

Government of India

Department of Atomic Energy

Short Notice for calling Public Opinion on the proposal of the Department to Convert Homi Bhabha National Institute (HBNI), a deemed to be a University, into an Institute of National Importance through an Act of Parliament

1. Homi Bhabha National Institute (HBNI), recognized as deemed to be a University by the University Grants Commission, a grant-in-aid Institute under the Department of Atomic Energy engaged in research based quality education programmes in chemical sciences, engineering sciences, life sciences, health sciences, physical sciences, mathematics and applied systems analysis. Potential of HBNI is vast and to realize its full potential, Department of Atomic Energy has decided to convert HBNI into an Institute of National Importance (INI) through an Act of Parliament and have started the process for doing so.
2. The draft bill was discussed in a meeting of Advisory Committee of HBNI, where Directors of all Constituent Institutions and off-campus centre, who are the main stakeholders, were present. Their feedback has been incorporated in the present version of the draft Bill.
3. Draft Bill, including statement of objects & reasons, for converting Homi Bhabha National Institute (HBNI) into an Institute of National Importance (INI) through an Act of Parliament is appended herewith. The same is also placed on the website of the Department of Atomic Energy (www.dae.gov.in).
4. Views/comments/suggestions, if any, may be sent on the proposed draft HBNI bill within the stipulated time period of 30 days i.e. from 03.05.2017 to 02.06.2017 by email addressed to the Deputy Secretary (R&D), DAE vide e mail ID : dirrd@dae.gov.in.

* * * * *

TO BE INTRODUCED IN----- SABHA Bill No. ----- of 2017

THE HOMI BHABHA NATIONAL INSTITUTE BILL, 2017

ARRANGEMENT OF CLAUSES

CLAUSES

Chapter I: Preliminary

1. Short title, extent and commencement.
2. Definitions.
3. Declaration of the Institute as an institution of national importance.

Chapter II: The Institute

4. Establishment of the Institute.
5. Objects of the Institute.
6. Relationship of the Institute with Constitution Institutions.
7. Functions and powers of the Institute.
8. The Institute open to all castes, creed, race or class.

Chapter III: Authorities and officers of the Institute

9. Authorities and officers of the Institute.
10. Composition of Board of Governors.
11. Allowances payable to members of Board.
12. Term of office of members of Board.
13. Powers of Board.
14. Composition of the Senate.
15. Powers of the Senate.
16. Director of the Institute.
17. Appointment of a Director of the Institute.
18. Duties of the Director of the Institute.
19. Deputy Directors of the Institute.
20. Boards of Studies, Convenor of Boards of Studies and Dean.
21. Registrar of the Institute.
22. Powers of other authorities and officers.
23. Appointments.
24. Conditions of service.

Chapter IV: Accounts and audit

25. Fund of the Institute.
26. Accounts.
27. Audit of accounts and its publication.

Chapter V: Statutes and ordinances

28. Statutes.
29. Matters to be provided by Statutes.
30. Ordinances.

Chapter VI: Review of the Institute

31. Review of functioning of the Institute.

Chapter VII: Transitional provisions

32. Transfer of assets, liabilities, employees etc. of the deemed university to the Institute.
33. Transfer of students and faculty of the deemed university to the Institute.

Chapter VIII: Miscellaneous

34. Recognition of degrees granted by the Institute.
35. School to be public authority under right to Information Act, 2005.
36. Arbitration.
37. Resignation, removal and suspension of Members of the Board or the Director.
38. Meetings.
39. Vacancies not to invalidate acts or proceedings of Board or any other authority.
40. Power to remove difficulties.

THE HOMI BHABHA NATIONAL INSTITUTE BILL, 2017

A BILL to establish an Institute for furtherance of the advancement of learning and prosecution of research in the field of science, engineering and mathematics with emphasis of nuclear sciences in association with Central Government and to declare it to be an institution of national importance, to provide for its incorporation and matters connected therewith or incidental thereto.

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

Chapter I

1. (1) This Act may be called the Homi Bhabha National Institute Act, 2017.

*Short title, extent
and
commencement*

(2) It extends to the whole of India except the State of Jammu and Kashmir.

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

2. In this Act, and in all Statutes and Ordinances made there under, unless the context otherwise requires, —

Definitions

(a) “Atomic Energy Commission” means the Atomic Energy Commission established under the Government of India Resolution in the Department of Atomic Energy having No.13/7/58-Adm. dated the 1st March 1958;

