been a prolonged exercise. The Committee was also given to

understand that only limited amendments were being brought for the present, keeping in view the interest of students of Institute of Technology, BHU (Varanasi) who have to be awarded degree in a short span of time.

2.3 The Committee observes that the Institutes of Technology Act had been in force for more than fifty years. During such a long period of its implementation, both the Department and different IITs would have received valuable suggestions for bringing in amendments in the Act. Not only this, with phenomenal advancement in technical education across the globe, our premier technical institutions like IITs needed to function, keeping pace with the fast changing scenario. The Committee would, accordingly, like to emphasize that the institutes of technology were required to function on a larger scale by adopting inter-disciplinary approach, collaborating with other institutions and were supposed to be the institutes of national importance. It would be, therefore, advisable to undertake a comprehensive review of the Act to include all such features that may bring these IITs at par with global practices, norms and standards of governance, finance, teaching, research and collaboration.

2.4 The Committee is happy to note that the Department has already constituted a Committee under the Chairmanship of Prof. Anil Kakodkar in February, 2010 to suggest a roadmap for the autonomy and future of the IITs which *inter-alia* would also review the Institutes of Technology Act, 1961. It was further informed that Kakodkar Committee was likely to submit its Report by the end of November, 2010 after which a comprehensive amendment of the Institutes of Technology Act may be undertaken.

III. Committee's observations/recommendations on various clauses of the Bill are given in the succeeding paragraphs:

Clause 2 : Amendment of Section 2

3.1 Clause 2 of the Bill seeks to amend section 2 of the Act relating to 'Declaration of certain Institutions as Institutions of national importance by incorporating eight newly established IITs at Bhubaneswar, Gandhinagar, Hyderabad, Indore, Jodhpur, Mandi, Patna and Ropar under the Act along with the Institute of Technology (Banaras Hindu University), Varansi.

3.2 The Committee in principle welcomes the inclusion of eight newly established IITs and conversion of IT, BHU into the system of IITs. The Committee hopes that concerted efforts would be made by all concerned to make these institutions 'institutions of national importance' in the real sense.

Clause 3: Section 3: Definitions

3.3 Clause 3 of the Bill seeks to insert a definition of the term 'zone' as follows:---

'(m) "zone" in relation to an Institute, means such group of States and Union territories as the Central Government may by notification in the Official Gazette, specify.'

3.4 On a specific query about the criteria for deciding the different zones, the Committee was informed that as per section 11 (c) of the Institutes of Technology Act, 1961, Board of Governors of IIT, *inter-alia* includes one person nominated by the Government of each of the State comprising the zone in which the institute was situated. As per the explanation given below this section, the expression 'zone' meant a zone for the time being demarcated by All India Council for Technical

Education for the purpose of the Act. Establishment of eight new IITs on 17th July, 2008 necessitated reconstitution of zones. Accordingly, zones have been reconstituted to ensure State representation on the Boards of Governors of IITs taking into account principles of continuity and avoidance of duplication. In view of the incorporation of definition of the term 'zone' under section 2 relating to 'Definitions', Explanation given under section II(c) was proposed to be deleted.

3.5 The Committee observes that earlier the seven IITs at Delhi, Kanpur, Kharagpur, Roorkee, Bombay, Madras and Guwahati were covering the entire country. Now with eight more IITs at various places, distribution of States and Union territories would be more balanced. While making a comparative analysis of the existing zones and reconstituted zones, the Committee finds that with the exception of IIT, Guwahati, number of States/UTs falling under the jurisdiction of other existing IITs has been reduced. The Committee would, however, like to point out that while IIT, Roorkee (earlier University of Roorkee) which was earlier having Himachal Pradesh, Haryana and Uttaranchal states has been assigned now Haryana and Uttarakhand, there is no mention of any zone with respect to IIT (Banaras Hindu University) Varanasi. Reasons for this exception are not known to the Committee. The Committee would like to point out that the immediate impact of this omission would be that the Board of Governors of IIT (Banaras Hindu University) Varanasi would not be having a State nominee. Secondly, the proposed amendments in section 6 relating to 'Powers' of Institute' whereunder every IIT is envisaged to support and collaborate with technical institutions located in the zone and advise the State Government/UT in its zone in the matter of technical education would not be applicable on IIT (Banaras Hindu University) Varanasi. The Committee, accordingly, recommends that corrective steps in this direction need to be taken by bringing in required modification in the proposed amendments.

Clause 7: Section 6: Powers of Institute

3.6 Section 6 of the Act specifies the powers and duties to be performed by every Institute of Technology. Clause 7 of the Bill seeks to insert sub-clauses (ma) and (mb) after clause (m) in section 6 as indicated below:

“6(1) Subject to the provisions of this Act, every Institute shall exercise the following powers and perform the following duties, namely:—

* * *

(ma) supporting and collaborating with technical education institutions located in the zone with a view to enhance their quality and capability;

(mb) advising the State Government and the Union territory included in its zone in the matter of technical education and any technological issue referred by them to the Institute for advice.”

Both the provisions seek to cast upon the IITs additional duties of supporting and collaborating with technical education institutions and advising the States in technical education matters within the zone they are situated.

3.7 The Committee takes note of the reservations of the Ministry of Finance which had pointed out that by virtue of these new clauses, an obligation had been cast upon the IITs to strive to meet the technological needs of the States in their zone as they would be required to

provide training, facilitate study visits, share laboratory and other resources with technical education institutions located in their zones. Not only this, the new clauses would considerably constrain the autonomy of these Institutes by making the duty mandatory and forcing the Institutes to undertake activities for which they may not be having the capacity. It was also pointed out by the Ministry of Finance that undertaking activities as envisaged in proposed sub-clauses (ma) and (mb) may further constrain the resources of the Institutes in performing their primary duties of imparting technical education and carrying out research. The Ministry had, accordingly, recommended the deletion of these new clauses. Alternatively, the Ministry had suggested to have a separate sub-section (2) of section 6 and the use of the word 'may' in place of the word 'shall', thereby removing the mandatory element from the responsibilities proposed to be assigned to the IITs.

