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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.

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## MINISTRY OF LAW AND JUSTICE

## (Legislative Department)

*New Delhi, the* 20*th December,* 2021/*Agrahayana* 29, 1943 *(Saka)*

The following Act of Parliament received the assent of the President on the 18th December, 2021 and is hereby published for general information:—

# THE NATIONAL INSTITUTE OF PHARMACEUTICAL EDUCATION AND RESEARCH (AMENDMENT) ACT, 2021

(No. 43 of 2021)

[18*th December,* 2021]

*An Act further to amend the National Institute of Pharmaceutical Education and Research Act,* 1998.

Be it enacted by Parliament in the Seventy-second year of the Republic of India as follows:—

## CHAPTER I

## Preliminary

**1.** (*1*) This Act may be called the National Institute of Pharmaceutical Education and Research (Amendment) Act, 2021. Short title and commencement.

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

Amendment of long title.

**2.** In the National Institute of Pharmaceutical Education and Research Act, 1998 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:— 13 of 1998.

"An Act to declare certain institutions of pharmaceutical education and research to be institutions of national importance and for matters connected therewith or incidental thereto.".

Amendment of section 1.

**3.** In section 1 of the principal Act, in sub-section (*1*), for the word "Institute", the word "Institutes" shall be substituted.

Substitution of new section for section 2.

**4.** For section 2 of the principal Act, the following section shall be substituted, namely:—

Declaration of certain institutions as institutions of national importance.

"2. (*1*) Whereas the objects of the institutions mentioned in the Schedule, are such as to make them institutions of national importance, it is hereby declared that each such Institute is an institution of national importance.

(*2*) It is hereby declared that every Institute established under sub-section (*2A*) of section 4, on and after the commencement of the National Institute of Pharmaceutical Education and Research (Amendment) Act, 2021, shall be an institution of national importance.".

Amendment of section 3.

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

(*i*) for clause (*a*), the following clause shall be substituted, namely:—

'(*a*) "appointed day", in relation to an Institute mentioned in column (3) of the Schedule, means the date of its establishment as mentioned against it in column (4) of that Schedule;';

(*ii*) in clauses (*b*) and (*c*), for the words "the Institute", the words "an Institute" shall be substituted;

(*iii*) after clause (*c*), the following clause shall be inserted, namely:—

'(*ca*) "Council" means the Council established under sub-section (*1*) of section 30A;';

(*iv*) in clauses (*d*), (*e*) and (*f*), for the words "the Institute", the words "an Institute" shall be substituted;

(*v*) for clause (*g*), the following clauses shall be substituted, namely:—

'(*g*) "Institute" means any of the institutions mentioned in column (3) of the Schedule;

(*ga*) "member" means a member of the Council nominated or elected under sub-section (*2*) of section 30A;

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

(*gc*) "Schedule" means the Schedule to this Act;';

(*vi*) in clauses (*h*) and (*j*), for the words "the Institute", the words "an Institute" shall be substituted.

Amendment of section 4.

**6.** In section 4 of the principal Act,—

(*i*) in the marginal heading, for the words "Establishment of Institute", the words "Establishment and incorporation of Institutes" shall be substituted;

(*ii*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Each of the Institutes mentioned in column (3) of the Schedule shall be a body corporate.";

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(*iii*) in sub-section (*2*), for the words "The Institute", the words "Each Institute" shall be substituted;

(*iv*) for sub-section (*3*), the following sub-section shall be substituted, namely:—

"(*3*) The Board of Governors of an Institute shall consist of the following persons, namely:—

(*a*) a Chairperson, who shall be an eminent academician or scientist or technologist or professional, to be nominated by the Visitor;

(*b*) the Director of the institute, *ex officio*;

(*c*) the Joint Secretary to the Government of India in Department of Pharmaceuticals dealing with the national institutes of pharmaceutical education and research, *ex officio*;

(*d*) the Secretary, dealing with medical or technical education in the State Government concerned, *ex officio*;

(*e*) the representative of Drug Controller General of India, Ministry of Health and Family Welfare of the Government of India, *ex officio*;

(*f*) three eminent pharmaceutical experts, at least one of whom shall be a woman, having special knowledge or practical experience in education, research and biotechnology, to be nominated by the Council;

(*g*) two pharmaceutical industrialists to be nominated by the Council;

(*h*) two professors of the institute, to be nominated by the Senate:

Provided that one member from amongst members to be nominated under clauses (*f*), (*g*) and (*h*) shall be either from the Scheduled Castes or from the Scheduled Tribes;";

(*v*) in sub-section (*4*), the proviso shall be omitted.