- (b) “Board” means the Board of Governors, an authority of the Institute, having composition as defined in section 10;
- (c) “Board of Studies” means Board of Studies of the Institute referred to in section 20;
- (d) “Chairperson” means the Chairperson of the Board designated under sub-section (1) (a) of section 10;
- (e) “Constituent Institution” means a research and development centre of the central government or a grant-in-aid institution under the administrative control of the Department of Atomic Energy which has been so designated under sub-section (3) of section 4;
- (f) “Deemed University” means the Homi Bhabha National Institute, a society registered by that name under the Societies Registration Act, 1860(21 of 1860), and declared a deemed to be university along with its constituent units and off-campus centre under the UGC Act by the Ministry of Human Resource Development vide notification No. F.9-5/2004-U.3 dated June 3, 2005 and vide notification no F.10-3/2011-U.3(A) dated February 5, 2016;
- (g) “Deputy Director” means the Deputy Director of the Institute appointed under section 19;
- (h) “Director” means the Director of the Institute appointed under section 17.
- (i) “Faculty of the Institute” means Senior Professors, Professors, Associate Professors, Assistant Professors, Fellows, Lecturers, Practice Professors, adjunct faculty, Emeritus Professors, visiting faculty, and such other

persons as may be appointed for imparting instruction or conducting research in the Institute or institutions maintained by the Institute and includes the scientists of the Constituent Institutions recognised as such following due procedure as laid down in section 6;

(j) “Institute” means the Homi Bhabha National Institute established under sub-section (1) of section 4;

(k) “notification” means a notification published in the Official Gazette;

(l) “Senate” means Senate of the Institute referred to in section 14

(m) “Statutes” and “Ordinances” means the Statutes and the Ordinances of the Institute for the time being in force.

(n) “University Grants Commission” means the commission established under section 4 of the University Grants Commission Act, 1956 (3 of 1956).

3. Whereas the objects of the Institute are such as to make it an institute of national importance, it is hereby declared that the Institute shall be an institution of national importance.

Declaration of the Institute as an Institution of National Importance

Chapter II

(1) With effect from such date as the Central Government may, by notification, appoint in this behalf, there shall be established, for the purposes of this Act, an Institute to be called the “Homi Bhabha National Institute” as a body corporate by such name.

Establishment of the Institute

(2) The headquarters of the Institute shall be at such place as the Central Government may, by notification, specify.

(3) For the conduct of academic programmes including research based academic programmes, the Institute shall have institutions listed in the first schedule as its Constituent Institutions:

Provided that the Central Government may, as and when considered necessary, by notification in the Official Gazette, amend the Schedule to include any other grant-in-aid institution under the administrative control of the Department of Atomic Energy or research and development centre of the Department of Atomic Energy

(4) The Institute or its Constituent Institutions may establish such number of additional campuses, off-campus laboratories and field stations, as it may deem fit.

(5) The Institute shall have 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.

5. (1) The objects of the Institute shall be to —

(a) encourage pursuit of excellence in sciences, including engineering sciences and mathematics, in a manner that has major significance for the progress of indigenous nuclear technological capability;

(b) provide an academic framework for integrating basic research with technology development;

*Objects of the
Institute*

- (c) undertake inter-disciplinary studies and research having a bearing on mathematics, nuclear science and engineering including related disciplines in social sciences and nuclear law;
- (d) nurture an environment for attracting high quality manpower in the mathematics and sciences including engineering sciences for taking up a career in nuclear science and technology and provide a framework for updating of knowledge for those who are working in nuclear science and engineering;
- (e) collaborate or establish linkages, as appropriate with reputed universities, institutions research and development centres or industries in India or outside India in the field of nuclear science and engineering and mathematics.

(2) The curricula, pedagogy and methods of evaluation adopted by the Institute shall be innovative and directed towards creating highest quality personnel with cross-disciplinary knowledge, aiming to provide leaders in the field of nuclear science and engineering, and mathematics.

6. (1) All academic programmes at the Constitution Institutions aimed at awarding certificates, diplomas, degrees and other academic distinctions will be governed by the Institute and admission of students will be as per guidelines formulated by the Institute.

*Relationship of
the Institute with
Constitution
Institutions*

(2) The Institute shall lay guidelines for designating scientific and academic staff at the Constituent Institutions as its faculty at all levels including but not limited to Senior Professor,

Professor, Associate Professor, Assistant Professor, Fellow, Lecturer, Practice Professor, Emeritus Professors, and Adjunct Professor.

(3) The Institute shall designate individuals working as scientific or academic staff in the Constituent Institutions as faculty at a level in accordance with its guidelines.

(4) The Institute shall be provided or allowed to use the infrastructure and scientific and other manpower of the Department of Atomic Energy and its units which are the Constituent Institutions of the Institute for the purpose of teaching, research and evaluation of performance of students and other manpower for administrative purposes for mutual benefit.

(5) The Institute shall lay guidelines which shall be followed by Constituent Institutions for designating some of the faculty at Constituent Institutions as authorities for the conduct of academic programmes of the Institute.

