रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—12 REGISTERED NO. DL—(N)04/0007/2003—12

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 42] नई दिल्ली, शुक्रवार, अगस्त 31, 2012/ भाद्र 9, 1934 (शक)
No. 42] NEW DELHI, FRIDAY, AUGUST 31, 2012/ BHADRA 9, 1934 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

IndiaCode.nic.in

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 31*st August*, 2012/*Bhadra* 9, 1934 (*Saka*)

The following Act of Parliament received the assent of the President on the 30th August, 2012, and is hereby published for general information:—

THE RAJIV GANDHI NATIONAL INSTITUTE OF YOUTH DEVELOPMENT ACT, 2012

(No. 35 OF 2012)

[30*th August*, 2012]

An Act to declare the institution known as the Rajiv Gandhi National Institute of Youth Development, to be an institution of national importance and to provide for its incorporation and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the Rajiv Gandhi National Institute of Youth Development Act, 2012.

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

Declaration of Rajiv Gandhi National Institute of Youth Development as an institution of national importance.

2. Whereas the objects of the institution known as the Rajiv Gandhi National Institute of Youth Development are such as to make the institution one of national importance, it is hereby declared that the institution known as the Rajiv Gandhi National Institute of Youth Development is an institution of national importance.

Definitions.

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

(*a*) "Academic Council" means the Academic Council of the Institute;

(*b*) "appointed day" means the date appointed under sub-section (*2*) of section 1 for coming into force of this Act;

(*c*) "Chairperson" means a Chairperson to the Executive Council referred to in clause (*a*) of sub-section (*2*) of section 12;

(*d*) "Director" means the Director of the Institute referred to in clause (*a*) of section 21;

(*e*) "Executive Council" means the Executive Council of the Institute established under section 12;

(*f*) "existing Institute" means the Rajiv Gandhi National Institute of Youth Development, Sriperumbudur, established under the provisions of the Society Registration Act, 1860 and declared as deemed to be a University under section 3 of the University Grants Commission Act, 1956, and which is in existence immediately before the commencement of this Act; 21 of 1860. 3 of 1956.

(*g*) "Fund" means the fund of the Institute to be maintained under section 26;

(*h*) "Institute" means the Rajiv Gandhi National Institute of Youth Development incorporated under section 4;

(*i*) "notification" means the notification published in the Official Gazette;

(*j*) "prescribed" means prescribed by rules made under this Act;

(*k*) "Registrar" means the Registrar of the Institute referred to in section 23;

(*l*) "Statutes" and "Ordinances" mean the Statutes and Ordinances of the Institute made under this Act.

CHAPTER II

RAJIV GANDHI NATIONAL INSTITUTE OF YOUTH DEVELOPMENT

Incorporation of Institute.

4. (*1*) The Rajiv Gandhi National Institute of Youth Development shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue and be sued.

(*2*) The first Chairperson, the first Director and the first members of the Executive Council and the Academic Council, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, shall constitute the Institute.

(*3*) The headquarters of the Institute shall be in the district of Kanchipuram, in the State of Tamil Nadu.

(*4*) The Institute may establish and maintain centres at such other places in India as it may deem fit.

Effect of establishment of Institute.

5. On and from the appointed day and subject to other provisions of this Act,—

(*a*) any reference to the existing Institute in any contract or other instrument shall be deemed as a reference to the Institute;

(*b*) all property, movable and immovable, of or belonging to the existing Institute shall vest in the Institute;

(*c*) all rights and liabilities of the existing Institute shall be transferred to, and be the rights and liabilities of, the Institute; and

(*d*) every person employed by the existing Institute immediately before the appointed day shall hold office or service in the 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 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:

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 a compensation equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees.

Objects of Institute.

6. The objects of the Institute shall be,—

(*a*) to evolve and achieve an integrated approach to youth development for preparing and empowering the youth for the future, by—

(*i*) providing action oriented research inputs for policy formulation;

(*ii*) implementation of policy through extension and other programmes;

(*iii*) promoting assessment and impact study and conducting teaching, training and other academic programmes;

(*b*) to set up advanced National Youth Resource Centre commensurate with the international standards to provide for comprehensive and scientifically analysed data on all youth-related issues and matters, with adequate library facility, documentation and publication;

(c) to provide for research and development and dissemination of knowledge through extension and outreach programmes;

(d) to act as a nodal agency for capacity building of stakeholders including youth bodies, organisations and agencies relating to youth;

(e) to empower youth to participate in inclusive development and nation building;

(f) to evolve as an institute of advanced study in the field of youth and to develop such professional excellence as may be required for the purpose;

(g) to provide for higher education in the field of youth development through employment-oriented and inter-disciplinary courses at the post graduate level.