Amendment of section 4A.

**7.** In section 4A of the principal Act, the words "within its jurisdiction" shall be omitted.

Omission of section 5.

**8.** Section 5 of the principal Act shall be omitted.

Amendment of section 6.

**9.** In section 6 of the principal Act,—

(*i*) for the words "On and from the appointed day", the words "On and from the appointed day, in relation to the National Institute of Pharmaceutical Education and Research, Mohali" shall be substituted;

(*ii*) after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) all property, movable and immovable of, or belonging to, the Society, shall vest in that Institute;";

(*iii*) for the words "the Institute", wherever they occur, the words "that Institute" shall be substituted.

Amendment of section 7.

**10.** In section 7 of the principal Act,—

(*a*) in the marginal heading, for the word "Institute", the word "Institutes" shall be substituted;

(*b*) for clause (*ii*), the following clauses shall be substituted, namely:—

"(*ii*) to develop courses leading to graduate and post graduate degrees, doctoral and post-doctoral distinctions and research in pharmaceutical education or to develop integrated courses relating thereto;

(*iia*) to conduct executive education courses, short-term certificate courses, training programmes, online or distant education, diploma courses and such other short-term executive courses;";

(*c*) in clause (*v*), for the words " by exchange of faculty members", the words "by promoting collaborative research, exchange of faculty members, researchers" shall be substituted;

(*d*) after clause (*x*), the following clause shall be inserted, namely:—

"(*xa*) to establish Centres of Excellence for drug discovery and development and medical devices;".

Amendment of section 8.

**11.** In section 8 of the principal Act, for the word "Board", wherever it occurs, the words "Board of an Institute" shall be substituted.

Amendment of section 9.

**12.** In section 9 of the principal Act,—

(*i*) in the marginal heading, for the word "Institute", the word "Institutes" shall be substituted;

(*ii*) in sub-section (*1*), for the words "The Institute", the words "Every Institute" shall be substituted;

(*iii*) in sub-section (*2*), for the words "the Institute", the words "any Institute" shall be substituted.

Amendment of section 10.

**13.** In section 10 of the principal Act,—

(*i*) in the marginal heading, for the word "Institute", the word "Institutes" shall be substituted;

(*ii*) for the words "the Institute", the words "each of the Institutes" shall be substituted.

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Amendment of section 11.

**14.** In section 11 of the principal Act,—

(*i*) in sub-section (*1*), for the words "the Institute", the words "every Institute" shall be substituted;

(*ii*) in sub-section (*2*), for the words "the Institute", the words "any Institute" shall be substituted.

Amendment of section 12.

**15.** In section 12 of the principal Act,—

(*i*) in the marginal heading, for the word "Institute", the word "Institutes" shall be substituted;

(*ii*) in the opening portion, for the words "the Institute", the words "an Institute" shall be substituted.

Amendment of section 13.

**16.** In section 13 of the principal Act, in the opening portion, for the words "the Institute", the words "each Institute" shall be substituted.

Amendment of section 14.

**17.** In section 14 of the principal Act, for the words "senate of the Institute", the words "senate of each Institute" shall be substituted.

Amendment of section 16.

**18.** In section 16 of the principal Act, in sub-section (*1*), for the words "Director of the Institute shall be appointed by the Board" the words "Director of each Institute shall be appointed by the Council" shall be substituted.

Amendment of section 17.

**19.** In section 17 of the principal Act, for the words "the Institute", the words "each Institute" shall be substituted.

Amendment of section 18.

**20.** In section 18 of the principal Act, for the words "Registrar of the Institute", the words "Registrar of each Institute" shall be substituted.

Amendment of section 20.

**21.** In section 20 of the principal Act,—

(*i*) for the words "enabling the Institute", the words "enabling the Institutes" shall be substituted;

(*ii*) for the words "pay to the Institute", the words "pay to each Institute" shall be substituted.