3.8 The Committee also takes note of the views of the Ministry of Science and Technology which had observed that the proposed duty of meeting the technological needs of the States/UTs appeared good in principle. However, a larger support system would be required for IITs in terms of increased number of faculty members, well-equipped labs with larger space capacity etc.

3.9 The Committee observes that the written feedback furnished to it by the Department clearly indicates that it had found merit in the alternate provision in respect of clause 6(1) (ma) and (mb) as suggested by the Ministry of Finance. The Committee also takes note of the alternate provision section 6(1A) formulated by the Department in response to reservation expressed by the Ministries of Finance and Science and Technology. The Committee is, however, somewhat surprised by the entirely different stand subsequently taken by the Department in response to a specific query raised by it in this regard.

3.10 The Committee was informed that while drafting the Bill it was felt that a distinction between the other duties and powers of the Institute as listed in Section 6 (1) of the Act may not be required as the proposed amendment was only advisory in nature. It was further informed that even the present dispensation of the word 'shall' in section 6 had not constrained the functioning of the IITs in terms of time or resources. The Department emphasized that before incorporating clauses (ma) and (mb) in section 6 of the Act, the IITs were fully consulted and the Council of IITs decided to amend section 6 of the IT Act, 1961 to cast upon IITs the duty to Support the State and Union Territories situated in their zone. It was the Council of IITs which suggested that IIT may strive to meet technological needs of the States and Union Territories within their zones which would include supporting and collaborating with technical education institutions and also to advise State Governments and Union Territories in the matter of technical education and technological problems referred by them to the Institute for advice.

3.11 The Committee is not against the idea of IITs supporting and collaborating with technical education institutions located in their zones(s) or attending to the technological problems of the States, provided the issues of resources, capacity and faculties are addressed beforehand appropriately. Further, the technical education institutions themselves should also have the vision to deal with the new demands of the society and the industry. The Committee is, however, not inclined to agree with the Department's view on the usage of the word 'shall' in both the clauses (ma) and (mb) that the intention of the drafting was that the State Governments and Union Territory Administrations could seek the advice of the IITs on technological matters.

While 'shall' pertains to the rest of the section so far as clauses (ma) and (mb) were concerned they were both advisory in nature. The Committee would like to point out that section 6(1) where the proposed clauses (ma) and (mb) are to be added enlists the powers and duties of the IITs which are mandatory in nature due to the use of the word 'shall'. Therefore, it cannot be concluded that the clauses are advisory in nature. In view of the above, the Committee recommends that after section 6(1), section 6(IA) as indicated below may be added:

“(1A) subject to the provisions of this Act, every Institute may also perform the following duties namely:---

To strive to meet the technological needs of the States and Union Territories included in its zone by, *inter alia*:

- (i) Supporting and collaborating with technical education institutions located in the zone with a view to enhance their quality and capability,**
- (ii) Advising Governments of States and Union Territories included in the zone in the matter of technical education and regarding any technological problems referred by them to the Institute for advice.**

Clause 8: Section 11: Board of Governors

3.12 Clause 8 seeks to insert a proviso whereunder Board of Governors of IIT (BHU), Varansi shall consist of Vice-Chairman to be nominated after a period of three years from the commencement of the Institutes of Technology (Amendment) Act, 2010 and also two persons to be nominated by the Executive Council of BHU from amongst its members including its Vice Chancellor.

3.13 On being asked about the reasons for providing for the post of Vice-Chairman for IIT(BHU), Varansi, the Committee was informed that this addition was meant for keeping the linkage of IIT(BHU) with the Banaras Hindu University in some manner so that the inter disciplinary research could be given impetus. In this connection, it was suggested that the Vice-Chancellor of BHU could be the *ex-officio* Vice-Chairman of the new IIT, BHU. It was further informed that the post of Vice-Chairman was approved in view of consistent demand from IT(BHU), although the issue of creation of post of Vice-Chairman was not agreed to in the 40th meeting of the Council of IITs.

3.14 **The Committee is of the view that composition of the Board of Governors should be uniform for all the IITs. The Committee, however, observes that with the proposed amendments the Board of Governors of IIT(BHU) will be having, besides the Chairman and Vice-Chairman, nine members, with Vice-Chairman and two persons to be nominated by the Executive Council of BHU from amongst its members. Secondly, applicability of any zone in respect of IIT(BHU) being not clear, there will be no nomination from any State. In contrast, all the other IITs will be having besides a Chairman, seven members and State nominees, slightly varying in accordance with the zone assigned to them. The Committee is of the view that composition of the Board of Governors IIT(BHU) *vis-a-vis* other IITs needs to be reviewed. If the post of Vice-Chairman holds good for IT(BHU) it should prove viable for other IITs also. Secondly, linkage with BHU can be easily maintained by having one member to be nominated by the Executive Council of BHU.**

IV. Miscellaneous

4.1 Out of the eight new IITs, six IITs at Bhubaneswar, Gandhinagar, Hyderabad, Patna, Jodhpur and Ropar commenced their academic session in 2008-09 and the remaining two IITs at Indore and Mandi have started their academic session in 2009-10. The Committee observes that doubling the number of IITs from existing seven IITs to fifteen IITs will go a long way in enhancing the outreach of technical education for our young students. However, this initiative needs to be supplemented by making the new IITs fully functional in the real sense. Mere declaration of these Institutes as Institutions of national importance indicates only a quantitative achievement. Fulfilment of qualitative parameters of these new IITs does not seem to be feasible in the near future. The Committee is constrained to make such an observation in the light of their present status as intimated by the Department. Although site for the permanent campus for all the eight new IITs has been finalized, land has been handed over in respect of IIT, Hyderabad only. While the process of handing over of land for IITs at Patna, Bhubaneswar, Mandi and Indore is going on, the same is yet to start in respect of IITs at Jodhpur and Gandhinagar. No significant progress seems to have been made so far with the Master Plan being ready only in the case of IIT, Hyderabad. Against such a backdrop, the tentative dates of shifting of IITs to permanent campus ranging from December, 2011 to 2013 clearly indicates that the first batch of Engineering Graduates passing out from these IITs will not have the opportunity to avail the benefits of a well equipped, premier Institute. Present temporary campuses located at sites like Ordnance Factory or Polytechnics cannot be considered an ideal setting for institutions of national importance. The Committee, accordingly, recommends that time-bound action plan for getting ready the permanent campuses for the new IITs needs to be chalked out immediately, if not already done and constantly monitored by the Department in co-ordination with all the implementing agencies.

