

**Bill No. 129 of 2011**

THE REGIONAL CENTRE FOR BIOTECHNOLOGY BILL, 2011

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**Bill No. 129 of 2011**

THE REGIONAL CENTRE FOR BIOTECHNOLOGY BILL, 2011

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BILL

*to provide for the establishment of an institution of national importance to be known as the Regional Centre for Biotechnology for training and education as a category II institution under the auspice of the United Nations Educational, Scientific and Cultural Organisation, to undertake research in the field of biotechnology and to provide for matters connected therewith or incidental thereto.*

WHEREAS the General Conference of the United Nations Educational, Scientific and Cultural Organisation, at its thirty-third session held in Paris, France during the 3rd to 21st October, 2005, decided that a Regional Centre for Biotechnology Training and Education shall be established in India under its auspices;

AND WHEREAS an Agreement for the establishment and operation of the Regional Centre for Biotechnology Training and Education in India was entered between the Government of India and the United Nations Educational, Scientific and Cultural Organisation on the 14th day of July, 2006 to give effect to the aforesaid decision;

AND WHEREAS it is expedient to make provisions for giving effect to the said Agreement for establishment of an institution to be known as the Regional Centre for Biotechnology Training and Education in India and declare it to be an institution of national importance.

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

Short title and commencement.	1. (1) This Act may be called the Regional Centre for Biotechnology Act, 2011. (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.	5
Definitions.	2. In this Act, unless the context otherwise requires,—	
	(a) "academic staff" means Professors, Assistant Professors, Associate Professors, Deans, Sub-Deans, Executive Director and such other persons as may be appointed or engaged for imparting education, training or conducting research in the Regional Centre for Biotechnology or in any institution recognised by the Regional Centre for Biotechnology;	10
	(b) "Board of Governors" means the Board of Governors constituted under sub-section (1) of section 14;	
	(c) "Board of Studies" means the Board of Studies of the Regional Centre referred to in section 19;	15
	(d) "Chairperson" means the Chairperson of the Board of Governors;	
	(e) "employee" means any person appointed by the Regional Centre and includes academic and other staff of the Regional Centre for Biotechnology;	
	(f) "Executive Committee" means the Executive Committee of the Regional Centre constituted under section 17;	20
	(g) "Executive Director" means the Executive Director of the Regional Centre appointed under sub-section (1) of section 22;	
	(h) "existing Regional Centre" means the UNESCO Regional Centre for Biotechnology Training and Education at Faridabad established <i>vide</i> Order of the Government of India in the Ministry of Science and Technology, Department of Biotechnology, number BT/MED-II/UNESCO/01/2008, dated the 20th April, 2009;	25
	(i) "Hall" means a unit of residence for the students of the Regional Centre;	
	(j) "institution" means autonomous organisations conducting research, training or education, supported by the Government or industry, Universities and other similar organisations and recognised by the Regional Centre for the purposes of this Act;	30
	(k) "Programme Advisory Committee" means the Programme Advisory Committee of the Regional Centre constituted under section 16;	
	(l) "Region" means the countries in the South Asian Association for Regional Cooperation region, and more generally in the Asia region;	
	(m) "Regional Centre" means the Regional Centre for Biotechnology established under sub-section (1) of section 3;	35
	(n) "Regulations" means Regulations made by any authority of the Regional Centre under section 44, for the time being in force;	
	(o) "Statutes" means the Statutes of the Regional Centre for the time being in force framed by the Board of Governors under section 41;	40
	(p) "Ordinances" means the Ordinances of the Regional Centre for the time being in force framed by the Programme Advisory Committee under section 43;	
	(q) "UNESCO" means the United Nations Educational, Scientific and Cultural Organisation.	

**3. (1) The Central Government shall, by notification in the Official Gazette, establish, for the purposes of this Act, an institution to be known as the Regional Centre for Biotechnology in India.**

Establishment of Regional Centre for Biotechnology.

5 (2) The Regional Centre for Biotechnology shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to contract and shall, by the said name, sue and be sued.

2 of 1985. (3) The head office of the Regional Centre shall be in the National Capital Region referred to in clause (f) of section 2 of the National Capital Region Planning Board Act, 1985.

10 **4.** Whereas the objects of the institution known as the Regional Centre for Biotechnology are such as to make the institution one of national importance, it is hereby declared that the institution known as the Regional Centre for Biotechnology is an institution of national importance.

Declaration of Regional Centre for Biotechnology as an institution of national importance.

**5.** The jurisdiction of the Regional Centre shall extend to whole of India and to centres established within or outside India.

Jurisdiction.

15 **6.** The objects of the Regional Centre, shall be—

Objects of Regional Centre.

(a) to disseminate and advance knowledge by providing instructional and research facilities in such branches of biotechnology and related fields as it may deem fit including technology policy development;

20 (b) to provide capacity-building through education, training, research and development in biotechnology and related academic fields for sustainable development objectives through regional and international cooperation;

(c) to facilitate transfer of knowledge and technology relating to biotechnology at the regional level;

25 (d) to create a hub of biotechnology expertise in the countries in South Asian Association for Regional Cooperation region, and more generally in the Asia region, and to address human resources needs in the region;

(e) to promote and strengthen international cooperation to improve the social and economic conditions and welfare of the people;

30 (f) to promote and facilitate a network of satellite centres in the region as well as within India.

**7. (1) On and from the date of establishment of the Regional Centre,—**

(a) any reference to the existing Regional Centre in any law other than this Act or in any contract or other instruction shall be deemed as a reference to the Regional Centre;

35 (b) all properties and assets, movable and immovable, of, or belonging to, the existing Regional Centre, shall vest in the Regional Centre;

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

40 (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 existing Regional Centre immediately before the said date, for or in connection with the purpose of the said existing Regional Centre shall be deemed to have incurred, entered into or engaged to be done by, with or for, the Regional Centre;

Transfer of assets, liabilities, etc., of existing Regional Centre to Regional Centre established under this Act and other provisions, etc.

(e) all sums of money due to the existing Regional Centre immediately before that date shall be deemed to be due to the Regional Centre;

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

(g) every employee (including those appointed for imparting instruction or giving training or conducting research in the existing Regional Centre) holding any office under the existing Regional Centre or teaching therein immediately before that date shall hold his office in the Regional Centre 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 Regional Centre had not been established and shall continue to do so as an employee of the Regional Centre or until the expiry of the period of six months from that date if such employee opts not to be the employee of the Regional Centre within such period.

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

Functions of  
Regional  
Centre.

**8.** The functions of the Regional Centre, shall be—

(a) to establish infrastructure and technology platforms which are directly relevant to biotechnology education, training and research;

(b) to execute educational and training activities including grant of degrees in research in biotechnology and related fields;

(c) to produce human resource tailored to drive innovation in biotechnology, particularly in areas of new opportunities and to fill talent gap in deficient areas;

(d) to undertake research and development and scientific investigations in collaboration with relevant research centres in the region;

(e) to hold scientific symposia and conferences within India or in the region or outside the region and to conduct short-term and long-term training courses and workshops in all areas of biotechnology;

(f) to collect universally available information with a view to setting up a data bank for bio-information;

(g) to collect and disseminate, through networking, the relevant local knowledge in the field of biotechnology;

(h) to disseminate the outcome of research activities in different countries through the publication of books and articles;

(i) to promote collaborative research and development networking programme in specific areas of biotechnology with national, regional and international networks and promote exchange of scientists, at the regional level having regard to issues pertaining to intellectual property rights of collaborating institutions promoting equitable sharing of benefits with collaborating institutions;

(j) to frame Statutes and Ordinances and to alter, modify or rescind the same.