Functions of Institute.

7. *(1)* Without prejudice to the provisions contained in section 6, the Institute shall,—

(a) develop a "think tank" by way of carrying out policy research, evaluation and impact analysis on youth programmes and issues of contemporary and future relevance;

(b) function as a repository of knowledge pertaining to data on youth;

(c) develop documentation, information and publication services for youth training and extension;

(d) provide technical advice and consultancy for formulation of youth related policy and promotion of youth programme;

(e) build the professional capacity of youth organisations, both in Government and voluntary sector;

(f) design, develop and conduct appropriate training and orientation programmes;

(g) conduct seminars, workshops and conferences on issues relating to youth;

(h) set up centres for dissemination of academic and training programmes;

(i) collaborate with national and international university, centres, institutes and such other agencies relating to youth training and youth development;

(j) establish programmes of study and research and to provide for instruction in such branches of study as the institute deems appropriate;

(k) award, subject to such conditions as the Institute may determine, degrees, diplomas, certificates or other academic distinctions or titles at various academic levels;

(*l*) confer honorary degrees or other distinction awards, fellowships, scholarships, prizes and medals;

(m) determine, demand and receive fees and other charges for its courses, programmes and other matters;

(n) conduct and coordinate projects and studies relating to youth sponsored by the Government of India and other developmental agencies;

(o) create with the prior approval of the Central Government, academic, technical, administrative, managerial and other posts in the Institute and make appointments thereto in accordance with the rules and regulations of the Institute;

(p) regulate the conduct of the affairs of the Institute;

(q) supervise and control the discipline of all categories of employees and students of the Institute;

(r) purchase, hire, lease, exchange or acquire property, movable or immovable and to construct, alter and maintain any building or buildings as may be necessary;

(s) set up distance learning or education centres, in collaboration with Open Universities, to provide access to the aspiring young professionals enabling them to take up a career in the field of youth development;

(*t*) establish, maintain and manage halls of residences and hostels for students;

(*u*) lay down conditions of service including a code of conduct for teachers and other categories of employees;

(*v*) supervise, control and regulate the discipline of students of the Institute and to make arrangements for promoting their health and general welfare;

(*w*) coordinate student exchange programmes with reputed International Youth Development Institutions;

(*x*) undertake, assist and promote all such activities conducive or incidental to the attainment of the objectives.

(*2*) The Institute may receive gifts, grants, donations or benefactions from the Government and to receive bequests, donations and transfers of movable or immovable properties from the testators, donors or transferors, as the case may be.

(*3*) The Institute may enter into agreements with international organisations, institutions and universities to broaden the scope of the youth work and to facilitate knowledge development and participatory learning.

Institute to be open to all races, creeds, gender and classes.

8. (*1*) The Institute shall be open to persons of either sex and of whatever race, creed, caste or class, physical ability, and no test or condition shall be imposed as to religious belief or profession in admitting students, appointing teachers or employees or in any other connection whatsoever.

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

Teaching at Institute.

9. All teaching and other academic activities at the Institute shall be conducted by or in the name of the Institute in accordance with the Statutes and Ordinances made in this behalf.

Visitor.

10. (*1*) The President of India shall be the Visitor of the Institute:

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

(*2*) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the 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 Institute shall be bound to comply with such directions within reasonable time.

CHAPTER III

AUTHORITIES OF THE INSTITUTE

Authorities of Institute.

11. The Institute shall consist of the following authorities, namely:—

(*a*) the Executive Council;

(*b*) the Academic Council; and

(*c*) such other authorities as may be declared by the Statutes to be the authorities of the Institute.

Establishment of Executive Council.

12. (*1*) With effect from such date as the Central Government may, by notification, appoint in this behalf, there shall be established for the purpose of this Act, a central body to be called as the Executive Council.