Amendment of section 21.

**22.** In section 21 of the principal Act,—

(*i*) in the marginal heading, for the word "Institute", the word "Institutes" shall be substituted;

(*ii*) in sub-section (*1*), for the words "The Institute shall", the words "Every Institute shall" shall be substituted.

Amendment of section 22.

**23.** In section 22 of the principal Act, for the words "the Institute", the words "every Institute" shall be substituted.

Amendment of section 23.

**24.** In section 23 of the principal Act,—

(*i*) in sub-section (*1*), for the words "The Institute", the words "Every Institute" shall be substituted;

(*ii*) in sub-section (*2*), for the words "the Institute", the words "every Institute" shall be substituted;

(*iii*) in sub-section (*3*), for the words "accounts of the Institute", the words "accounts of any Institute" shall be substituted;

(*iv*) in sub-section (*4*), for the words "the Institute", the words "every Institute" shall be substituted.

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Amendment of section 24.

**25.** In section 24 of the principal Act, in sub-section (*1*), for the words "The Institute", the words "Every Institute" shall be substituted.

Amendment of section 25.

**26.** In section 25 of the principal Act, for the words "the Institute", the words "an Institute" shall be substituted.

Amendment of section 27.

**27.** In section 27 of the principal Act, in sub-section (*1*), for the words "the Institute", the words "every Institute" shall be substituted.

Amendment of section 28.

**28.** In section 28 of the principal Act, for the words "Ordinances of the Institute", the words "Ordinances of each Institute" shall be substituted.

Insertion of new Chapter II-A.

**29.** After Chapter II of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER II-A

THE COUNCIL

Establishment of Council.

30A. (*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be established for all the Institutes specified in column (3) of the Schedule, a central body to be called the Council.

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

(*a*) Minister in charge of the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio*, as Chairperson;

(*b*) Minister of State in the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio,* as Vice-Chairperson;

(*c*) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio;*

(*d*) the Chairperson of every Board of Governors*, ex officio;*

(*e*) the Director of every Institute, *ex officio*;

(*f*) the Chairperson, All India Council for Technical Education, *ex officio*;

(*g*) the Director General, Council of Scientific and Industrial Research, *ex officio*;

(*h*) four Secretaries to the Government of India, to represent the Ministries or Departments of the Central Government dealing with Biotechnology, Health Research, Higher Education and Science and Technology, *ex officio;*

(*i*) not less than three, but not more than five persons to be nominated by the Visitor, at least one of whom shall be a woman, having special knowledge or practical experience in education, pharmaceutical industry, medical devices industry or pharmaceutical research;

(*j*) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States, from amongst its members;

(*k*) the President, Indian Drugs Manufacturing Association, *ex officio*;

(*l*) the President, Organisation of Pharmaceutical Producers of India, *ex officio*;

(*m*) the President, Pharmacy Council of India, *ex officio*;

(*n*) the Financial Advisor of the Ministry or Department of the Central Government dealing with Pharmaceuticals, *ex officio*;

(*o*) the Joint Secretary to the Government of India in the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio,* as Member-Secretary.

(*3*) It is hereby declared that the office of a member of the Council shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

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

30B. (*1*) Save as otherwise provided in this section, the term of office of a member of the Council shall be three years from the date of his nomination or election, as the case may be.

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

(*3*) The term of office of a member elected under clause (*j*) of sub-section (*2*) of section 30A shall come to an end as soon as he becomes a Minister or Minister of State or Deputy Minister, or the Speaker or the Deputy Speaker of the House of the People, or the Deputy Chairperson of the Council of States or ceases to be a member of the House which elected him.

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

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

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

Functions of Council.

30C. (*1*) It shall be the general duty of the Council to coordinate the activities of all the Institutes and to take all such steps as to ensure planned and coordinated development of pharmaceutical education and research and maintenance of standards thereof.