7. (1) The Institute shall discharge its functions and exercise the following powers either by itself or cause to exercise through Constituent Institutions, namely: —

Functions and Powers of the Institute

- (i) to provide for instructions and conduct research in such branches of learning as provided for in the objects of the Institute and for dissemination, including through advisory and consultancy services, of knowledge in such branches;
- (ii) to establish such off-campus laboratories and field stations or other units for research and instruction as may be required;

- (iii) to design its curriculum and pedagogy for award of diplomas or certificates and confer degrees or other academic distinctions as it may deem fit and to provide for flexible systems and structures for pursuit of academic programmes;
- (iv) to grant diplomas or certificates or degrees or other academic distinctions on the basis of such methods of evaluation as the Institute may determine and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;
- (v) to confer honorary degrees or other distinctions;
- (vi) to institute and award fellowships, scholarships, studentships, medals and prizes;
- (vii) to determine the standards of admission to the Institute, which may include examination or other innovative models of testing or evaluation;
- (viii) to fix, demand and receive payment of fees and other charges;
- (ix) to establish, maintain and manage hostels for residence of students;
- (x) to supervise and control the residences and regulate the discipline of the students of the Institute and to make arrangements for promoting their health, general welfare, cultural and corporate life of students and employees;
- (xi) to lay administrative standards and structures, and decide on all matters of creation of posts, laying down standards for recruitment, determining compensation packages, and contractual arrangements and to make appointments thereto;

Provided that prior approval of the Central Government may be obtained for creation of any regular posts;

- (xii) to lay down conditions of service for all categories of employees, including their code of conduct;
- (xiii) to institute professorships, associate professorships and assistant professorships including Professors of Eminence, Distinguished Professors, Outstanding Professors, Emeritus Professors, or visiting positions and other teaching or academic or other positions, required by the Institute, to make appointments to such positions and determine compensation and contractual arrangements, and confer such titles to scientific personnel working in Constituent Institutions in accordance with the criteria set by the Institute for this purpose;
- (xiv) to appoint persons from any other university, or institution, or industry, or persons of eminence from appropriate fields of studies, including those outside the country, as adjunct, guest or visiting faculty;
- (xv) to co-operate or collaborate or associate with anybody including, a university or institution, or industry, located in India or outside India;
- (xvi) to regulate and enforce discipline, among the students and employees and take such disciplinary measures in this regard as may be necessary;
- (xvii) to receive grants, benefactions, donations, gifts, bequests and transfer or acquire, hold and manage and dispose off any property movable or immovable, including trust and endowment properties for the purposes of the Institute;

Provided that no such grants, benefaction, donations, gifts, bequests, gifts, bequests and transfer shall be accepted by the Institute which in the opinion of the Board involves conditions or obligations opposed to the spirit and object of this Act;

- (xviii) to borrow, on the security of property of the Institute or otherwise, money for the purposes of the Institute or utilise its property for such purposes as are in conformity with the spirit and objects of this Act;
- (xix) to frame Statutes and Ordinances and to alter, modify or rescind the same;
- (xx) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

(2) In exercising its powers referred to in sub-section (1), it shall be the endeavour of the Institute to maintain an all India character and high standards of teaching and research, and, the Institute shall, among other measures which may be necessary for the said purpose, take, in particular, the following measures, namely: —

- (i) subject to the provisions of section 8, the admission of students shall be made on merit;
- (ii) continuous evaluation or other innovative methods of evaluation, choice based credit system and agreements with other universities and academic institutions in India or outside India for credit transfer and joint degree programmes;

- (iii) innovative courses and programmes of studies with a provision for periodic review and restructuring;
- (iv) imparting of instruction and examination through use of modern techniques or technologies;
- (v) provide for further education to the working professionals and other employees of the Institute or its Constituent Institutions in such branches of learning as provided in the objects of the Institute;
- (vi) active participation of students in the academic matters beyond class room through seminars and conferences.

8. (1) The Institute shall be open to all persons, irrespective of gender, caste, creed, disability, domicile, ethnicity, social or economic background.

*The Institute
Open to All*

(2) It shall not be lawful for the Institute to adopt or impose on any person, any test whatsoever of religious belief or profession in order to be entitled to be appointed as a Faculty of the Institute or to hold any other office therein, or to be employed therein or to be admitted as a student in the Institute.

(3) Admissions to every academic programme of study shall be based on merit assessed through transparent and reasonable criteria disclosed prior to the commencement of the process of admission by such Institute.

Provided that no such special provision shall be made on the ground of domicile.

Chapter III

Authorities of the Institute

9. (1) The following shall be the authorities of the Institute, namely: —

- a) The Board;
- b) The Senate;
- c) Boards of Studies;
- d) Finance Committee;
- e) such other authorities as may be declared by the statutes to be the authorities of the Institute.

(2) The following shall be the officers of the Institute, namely: —

- (a) Director;
- (b) Deputy Directors;
- (c) Deans;
- (d) Registrar;
- (e) such other officers as may be declared by the Statutes to be the officers of the Institute.