(*2*) The Executive Council shall consist of the following members, namely:—

(a) an eminent person of academic repute to be nominated by the Visitor—Chairperson;

(b) an eminent person in the field of Youth Development to be nominated by the Visitor—Vice-Chairperson;

(c) Secretary, Department of Youth Affairs, Ministry of Youth Affairs and Sports—*ex officio* Member;

(d) Joint Secretary, Department of Youth Affairs, Ministry of Youth Affairs and Sports—*ex officio* Member;

(e) Director, Rajiv Gandhi National Institute of Youth Development—*ex officio* Member;

(f) Professor from Rajiv Gandhi National Institute of Youth Development on rotation—Member;

(g) one eminent sports personality to be nominated by the Central Government—Member;

(h) one Head from an Academic Institution to be nominated by the Central Government—Member;

(i) one representative from the industry to be nominated by the Central Government from the Federation of Indian Chamber of Commerce and Industry or Confederation of Indian Industry by the Central Government—Member;

(j) the Registrar, Rajiv Gandhi National Institute of Youth Development—Member-Secretary.

(3) While nominating the members of the Executive Council under sub-section *(2)* due representation shall be given to women, different regions of the country, and weaker sections of the community and differently abled persons.

Terms of office of, vacancies among, and allowances payable to members of Executive Council.

13. *(1)* The term of office of every member of the Executive Council shall be for a period of three years from the date of his nomination:

Provided that 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.

(2) The term of office of a member nominated to fill a casual vacancy shall be for the remainder of the term of the member in whose place he has been nominated.

(3) Notwithstanding anything contained in this section, an out-going member shall, unless the Central Government otherwise directs, continue in office until another person is nominated as a member in his place or until the expiry of one year, whichever is earlier.

(4) The members of the Executive Council, other than *ex officio* members, shall be paid such travelling and other allowances as may be provided by the Statutes.

Meetings of Executive Council.

14. (*1*) The Chairperson shall ordinarily preside at the meetings of the Executive Council and at the Convocation of the Institute:

Provided that, in his absence, the Vice-Chairperson of the Executive Council shall preside at the meetings of the Executive Council.

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

(*3*) The Chairperson shall exercise such other powers and perform such other duties as are assigned to him by this Act.

(*4*) The Executive Council shall meet at least four times in a year and follow such procedure, in its meetings (including quorum at such meetings) as may be provided by the Statutes.

Powers and functions of Executive Council.

15. (*1*) Subject to the provisions of this Act, the Executive Council shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall also exercise the powers of the Institute not otherwise provided for by this Act, the Statutes and the Ordinances, and shall have the power to review the acts of the Academic Council and Finance Committee.

(*2*) Without prejudice to the provisions of sub-section (*1*), the Executive Council shall—

(*a*) take decisions on questions of policy relating to the administration and working of the Institute;

(*b*) lay down policy regarding the duration of the courses, nomenclature of the degrees and other distinctions to be conferred by the Institute;

(*c*) institute courses of study and lay down standards of proficiency and other academic distinctions in respect of the courses offered by the Institute;

(*d*) lay down, with prior approval of the Central Government, the policy regarding the cadre structure, qualification, the method of recruitment and conditions of service of the teaching and research faculty as well as other employees of the Institute;

(*e*) guide resource mobilisation of the Institute and to lay down policies for utilisation;

(*f*) consider and approve proposals for taking loans for purposes of the Institute with or without the security of the property of the Institute;

(*g*) make Statutes and to alter, modify or rescind the same;

(*h*) consider and pass resolutions on annual report, annual accounts and the budget estimates of the Institutes for the next financial year as it thinks fit together with a statement of its development plans; and

(*i*) do all such things, not specifically covered under clauses (*a*) to (*h*), as may be necessary, incidental or conductive to the attainment of all or any of the powers under this section.

(*3*) The Executive Council 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 Act.

(*4*) The Executive Council may, by a specific resolution to this effect, delegate any of its powers and duties to the Chairperson, Director, any officer or any authority of the Institute subject to reserving the right to review the action that may be taken under such delegated authority.

Academic Council.

16. (*1*) The Academic Council shall be the principal academic body of the Institute and shall, subject to the provisions of this Act, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the Institute.

(*2*) The Academic Council shall consist of the following, namely:—

(a) Director-Chairman *ex officio*;

(b) one head of an academic institution of national importance to be nominated by the Chairperson;

(c) one Director from any of the Indian Institute of Technology or the Indian Institute of Management to be nominated by the Chairperson;

(d) Member in-charge of Youth Affairs in the Planning Commission of India *ex officio*;

(e) one person from any international non-governmental organisation working in India in the field of youth work to be nominated by the Chairperson;

(f) two representatives from the non-governmental industrial sector to be nominated by the Chairperson;

(g) one Professor from the Institute, on rotation basis;

(h) Director of the Lal Bahadur Shastri National Academy of Administration, Mussorie, *ex officio*;

(i) two persons from non-governmental organisations working in the field of youth and adolescent development out of whom one person shall be from the north-eastern region, to be nominated by the Chairperson;

(j) two students of the Institute out of whom one student shall be female;

(k) three eminent academicians from among the fields of Social Science, Health Science, Agricultural Science, Skill Development, Management and Law to be nominated by the Chairperson;

(l) one woman representative from the International Development Organisation to be nominated by the Chairperson;

(m) an officer not below the rank of Joint Secretary to the Government of India dealing with the affairs of the Institute in the Union Ministry of Youth Affairs and Sports, *ex officio*.