4.2 Shortage of faculty was the other crucial area that engaged the attention of the Committee. The Committee notes that the main objective of setting up a large number of IITs, being providing quality access in higher education, question of quality faculty arises naturally. The Committee is well aware of the fact that lack of qualified teachers is evident in all categories of higher education institutions, both in the private and Government Sector. Even the well-established IITs have been showing this disturbing trend.

4.3 On a specific query in this regard, the Committee was informed that the Department had been making concerted efforts in this regard. Some of the steps taken by the Department included increasing the retirement age for teachers; making the teaching career more attractive by offering better pay scales and service conditions, hiring teachers on contract basis and making the contract terms more flexible and simpler. In addition, the concept of 'mentor institutions' has been evolved which would make available teachers to the new IITs in the interregnum till the new Institution are able to come up on their own and get all infrastructure and faculty as per their requirements. **The Committee also takes note of the following initiatives taken by the Department for attracting qualified teachers for new IITs:**

- Faculty from abroad especially NRI and Overseas Indians are being brought in through a vigorous campaign through the alumni network.
- Provision for re-employment of superannuated teachers has already been implemented.

- Enhanced scholarships for Ph.D students to attract students to the teaching profession.
- Salary of faculty has been revised considerably after the 6th Pay Commission.

The Committee while welcoming the above initiatives would like to emphasize that IITs must also be equipped with facilities for best world practices in the context of research activities to be taken by their faculty.

4.4 The Committee observes that all the IITs, with the exception of IITs at Mandi (2009-10) and Indore (2009-10) have started their session from 2008-09. While the student intake has been showing an increasing trend in all the new IITs, the same cannot be said about the teachers. 30 teachers per year per IIT were required to be in place during the first three years. However, following details made available to the Committee depict a very discouraging scenario so far.

(As on 17/8/2010)

Name	Sanctioned Faculty	In Position	Vacancy
Strength			
IIT Gandhinagar	90	44	46
IIT Ropar	90	33	57
IIT Jodhpur	90	20	70
IIT Bhubaneswar	90	42	48
IIT Hyderabad	90	46	44
IIT Patna	90	44	46
IIT Mandi	60	16	44
IIT Indore	60	30	30

The Committee can well imagine the plight of students in these new IITs with quite a few of them being M-Tech or Ph.D students being made to pursue professional education in the absence of qualified and experienced faculty.

4.5 Not only this, the Committee views with serious concern status of Faculty in the well established IITs. Following details furnished by the Department are self-revealing:

(As on 17/8/2010)

Name	Sanctioned Faculty	In Position	Vacancy
Strength			
IIT Bombay	637	491	146
IIT Delhi	578	416	162

IIT Kanpur	484	349	135
IIT Kharagpur	870	530	340
IIT Madras	566	449	117
IIT Guwahati	340	260	80
IIT Roorkee	577	378	199

4.6 The Committee observes that a number of initiatives for attracting teachers have been taken/proposed to be taken by the Department. However, their impact does not seem to be reflected at the ground level as borne out by the details of faculty in place both at the existing and new IITs.

4.7 Nobody can deny the fact that an Institute of Technology can not become an Institute of National Importance unless it has the required number of qualified and experienced teachers. With further expansion in terms of number of higher education institutions, this problem would acquire a gigantic proportion. The Committee is of the firm opinion that this persistent problem area needs to be addressed on an urgent basis. The Committee is of the view that an effective monitoring mechanism may be evolved so as to ensure that all the initiatives taken/proposed to be taken for attracting teachers are implemented by all the IITs. Such initiatives also need to be given adequate publicity. The Committee would also like the Department to initiate a Faculty Recruitment Mission on a permanent basis to attract young people having potential to teach. Besides that, a well built system of in-house training facilities for faculty of IITs at regular interval also needs to be evolved.

4.8 The Committee further notes that as the order of the day is advancement of knowledge through inter-disciplinary interaction, it would make more sense if these institutes were made autonomous in the real sense of the term. The Committee while taking note of the Department's reply that IITs were guaranteed a complete autonomy and that they were free to frame their own curriculum, standards and conduct their learning-teaching exercise, would like to emphasize that if IITs are to be exceptional institutions, they should be allowed to grow as advanced education institutions keeping pace with the global levels.

4.9 The Committee would further like to place on record its concern about the objective of conversion of an Institute into an IIT. According to the Committee, this transformation can help an Institute/University in converting into an Institution of advanced study and research only if it was accompanied by an inter-disciplinary approach and collaboration in higher education otherwise the Institute and its inner content remains the same with only the nomenclature getting changed. The Committee, therefore, would like the Department to take note of its concern and ensure that these institutes are made to evolve as advanced institutions of teaching and research.

5. The Committee adopts the remaining clauses of the Bill without any amendments.
6. The enacting formula and the title are adopted with consequential changes.

7. The Committee recommends that the Bill may be passed after incorporating the Amendments/additions suggested by it.

8. The Committee would like the Department to submit a note with reasons on the recommendations/suggestions which could not be incorporated in the Bill.