10. (1) The Board referred to in clause (a) of section 9 shall consist of the following, namely: —

Composition of Board

- (a) Chairman, Atomic Energy Commission and Secretary, Department of Atomic Energy, *ex officio* Chairperson;
- (b) Director, *ex officio* Vice-Chairperson;
- (c) Member (Finance), Atomic Energy Commission, *ex officio* member;
- (d) Director, Bhabha Atomic Research Centre of the Department of Atomic Energy, Government of India, *ex-officio* member;

(e) Up to two Deputy Directors to be nominated by the Director;

(f) Director of one of the Research and Development Centres other than Bhabha Atomic Research Centre of the Department of Atomic Energy, to be nominated by the Secretary, Department of Atomic Energy;

(g) Director of three of the grant-in-aid institutions under the administrative control of the Department of Atomic Energy, to be nominated by the Secretary, Department of Atomic Energy;

(h) Up to four persons nominated by the Secretary, Department Atomic Energy out of the distinguished scientists or academicians of global eminence in the fields related to the activities of the Institute;

(2) The Chairperson shall ordinarily preside over the meetings of the Board.

(3) The Board may evolve its own procedure for the purpose of conducting its meetings and transacting business therein.

(4) The Registrar of the Institute shall be the Secretary of the Board.

(5) The Council of Management of the Deemed University shall function as the first Board of the Institute till a Board under sub-section (1) is constituted.

11. The members of the Board shall be entitled to such allowances, if any, from the Institute, as may be provided for, in the Statutes but no member other than the Director and the Deputy Directors, shall be entitled to any salary by reason of this section.

*Allowances
Payable to
Members of the
Board*

12. (1) Save as otherwise provided in this section, term of office of members of the Board other than an *ex officio* member shall be three years, being one term of the Board and they shall be eligible to be re-appointed:

Provided that an outgoing member of the Board shall, unless or otherwise directed, continue in office until another person is appointed, or, as the case may be, nominated as a member in his place;

Provided that, notwithstanding anything contained in this sub-section, the members of the Council of Management of the Deemed University immediately before the commencement of this Act for the first time, may hold office as members of the Board for such period not exceeding two years.

(2) In the event of vacancy in the office of the Chairperson, by reason of his death or resignation or otherwise, the Vice Chairperson shall act as the Chairperson until a new Chairperson is appointed in accordance with the provisions of this Act to fill the vacancy and enter upon his office.

(3) In the event of vacancy in the office of a nominated member under sub-section (1) of section 10 by reason of his death or resignation or otherwise, the vacancy shall be filled in accordance with the provisions of this Act:

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

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

Powers of the Board

(2) Without prejudice to the provisions of sub-section (1), the Board shall have the powers to—

- (a) take decisions on questions of policy relating to the administration and working of the Institute;
- (b) institute courses of study at the Institute on the recommendation of the Senate;
- (c) make Statutes by itself or on the recommendation of the Senate and to alter, modify or rescind the same;
- (d) institute and appoint persons to academic as well as other posts in the Institute;
- (e) make a frame work for recognising scientific staff working in constituent institutions as faculty;
- (f) consider and modify or cancel or rescind Ordinances on the recommendation of the Senate;
- (g) consider and pass resolutions on the annual report, the annual accounts and the budget estimates of the Institute for the next financial year, together with a statement of its development plans;

- (h) approve investments in infrastructure of the Institute in any land or building;
- (i) exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes.

(3) The Board may constitute a Standing Executive Sub-Committee chaired by the Director and delegate some of its functions to it.

(4) The Board shall also have the power to appoint such committees of one or more persons as it considers necessary for exercise of its powers and the performance of its duties and hold enquiries under this Act.

14. (1) The Senate shall be the principal academic body of the Institute and consist of the following, namely: —

Composition of the Senate

- (a) Director, *ex officio* Chairperson;
- (b) Deputy Directors, *ex officio* members;
- (c) Heads of all Constituent Institutions, *ex officio* members;
- (d) all Conveners of Boards of Studies of the Institute, *ex officio* members;
- (e) three persons, not being the employees of the Institute or any of the Constituent Institutions, to be nominated by the Chairman of the Board in consultation with the Director from amongst scientists, mathematicians, engineers and technologists of high repute;

(f) up to three members of the staff of constituent institutions who are scientists, mathematicians, engineers or technologists of repute to be nominated by the Director.

(2) The tenure of the members nominated under clauses (e) and (f) of sub-section (1) shall be three years.

(3) Registrar shall be the secretary of the Senate.

(4) The Senate may evolve its own procedure for the purpose of conducting its meetings and transacting business therein.

(5) The Academic Council of the Deemed University shall function as the first Senate of the Institute till a Senate under sub-section (1) is constituted.

15. Subject to the provisions of this Act, the Statutes and the Ordinances, the Senate of the Institute shall have the control and general regulation, and be responsible for the maintenance, of standards of instruction, education and examinations 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 and Ordinances. The Senate may constitute a Standing Executive Sub-Committee chaired by the Director and delegate some of its functions to it.

Powers of the Senate

16. The Director shall be the principal academic and executive officer of the Institute and shall be responsible for the administration of the Institute and imparting instruction, research and maintenance of discipline.