(*3*) The term of office of members of the Academic Council and its powers shall be such as may be provided by the Statutes.

(*4*) While nominating the members of the Academic Council due representation shall be given to women (by including at least four women), from different regions of the country, weaker sections of the community and differently abled persons.

Functions of Academic Council.

17. Subject to the provisions of this Act, the Statutes and the Ordinances, the Academic Council shall have the control and general regulation, and be responsible for the framing of the Ordinances, maintenance of standards of instruction, education and examination in the Institute and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

Finance Committee.

18. (*1*) There shall be a Finance Committee of the Institute which shall be the principal financial body of the Institute.

(*2*) The Finance Committee shall consist of the following, namely:—

(a) Director-Presiding Officer of the Finance Committee;

(b) Joint Secretary and Financial Adviser in the Union Ministry of Youth Affairs and Sports;

(c) Registrar of the Institute;

(d) one Professor of the Institute on rotation basis, as may be nominated by the Chairperson;

(*e*) one Member from the Executive Council to be nominated by the Chairperson;

(*f*) Joint Secretary in the Ministry of Youth Affairs and Sports dealing with the affairs of the Institute;

(*g*) the Finance Officer of the Institute—Member-Secretary.

(*3*) The term of office of members of the Finance Committee and its powers shall be such as may be provided by the Statutes.

(*4*) While nominating the members of the Academic Council due representation shall be given to women, different regions of the country, weaker sections of the community and differently abled persons.

Functions of Finance Committee.

19. The Finance Committee shall perform the following functions, namely:—

(*a*) to scrutinise the accounts and budget estimates of the Institute and to make recommendations to the Executive Council;

(*b*) to scrutinise the proposals for new expenditure on account of major works on purchases;

(*c*) to scrutinise re-appropriation statements and audit notes and make recommendations thereon to the Executive Council;

(*d*) to review the finances of the Institute from time to time and have concurrent audit conducted whenever necessary; and

(*e*) to give advice and make recommendations to the Executive Council on any financial questions affecting the affairs of the Institute.

Other authorities.

20. The constitution, powers and functions of the other authorities, as may be declared by the Statutes to be authorities of the Institute, shall be such as may be provided by the Statutes.

CHAPTER IV

OFFICERS OF THE INSTITUTE

Officers of Institute.

21. The Institute shall consist of the following officers, namely:—

(*a*) the Director;

(*b*) the Registrar; and

(*c*) such other officers as may be declared by the Statutes to be the officers of the Institute.

Director.

22. (*1*) The Director of the Institute shall be appointed by the Visitor for a period of three years in the manner specified in sub-sections (*2*) and (*3*) on such terms and conditions of service as may be provided by the Statutes:

Provided that the first Director shall be appointed by the Central Government on such terms and conditions as it deems fit, for a period not exceeding six months from the appointed day.

(*2*) The Director shall be appointed by the Visitor from a panel of three persons with outstanding academic qualifications as recommended by a Search Committee constituted by the Central Government for that purpose.

(*3*) The Search Committee referred to in sub-section (*2*) shall consist of three members, one each to be nominated by the Executive Council, the Central Government and the Visitor.

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

(*5*) The Director shall submit annual report and audited accounts of the Institute to the Executive Council and the Central Government and the Central Government shall thereupon cause the same to be laid before each House of Parliament.

(*6*) The Director shall exercise such other powers and perform such other duties as may be assigned to him by the Act, the Statutes and the Ordinances.

Registrar.

23. (*1*) The Registrar of the Institute shall be appointed in such manner and on such terms and conditions as may be provided by the Statutes and shall be the custodian of records, common seal, the funds of the Institute and such other property of the Institute as the Executive Council shall commit to his charge.

(*2*) The Registrar shall act as the Member-Secretary of the Executive Council, the Academic Council and such committees as may be provided by the Statutes.

(*3*) The Registrar shall be responsible to the Director for the proper discharge of his functions.

(*4*) The Registrar shall exercise such other powers and perform such other duties as may be assigned to him by this Act, the Statutes or by the Director.