OBSERVATIONS/RECOMMENDATIONS – AT A GLANCE

II. CONSULTATION PROCESS

The Committee observes that the Institutes of Technology Act had been in force for more than fifty years. During such a long period of its implementation, both the Department and different IITs would have received valuable suggestions for bringing in amendments in the Act. Not only this, with phenomenal advancement in technical education across the globe, our premier technical institutions like IITs needed to function, keeping pace with the fast changing scenario. The Committee would, accordingly, like to emphasize that the institutes of technology were required to function on a larger scale by adopting inter-disciplinary approach collaborating with other institutions and were supposed to be the institutes of national importance. It would be, therefore, advisable to undertake a comprehensive review of the Act to, include all such features that may bring these IITs at par with global practices, norms and standards of governance, finance, teaching, research and collaboration. (Para 2.3)

The Committee is happy to note that the Department has already constituted a Committee under the Chairmanship of Prof. Anil Kakodkar in February, 2010 to suggest a road map for the autonomy and future of the IITs which *inter-alia* would also review the Institutes of Technology Act, 1961. It was further informed that Kakodkar Committee was likely to submit its Report by the end of November, 2010 after which a comprehensive amendment of the Institutes of Technology Act may be undertaken. (Para 2.4)

III. Clause 2 : Amendment of Section 2

The Committee in principle welcomes the inclusion of eight newly established IITs and conversion of IT, BHU into the system of IITs. The Committee hopes that concerted efforts would be made by all concerned to make these institutions ‘institutions of national importance’ in the real sense. (Para 3.1)

Clause 3: Section 3: Definitions

The Committee observes that earlier the seven IITs at Delhi, Kanpur, Kharagpur, Roorkee, Bombay, Madras and Guwahati were covering the entire country. Now with eight more IITs at various places, distribution of States and Union territories would be more balanced. While making a comparative analysis of the existing zones and reconstituted zones, the Committee finds that with the exception of IIT, Guwahati, number of States/UTs falling under the jurisdiction of other existing IITs has been reduced. The Committee would, however, like to point out that while IIT, Roorkee (earlier University of Roorkee) which was earlier having Himachal Pradesh, Haryana and Uttaranchal States has been assigned now Haryana and Uttarakhand, there is no mention of any zone with respect to IIT (Banaras Hindu University) Varanasi. Reasons for this exception are not known to the Committee. The Committee would like to point out that the immediate impact of this omission would be that the Board of Governors of IIT (Banaras Hindu University) Varanasi would not be having a State nominee. Secondly, the proposed amendments in section 6 relating to ‘Powers’ of Institute’ whereunder every IIT is envisaged to support and collaborate with technical institutions located in the zone and advise the State Government/UT in its zone in the matter of technical education would not be applicable on IIT (Banaras Hindu University) Varanasi. The Committee,

accordingly, recommends that corrective steps in this direction need to be taken by bringing in required modification in the proposed amendments. (Para 3.5)

Clause 7 : Section 6: Powers of Institute

The Committee takes note of the reservations of the Ministry of Finance which had pointed out that by virtue of these new clauses, an obligation had been cast upon the IITs to strive to meet the technological needs of the States in their zone as they would be required to provide training, facilitate study visits, share laboratory and other resources with technical education institutions located in their zones. Not only this, the new clauses would considerably constrain the autonomy of these Institutes by making the duty mandatory and forcing the Institutes to undertake activities for which they may not be having the capacity. It was also pointed out by the Ministry of Finance that undertaking activities as envisaged in proposed sub-clauses (ma) and (mb) may further constrain the resources of the Institutes in performing their primary duties of imparting technical education and carrying out research. The Ministry had, accordingly, recommended the deletion of these new clauses. Alternatively, the Ministry had suggested to have a separate sub-section (2) of section 6 and the use of the word 'may' in place of the word 'shall', thereby removing the mandatory element from the responsibilities proposed to be assigned to the IITs. (Para 3.7)

The Committee also takes note of the views of the Ministry of Science and Technology which had observed that the proposed duty of meeting the technological needs of the States/UTs appeared good in principle. However, a larger support system would be required for IITs in terms of increased number of faculty members, well-equipped labs with larger space capacity etc.(Para 3.8)

The Committee observes that the written feedback furnished to it by the Department clearly indicates that it had found merit in the alternate provision in respect of clause 6(1) (ma) and (mb) as suggested by the Ministry of Finance. The Committee also takes note of the alternate provision section 6(1A) formulated by the Department in response to reservation expressed by the Ministries of Finance and Science and Technology. The Committee is, however, somewhat surprised by the entirely different stand subsequently taken by the Department in response to a specific query raised by it in this regard. (Para 3.9)

The Committee is not against the idea of IITs supporting and collaborating with technical education institutions located in their zones(s) or attending to the technological problems of the States, provided the issues of resources, capacity and faculties are addressed beforehand appropriately. Further, the technical education institutions themselves should also have the vision to deal with the new demands of the society and the industry. The Committee is, however, not inclined to agree with the Department's view on the usage of the word 'shall' in both the clauses (ma) and (mb) that the intention of the drafting was that the State Governments and Union Territory Administrations could seek the advice of the IITs on technological matters. While 'shall' pertains to the rest of the section so far as clauses (ma) and (mb) were concerned they were both advisory in nature. The Committee would like to point out that section 6(1) where the proposed clauses (ma) and (mb) are to be added enlists the powers and duties of the IITs which are mandatory in nature due to the use of the word 'shall'. Therefore, it cannot be

concluded that the clauses are advisory in nature. In view of the above, the Committee recommends that after section 6(1), section 6(IA) as indicated below may be added:

“(IA) subject to the provisions of this Act, every Institute may also perform the following duties namely:-

To strive to meet the technological needs of the States and Union territories included in its zone by, *inter alia*:

(iii) Supporting and collaborating with technical education institutions, located in the zone with a view to enhance their quality and capability,

(iv) Advising Governments of States and Union Territories included in the zone in the matter of technical education and regarding any technological problems referred by them to the Institute for advice. (Para 3.11)

Clause 8: Section 11: Board of Governors

The Committee is of the view that composition of the Board of Governors should be uniform for all the IITs. The Committee, however, observes that with the proposed amendments the Board of Governors of IT(BHU) will be having, besides the Chairman and Vice-Chairman, nine members, with Vice-Chairman and two persons to be nominated by the Executive Council of BHU from amongst its members. Secondly, applicability of any zone in respect of IT(BHU) being not clear, there will be no nomination from any State. In contrast, all the other IITs will be having besides a Chairman, seven members and State nominees, slightly varying in accordance with the zone assigned to them. The Committee is of the view that composition of the Board of Governors IT(BHU) *vis-a-vis* other IITs needs to be reviewed. If the post of Vice-Chairman holds good for IT(BHU) it should prove viable for other IITs also. Secondly, linkage with BHU can be easily maintained by having one member to be nominated by the Executive Council of BHU. (Para 3.14)