Director of the Institute

17. (1) The Director shall be a whole time salaried officer of the Institute. He shall be appointed in such manner and on such terms and conditions as may be provided by the statutes and with the approval of the Central Government.

(2) The Director shall hold office for a period of five years and be eligible for a second term, provided that in no case shall he/she hold office beyond the age of 70 years:

Provided that notwithstanding the expiry of the period of five years, he/she may continue in office for not more than six months or till his/her successor is appointed and the latter assumes office or till he/she attains the age of 70 years, whichever is earlier.

(3) In case the office of the Director becomes vacant due to death, resignation or otherwise and in his/her absence due to illness or any other cause, the senior most Deputy Director shall perform the duties of Director until a new Director is appointed or as the case may be the existing Director resumes duties.

(4) The procedure referred to under sub-section (1) shall be initiated within six months before the completion of tenure of the incumbent as the Director.

(5) Vice Chancellor of the Deemed University shall be the first Director of the Institute and hold office till an appointment under sub-section (1) is made.

18. (1) It shall be the duty of the Director that the decisions taken by the Board are implemented.

(2) The Director shall submit an annual report and accounts of the Institute to the Board and the Central Government who shall cause it to be laid on the table of each House of the Parliament.

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

19. (1) The Institute shall have one or more Deputy Directors.

*Deputy Directors
of the Institute*

(2) The Deputy Directors shall be appointed in such manner, on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the statutes.

(3) Deputy Directors will be in the employment of one of the Constituent Institutions or of the Institute.

(4) Dean of the Deemed University shall function as the first Deputy Director of the Institute and hold office till an appointment under sub-section (2) is made.

20. (1) There shall be a Board of Studies for every discipline such as Chemical Sciences, Engineering Sciences, Life Sciences, Health Sciences, Physical Sciences, Mathematics and Applied Systems Analysis. The Board may form any additional Board of Studies to meet the requirements of the Institute. Boards of Studies shall be constituted by the Director on the recommendation of the Senate in such manner, on such terms and conditions, and shall

*Boards of Studies,
Conveners of
Boards of Studies
and Deans*

exercise such powers and perform such duties, as may be prescribed by the statutes.

(2) Every Board of Studies shall have a Convener appointed in such manner and to exercise such powers as may be prescribed by the Statutes.

(3) Conveners of the Boards of Studies will be in the employment of one of the Constituent Institutions or of the Institute.

(4) Boards of Studies of the Deemed University shall function as the first Boards of Studies of the Institute till such Boards of Studies are appointed under sub-section (1).

(5) The Director shall appoint Deans for carrying various functions such as Academic Affairs, Students Affairs, and Alumni Affairs at the level of the Institute as per the procedures prescribed by the statutes. The term of appointment of a Dean shall normally be three years and he/she shall be eligible for re-appointment. Deans will be in the employment of one of the Constituent Institutions or of the Institute.

(6) Associate Deans of the Deemed University shall be first Deans at the level of the Institute and hold office till an appointment under sub-section (5) is made.

(7) Heads of Constituent Institutions shall appoint Deans for carrying out various functions such as Academic Affairs,

Students Affairs, and Alumni Affairs at the level of Constituent Institutions as per the procedures prescribed by the statutes. The term of appointment of a Dean shall normally be three years and he/she shall be eligible for re-appointment. Deans at the level of Constituent Institutions will be in the employment of the Constituent Institutions.

(8) Deans-Academic at the Constituent Institutions shall be the first Deans at the level of the Constituent Institutions.

21. (1) The Registrar shall be appointed in such manner and on such terms and conditions, as may be prescribed by the Statutes and shall be custodian of records, the common seal, the funds of the Institute and such other properties of the Institute as the Board shall commit to his charge.

*Registrar of
the Institute*

(2) The Registrar shall act as the Secretary of the Board, the Senate, and such committees as may be prescribed by the Statutes.

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

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

(5) Registrar of the Deemed University shall be the first Registrar of the Institute and hold office till an appointment under sub-section (1) is made.

22. (1) The constitution and powers of Boards of Studies shall be such as may be provided in the Statutes.

Powers of Other Authorities and Officers

(2) The powers, including the financial powers and duties of authorities, officers and other functionaries of the Institute shall be such as may be provided in the Statutes.

23. (1) All appointments of the staff of the Institute except the Director, shall be made in accordance with the procedure laid down in the Statutes, by—

Appointments

(a) the Director with the approval of Board for the academic staff;

(b) the Director, in any other case.

(2) Appointment of academic and other staff at a Constituent Institution shall be made by the Rules applicable to that Constituent Institution.

24. (1) Every employee of the Institute shall be appointed under a written contract:

Conditions of Service

Provided that all scientists and other employees of the Central Government engaged in the service of the Institute shall be governed by the service conditions and rules applicable to such employees of that Government.

Provided also that all scientists and other employees of the Constituent Institutions engaged in the service of the

Institute shall be governed by the service conditions and rules applicable to such employees of that Constituent Institution.