Other officers.

24. The manner of appointment, emoluments, powers and duties of the other officers of the Institute shall be such as may be provided by the Statutes.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

Grants by Central Government.

25. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as it may think fit for being utilised for the purposes of this Act.

Fund of Institute.

26. (*1*) The Institute shall maintain a Fund to which shall be credited—

(*a*) all monies provided by the Central Government;

(*b*) all fees and other charges levied and collected by the Institute;

(*c*) all monies received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(*d*) all monies received by the Institute in any other manner or from any other source.

(*2*) All monies credited to the Fund shall be deposited in such banks or invested in such manner as may be decided by the Executive Council.

(*3*) The Fund 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.

Endowment or other funds.

27. Without prejudice to the provisions contained in section 26, the Institute may,—

(a) set up an endowment fund with an amount of one hundred crore rupees to be maintained in the Public Account and any other fund for a specified purpose; and

(b) transfer monies from its fund to the endowment fund or any other fund.

Accounts and audit.

28. (*1*) The 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.

(*2*) The accounts of the 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.

(*3*) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the 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 the 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 the Central Government shall cause the same to be laid before each House of Parliament.

Pension and provident fund.

29. (*1*) The Institute shall constitute for the benefits of its employees, including the Director, such pension, insurance and provident fund scheme as it may deem fit, in such manner and subject to such conditions as may be provided by the Statutes.

(*2*) Where any such provident fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

19 of 1925.

Appointment of staff of Institute.

30. All appointments of the staff of the Institute, except that of the Director, shall be made with the prior approval of the Central Government and in accordance with the procedure laid down in the Statutes,—

(*a*) by the Executive Council, if the appointment is made on the academic staff in the post of Assistant 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 is the same or higher than that of an Assistant Professor; and

(*b*) by the Director, in any other case.

Power to make Statutes.

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

(*a*) the formation of departments of teaching and other academic units;

(*b*) the institution of fellowships, scholarships, exhibitions, medals and prizes;

(*c*) the classification of posts, terms of office, method of appointment, powers and duties and other terms and conditions of service of the officers of the Institute including the Chairperson, the Director, the Registrar and such other officers as may be declared as officers of the Institute by the Statutes;

(*d*) the constitution, powers and duties of the authorities of the Institute referred in clause (*c*) of section 11;

(*e*) the delegation of powers vested in the authorities or officers of the Institute;

(*f*) the code of conduct, disciplinary actions thereto for misconduct including removal from service of employees on account of misconduct and the procedure for appeal against the actions of an officer or authority of the Institute;

(*g*) the conferment of honorary degrees;

(*h*) the establishment and maintenance of halls, residences and hostels;

(*i*) the authentication of the orders and decisions of the Executive Council;

(*j*) any other matter which by this Act is to be, or may be, provided by the Statutes.

Statutes how to be made.

32. (*1*) The first Statutes of the Institute shall be framed by the Central Government with the approval of the Visitor, and a copy of the same shall be laid as soon as may be, after it is made, before each House of Parliament.

(*2*) Without prejudice to the provisions contained in sub-section (*1*), the Executive Council 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*) A new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may assent thereto or withhold such assent or remit it to the Executive Council for consideration.

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

Power to make Ordinances.

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

(*a*) the admission of the students to the Institute;

(*b*) the reservation in admission to various courses or programmes of the Institute for the Scheduled Castes, the Scheduled Tribes and other categories of persons;

(*c*) the courses of study to be laid down for all degrees, diplomas and certificates awarded by the Institute;

(*d*) the conditions under which students shall be admitted to the degree, diploma and certificate courses and to the examinations of the Institute and the eligibility conditions for awarding the same;

(*e*) the conditions of award of fellowships, scholarships, exhibitions, medals and prizes;

(*f*) the conditions and manner of appointment and duties of examining bodies, examiners and moderators;

(*g*) the conduct of examinations;

(*h*) the maintenance of discipline among the students of the Institute;

(*i*) the fees to be charged for courses of study in the Institute and for admission to the examinations of degrees of the Institute;

(*j*) the conditions of residence of students of the Institute and the levying of the fees for residence in the halls and hostels and of other charges; and

(*k*) any other matter which by this Act or the Statute is to be, or may be, provided by the Ordinances.

Ordinances how to be made.

34. (*1*) Save as otherwise provided in this section, Ordinances shall be made by the Academic Council.

(*2*) All Ordinances made by the Academic Council 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 Executive Council and shall be considered by the Executive Council at its next succeeding meeting.