IV. Miscellaneous

Out of the eight new IITs, six IITs at Bhubaneswar, Gandhinagar, Hyderabad, Patna, Jodhpur and Ropar commenced their academic session in 2008-09 and the remaining two IITs at Indore and Mandi have started their academic session in 2009-10. The Committee observes that doubling the number of IITs from existing seven IITs to fifteen IITs will go a long way in enhancing the outreach of technical education for our young students. However, this initiative needs to be supplemented by making the new IITs fully functional in the real sense. Mere declaration of these Institutes as Institutions of national importance indicates only a quantitative achievement. Fulfillment of qualitative parameters of these new IITs does not seem to be feasible in the near future. The Committee is constrained to make such an observation in the light of their present status as intimated by the Department. Although site for the permanent campus for all the eight new IITs has been finalized, land has been handed over in respect of IIT, Hyderabad only. While the process of handing over of land for IITs at Patna, Bhubaneswar, Mandi and Indore is going on, the same is yet to start in respect of IITs at Jodhpur and Gandhinagar. No significant progress seems to have been made so far with the Master Plan being ready only in the case of IIT, Hyderabad. Against such a backdrop, the tentative dates of

shifting of IITs to permanent campus ranging from December, 2011 to 2013 clearly indicates that the first batch of Engineering Graduates passing out from these IITs will not have the opportunity to avail the benefits of a well equipped, premier Institute. Present temporary campuses located at sites like Ordnance Factory or Polytechnics cannot be considered an ideal setting for institutions of national importance. The Committee, accordingly, recommends that time-bound action plan for getting ready the permanent campuses for the new IITs needs to be chalked out immediately, if not already done and constantly monitored by the Department in co-ordination with all the implementing agencies. (Para 4.1)

The Committee also takes note of the following initiatives taken by the Department for attracting qualified teachers for new IITs:

- Faculty from abroad especially NRI and Overseas Indians are being brought in through a vigorous campaign through the alumni network
- Provision for re-employment of superannuated teachers has already been implemented.
- Enhanced scholarships for Ph.D students to attract students to the teaching profession.
- Salary of faculty has been revised considerably after the Sixth Pay Commission.

The Committee while welcoming the above initiatives would like to emphasize that IITs must also be equipped with facilities for best world practices in the context of research activities to be taken by their faculty. (Para 4.3)

Nobody can deny the fact that an Institute of Technology can not become an Institute of National Importance unless it has the required number of qualified and experienced teachers. With further expansion in terms of number of higher education institutions, this problem would acquire a gigantic proportion. The Committee is of the firm opinion that this persistent problem area needs to be addressed on an urgent basis. The Committee is of the view that an effective monitoring mechanism may be evolved so as to ensure that all the initiatives taken/proposed to be taken for attracting teachers are implemented by all the IITs. Such initiatives also need to be given adequate publicity. The Committee would also like the Department to initiate a Faculty Recruitment Mission on a permanent basis to attract young people having potential to teach. Besides that, a well built system of in-house training facilities for faculty of IITs at regular interval also needs to be evolved. (Para 4.7)

The Committee further notes that as the order of the day is advancement of knowledge through inter-disciplinary interaction, it would make more sense if these institutes were made autonomous in the real sense of the term. The Committee while taking note of the Departments reply that IITs were guaranteed a complete autonomy and that they were free to frame their own curriculum standards and conduct their learning-teaching exercise, would like to emphasize that if IITs are to be exceptional institutions, they should be allowed to grow as advanced education institutions keeping pace with the global levels. (Para 4.8)

The Committee would further like to place on record its concern about the objective of conversion of an Institute into an IIT. According to the Committee, this transformation can help an Institute/University in converting into an Institution of advanced study and research only if it was accompanied by an inter-disciplinary approach and collaboration in higher education otherwise the Institute and its inner content remains the same with only the nomenclature getting changed. The Committee, therefore, would like the Department to take note of its concern and ensure that these institutes are made to evolve as advanced institutions of teaching and research.

(Para 4.9)

MINUTES

III THIRD MEETING

The Committee on Human Resource Development met at 3.30 P.M. on Friday, the 1st October, 2010 in Committee Room 'D', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

RAJYA SABHA

1. Shri Oscar Fernandes — *Chairman*
2. Dr. K. Keshava Rao
3. Shri Prakash Javadekar
4. Shri Pramod Kureel
5. Dr. Janardhan Waghmare
6. Shri N. Balaganga

LOK SABHA

7. Shri P.K. Biju
8. Shrimati J. Helen Davidson
9. Shri Rahul Gandhi
10. Shri P. Kumar
11. Shri Prasanta Kumar Majumdar
12. Capt. Jai Narain Prasad Nishad
13. Shri Sheesh Ram Ola
14. Shri Brijbhushan Sharan Singh
15. Shri Ashok Tanwar
16. Shri Joseph Toppo
17. Dr. Vinay Kumar Pandey 'Vinnu'
18. Shri P. Viswanathan

LIST OF WITNESSES

I. DEPARTMENT OF HIGHER EDUCATION

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

Shrimati Vibha Puri Das, Secretary

Shri S.K. Ray, Addl. Secretary & F.A.

Ms. Pratima Dixit, Director

Prof. K.P. Singh, Director, Institute of Technology (BHU)

Prof. A.K. Tripathi, Professor, Institute of Technology (BHU)

Prof. P.K. Mukherjee, Professor, Institute of Technology (BHU)

SECRETARIAT

Shrimati Vandana Garg, Additional Secretary

Shri Sanjay Singh, Assistant Director

Shrimati Himanshi Arya, Committee Officer

Shrimati Harshita Shankar, Committee Officer

2. At the outset, the Chairman welcomed the members to the meeting of the Committee and intimated them about the agenda for the day which was to interact with the Secretary, Department of Higher Education on the Institutes of Technology (Amendment) Bill, 2010 and * * *.

- | | | | |
|----|---|---|---|
| 3. | * | * | * |
| 4. | * | * | * |
| 5. | * | * | * |
| 6. | * | * | * |

7. Thereafter, the Committee heard the views of the Secretary, Department of Higher Education on the Institutes of Technology (Amendment) Bill, 2010. The Chairman and members raised certain queries which were replied to by the Secretary. The Committee decided to send a questionnaire to the Department for detailed replies.