(2) The Institute shall have a flexible compensation system which recognises performance, as laid down in the Statutes, to bring the best talent in the Institute:

Provided that the employees of Central Government or a Constituent Institution —

(a) engaged in the service of the Institute; and

(b) who draw their salary from that Government or Constituent Institution, shall be eligible for such allowances or honorarium, as may be determined by the Statute.

Chapter IV

Account and Audit

25. (1) The Institute shall maintain and retain a fund to which shall be credited—

*Fund of the
Institute*

(a) all fees (including tuition fees) and other charges received by the Institute;

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

(c) monies for projects undertaken by the Institute;

(d) income from investment made by the Institute or from any other source;

(e) the funds received by the Institute by way of loan or otherwise;

(f) all monies received by the Institute in any other manner or from any other sources.

(2) All monies credited to the fund of the Institute shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Board, decide.

(3) The fund shall be applied for meeting, —

(a) the salaries, allowances and other remuneration of the Chairperson, members of the Board or Faculty, officers and other employees or members of the committees set up by the Institute;

(b) the expenses of the Institute in the discharge of its functions or exercise of its powers under section 7;

(c) the expenses on objects of, and for purposes authorised by this Act.

(4) All expenditure of the Institute shall be within the framework of a budget approved by the Board.

26. (1) The Institute shall maintain proper and separate accounts giving therein the details of all receipts in, and, expenditure from, such fund and other relevant particulars.

Accounts

(2) The accounts referred to in sub-section (1) shall be prepared and audited before the expiry of six months from the end of each financial year.

(3) The Institute shall submit to the Board and the Central Government the accounts referred to in sub-section (1) duly audited under section 27 and signed by the Director and a Deputy Director.

(4) The Central Government referred to in sub section (3) and any other person appointed by them, in connection with the audit of the accounts of the HBNI, shall have the right to demand the production of books, accounts connected vouchers and other documents and papers and to inspect any of the offices of the Institute.

27. (1) The accounts of the Institute shall, without prejudice to the provisions contained in the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971 (56 of 1971), be audited by auditors appointed by the Board for a term of one year and such auditors shall be eligible for re-appointment.

*Audit of
Accounts and
its Publication*

(2) No person shall be eligible to be appointed as an auditor under sub-section (1) unless he is a chartered accountant as defined in clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949(38 of 1949), and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act.

(3) The accounts of the Institute shall, after the completion of the audit under sub-section (1) and submission thereof to the Board and the Central Government be published on the website of the Institute.

Chapter V

Statutes and Ordinances

28. (1) The Statutes of the Institute shall be enacted by the Board with the approval of the Central Government.

Statutes

(2) Without prejudice to the provisions contained in subsection (1), the Senate may make recommendations for enactment of Statutes to the Board.

(3) The Board may, from time to time, make new or additional Statutes or may amend or repeal or rescind the Statutes with effect from such date as it may direct.

(4) Rules of the Deemed University and orders issued there under shall be the first statutes of the Institute.

29. Subject to the provisions of this Act, the Statutes may provide for all or any of the matters considered necessary by the Board for functioning of the Institute within the framework of this Act, including the following matters, namely: —

*Matters to be
Provided by
Statutes*

- (a) the addition or deletion of a Constituent Institution from the First schedule including transfer of students and faculty from the affected institute;
- (b) the procedure for recognition of additional campuses, off-campus laboratories and field stations of the Constituent Institutions and listing thereof;
- (c) the constitution, powers and functions of the Senate;
- (d) the constitution, powers and functions of the Boards of Studies;
- (e) the term of office and the method of appointment of officers of the Institute;
- (f) the constitution, powers and duties of authorities of the Institute;

- (g) the meetings of the Board, the Senate, Boards of Studies or any committee, the quorum at such meetings and the procedure to be followed in the conduct of their business;
- (h) the allowances to be paid to the Chairperson and other members of the Board and any committee constituted by the Institute;
- (i) the qualification of Faculty, officers and other staff of the Institute other than the personnel of the Constituent Institutions or the Central Government engaged in the service of the Institute:

Provided that the personnel of the Constituent Institutions or the Central Government engaged in the service of the Institute shall be governed by the qualifications specified by the Board and nothing contained in this Act shall be construed to disqualify them from undertaking the service of the Institute or engaging them as Faculty of the Institute;

- (j) the classification, the method of appointment and the determination of the terms and conditions of service of Faculty, officers and other staff of the Institute:

Provided that the personnel of the Constituent Institutions or the Central Government engaged in the service of the Institute shall be governed by their respective procedure for appointment and service conditions and nothing contained in this Act shall be construed to change that;

- (k) the provision of insurance fund, provident fund and other retirement benefits, for the benefit of the Faculty, officers and other staff of the Institute;

- (l) the conferment of degrees and diplomas;
- (m) the tuition fee and other fees to be charged;
- (n) the institution of fellowships, scholarships, medals and prizes;
- (o) the establishment and maintenance of hostels;
- (p) the conditions of residence of students of the Institute and the levying of fees for residence in the hostels and of other charges;
- (q) any other matter which may be required or necessary for the purposes of this Act.