Regional  
Centre to  
work in  
collaboration  
with other  
centres of  
UNESCO.

**9.** The Regional Centre shall pursue its objects and discharge its functions in close collaboration with other national, regional and international centres (including those located in the member States of the UNESCO).

10. (I) The Regional Centre shall have the following powers, namely:—

Powers of  
Regional  
Centre.

- 5 (a) to provide for masters and doctoral degree in biotechnology and related subjects at the interface of varied disciplines including physical, chemical, biological, medical, agricultural and engineering and other relevant sciences as the Regional Centre may, from time to time, determine;
- (b) to provide for short-term and long-term training courses in biotechnology on specific issues related to the development, extension, implementation and regulation of biotechnology and related areas, as the Statutes may, from time to time, provide;
- 10 (c) to organise and undertake extramural studies, training and extension services in biotechnology;
- (d) to confer honorary degrees or other distinctions in the manner specified by the Statutes;
- 15 (e) to institute Professorships, Associate Professorships, Assistant Professorships and other academic positions, required by the Regional Centre and to appoint or engage persons to such Professorships, Associate Professorships, Assistant Professorships or other academic positions;
- (f) to recognise an institution of higher learning within India for the purposes of this Act and to withdraw such recognition in accordance with the norms laid down in the Statutes;
- 20 (g) to appoint persons working in any other institution, including those located outside the country, as academic staff of the Regional Centre for a specified period as may be specified by the Statutes;
- (h) to create administrative, technical and other posts and to make appointments thereto as may be specified by the Statutes;
- 25 (i) to co-operate or collaborate or associate with any institution, including those located outside the country, in such manner and for such purposes as the Regional Centre may determine in accordance with the guidelines specified by the Statutes;
- 30 (j) to establish such centres and specialised laboratories or other units for research, development and instruction as are, in the opinion of the Regional Centre, necessary for the furtherance of its objects;
- (k) to institute and award fellowships, scholarships, studentships, medals and prizes as may be specified by the Statutes;
- 35 (l) to make provision for research and advisory services and for that purpose to enter into such arrangements with other institutions, industrial or other organisations, including those located outside the country, as the Regional Centre may deem necessary as may be specified by the Statutes;
- (m) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other stakeholders;
- 40 (n) to appoint on contract basis or otherwise Visiting Professors, Honorary Professors, Adjunct Professors, Emeritus Professors, Consultants and such other persons who may contribute to the advancement of the objects of the Regional Centre;
- 45 (o) to determine standards of admission to the Regional Centre, which may include examination, evaluation or any other method of testing;
- (p) to demand and receive payment of fees and other charges;
- (q) to supervise the residences of the students of the Regional Centre and to make arrangements for promoting their health and general welfare;

(r) to lay down conditions of service of all categories of employees, including their code of conduct;

(s) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be considered necessary by the Regional Centre;

(t) to make arrangements for promoting the health and general welfare of the employees;

(u) to receive benefactions, donations and gifts and to acquire, hold and manage, and to dispose of, with the prior approval of the Central Government, any property, movable or immovable, including trust and endowment properties, for the purposes of the Regional Centre;

(v) to borrow, with the prior approval of the Central Government, on the security of its property of the Regional Centre, money for the purposes of the Regional Centre; and

(w) 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 under sub-section (1), it shall be the endeavour of the Regional Centre to maintain high standards of education, training and research, and the Regional Centre shall, among other measures which may be necessary for the said purpose, take, in particular, the following measures, namely:—

(i) admission of students from India and outside India in such manner as may be specified by the Statutes;

(ii) conduct innovative courses and programmes of studies with a provision for periodic review and restructuring; and

(iii) promote e-governance with an effective management information system.

Regional Centre open to all castes, creed, race or class.

**11.** The Regional Centre or any institution recognised by it shall be open to persons of either sex and whatever caste, creed, race, ethnicity, nationality or class, and it shall not be lawful for the Regional Centre or such institution to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a member of the academic staff of the Regional Centre or such institution or to hold any other office therein or to be admitted as a student in the Regional Centre or such institution or to enjoy or exercise any privilege thereof.

Privileges and immunities of academic staff, etc.

**12.** The members of the academic staff and, where applicable, their dependents or members of the family, shall enjoy such privileges and immunities as the Central Government may, after entering into an agreement with the Regional Centre, notify under section 3 of the United Nations (Privileges and Immunities) Act, 1947.

Authorities of Regional Centre.

**13.** The following shall be the authorities of the Regional Centre, namely:—

(a) the Board of Governors;

(b) the Programme Advisory Committee;

(c) the Executive Committee;

(d) the Finance Committee; and

(e) such other authorities as may be declared by the Statutes to be the authorities of the Regional Centre.

Board of Governors.

**14.** (1) The Board of Governors shall consist of the following members, namely:—

(i) Secretary to the Government of India in the Department of Biotechnology, *ex officio* Chairperson;

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(ii) a representative of the Government of India, to be nominated by the Secretary to the Government of India in the Department of Biotechnology who would be an eminent scientist in the relevant field and in the grade not less than that of a Head of an autonomous institution supported by Government of India;

5 (iii) a representative of the Director-General of UNESCO;

(iv) a representative of each of the other Member States of UNESCO in such manner as may be specified by the Statutes.

(2) The Chairperson of the Programme Advisory Committee shall be a permanent invitee of the Board of Governors.

10 (3) The Executive Director of the Regional Centre shall be the Convenor of the meetings of the Board of Governors.

(4) Subject to the provisions of this Act, the Board of Governors shall have the following powers and functions, namely:—

(a) to approve the annual plan and budget of the Regional Centre;

15 (b) to review, from time to time, the broad policies and programmes of the Regional Centre, and to suggest measures for the improvement and development of the Regional Centre;

(c) to consider the annual report and the annual accounts of the Regional Centre and the audit report on such accounts;

20 (d) to study and approve the internal procedures, including financial procedure and staff regulations of the Regional Centre;

(e) to approve the organisational structure and number of academic staff and other employees at the Regional Centre;

25 (f) to convene special consultative sessions to which it shall invite, in addition to its own members, the Executive Director of the Regional Centre, and may also invite representatives of other interested countries and international organisations in order to obtain proposals for strengthening the scope of services of the Regional Centre and for carrying out the projects and activities relevant to the Regional Centre, and to expand the fund-raising strategy and capabilities;

30 (g) to prescribe fees and other charges;

(h) to frame Statutes.

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

35 (6) The Board of Governors shall meet at least once in every year or such other time as the Chairperson may decide in such manner as may be specified by the Statutes.

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

40 **15.** (1) The Chairperson shall exercise and discharge such powers and functions of the Board of Governors as may be delegated by the Board and such other powers and functions as may be specified by the Statutes.

Powers and functions of Chairperson.

(2) If the Chairperson is not present at a meeting of the Board of Governors, another member of the Board authorised by the Chairperson may preside over the meeting.

45 **16.** (1) The Programme Advisory Committee shall be the principal academic body of the Regional Centre and shall, subject to the provisions of this Act, advise planning, execution, review and monitoring of the scientific and academic programmes of the Regional Centre.

Programme Advisory Committee.

(2) The Programme Advisory Committee shall consist of the following persons who shall be eminent experts of international repute in biotechnology relevant to the core activities

of the Regional Centre, namely:—

(a) a chairperson to be nominated by the Board of Governors;

(b) two members to be nominated by the UNESCO;

(c) three members from amongst the member States of UNESCO which provide maximum financial assistance during a period of three years to be nominated by the member States; 5

(d) two members having expertise and experience in biotechnology policy and legal matters to be nominated by the Central Government;

(e) six members from amongst the persons being renowned scientist or academician, to be nominated by the Board of Governors; 10

(f) the Executive Director, Member-Secretary *ex officio*.