8. During the course of interaction with the Secretary, a very crucial issue of shortage of faculty in the new IITs was raised by the members. The Committee was of the view that with massive expansion of higher education in the recent years, the problem of lack of qualified teachers was being observed in all categories of higher educational institutions. The Committee, therefore, decided to take up this subject for detailed study.

9. A verbatim record of the proceedings was kept.

10. The Committee then adjourned at 5.45 P.M. to meet again on Wednesday, the 13th October, 2010.

*** Relate to other matters.

IX NINTH MEETING

The Committee on Human Resource Development met at 3.30 P.M. on Thursday, the 25th November, 2010 in Room No '63', First Floor, Parliament House, New Delhi.

MEMBERS PRESENT

RAJYA SABHA

1. Shri Oscar Fernandes — *Chairman*
2. Shri Prakash Javadekar
3. Shri M. Rama Jois
4. Shri Pramod Kureel
5. Dr. Janardhan Waghmare
6. Shri N. Balaganga

LOK SABHA

7. Shri P. K. Biju
8. Shri Jeetendrasingh Bundela
9. Shrimati J. Helen Davidson
10. Shri P.C. Gaddigoudar
11. Shri Prasanta Kumar Mazumdar
12. Shri Joseph Toppo

SECRETARIAT

Shrimati Vandana Garg, Additional Secretary

Shri Arun Sharma, Joint Director

Shri Sanjay Singh, Assistant Director

Shrimati Himanshi Arya, Committee Officer

2. At the outset, the Chairman welcomed the members to the meeting of the Committee. * * *.

3. * * *

4. * * *

5. The Committee, then, considered and adopted the draft 228th Report of the Committee on the Institutes of Technology (Amendment) Bill, 2010 with few modifications. It also decided to present this Report in both the Houses of Parliament on 26th November, 2010. The Committee authorized the Chairman and in his absence Shri Pramod Kureel to present the Report in the Rajya Sabha and Shri P.C. Gaddigoudar and in his absence Shri Joseph Toppo to lay the Report in the Lok Sabha.

6. A verbatim record of the proceedings was kept.

7. The Committee then adjourned at 4.15 P.M.

*** Relate to other matters.

ANNEXURE

Bill No. 109 of 2010

<p>59 of 1961.</p> <p>Amendment of section 3.</p>	<p>THE INSTITUTES OF TECHNOLOGY (AMENDMENT) BILL, 2010</p> <p>A</p> <p>BILL</p> <p><i>further to amend the Institutes of Technology Act, 1961.</i></p> <p>Be it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—</p> <p>1. (1) This Act may be called the Institutes of Technology (Amendment) Act, 2010.</p> <p>(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p> <p>2. In the Institutes of Technology Act, 1961 (hereinafter referred to as the principal Act), in section 2, for the words "and the Indian Institute of Technology, Roorkee". the words "the Indian Institute of Technology, Roorkee, the Indian Institute of Technology, Bhubaneshwar, 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" shall be substituted.</p> <p>3. In section 3 of the principal Act,—</p>	<p>Short title and commencement.</p> <p>Amendment of section 2.</p>
---	--	---

<p>16 of 1915.</p>	<p>(a) in clause (c), after sub-clause (iv), the following sub-clauses shall be inserted, namely:–</p> <p>"(v) in relation to the society known as the Indian Institute of Technology, Bhubaneshwar, the Indian Institute of Technology, Bhubaneshwar;</p> <p>(vi) in relation to the society known as the Indian Institute of Technology, Gandhinagar, the Indian Institute of Technology, Gandhinagar;</p> <p>(vii) in relation to the society known as the Indian Institute of Technology, Hyderabad, the Indian Institute of Technology, Hyderabad;</p> <p>(viii) in relation to the society known as the Indian Institute of Technology, Indore, the Indian Institute of Technology, Indore;</p> <p>(ix) in relation to the society known as the Indian Institute of Technology, Rajasthan, the Indian Institute of Technology, Jodhpur;</p> <p>(x) in relation to the society known as the Indian Institute of Technology, Mandi, the Indian Institute of Technology, Mandi;</p> <p>(xi) in relation to the society known as the Indian Institute of Technology, Patna, the Indian Institute of Technology, Patna;</p> <p>(xii) in relation to the society known as the Indian Institute of Technology, Punjab, the Indian Institute of Technology, Ropar;</p> <p>(xiii) in relation to the Institute of Technology, Banaras Hindu University, referred to in the Statute 25(A)(I) of the Statutes set out in the Schedule to the Banaras Hindu University Act, 1915, the Indian Institute of Technology (Banaras Hindu University), Varanasi;"</p> <p>(b) after clause (g), the following clause shall be inserted, namely:–</p> <p>'(ga) "Institute of Technology, Banaras Hindu University" means the Institute of Technology, Banaras Hindu University, referred to in Statute 25(A)(I) of the Statutes set out in the Schedule to the Banaras Hindu University Act, 1915;'</p> <p>(c) in clause (j), after sub-clause (iii), the following sub-clauses shall be inserted. namely:–</p>	<p>16 of 1915.</p>
--------------------	---	--------------------

<p>Insertion of new section 5B.</p> <p>Effect of incorporation of Indian Institute of</p>	<p>"(iv) the Indian Institute of Technology, Bhubaneshwar;</p> <p>(v) the Indian Institute of Technology, Gandhinagar;</p> <p>(vi) the Indian Institute of Technology, Hyderabad;</p> <p>(vii) the Indian Institute of Technology, Indore;</p> <p>(viii) the Indian Institute of Technology, Rajasthan;</p> <p>(ix) the Indian Institute of Technology, Mandi;</p> <p>(x) the Indian Institute of Technology, Patna;</p> <p>(xi) the Indian Institute of Technology, Punjab;":</p> <p>(d) after clause (I), the following clause shall be inserted, namely:–</p> <p>'(m) "zone", in relation to an Institute, means such group of States and Union territories as the Central Government may, by notification in the Official Gazette, specify.'</p> <p>4. In section 4 of the principal Act, after sub-section (IC), the following sub-section shall be inserted, namely:–</p> <p>"(ID) The Institute of Technology, Banaras Hindu University shall, on such incorporation, be called the Indian Institute of Technology (Banaras Hindu University), Varanasi."</p> <p>5. In section 5 of the principal Act, the <i>Explanation</i> shall be numbered as <i>Explanation 1</i> thereof and after <i>Explanation 1</i> as so numbered, the following <i>Explanation</i> shall be inserted, namely:–</p> <p>"<i>Explanation 2.</i>– The reference in this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology, Bhubaneshwar, the Indian Institute of Technology, Gandhinagar, 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 and the Indian Institute of Technology, Ropar. as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2010 come into force."</p> <p>6. After section 5A of the principal Act, the following section shall be inserted, namely:–</p> <p>"5B. On and from the commencement of the Institutes of</p>	<p>Amendment of section 4.</p> <p>Amendment of section 5.</p>
---	---	---