30. (1) 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: —

Ordinances

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

(2) Save as otherwise provided in this section, Ordinances shall be made by the Senate.

(3) All Ordinances made by the Senate shall have the effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Board and shall be considered by the Board in its subsequent meeting.

(4) The Board shall have the power, by resolution, to modify or cancel or rescind any of the Ordinances and such Ordinances shall, from the date of such resolution stand modified accordingly or cancelled or rescinded, as the case may be.

(5) Ordinances of the Deemed University shall be the initial ordinances of the Institute and shall remain in force till ordinances under this Section are made.

Chapter VI

Review of the Institute

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

*Visitor and
Review of
Functioning of
the Institute*

(2) The Visitor may 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 actions and issue such directions as he considers necessary in respect of any of the matters dealt with and the Institute shall comply with such direction.

Chapter VII
Transitional Provisions

32. (1) On and from the date of establishment of the Institute:—

Transfer of assets, liabilities, employees etc., of the Deemed University to the Institute

(a) any reference to the Deemed University in any law other than this Act or in any contract or other instrument shall be deemed as a reference to the Institute;

(b) all properties and assets, movable and immovable, of, or belonging to, the Deemed University, shall vest in the Institute;

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

(d) without prejudice to the provisions of clause (c), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Deemed University immediately before that date, for or in connection with the purpose of the said Deemed University shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Institute;

(e) all sums of money due to the Deemed University immediately before that date shall be deemed to be due to the Institute;

(f) all suits and other legal proceedings instituted or which could have been instituted by or against the Deemed University immediately before that date may be continued or may be instituted by or against the Institute;

(g) every employee, including those appointed for imparting instruction or conducting research in the Deemed University, holding any office under the Deemed University or teaching therein immediately before that date shall hold his office in the Institute or continue teaching therein by the same tenure and upon the same terms and conditions of service as respects remuneration, leave, provident fund, retirement and other terminal benefits as he would have held such office if the Institute had not been established and shall continue to do so as an employee of the Institute or until the expiry of the period of six months from that date if such employee opts not to be the employee of the Institute within such period.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, absorption of any employee by the Institute in its regular service under this section shall not entitle such employee to any compensation under that Act or other law and no such claim shall be entertained by any court, tribunal or other authority.

33. (1) Any person pursuing any academic programme, before the commencement of this Act, in the Deemed University for award of any degree or diploma or certificate shall be entitled to pursue such academic programme after the establishment of the Institute and be registered or enrolled with the Institute for grant of the same degree or diploma or certificate by the Institute and such person shall be deemed to have migrated and registered or enrolled

*Transfer of
Students and
Faculty of the
Deemed
University to the
Institute*

with the Institute at the same level of study as in the deemed university.

(2) Any individual working in any of the Constituent Institutions of the Deemed University, who has been recognised as faculty or tutor or guide for a specific course or for courses of study, will continue to have the same status under the Institute.

Chapter VIII

Miscellaneous

34. (1) 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.

Recognition of Degrees Granted by the Institute

(2) Notwithstanding anything contained in the Indian Medical Council act, 1956, (102 of 1956), the medical degrees and diplomas granted by the Institute under this act shall be recognised medical qualifications for the purpose of that Act and shall be deemed to be included in the First schedule to that Act.

35. The provisions of the Right to Information Act, 2005 shall apply to the Institute as if it were a public authority defined in clause (h) of section 2 of that Act.

The Institute to be Public Authority under Right to Information Act, 2005

36. (1) (a) 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

Arbitration

the Director, one member nominated by the employee, and an umpire appointed by the Secretary, Department of Atomic Energy.

(b) the decision of the tribunal shall be final and shall not be questioned in any court.

(c) 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 Tribunal of Arbitration.

(d) The Tribunal of arbitration shall have power to regulate its own procedure:

Provided that the Tribunal shall have regard to the principle of natural justice while making such procedure.

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

(2) Any student or candidate for an examination whose name has been removed from the rolls of the Institute by the orders or resolution issued with the approval of the Director and who has been debarred from appearing at the examinations of the Institute for more than one year may, within ten days of the date of receipt of such orders or resolution by him, appeal to the Board who may confirm, modify or reverse the decision.

(3) Any dispute arising out of disciplinary action by the Institute against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-section (1) shall, as far as may be, apply to a reference made under this sub-section.

(4) Every employee or student of the Institute, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Board of Governors against the decision of any officer or

authority of the Institute as the case may be and thereupon the Board may confirm, modify or reverse the decision appealed against.