(3) The Programme Advisory Committee shall be responsible to—

(a) make recommendations on the matters of planning and coordinating of the education, training and research activities;

(b) recommend modifications or revision of education, training and research programmes of the Regional Centre and on the reports thereon; 15

(c) review annually the programmes of the Regional Centre, evaluate its progress and submit the report thereon;

(d) consider and report on any matter concerning scientific and technical issues referred to it by the Board of Governors or by the Executive Director; 20

(e) perform all such duties and to do all such acts as may be necessary in the furtherance of education, training and research under this Act;

(f) frame Ordinances;

(g) perform such other functions as may be specified by the Statutes.

**(4) The fees and allowances payable to members of the Programme Advisory Committee and their term of office shall be such as may be specified by the Statutes.** 25

Executive Committee.

**17.** (1) The Executive Committee shall be the advisory body for issues concerning the management of the Regional Centre and advise from time to time to the Board of Governors.

(2) The constitution of the Executive Committee, the term of office of its members and its powers and functions shall be such as may be specified by the Statutes. 30

Finance Committee.

**18.** The constitution, powers and functions of the Finance Committee shall be such as may be specified by the Statutes and the Finance Committee shall report to the Board of Governors.

Board of Studies.

**19.** The constitution, powers and functions of the Board of Studies shall be such as may be specified by the Statutes. 35

Other authorities of Regional Centre.

**20.** The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the Regional Centre, shall be such as may be specified by the Statutes.

Officers of Regional Centre.

**21.** The following shall be the officers of the Regional Centre, namely:— 40

(a) the Executive Director;

(b) the Deans;

- (c) the Associate Deans;
- (d) the Associate Director (Administration);
- (e) the Registrar;
- (f) the Finance Officer; and

5 (g) such other officers as may be declared by the Statutes to be the officers of the Regional Centre.

**22.** (1) The Executive Director shall be appointed on the recommendation of the Board of Governors in such manner as may be specified by the Statutes. Executive Director.

(2) The Executive Director shall—

- 10 (a) be the principal executive and academic officer of the Regional Centre;
- (b) direct the work of the Regional Centre in conformity with the programmes and directives established by the Board of Governors;
- (c) propose the draft work plan and budget to be submitted to the Board of Governors for approval;
- 15 (d) prepare the agenda for the sessions of the Board of Governors;
- (e) prepare reports on the Regional Centre's activities for submission to the Board of Governors; and
- (f) exercise such other powers and perform such other functions as may be specified by the Statutes.

20 (3) The financial powers delegated to the Executive Director shall be such as may be specified by the Statutes.

(4) The Executive Director may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the Regional Centre by or under this Act and shall report to such authority at its next meeting the action taken by him on such matter. 25

**23.** The Deans and Associate Deans shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be specified by the Statutes. Deans and Associate Deans.

**24.** (1) The Associate Director (Administration) shall be appointed in such manner, and on such terms and conditions of service, as may be specified by the Statutes. Associate Director (Administration).

(2) The Associate Director (Administration) shall have the power to enter into agreements, sign documents and authenticate records on behalf of the Regional Centre, and shall exercise such powers and perform such duties, as may be specified by the Statutes.

**25.** The Registrar shall be appointed in such manner and shall exercise such powers and perform such duties, as may be specified by the Statutes. Registrar.

**26.** The Finance Officer shall be appointed in such manner, and shall exercise such powers and perform such duties, as may be specified by the Statutes. Finance Officer.

**27.** The manner of appointment and powers and duties of other officers of the Regional Centre shall be such as may be specified by the Statutes. Other officers.

40 **28.** The Central Government may, after due appropriation made by Parliament by law, in this behalf, make to the Regional Centre grants and loans of such sums of money and in such manner as that Government may consider necessary for being utilised for the purposes of this Act. Payment to Regional Centre.

Fund of Regional Centre.	<p><b>29. (1) The Regional Centre shall maintain a Fund to which there shall be credited—</b></p> <p style="padding-left: 40px;"><b>(a) all moneys provided by the Central Government;</b></p> <p style="padding-left: 40px;"><b>(b) all fees and other charges received by the Regional Centre;</b></p> <p style="padding-left: 40px;"><b>(c) all moneys received by the Regional Centre by way of grants, gifts, donations, benefactions, bequests or transfers; and</b></p> <p style="padding-left: 40px;"><b>(d) all moneys received by the Regional Centre in any other manner or from any other source.</b></p> <p><b>(2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Regional Centre may, with the approval of the Central Government, decide.</b></p> <p><b>(3) The fund shall be applied for meeting—</b></p> <p style="padding-left: 40px;"><b>(a) the salary, allowances and other remuneration of chairperson, members of the Board or committees, or academic staff, officers and other employees, of the Regional Centre or members of other committees set up by it;</b></p> <p style="padding-left: 40px;"><b>(b) the expenses of the Regional Centre in discharge of its function under this Act;</b></p> <p style="padding-left: 40px;"><b>(c) the expenses on objects and for purposes authorised by this Act.</b></p>	5 10 15
Annual report.	<p><b>30. (1) The annual report of the Regional Centre shall be prepared under the direction of the Executive Director, which shall include, among other matters, the steps taken by the Regional Centre towards the fulfilment of its objects and shall be submitted to the Board of Governors on or before such date as may be specified by the Statutes and the Board of Governors shall consider the report in its annual meeting.</b></p> <p><b>(2) A copy of the annual report, as prepared under sub-section (1), shall be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.</b></p>	20 25
Annual accounts.	<p><b>31. (1) The annual accounts and the balance sheet of the Regional Centre shall be prepared under the directions of the Board of Governors and shall, once at least every year, and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India.</b></p> <p><b>(2) A copy of the accounts together with the audit report shall be submitted to the Central Government along with the observations, if any, of the Board of Governors.</b></p> <p><b>(3) A copy of the annual report and annual accounts together with the audit report, as submitted to the Central Government shall, as soon as may be, cause to be laid before both Houses of Parliament.</b></p> <p><b>(4) The audited annual accounts, after having been laid before both Houses of Parliament, shall be published in the Gazette of India.</b></p> <p><b>(5) A copy of the audited annual accounts shall also be submitted to the Member States.</b></p>	30 35
Returns and information.	<p><b>32. The Regional Centre shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require, within such period as may be specified by the Central Government.</b></p>	40
Review of functioning of Regional Centre.	<p><b>33. (1) There shall be a review of the functioning of the Regional Centre once in every four years by persons of eminence to be appointed by the Central Government.</b></p> <p><b>(2) The Regional Centre shall meet the expenses for conducting the review under sub-section (1) and upon receipt of the report of such review, the Board of Governors may take appropriate action.</b></p>	45

(3) In addition to the review under sub-section (1), the Board of Governors may conduct review of functioning of administrative and academic wings of the Regional Centre, in such manner and at such intervals, as may be specified in the Statutes.

5 **34.** All appointments of the staff of the Regional Centre, (except appointment of the Executive Director) shall be made in accordance with the procedure laid down in the Statutes, by—

Appointment of staff of Regional Centre.

(a) the Board of Governors for the academic staff;

(b) the Executive Director, in any other case.

10 **35.** (1) Every employee of the Regional Centre shall be appointed on contractual basis under a written contract, which shall be lodged with the Regional Centre and a copy of which shall be furnished to the employee concerned.

Conditions of service.

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

15 **36.** (1) Any dispute arising out of a contract between the Regional Centre and any of its employees shall, at the first instance, be resolved through such grievance redressal mechanism as may be specified by Statutes.