<p>Technology (Banaras Hindu University). Varanasi.</p>	<p>Technology (Amendment) Act, 2010, –</p> <p>(a) any reference to the Institute of Technology, Banaras Hindu University in any law for the time being in force (other than this Act) or in any contract or other instrument shall be deemed as a reference to the Indian Institute of Technology (Banaras Hindu University), Varanasi;</p> <p>(b) all property, movable and immovable, of or belonging to the Institute of Technology, Banaras Hindu University, shall vest in the Indian Institute of Technology (Banaras Hindu University), Varanasi;</p> <p>(c) all rights and liabilities of the Institute of Technology, Banaras Hindu University shall be transferred to, and be the rights and liabilities of, the Indian Institute of Technology (Banaras Hindu University), Varanasi;</p> <p>(d) every person employed in the Institute of Technology, Banaras Hindu University immediately before such commencement shall hold his office or service in the Indian Institute of Technology, (Banaras Hindu University), Varanasi 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 Act 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:</p> <p>Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the Indian Institute of Technology (Banaras Hindu University), Varanasi 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 Indian Institute of Technology (Banaras Hindu University), Varanasi of compensation equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees:</p> <p>Provided further that any reference, by whatever form of words, to the Director of the Institute of Technology, Banaras Hindu University in any law for the time being in force, or in any instrument or other document, shall be construed as a reference to the Director of the Indian Institute of Technology (Banaras Hindu University), Varanasi; and</p>	
---	---	--

<p>16 of 1915.</p> <p>16 of 1915.</p> <p>Amendment of section 11.</p>	<p>(e) on the commencement of the Institutes of Technology (Amendment), Act, 2010.—</p> <p>(i) the Vice-Chancellor of the Banaras Hindu University, appointed under the provisions of the Banaras Hindu University Act, 1915 shall be deemed to have been appointed as <i>ex officio</i> Chairman of the Board of Governors of the Indian Institute of Technology (Banaras Hindu University), Varanasi under this Act, and shall hold office for a period of three years with effect from such commencement;</p> <p>(ii) the Director of the Institute of Technology, Banaras Hindu University, appointed under the provisions of the Banaras Hindu University Act, 1915 shall be deemed to have been appointed as Director of the Indian Institute of Technology (Banaras Hindu University), Varanasi under this Act, and shall hold his office till Director is appointed under this Act.</p> <p><i>Explanation.</i>— The reference in this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology (Banaras Hindu University), Varanasi as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2010 come into force."</p> <p>7. In section 6 of the principal Act, in sub-section (I), after clause (m), the following clauses shall be inserted, namely:—</p> <p>"(ma) supporting and collaborating with technical education institutions located in the zone with a view to enhance their quality and capability;</p> <p>(mb) advising the State Government and the Union territory included in its zone in the matter of technical education and any technological issue referred by them to the Institute for advice."</p> <p>8. In section 11 of the principal Act,—</p> <p>(i) after clause (e), the following proviso shall be inserted, namely:—</p> <p>"Provided that in the case of the Indian Institute of Technology (Banaras Hindu University), Varanasi,—</p> <p>(a) the Board of such Institute shall consist of Vice-Chairman to be nominated, after a period of three years from the commencement of the Institutes of Technology</p>	<p>Amendment of section 6.</p> <p>16 of 1915.</p>
---	---	---

	<p>(Amendment) Act, 2010, by the Executive Council referred to in clause (d) of section 2 of the Banaras Hindu University Act, 1915, from amongst its members including its Vice-Chancellor;";</p> <p>(b) two persons to be nominated by the Executive Council referred to in clause (d) of section 2 of the Banaras Hindu University Act, 1915, from amongst its members including its Vice-Chancellor;";</p> <p>(ii) the <i>Explanation</i> shall be omitted.</p>	
<p>Amendment of section 14.</p>	<p>9. In section 14 of the principal Act. after clause (e), the following proviso shall be inserted, namely:–</p> <p>"Provided that in case of the Indian Institute of Technology (Banaras Hindu University), Varanasi, three members shall be nominated by the Executive Council referred to in clause (d) of section 2 of the Banaras Hindu University Act, 1915."</p>	<p>16 of 1915.</p>
<p>Amendment of section 38.</p>	<p>10. In section 38 of the principal Act,–</p> <p>(a) after clause (i), the following clauses shall be inserted, namely:–</p> <p>"(j) until the first Statutes and Ordinances in relation to the Indian Institute of Technology, Bhubaneswar, the Indian Institute of Technology, Gandhinagar, 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 and the Indian Institute of Technology, Ropar are made under this Act, the Statutes and Ordinances of such Institute, as in force immediately before the commencement of the Institutes of Technology (Amendment) Act, 2010, shall apply to those Institutes with necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act;</p>	<p>16 of 1915.</p>
<p>16 of 1915.</p>	<p>(k) the Executive Council referred to in clause (d) of section 2 of the Banaras Hindu University Act, 1915, functioning as such immediately before the commencement of the Institutes of Technology (Amendment) Act, 2010, shall continue to so function until a new Board is constituted for the Indian Institute of Technology (Banaras Hindu University) Varanasi under this Act. But on the constitution of a new Board under this Act, the Executive Council of the Banaras Hindu University shall cease to function so far as the Indian Institute of Technology (Banaras Hindu University), Varanasi is</p>	

concerned;