37. (1) A Member of the Board other than *ex officio* Members of the Board or the Director may, by notice in writing under his hand addressed to the Chairman of the Board, resign his office:

*Resignation,
Removal and
Suspension of
Members of the
Board or the
Director*

Provided that such Member or Director shall, unless he is permitted by the Chairman of the Board to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

2) On the recommendation of the Central Government, the Chairman of the Board may remove from office any Member of the Board or the Director, who—

(a) has been adjudged an insolvent; or

(b) being the Director has engaged at any time, during his term of office, in any paid employment; or

(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(d) has become physically or mentally incapable of acting as such Member or Director; or

(e) is of unsound mind and stands so declared by a competent court; or

(f) has acquired such financial or other interest as is likely to affect prejudicially the exercise of his functions as such Member or Director; or

(g) has so abused his position as to render his continuance in office prejudicial to the public interest; or

(h) has been guilty of proved misbehaviour; or

(i) has such other disqualifications as may be prescribed.

(3) Notwithstanding anything contained in sub-section (2), a Member of the Board or the Director shall not be removed from his office on the grounds specified in clause (g) or clause (h) or clause (i) of sub-section (2), except by an order made by the Chairman of the Board after an enquiry made in this behalf in which such Member or Director has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(4) In the event of inquiry instituted under sub-section (3), the Chair of the Board may suspend such Member or Director against whom inquiry has been instituted if it is considered necessary in public interest.

(5) The procedure for the inquiry referred to in sub-section (3) shall be regulated by the Statutes.

(6) In case any nominated member under any of the clauses (e) to (h) of sub-section (1) of section 10 in the Board incurs any of the disqualifications under clauses (a) to (h) of sub-

section (2), such nominated member shall not be eligible to be member and his nomination as such shall be revoked by the authority who nominated him.

38. The meetings of the Board, the Senate, or other committees constituted by the Institute may be held using contemporary tools of information and communication technologies (including video-conferencing) without the members necessarily having to be physically present.

Meetings

39. No act of the Board or any other authority set up under this Act or the Statutes, shall be invalid merely by reason of –

Vacancies not to Invalidate Acts or Proceedings of the Board, or any other Authority

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

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

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

40. (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, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing such difficulty:

Power to Remove Difficulties

Provided that no order shall be made under this sub-section after the expiry of three years from the commencement of this Act.

(2) Every order made under sub-section (1) 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 order or both Houses agree that the order should not be made, the order 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 order.

The First Schedule

[see section 4]

Constituent Institutions

(i) The following Research and Development Centres of the Department of Atomic Energy together with their additional campuses, off-campus laboratories and field stations,

- a. Bhabha Atomic Research Centre, Mumbai;
- b. Indira Gandhi Centre for Atomic Research, Kalpakkam;
- c. Raja Ramanna Centre for Advanced Technology, Indore;
- d. Variable Energy Cyclotron Centre, Kolkata; and

(ii) The following Grant-in Aid Institutions under the administrative control of the Department of Atomic Energy along with their additional campuses, off-campus laboratories and study centres;

- a. Saha Institute of Nuclear Physics, Kolkata;
- b. Institute for Plasma Research, Gandhinagar;
- c. Institute of Physics, Bhubaneswar;
- d. National Institute for Science Education and Research, Bhubaneswar;
- e. Harish-Chandra Research Institute, Allahabad;
- f. Tata Memorial Centre, Mumbai;
- g. Institute of Mathematical Sciences, Chennai.

STATEMENTS OF OBJECTS AND REASONS

1. The Department of Atomic Energy (DAE), since its inception, has been pursuing basic research as well as technology development with equal rigour. Over the years, a robust institutional framework has been put in place. Today, apart from industrial units, DAE runs several major research centres and grant-in-aid institutions. A key element of the success achieved in the manpower development is the setting up of a school to teach nuclear science and engineering to engineering graduates and science post-graduates. In addition, research centres and the grant-in-aid institutions, apart from carrying out research, have been running doctoral programmes, which have helped in producing high quality scientific research personnel. It is in this respect of an in-house human resource development programme that the DAE has been unique. This emphasis on human resource development has provided well trained manpower for indigenous development of nuclear science and technology.

2. Challenges in various advanced technology areas, particularly nuclear science and engineering, continue and it has, therefore, become imperative that DAE conceives of novel ways through which in-depth capabilities in nuclear science and engineering, and mathematics are unabatedly nurtured within our institutions. It was in this context that the idea of establishing the Homi Bhabha National Institute (HBNI) with a deemed to be university status was proposed and the HBNI was notified as a deemed to be university by the Central Government in June 2005. The HBNI integrates academic

programmes of several DAE institutions and has been accredited by National Assessment and Accreditation Council with a CGPA of 3.53 on a four point scale valid until 10 May 2020. On 4th April 2016, it was ranked at 17th position in the university category by the National Institutional Ranking Framework.

3. Considering that the HBNI has emerged as an excellent research university, it is in the fitness of things that it is given the status of an Institution of National Importance through an Act of Parliament.

4. The object of the bill is, therefore, to establish HBNI as an institution of national importance.