Arbitration.

(2) If the dispute referred to in sub-section (1) is not resolved through the grievance redressal mechanism, the same shall, at the request of the employee concerned or at the instance of the Regional Centre, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Director, one member nominated by the employee, and such two arbitrators shall appoint the third arbitrator who shall act as the Presiding arbitrator.

26 of 1996. (3) The arbitration under sub-section (1) shall be governed by the provisions of the Arbitration and Conciliation Act, 1996.

25 **37.** The meetings of the Board of Governors, Programme Advisory Committee, Executive Committee or other committees constituted by the Regional Centre may be held using contemporary tools of information and communication technologies (including video conferencing) without the members necessarily having to be physically present.

Meetings.

30 **38.** All casual vacancies among the members (other than *ex officio* members) of any authority or other body of the Regional Centre shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Filling of casual vacancies.

35 **39.** No act or proceedings of any authority or other body of the Regional Centre shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Proceedings of authorities or bodies not invalidated by vacancies.

**40.** No suit or other legal proceedings shall lie against any officer or other employee of the Regional Centre 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, Ordinances and Regulations made thereunder.

Protection of action taken in good faith.

40 **41.** (1) The Statutes of the Regional Centre shall be enacted by the Board of Governors.

Statutes.

(2) Without prejudice to the provisions contained in sub-section (1), the Executive Committee may make recommendations for enactment of Statutes to the Board.

45 (3) The Board of Governors may, from time to time, make new Statutes or may amend or repeal the Statutes with effect from such date, not earlier than the date of commencement of this Act, as it may direct.

Matters to be provided by Statutes.

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

(a) the constitution, powers and functions of authorities, term of office of its member and other bodies of the Regional Centre, as may be constituted from time to time;

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(b) the manner of nomination of representative of the Member States of UNESCO in the Board of Governors;

(c) other powers and functions of the Chairperson of the Board of Governors; the other functions of the Programme Advisory Committee, and term of office of its members; the constitution, powers and functions of the Finance Committee, the Board of Studies and constitution, powers and functions of other authorities;

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(d) the manner of appointment of Executive Director, his other powers and other duties, financial powers to be delegated to the Executive Director and the manner of appointment, powers and duties of the officers of the Regional Centre and their emoluments;

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(e) the time and date for submission of annual report of the Regional Centre; manner of conducting review of functioning of administrative and academic wings of the Regional Centre;

(f) the appointment of regular academic staff and other employees of the Regional Centre, their emoluments and conditions of service, flexible compensation system, their benefits and privileges, including principles governing the seniority of service, age of superannuation, provisions for pension, insurance, provident fund, the manner of termination of service and disciplinary action consistent with such staff engaged in higher education and research at Central Universities;

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(g) the manner of co-operation and collaboration with other Universities, institutions and other agencies including learned bodies or associations;

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(h) creation, composition and functions of any other body which is considered necessary for improving the academic life of the Regional Centre;

(i) conferment of honorary degrees and distinctions;

(j) delegation of powers vested in the authorities or officers of the Regional Centre;

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(k) the terms and conditions of service for engagement of experts as adjunct and visiting faculty;

(l) the terms and conditions of service for hiring appropriate human resource, Indian or foreign, especially at higher levels in specific areas, with fixed tenure, not exceeding three years at a time and with higher compensation, with the approval of the Board of Governors;

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(m) grievance redressal mechanism for resolution of disputes arising out of a contract between the Regional Centre and any of its employees;

(n) the manner of making Regulations by any of the authorities of the Regional Centre;

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(o) the manner of recognition of institutions to be affiliated with the Regional Centre and grounds for withdrawal of recognition thereof;

(p) any other matter which may be required or necessary for the purposes of this Act.

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**43.** (1) Subject to the provisions of this Act and the Statutes, the Ordinances of the Regional Centre may provide for all or any of the following matters, namely:— Ordinances.

(a) admission of students from within India and from the Region to the Regional Centre and their enrolment as such;

5 (b) the course 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 Regional Centre, and shall be eligible for the degrees, diplomas and certificates;

(d) the conditions of award of the fellowships, scholarships, medals and prizes;

10 (e) the conditions and mode of appointment and duties of examining bodies, examiners and moderators;

(f) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(g) the conditions of residence of the students of the Regional Centre;

15 (h) the maintenance of discipline among the employees and students;

(i) the courses of study to be laid down for all degrees, diplomas and certificates of the Regional Centre including the medium of instruction and examination;

20 (j) the award of degrees and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same; the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(k) fees to be charged for courses of study in the Regional Centre and for admission to examinations, degrees and diplomas of the Regional Centre;

25 (l) institution of and conditions for award of fellowships, scholarships, studentships, medals and prizes;

(m) the special arrangements, if any, which may be made for the residence and teaching of women students and the prescribing of special courses of studies for them;

30 (n) establishment, management and abolition of Centres of Studies, Schools, Departments, Specialised Laboratories, Halls and Institutions;

(o) 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 Programme Advisory Committee.

35 (3) All Ordinances made by the Programme Advisory Committee shall have the effect from such date as it may direct.

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

40 **44.** The authorities of the Regional Centre may make Regulations, 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, in the manner specified by the Statutes. Regulations.

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

**45.** (1) Every Statute or Ordinance or Regulation made under this Act shall be published in the Official Gazette.

(2) Every Statute or Ordinance or Regulation made 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 or Ordinance or Regulation or both Houses agree that the Statute or Ordinance or Regulation should not be made, the Statute or Ordinance or Regulation 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 or Ordinance or Regulation. 5  
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(3) The power to make Statutes or Ordinances or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statutes or Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statutes or Ordinances or Regulations so as to prejudicially affect the interests of any person to whom such Statutes or Ordinances or Regulations may be applicable. 15

Power to  
remove  
difficulties.

**46.** (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 the difficulty: 20

Provided that no such order shall be made under this section after the expiry of two years from the 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. 25

## STATEMENT OF OBJECTS AND REASONS

Modern biotechnology has been recognised globally as a rapidly advancing science wherein molecular techniques and processes are employed to develop health care solutions for human and animal sector, for agriculture and environment technologies. This would require creation of high quality human resource in disciplinary and interdisciplinary areas by engaging students in research by integrating science, engineering and medicine. Similarly, interface amongst agriculture or veterinary sciences and engineers and environmental biologists, ecologists and engineers for agricultural and environmental technologies respectively would also be necessary for molecular breeding, bio-energy and green technologies. For this purpose, it is necessary to create physical infrastructure in critical platform technologies to support interdisciplinary education training and research in biotechnology.

2. The General Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO), at its thirty-third session held in Paris, France during the 3rd to 21st October, 2005, decided that a Regional Centre for Biotechnology Training and Education shall be established in India under its auspices. An Agreement for the establishment and operation of the Regional Centre for Biotechnology Training and Education in India was entered between the Government of India and the United Nations Educational, Scientific and Cultural Organisation on the 14th day of July, 2006 to give effect to the aforesaid decision. The Regional Centre for Biotechnology shall be an autonomous institution and pursue its objects and discharge its functions in close collaboration with other national, regional and international centres (including those located in the member States of the UNESCO). The UNESCO shall provide technical assistance as and when required and as appropriate for the establishment and operation of the Regional Centre including assistance in the formulation of the short-term, medium-term and long-term programmes of the Regional Centre.