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

(*a*) to advise on matters relating to the duration of the courses, the degrees and other academic distinctions to be conferred by the Institutes, admission standards and other academic matters;

(*b*) to lay down policy regarding cadres, methods of recruitment and conditions of service of employees, institution of scholarships and free-ships, levying of fees and other matters of common interest;

(*c*) to examine the development plans of each Institute and to approve such of them as are considered necessary and also to indicate broadly the financial implications of such approved plans;

(*d*) to lay down policy or guidelines for promoting research and development in pharmaceuticals and related areas, fostering collaboration and overseeing developments and on matters incidental thereto;

(*e*) to examine the annual budget estimates of each Institute and to recommend to the Central Government the allocation of funds for that purpose;

(*f*) to advise the Visitor, if so required, in respect of any function to be performed by him under this Act; and

(*g*) to perform such other functions as are assigned to it by or under this Act.

(*3*) The Council shall meet at least once every six months and follow such procedure in its meetings as may be prescribed.

Chairman of Council.

30D. (*1*) The Chairperson of the Council shall ordinarily preside at the meetings of the Council:

Provided that in the absence of the Chairperson, the Vice-Chairperson shall preside at the meetings of the Council:

Provided further that in the absence of both the Chairperson and the Vice-Chairperson, any other member, chosen from amongst themselves by the members present at the meeting shall preside at that meeting.

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

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

Power to make rules in respect of matters in this Chapter.

30E. (*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Chapter.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of filling vacancies among the members of the Council;

(*b*) the disqualifications for being chosen as, and for being, a member of the Council;

(*c*) the circumstances in which, and the authority by which, members may be removed;

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(*d*) the meetings of the Council and the procedure of conducting business thereat;

(*e*) the travelling and other allowances payable to members of the Council; and

(*f*) the functions of the Council and the manner in which such functions may be exercised.

(*3*) Every rule made by the Central Government under this Chapter 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 rule or both Houses agree that the rule should not be made, the rule 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 rule.".

Amendment of section 31.

**30.** In section 31 of the principal Act, for the words "No act of the Institute", the words "No act of the Council or any Institute" shall be substituted.

Amendment of section 32.

**31.** In section 32 of the principal Act,—

(*i*) in the marginal heading, for the word "Institute", the word "Institutes" shall be substituted;

(*ii*) for the words "the Institute", the words "every Institute" shall be substituted.

Amendment of section 33.

**32.** In section 33 of the principal Act, for the words "Whenever the Institute", the words "Whenever an Institute" shall be substituted.

Insertion of new section 33A.

**33**. After section 33 of the principal Act, the following section shall be inserted, namely:—

Power of Central Government to issue directions.

"33A. The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.".

Amendment of section 35.

**34.** In section 35 of the principal Act, for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) until the first Statutes and the Ordinances in relation to the Institutes mentioned in column (3) of the Schedule are made under this Act, the Statutes and the Ordinances of the National Institute of Pharmaceutical Education and Research, Sector-67, S.A.S. Nagar (Mohali), District Ropar, Punjab as in force, shall apply to those Institutes with the necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act.".

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THE SCHEDULE

[*See* sections 2(*1*), 3(*a*), (*g*), (*gc*), 4(*1*), 30A(*1*) and 35(*b*)]

| Sl. No. | Location of | Name of institutions incorporated under this Act institute and the State | Date of establishment of Institute |
|---|---|---|---|
| (*1*) | (*2*) | (*3*) | (*4*) |
| 1. | Mohali, Punjab | The National Institute of Pharmaceutical Education and Research Society, Mohali | 8th July, 1998 |
| 2. | Ahmedabad, Gujarat | The National Institute of Pharmaceutical Education and Research, Ahmedabad | 6th September, 2007 |
| 3. | Hajipur, Bihar | The National Institute of Pharmaceutical Education and Research, Hajipur | 6th September, 2007 |
| 4. | Hyderabad, Telengana | The National Institute of Pharmaceutical Education and Research, Hyderabad | 6th September, 2007 |
| 5. | Kolkata, West Bengal | The National Institute of Pharmaceutical Education and Research, Kolkata | 6th September, 2007 |
| 6. | Guwahati, Assam | The National Institute of Pharmaceutical Education and Research, Guwahati | 5th August, 2008 |
| 7. | Raebareli, Uttar Pradesh | The National Institute of Pharmaceutical Education and Research, Raebareli | 26th September, 2008 |

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DR. REETA VASISHTA,
*Secretary to the Govt. of India.*

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