(l) the Academic Council, referred to in clause (a) of section 2 of the Banaras Hindu University Act, 1915, functioning as such immediately before the commencement of the Institutes of Technology (Amendment) Act, 2010 shall continue to so function until a new Senate is constituted for the Indian Institute of Technology (Banaras Hindu University), Varanasi under this Act. But on the constitution of a new Senate under this Act the Academic Council of the Banaras Hindu University shall cease to function so far as the Indian Institute of Technology (Banaras Hindu University), Varanasi;

(m) until the first Statutes and the Ordinances in relation to the Indian Institute of Technology (Banaras Hindu University) Varanasi are made under this Act, the Statutes and Ordinances as are applicable to the Indian Institute of Technology, Kanpur immediately before the commencement of the Institutes of Technology (Amendment) Act, 2010, shall apply to the Indian Institute of Technology (Banaras Hindu University) Varanasi with the necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act;

(n) notwithstanding anything contained in the Institutes of Technology (Amendment) Act, 2010, any student who joined classes of the Indian Institute of Technology, Banaras Hindu University on or after the commencement of 2006-2007 academic session or completed the courses on or after 2009-2010 academic session shall for the purpose of clause (b) of sub-section (1) of section 6 be deemed to have pursued a course of study in the Indian Institute of Technology (Banaras Hindu University), Varanasi provided that such student has not already been awarded degree or diploma for the same course of study;

(o) if any difficulty arises in giving effect to the provisions of the Institutes of Technology (Amendment) Act, 2010, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the 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, 2010:

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.";

(b) after Explanation 2, the following Explanation shall be inserted, namely:—

"*Explanation 3.*— The reference in clauses (k), (l) and (m) of this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology (Banaras Hindu University), Varanasi, as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2010 come into force."

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 eight 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 Expert Committee constituted by the Government of India identified certain academic institutions which had the potential for being upgraded to the level of Indian Institutes of Technology. The Institute of Technology, Banaras Hindu University was identified as one of such institutions. The Government of India made an announcement in March, 2008 of its intention to convert Institute of Technology, Banaras Hindu University 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 Institute of Technology, Banaras Hindu University into Indian Institute of Technology (Banaras Hindu University), Varanasi and to bring the eight newly set up Indian Institutes of Technology within its ambit. The Institutes of Technology (Amendment) Bill, 2010 *inter alia*, seeks to make the following amendments to the Institutes of Technology Act, 1961, namely:—

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

(b) to declare the Institute of Technology, Banaras Hindu University as an institution of national importance and integrate it with the Indian Institutes of Technology system;

(c) to empower the Central Government to notify "Zones" in the country for advising the State Government and the Union territory included in its zone in the matter of technical education and any technical issue referred by them to the institute for advice;

(d) to cast upon the Indian Institutes of Technology, a duty to support States or Union Territories technologically in their "Zones" and address their technological problems;

(e) to incorporate the newly set up Indian Institutes of Technology and Indian Institute of Technology (Banaras Hindu University), Varanasi under the provisions of the Act;

(f) to provide that till such time the Statutes and Ordinances of new Indian Institutes of Technology and Indian Institute of Technology (Banaras Hindu University), Varanasi come into force, the new Indian Institutes of Technology, including Indian Institute of Technology (Banaras Hindu University), Varanasi, would be governed by the existing Statutes and Ordinances of such Indian Institute of Technology, as in force;

5. The Bill seeks to achieve the above Objectives.

NEW DELHI;
The 23rd August, 2010.

KAPIL SIBAL

FINANCIAL MEMORANDUM

Clause 2 of the Institutes of Technology (Amendment) Bill, 2010 provides for establishment of eight new Indian Institutes of Technology including conversion of Institute of Technology - Banaras Hindu University into Indian Institute of Technology Varanasi and their declaration as institutions of national importance.

2. The estimated expenditure for establishment of eight new IITs would be about Rs. 4232.00 crores as non-recurring and Rs. 1848.00 crores as recurring expenditure for a six years period. The estimated non-recurring expenditure for conversion of IT-BHU into IIT (BHU), Varanasi would be about Rs. 160.00 crores during the Eleventh Plan period. The recurring expenditure would be approximately Rs. 131.48 crores per annum during 2010-11 and 2011-12.

3. The expenditure for establishment of eight new IITs and conversion of IT-BHU into IIT (BHU) Varanasi would be met from the Consolidated Fund of India through the budgetary provision under the Department of Higher Education, Ministry of Human Resource Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (a) of clause 10 of the Bill inserts new clauses (j) and (m) in section 38 of the Act which empowers the Institutes of Technology to make Statutes and Ordinances. New clause (o) 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 as such, the delegation of legislative power is of a normal character.

ANNEXURE

EXTRACTS FROM THE INSTITUTES OF TECHNOLOGY ACT, 1961

(59 OF 1961)

* * * * *

2. Whereas the objects of the institutions known as the Indian Institute of 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 and the Indian Institute of Technology, Roorkee are such as to make them institutions of national importance, it is hereby declared that each such institution is an institution of national importance.

Declaration of certain institutions as institutions of national importance.

3. In this Act, unless the context otherwise requires,—

* * * * *

(c) "corresponding Institute" means,—

* * * * *

(j) "society" means any of the following societies registered under the Societies Registration Act, 1860, namely:—

Definitions.

Incorporation of institutes.

Effect of incorporation of institutes.

4. (1)* * * *

5. On and from the commencement of this Act,—

* * * * *

Explanation.— The reference in this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology, Guwahati as the reference to the date on which the provisions of the Institutes of the Technology (Amendment) Act, 1994 come into force.

Powers of Institutes.

6. (1) Subject to the provisions of this Act, every Institute shall exercise the following powers and perform the following duties, namely:—

* * * * *

11. The Board of an Institute shall consist of the following person, namely:—

* * * * *

(e) two professors of the Institute, to be nominated by the Senate.

21 of 1860.

35 of 1994.

Board of Governors.

LOK SABHA

A

BILL

further to amend the Institutes of Technology Act, 1961.

(Shri Kapil Sibal, Minister of Human Resource Development)