3. In view of the aforesaid, it is expedient to enact a law for giving effect to the said Agreement for establishment of an institution of national importance to be known as the Regional Centre for Biotechnology for training and education as a Category II Centre under the auspice of the United Nations Educational, Scientific and Cultural Organisation, to undertake research in the field of biotechnology and to provide for matters connected therewith or incidental thereto. The Regional Centre for Biotechnology Bill, 2011, *inter alia*, provides for the following, namely:—

(a) establishment of the Regional Centre for Biotechnology and to declare it as an institution of the national importance;

(b) to make provision for objects of the Regional Centre for Biotechnology, *inter alia*,—

(i) to provide for masters and doctoral degree in biotechnology and related subjects at the interface of varied disciplines including the physical, chemical, biological, medical, agricultural and engineering and other relevant sciences as the Regional Centre may, from time to time, determine;

(ii) to provide for short-term and long-term training courses in biotechnology on specific issues related to the development, extension, implementation and regulation of biotechnology and related areas, as the Statutes may, from time to time, require;

(iii) to organise and undertake extramural studies, training and extension services in biotechnology;

(iv) to institute Professorships, Associate Professorships, Assistant Professorships and other academic positions, required by the Regional Centre and to appoint or engage persons to such Professorships, Associate Professorships, Assistant Professorships or other academic positions;

(v) to recognise an institution of higher learning within India for the purposes of this Act and to withdraw such recognition in accordance with the norms laid down in the Statutes;

(vi) to appoint persons working in any other institution, including those located outside the country, as academic staff of the Regional Centre for a specified period as may be specified by the Statutes;

(vii) to create administrative, technical and other posts and to make appointments thereto as may be specified by the Statutes;

(viii) to co-operate or collaborate or associate with any institution, including those located outside the country, in such manner and for such purposes as the Regional Centre may determine in accordance with the guidelines specified by the Statutes;

(ix) to establish such centres and specialised laboratories or other units for research, development and instruction as are, in the opinion of the Regional Centre, necessary for the furtherance of its objects;

(c) constitution of the Board of Governors, the Programme Advisory Committee, the Executive Committee, the Finance Committee, the Board of Studies and other authorities for the purpose of the proposed legislation;

(d) to provide for the members of the academic staff and, where applicable, their dependents or members of the family, such privileges and immunities as the Central Government may, after entering into an agreement with the Regional Centre, notify under section 3 of the United Nations (Privileges and Immunities) Act, 1947;

(e) make provisions for appointment of officers and staff of the Regional Centre and defining their powers, duties and conditions of service;

(f) confer power upon the Central Government to review the functioning of the Regional Centre for Biotechnology once in every four years by persons of eminence to be appointed by it;

(g) make provision for arbitration of disputes arising out of a contract between the Regional Centre and any of its employees, at the first instance, to be resolved through such grievance redressal mechanism as may be specified by Statutes;

(h) confer power upon the Board of Governors to enact Statutes of the Regional Centre and Ordinances to be made by the Programme Advisory Committee and Regulations by the authorities of the Regional Centre;

4. The notes on clauses explain in detail various provisions in the Bill.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;  
The 13th December, 2011.

VILASRAO DESHMUKH.

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**PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE  
CONSTITUTION OF INDIA**

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[Copy of the letter No. BT/Med/RCB/AP/2010 dated 15.12.2011 from Shri Vilasrao Deshmukh, Minister of Science and Technology and Earth Sciences to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the Regional Centre for Biotechnology Bill 2011 recommends the introduction and consideration of the Bill under article 117(1) and (3) of the Constitution.

### *Notes on Clauses*

*Clause 1.*— This clause provides for short title and commencement. It provides that the proposed legislation shall come into force on such date as the Central Government may appoint by notification in the official Gazette.

*Clause 2.*— This clause seeks to define certain expressions used in the proposed legislation. These definitions, *inter alia*, include “academic staff”, “Board of Governors”, “Board of Studies”, “Chairperson”, “employee”, “Hall” and “Region”, etc.

*Clause 3.*— This clause provides for the establishment of an institution to be known as the Regional Centre for Biotechnology which shall be a body corporate having perpetual succession and a common seal with power to contract. The head office of the Regional Centre to be in the National Capital Region.

*Clause 4.*— This clause provides for the declaration of the Regional Centre for Biotechnology as an institution of national importance.

*Clause 5.*— This clause provides for the jurisdiction of the Regional Centre which shall extend to whole of India and to centres established within or outside India.

*Clause 6.*— This clause specifies the objects of the Regional Centre. It, *inter alia*, provides that the Regional Centre shall disseminate and advance knowledge by providing instructional and research facilities in such branches of biotechnology and related fields as it may deem fit including technology policy development; provide capacity-building through education, training, research and development in biotechnology and related academic fields for sustainable development objectives through regional and international cooperation; facilitate transfer of knowledge and technology relating to biotechnology at the regional level and create a hub of biotechnology expertise in the countries in South Asian Association for Regional Cooperation region, and more generally in the Asia region, and to address human resources needs in the region; and promote and strengthen international cooperation to improve the social and economic conditions and welfare of the people and promote and facilitate a network of satellite centres in the region as well as within India.

*Clause 7.*— This clause provides for the transfer of assets, liabilities, etc., of the existing Regional Centre to the Regional Centre for Biotechnology established under the proposed legislation.

It provides that any reference to the existing Regional Centre in any law other than this Act or in any contract or other instruction shall be deemed as a reference to the Regional Centre; all properties and assets, movable and immovable, of, or belonging to, the existing Regional Centre, shall vest in the Regional Centre; all rights and liabilities of the existing Regional Centre shall be transferred to, and be the rights and liabilities of, the Regional Centre.

It further provides that all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for, the existing Regional Centre or in connection with the purpose of the existing Regional Centre shall be deemed to have incurred, entered into or engaged to be done by, with or for, the Regional Centre established under the proposed legislation.

It also provides that all sums of money due to the existing Regional Centre shall be deemed to be due to the Regional Centre established under the proposed legislation and all suits and other legal proceedings instituted or which could have been instituted by or against the existing Regional Centre may be continued or may be instituted by or against the Regional Centre established under the proposed legislation.

It also provides that every employee (including those appointed for imparting instruction or giving training or conducting research in the existing Regional Centre) holding any office under the existing Regional Centre or teaching therein immediately before that date shall hold his office in the Regional Centre established under the proposed legislation 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 Regional Centre had not been established under the proposed legislation and shall continue to do so as an employee of the Regional Centre or until the expiry of the period of six months from that date if such employee opts not to be the employee of the Regional Centre established under the proposed legislation.

It also provides that absorption of any employee by the Regional Centre established under the proposed legislation in its regular service shall not entitle such employee to any compensation under any Act or law and no such claim shall be entertained by any court, tribunal or other authority.

*Clause 8.*— This clause provides for the functions of the Regional Centre. It, *inter alia*, provides that the Regional Centre shall establish infrastructure and technology platforms which are directly relevant to biotechnology education, training and research; execute educational and training activities including grant of degrees in research in biotechnology and related fields; produce human resource tailored to drive innovation in biotechnology, particularly in areas of new opportunities and to fill talent gap in deficient areas; undertake research and development and scientific investigations in collaboration with relevant research centres in the region; hold scientific symposia and conferences within India or in the region or outside the region and conduct short-term and long-term training courses and workshops in all areas of biotechnology; collect universally available information with a view to setting up a data bank for bio-information; collect and disseminate, through networking, the relevant local knowledge in the field of biotechnology; disseminate the outcome of research activities in different countries through the publication of books and articles; promote collaborative research and development networking programme in specific areas of biotechnology with national, regional and international networks and promote exchange of scientists, at the regional level having regard to issues pertaining to intellectual property rights of collaborating institutions promoting equitable sharing of benefits with collaborating institutions; frame Statutes and Ordinances and alter, modify or rescind the same.