(*3*) The Executive Council 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.

Conduct of business by authorities of Institute.

35. The authorities of the Institute may have their own rules of procedure, consistent with the provisions of this Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances.

Tribunal of Arbitration.

36. *(1)* Any dispute arising out of a contract between the Institute and any of its employees shall, at the request of the employee concerned or at the instance of the Institute, be referred to a Tribunal of Arbitration consisting of one member appointed by the Institute, one member nominated by the employee, and an umpire appointed by the Visitor.

(2) The decision of the Tribunal shall be final and shall not be questioned in any court.

(3) No suit or proceeding shall lie in any court in respect of any matter, which is required by sub-section (*1*) to be referred to the Tribunal of Arbitration.

(4) The Tribunal of Arbitration shall have power to regulate its own procedure.

(5) Nothing contained in any law for the time being in force relating to arbitration shall apply to arbitrations under this section.

CHAPTER VI

MISCELLANEOUS

Acts and proceedings not to be invalidated by vacancies.

37. No act of the Institute or Executive Council or Academic Council or any other body set up under this Act or the Statutes, shall be invalid merely by reason of—

(*a*) any vacancy in, or defect in the constitution thereof; or

(*b*) any defect in the election, nomination or appointment, of a person acting as member thereof; or

(*c*) any irregularity in its procedure not affecting the merits of the case.

Grant of degrees, etc., by Institute.

38. Notwithstanding anything contained in the University Grants Commission Act, 1956 or any other law for the time being in force, the Institute shall have power to grant degrees and other academic distinctions and titles under this Act:

3 of 1956.

Provided that the nomenclature of any degree to be granted by the Institute shall be notified by the University Grants Commission with the prior approval of the Central Government.

Sponsored schemes.

39. Notwithstanding anything contained in this Act, whenever the Institute receives funds from any Government, the University Grants Commission or any other agency including industry sponsoring a research scheme, a consultancy assignment, a teaching programme or a chaired professorship or a scholarship, to be executed or endowed at the Institute,—

(*a*) the amount received shall be kept by the Institute separately from the fund of the Institute and utilised only for the purpose of the scheme:

Provided that any money remaining unutilised under this clause shall be transferred to the endowment fund set up under section 27; and

(*b*) the staff required to execute the same shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organisation with prior approval of the Central Government:

Provided that the principles laid down in the General Financial Rules, 2005 shall be followed for approval of sponsored schemes funded by the Central Government.

Meetings of Academic Council and Finance Committee.

40. The Academic Council and the Finance Committee shall meet at such times and follow such procedure, in its meetings (including quorum at such meetings) as may be provided by the Statutes.

Power of Central Government to give directions to Institute.

41. (*1*) The Central Government may give such directions, as it may deem necessary, to the Institute for the effective administration of this Act and the Institute shall comply with such directions.

(*2*) In case of dispute between the Institute and the Central Government, in connection with the exercise of its powers and discharge of its functions by the Institute under this Act, the decision of the Central Government on that dispute, shall be final.

Protection of action taken in good faith.

42. No suit or other legal proceedings shall lie against any officer or employee of the Institute for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Power to make rules.

43. (*1*) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(*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 form and manner in which the books of account of the Institute shall be maintained under sub-section (*1*) of section 28;

(b) any other matter which is required to be, or may be, prescribed.

Statutes, Ordinances and notifications to be published in Official Gazette and to be laid before Parliament.

44. (*1*) Every rule made by the Central Government and every Statute and every Ordinance made or notification issued under this Act shall be published in the Official Gazette.

(*2*) Every rule made by the Central Government, every Statute and every Ordinance made or notification issued under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or notification or both Houses agree that the Statute, Ordinance or notification should not be made or issued, the Statute, Ordinance or notification shall thereafter have effect only in such modified form

or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or notification.

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

Power to remove difficulties.

45. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions or give such directions not inconsistent with the provisions of this Act, as appears it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Transitional provisions.

46. Notwithstanding anything contained in this Act,—

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

(*b*) until the first Statutes and the Ordinances are made under this Act, the Statutes and the Ordinances of the existing Institute, or notification as in force, immediately before the commencement of this Act, shall continue to apply to the Institute in so far as they are not inconsistent with the provisions of this Act.

V. K. BHASIN,
Secy. to the Govt. of India.

PRINTED BY DIRECTORATE OF PRINTING AT GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 2012.

MGIPMRND—2653GI(S3)—01-09-2012.