*Clause 9.*— This clause provides that the Regional Centre shall pursue its objects and discharge its functions in close collaboration with other national, regional and international centres (including those located in the member States of the UNESCO).

*Clause 10.*— This clause lays down the powers of the Regional Centre. It, *inter alia*, provides that the Regional Centre shall have power to conduct courses leading to masters and doctoral degree in biotechnology and related subjects at the interface of varied disciplines including physical, chemical, biological, medical, agricultural and engineering and other relevant sciences; to provide for short-term and long-term training courses in biotechnology on specific issues related to the development, extension, implementation and regulation of biotechnology and related areas; organise and undertake extramural studies, training and extension services in biotechnology; confer honorary degrees or other distinctions in the manner specified by the Statutes; institute Professorships, Associate Professorships, Assistant Professorships and other academic positions, required by the Regional Centre and to appoint or engage persons to such Professorships, Associate Professorships, Assistant Professorships or other academic positions; recognise an institution of higher learning within India for the purposes of this Act and withdraw such recognition in accordance with the norms laid down in the Statutes; appoint persons working in any other institution, including those located outside the country, as academic staff of the Regional Centre for a specified period as may be specified by the Statutes; create administrative, technical and other posts and to make appointments thereto as may be specified by the Statutes; co-operate or collaborate or associate with any institution, including those located outside the

country, in such manner and for such purposes as the Regional Centre may determine in accordance with the guidelines specified by the Statutes; establish such centres and specialised laboratories or other units for research, development and instruction as are, in the opinion of the Regional Centre, necessary for the furtherance of its objects; institute and awards fellowships, scholarships, studentships, medals and prizes as may be specified by the Statutes; to make provision for research and advisory services and for that purpose to enter into such arrangements with other institutions, industrial or other organisations, including those located outside the country, as the Regional Centre may deem necessary as may be specified by the Statutes; to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other stakeholders; to appoint on contract basis or otherwise Visiting Professors, Honorary Professors, Adjunct Professors, Emeritus Professors, Consultants and such other persons who may contribute to the advancement of the objects of the Regional Centre; to determine standards of admission to the Regional Centre, which may include examination, evaluation or any other method of testing; to demand and receive payment of fees and other charges; to supervise the residences of the students of the Regional Centre and to make arrangements for promoting their health and general welfare; to lay down conditions of service of all categories of employees, including their code of conduct; to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be considered necessary by the Regional Centre; to make arrangements for promoting the health and general welfare of the employees; to receive benefactions, donations and gifts and to acquire, hold and manage, and to dispose of, with the prior approval of the Central Government, any property, movable or immovable, including trust and endowment properties, for the purposes of the Regional Centre; to borrow, with the prior approval of the Central Government, on the security of its property of the Regional Centre, money for the purposes of the Regional Centre; and 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.

It further provides that the Regional Centre shall maintain high standards of education, training and research, and take measures for admission of students from India and outside India in such manner as may be specified by the Statutes; conduct innovative courses and programmes of studies with a provision for periodic review and restructuring; and promote e-governance with an effective management information system.

*Clause 11.*— This clause lays down that the Regional Centre or any institution recognised by it shall be open to all castes, creed, race or class.

*Clause 12.*— This clause provides for the privileges and immunities of academic staff, etc. It provides that the members of the academic staff and, where applicable, their dependents or members of the family, shall enjoy such privileges and immunities as the Central Government may, after entering into an agreement with the Regional Centre, notify under section 3 of the United Nations (Privileges and Immunities) Act, 1947.

*Clause 13.*— This clause provides for the Authorities of the Regional Centre. It provides that the Board of Governors; the Programme Advisory Committee; the Executive Committee; the Finance Committee; and such other authorities as may be declared by the Statutes to be the authorities shall be the authorities of the Regional Centre.

*Clause 14.*— This clause provides for the Board of Governors. It provides that the Board of Governors shall consist of the Secretary to the Government of India in the Department of Biotechnology, as *ex officio* Chairperson; and a representative of the Government of India, to be nominated by the Secretary to the Government of India in the Department of Biotechnology who would be an eminent scientist in the relevant field and in the grade not less than that of a Head of an autonomous institution supported by Government of India; a representative of the Director-General of UNESCO; a representative of each of the other Member States of UNESCO in such manner as may be specified by the Statutes.

It further provides that the Chairperson of the Programme Advisory Committee shall be a permanent invitee of the Board of Governors and the Executive Director of the Regional Centre be the Convenor of the meetings of the Board of Governors.

It also provides that the Board of Governors shall approve the annual plan and budget of the Regional Centre; review, from time to time, the broad policies and programmes of the Regional Centre, and suggest measures for the improvement and development of the Regional Centre; consider the annual report and the annual accounts of the Regional Centre and the audit report on such accounts; study and approve the internal procedures, including financial procedure and staff regulations of the Regional Centre; approve the organisational structure and number of academic staff and other employees at the Regional Centre; convene special consultative sessions to which it shall invite, in addition to its own members, the Executive Director of the Regional Centre, and may also invite representatives of other interested countries and international organisations in order to obtain proposals for strengthening the scope of services of the Regional Centre and for carrying out the projects and activities relevant to the Regional Centre, and expand the fund-raising strategy and capabilities; prescribe fees and other charges, and frame Statutes.

It also provides that the Chairperson shall ordinarily preside over the meetings of the Board of Governors and that the Board of Governors shall meet at least once in every year or such other time as the Chairperson may decide in such manner as may be specified by the Statutes. It also lays down that the Board of Governors may evolve its own rules of procedure for the purpose of conducting its meetings and transacting business therein.

*Clause 15.*— This clause provides for the powers and functions of the Chairperson. It provides that the Chairperson shall exercise and discharge such powers and functions of the Board of Governors as may be delegated by the Board and such other powers and functions as may be specified by the Statutes. It further provides that if the Chairperson is not present at a meeting of the Board of Governors, another member of the Board authorised by the Chairperson may preside over the meeting.

*Clause 16.*— This clause provides that the Programme Advisory Committee shall be the principal academic body of the Regional Centre to advise planning, execution, review and monitoring of the scientific and academic programmes of the Regional Centre.

It further provides for the constitution of the Programme Advisory Committee with a Chairperson to be nominated by the Board of Governors; two members to be nominated by the UNESCO; three members from amongst the member States of UNESCO which provide maximum financial assistance during a period of three years to be nominated by the member States; two members having expertise and experience in biotechnology policy and legal matters to be nominated by the Central Government; six members from amongst the persons being renowned scientist or academician, to be nominated by the Board of Governors; and the Executive Director, Member—Secretary *ex officio*.

It also provides for the responsibilities of the Programme Advisory Committee which include making recommendations on the matters of planning and coordinating of the education, training and research activities; recommending modifications or revision of education, training and research programmes of the Regional Centre and on the reports thereon; reviewing annually the programmes of the Regional Centre, evaluating its progress and submitting the report thereon; considering and reporting on any matter concerning scientific and technical issues referred to it by the Board of Governors or by the Executive Director; performing all such duties and to do all such acts as may be necessary in the furtherance of education, training and research under this Act; framing Ordinances; and performing such other functions as may be specified by the Statutes.

It also provides that the fees and allowances payable to members of the Programme Advisory Committee and their term of office shall be such as may be specified by the Statutes.

*Clause 17.*— This clause provides that the Executive Committee shall be the advisory body for issues concerning the management of the Regional Centre and advise from time to time to the Board of Governors.

It further provides that the constitution of the Executive Committee, the term of office of its members and its powers and functions shall be such as may be specified by the Statutes.

*Clause 18.*— This clause provides that the constitution, powers and functions of the Finance Committee shall be such as may be specified by the Statutes and the Finance Committee shall report to the Board of Governors.

*Clause 19.*— This clause provides that the constitution, powers and functions of the Board of Studies shall be such as may be specified by the Statutes.

*Clause 20.*— This clause provides that the constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the Regional Centre, shall be such as may be specified by the Statutes.

*Clause 21.*— This clause provides for the officers of the Regional Centre. It provides that the Executive Director; the Deans; the Associate Deans; the Associate Director (Administration); the Registrar; the Finance Officer; and such other officers as may be declared by the Statutes to be the officers of the Regional Centre.

*Clause 22.*— This clause provides that the Executive Director shall be appointed on the recommendation of the Board of Governors in such manner as may be specified by the Statutes.

It further provides that the Executive Director shall be the principal executive and academic officer of the Regional Centre and direct the work of the Regional Centre in conformity with the programmes and directives established by the Board of Governors. It further lays down that he shall propose the draft work plan and budget to be submitted to the Board of Governors for approval and prepare the agenda for the sessions of the Board of Governors. It also lays down that the Executive Director shall prepare reports on the Regional Centre's activities for submission to the Board of Governors and exercise such other powers and perform such other functions as may be specified by the Statutes.

It also provides that the financial powers delegated to the Executive Director shall be such as may be specified by the Statutes and that the Executive Director may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the Regional Centre by or under the proposed legislation and shall report to such authority at its next meeting the action taken by him on such matter.

*Clause 23.*— This clause provides for Dean and Associate Deans. It provides that the Deans and Associate Deans shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be specified by the Statutes.

*Clause 24.*— This clause provides Associate Director (Administration). It provides that the Associate Director (Administration) shall be appointed in such manner, and on such terms and conditions of service, as may be specified by the Statutes and that the Associate Director (Administration) shall have the power to enter into agreements, sign documents and authenticate records on behalf of the Regional Centre, and shall exercise such powers and perform such duties, as may be specified by the Statutes.

*Clause 25.*— This clause provides that the Registrar shall be appointed in such manner and shall exercise such powers and perform such duties, as may be specified by the Statutes.

*Clause 26.*— This clause provides that the Finance Officer shall be appointed in such manner, and shall exercise such powers and perform such duties, as may be specified by the Statutes.

*Clause 27.*— This clause provides that the manner of appointment and powers and duties of other officers of the Regional Centre shall be such as may be specified by the Statutes.

*Clause 28.*— This clause makes provision for payment to the Regional Centre. It provides that the Central Government may, after due appropriation made by Parliament by law, in this behalf, make to the Regional Centre grants and loans of such sums of money and in such manner as that Government may consider necessary for being utilised for the purposes of the proposed legislation.

*Clause 29.*— This clause makes provision for Fund of the Regional Centre. It provides that the Regional Centre shall maintain a Fund to which there shall be credited all moneys provided by the Central Government; all fees and other charges received by the Regional Centre; all moneys received by the Regional Centre by way of grants, gifts, donations, benefactions, bequests or transfers; and all moneys received by the Regional Centre in any other manner or from any other source.

It further provides that all moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Regional Centre may, with the approval of the Central Government, decide.

It also provides that the fund shall be applied for meeting the salary, allowances and other remuneration of Chairperson, members, of the Board or committees, or academic staff, officers and other employees, of the Regional Centre or members of other committees set up by it; the expenses of the Regional Centre in discharge of its function under the proposed legislation; and the expenses on objects and for purposes authorised by the proposed legislation.

*Clause 30.*— This clause provides for annual reports of the Regional Centre. It provides that the annual report of the Regional Centre shall be prepared under the direction of the Executive Director, which shall include, among other matters, the steps taken by the Regional Centre towards the fulfilment of its objects and shall be submitted to the Board of Governors on or before such date as may be specified by the Statutes and the Board of Governors shall consider the report in its annual meeting.

It further provides that a copy of the annual report shall be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

*Clause 31.*— This clause provides for annual accounts. It provides that the annual accounts and the balance sheet of the Regional Centre shall be prepared under the directions of the Board of Governors and shall, once at least every year, and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India.

It further provides that a copy of the accounts together with the audit report shall be submitted to the Central Government along with the observations, if any, of the Board of Governors.

It also provides that a copy of the annual report and annual accounts together with the audit report, as submitted to the Central Government shall, as soon as may be, cause to be laid before both Houses of Parliament.

It also provides that the audited annual accounts, after having been laid before both Houses of Parliament, shall be published in the Gazette of India and a copy of the audited annual accounts shall also be submitted to the Member States.

*Clause 32.*— This clause provides for returns and information. It provides that the Regional Centre shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require, within such period as may be specified by the Central Government.

*Clause 33.*— This clause provides for review of the functioning of the Regional Centre. It provides that the functioning of the Regional Centre shall be reviewed once in every four years by persons of eminence to be appointed by the Central Government.

It further provides that the Regional Centre shall meet the expenses for conducting the review and upon receipt of the report of such review, the Board of Governors may take appropriate action.

It also provides that in addition to the aforesaid, the Board of Governors may conduct review of functioning of administrative and academic wings of the Regional Centre, in such manner and at such intervals, as may be specified by the Statutes.

*Clause 34.*— This clause provides for the appointment of staff of Regional Centre. It provides that the appointments shall be made in accordance with the procedure laid down in the Statutes, by the Board of Governors for the academic staff; and the Executive Director, in any other case.

*Clause 35.*— This clause lays down the conditions of service of the employees. It provides that every employee shall be appointed on contractual basis under a written contract, which shall be lodged with the Regional Centre and a copy of which shall be furnished to the employee concerned.

It further provides that the Regional Centre shall have a flexible compensation system which recognises performance, as laid down in the Statutes, to bring the best talent in the Regional Centre.

*Clause 36.*— This clause makes provision for arbitration. It provides that any dispute arising out of a contract between the Regional Centre and any of its employees shall, at the first instance, be resolved through such grievance redressal mechanism as may be specified by the Statutes.

It further provides that if the dispute is not resolved through the grievance redressal mechanism, the same shall, at the request of the employee concerned or at the instance of the Regional Centre, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Director, one member nominated by the employee, and such two arbitrators shall appoint the third arbitrator who shall act as the Presiding arbitrator.

It also provides that the arbitration shall be governed by the provisions of the Arbitration and Conciliation Act, 1996.

*Clause 37.*— This clause provides that the meetings of the Board of Governors, Programme Advisory Committee, Executive Committee or other committees constituted by the Regional Centre may be held using contemporary tools of information and communication technologies (including video conferencing) without the members necessarily having to be physically present.

*Clause 38.*— This clause provides that all casual vacancies among the members (other than *ex officio* members) of any authority or other body of the Regional Centre shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

*Clause 39.*— This clause provides that that no act or proceedings of any authority or other body of the Regional Centre shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

*Clause 40.*— This clause provides that no suit or other legal proceedings shall lie against any officer or other employee of the Regional Centre for anything which is in good faith done or intended to be done in pursuance of any of the provisions of the proposed legislation, the Statutes, Ordinances and Regulations made thereunder.

*Clause 41.*— This clause provides for Statutes. It provides that the Statutes of the Regional Centre shall be enacted by the Board of Governors.

It further provides that the Executive Committee may make recommendations for enactment of Statutes to the Board.

It also provides that the Board of Governors may, from time to time, make new Statutes or may amend or repeal the Statutes with effect from such date, not earlier than the date of commencement of the proposed legislation, as it may direct.

*Clause 42.*— This clause specifies the matters to be provided by Statutes.

*Clause 43.*— This clause provides for Ordinances. It specifies the matters which may be provided in the Ordinances. It further provides that the Ordinances made by the Programme Advisory Committee and that the Ordinances shall have the effect from such date as it may direct.

It also provides that the Programme Advisory Committee shall have the power by resolution to modify or cancel any of its Ordinances and such Ordinances shall, from the date of such resolution stand modified accordingly or cancelled, as the case may be.

*Clause 44.*— This clause provides for Regulations. It provides that the authorities of the Regional Centre may make Regulations, consistent with the provisions of the proposed legislation, 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 the proposed legislation, the Statutes or the Ordinances, in the manner specified by the Statutes.

*Clause 45.*— This clause provides that every Statute or Ordinance or Regulation made under the proposed legislation shall be published in the Official Gazette and shall be laid, as soon as may be after it is made, before each House of Parliament.

It further provides that the power to make Statutes or Ordinances or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of the proposed legislation, to the Statutes or Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statutes or Ordinances or Regulations so as to prejudicially affect the interests of any person to whom such Statutes or Ordinances or Regulations may be applicable.

*Clause 46.*— This clause provides for power to remove difficulties. It provides that if any difficulty arises in giving effect to the provisions of the proposed legislation, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of the proposed legislation, as appear to it to be necessary or expedient for removing the difficulty.

It further provides that no such order shall be made under this clause after the expiry of two years from the commencement of the proposed legislation.

It also provides that every order made under this clause shall be laid, as soon as may be after it is made, before each House of Parliament.

## FINANCIAL MEMORANDUM

Sub-clause (1) of clause 3 of the Bill provides that the Central Government shall establish an institution to be known as the Regional Centre for Biotechnology. Sub-clause (4) of clause 16 provides that the fees and allowances payable to members of the Programme Advisory Committee and their term of office shall be such as may be specified by the Statutes.

2. Clause 28 of the Bill provides that the Central Government may, after due appropriation made by Parliament by law, in this behalf, make to the Regional Centre for Biotechnology grants and loans of such sums of money and in such manner as that Government may consider necessary for being utilised for the purposes of the proposed legislation. Clause 29 of the Bill provides for the maintenance of a Fund to which,—(a) all moneys provided by the Central Government; (b) all fees and other charges received by the Regional Centre; (c) all moneys received by the Regional Centre by way of grants, gifts, donations, benefactions, bequests or transfers; and (d) all moneys received by the Regional Centre in any other manner or from any other source, shall be credited. Sub-clause (3) of clause 29 of the Bill provides that the Fund shall be applied for meeting the salary, allowances and other remuneration of Chairperson, Members of the Board or Committees or academic staff, officers and other employees of the Regional Centre or Members of other Committees set up by it and for meeting the expenses of the Regional Centre in discharge of its functions as specified under the proposed legislation.

3. The one-time capital investment for setting up the Regional Centre for Biotechnology is estimated to be 53.11 crore rupees. The recurring expenditure on manpower requirements, consumables, office expenses, fellowship, meetings, travel, etc., is estimated to be in the range of 15 crore rupees per year. The expenditure is to be borne by the Central Government.

4. The Bill does not involve any other expenditure of recurring or non-recurring nature from the Consolidated Fund of India.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 41 and item (h) of sub-clause (4) of clause 14 empowers the Board of Governors of the Regional Centre for Biotechnology to enact statutes. Clause 42 specifies the matters in respect of which such Statutes may be made. These matters, *inter alia*, include (a) the constitution, powers and functions of authorities, term of office of its member and other bodies of the Regional Centre; (b) the manner of nomination of representative of the Member States of UNESCO in the Board of Governors; (c) other powers and functions of the Chairperson of the Board of Governors; the other functions of the Programme Advisory Committee, and term of office of its members; the constitution, powers and functions of the Finance Committee, the Board of Studies and constitution, powers and functions of other authorities; (d) the manner of appointment of Executive Director, his other powers and other duties, financial powers to be delegated to the Executive Director and the manner of appointment, powers and duties of the officers of the Regional Centre and their emoluments; (e) the time and date for submission of annual report of the Regional Centre; if manner of conducting review of functioning of administrative and academic wings of the Regional Centre; (f) the manner of appointment of regular academic staff and other employees of the Regional Centre, their emoluments and conditions of service, flexible compensation system, their benefits and privileges, including principles governing the seniority of service, age of superannuation, provisions for pension, insurance, provident fund, the manner of termination of service and disciplinary action consistent with such staff engaged in higher education and research at Central Universities; (g) the manner of co-operation and collaboration with other Universities, institutions and other agencies including learned bodies or associations; (h) creation, composition and functions of any other body which is considered necessary for improving the academic life of the Regional Centre; (i) conferment of honorary degrees and distinctions; (j) delegation of powers vested in the authorities or officers of the Regional Centre; (k) the terms and conditions of service for engagement of experts as adjunct and visiting faculty; (l) the terms and conditions of service for hiring appropriate human resource, Indian or foreign, especially at higher levels in specific areas, with fixed tenure, not exceeding three years at a time and with higher compensation, with the approval of the Board of Governors; (m) grievance redressal mechanism for resolution of disputes arising out of a contract between the Regional Centre and any of its employees; (n) the manner of making Regulations by any of the authorities of the Regional Centre; and (o) the manner of recognition of institutions to be affiliated with the Regional Centre and grounds for withdrawal of recognition thereof.

2. Item (f) of sub-clause (3) of clause 16 empowers the Programme Advisory Committee of the Regional Centre for Biotechnology to frame Ordinances. Sub-clause (1) of clause 43 specifies the matters in respect of which such Ordinances may be made. These matters, *inter alia*, include: (a) admission of students from within India and from the Region to the Regional Centre and their enrolment as such; (b) the course 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 Regional Centre, and shall be eligible for the degrees, diplomas and certificate; (d) the conditions of award of the fellowships, scholarships, medals and prizes; (e) the conditions and mode of appointment and duties of examining bodies, examiners and moderators; (f) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators; (g) the conditions of residence of the students of the Regional Centre; (h) the maintenance of discipline among the employees and students; (i) the courses of study to be laid down for all degrees, diplomas and certificates of the Regional Centre including the medium of instruction and examination; (j) the award of degrees and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same; the withdrawal of degrees, diplomas, certificates and other academic distinctions; (k) fees to be charged for courses of study in the Regional Centre and for admission to examinations, degrees and

diplomas of the Regional Centre; (l) institution of and conditions for award of fellowships, scholarships, studentships, medals and prizes; (m) the special arrangements, if any, which may be made for the residence and teaching of women students and the prescribing of special courses of studies for them; and (n) establishment, management and abolition of Centres of Studies, Schools, Departments, Specialised Laboratories, Halls and Institutions.

3. Clause 44 empowers the authorities of the Regional Centre for Biotechnology to make Regulations for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by the proposed legislation, the Statutes or the Ordinances, in the manner specified by the Statutes.

4. Sub-clause (1) of clause 45 specifies that the Statutes, Ordinances and Regulations to be published in the Official Gazette. Sub-clause (2) of clause 45 provides that every Statute or Ordinance or Regulation made under the proposed legislation shall be laid, as soon as may be after it is made, before each House of Parliament.

5. The matters in respect of which Statutes, Ordinances and Regulations may be made are matters of procedures or administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

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to provide for the establishment of an institution of national importance to be known as the Regional Centre for Biotechnology for training and education as a category II institution under the auspice of the United Nations Educational, Scientific and Cultural Organisation, to undertake research in the field of biotechnology and to provide for matters connected therewith or incidental thereto.

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*(Shri Vilasrao Deshmukh, Minister of Science and Technology and Earth Sciences)*