

(x) such additional members, not exceeding six, as the Central Government may, by notification in the Official Gazette, appoint:

Provided that if within the period prescribed in this behalf, any authority specified in this section fails to nominate a person, the Central Government may itself appoint a member to fill the vacancy."

4. In sections 6, 7, 9 and 10 of the principal Act, for the word "owner" wherever it occurs, the word "occupier" shall be substituted. Amendment of sections 6, 7, 9 and 10.

5. The Committee to be constituted under section 4 of the principal Act, as amended hereby, may be constituted at any time after the passing of this Act and before its commencement, but the Committee as so constituted shall not begin to function till the commencement of this Act and on such commencement the term of office of the members of the Committee then existing shall expire. Transition from existing constitution to new constitution.

THE INDIAN INSTITUTE OF TECHNOLOGY

(KHARAGPUR) ACT, 1956

ARRANGEMENT OF SECTIONS

*see India Code,
Vol. IV*

SECTIONS

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SECTIONS

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THE INDIAN INSTITUTE OF TECHNOLOGY

(KHARAGPUR) ACT, 1956

ACT NO. 51 OF 1956

An Act to declare the institution known as the Indian Institute of Technology Kharagpur to be an institution of national importance and to provide for its incorporation and matters connected therewith.

[15th September, 1956]

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Indian Institute of Technology (Kharagpur) Act, 1956.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

¹ 1st April 1957, vide S.R.O. No. 496, dated the 12th February 1957, see Gazette of India, 1957, Pt. II, Sec. 3, p. 301.

2. Whereas the objects of the institution known as the Indian Institute of Technology at Kharagpur in the district of Midnapore in the State of West Bengal are such as to make the institution one of national importance, it is hereby declared that the institution known as the Indian Institute of Technology, Kharagpur, is an institution of national importance.

Declaration of the Indian Institute of Technology (Kharagpur) as an institution of national importance.

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

Definitions.

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

(b) "Board" means the Board of Governors of the Institute;

(c) "Chairman" means the Chairman of the Board;

(d) "Deputy Director" means the Deputy Director of the Institute;

(e) "Director" means the Director of the Institute;

(f) "Finance Committee" means the Finance Committee of the Institute;

(g) "Institute" means the Institute known as the Indian Institute of Technology, Kharagpur, incorporated under this Act;

(h) "Registrar" means the Registrar of the Institute;

(i) "Statutes" and "Ordinances" means respectively the Statutes and Ordinances of the Institute made under this Act.

4. (1) The first Chairman, the first Director and the first members of the Board who shall be the persons appointed in this behalf by the Central Government, by notification in the Official Gazette, and all persons, who may hereafter become or be appointed as officers or members of the Board, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the Indian Institute of Technology, Kharagpur.

Incorporation.

(2) The Institute shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

5. (1) Subject to the provisions of this Act, every person who is permanently employed in the Indian Institute of Technology at Kharagpur immediately before the commencement of this Act shall, on and from such commencement, become an employee of the Institute and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same on the date of commencement of this Act if this Act had not been passed.

Transfer of service of existing employees of the Indian Institute of Technology at Kharagpur.

(2) Notwithstanding anything contained in sub-section (1), the Institute may, with the prior approval of the Visitor, alter the terms and conditions of any employee specified in sub-section (1), and if the alteration is not acceptable to such employee, his employment may be terminated by the Institute in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the Institute of compensation equivalent to three months' remuneration.

(3) Every person employed in the Indian Institute of Technology at Kharagpur other than any such person as is referred to in sub-section (1) shall, on and from the commencement of this Act become an employee of the Institute upon such terms and conditions as may be provided for in the Statutes, and until such provision is made, on the terms and conditions applicable to him immediately before such commencement.

**Powers of the
Institute.**

6. (1) The Institute shall have the following powers, namely:—

(a) to provide for instruction and research in such branches of engineering and technology, applied sciences and applied arts, as the Institute may think fit, and for the advancement of learning and dissemination of knowledge in such branches;

(b) to hold examinations and grant degrees, diplomas and other academic distinctions or titles to persons in the manner laid down by or under this Act;

(c) to confer honorary degrees or other distinctions under conditions laid down by the Statutes;

(d) to fix and demand such fees and other charges as may be laid down by the Statutes;

(e) to establish, maintain and manage halls and hostels for the residence of students;

(f) to supervise and control the residence and to regulate the discipline of students of the Institute and to make arrangements for promoting their health, general welfare and cultural and corporate life;

(g) to provide for the maintenance of units of the National Cadet Corps for the students of the Institute;

(h) to institute teaching, administrative and ministerial posts and to make appointments thereto (except in the case of the Director) in accordance with the Statutes;

(i) to frame Statutes and Ordinances and to alter, modify or rescind the same in accordance with the procedure prescribed under this Act;

(j) to deal with any property belonging to or vested in the Institute in such manner as the Institute may deem fit for advancing the objects of the Institute;

(k) to receive gifts, grants, donations or benefactions from the Government and to receive bequests, donations and transfers of movable or immovable properties from testators, donors or transferors, as the case may be;

(l) to co-operate with educational or other institutions in any part of the world having objects wholly or partly similar to those of the Institute by exchange of teachers, scholars and generally in such manner as may be conducive to their common objects;

(m) to institute and award fellowships, scholarships, prizes and medals in accordance with the Statutes and Ordinances; and

(n) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the Institute.

(2) Notwithstanding anything contained in sub-section (1), the Institute shall not dispose of in any manner any immovable property, without the prior approval of the Visitor.

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

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

(2) No benefaction shall hereafter be accepted by the Institute which in the opinion of the Board involves conditions or obligations opposed to the spirit and object of this section.

8. All teaching at the Institute shall be conducted by or in the name of the Institute in accordance with the Statutes or Ordinances made in this behalf.

Teaching at the Institute.

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

(2) The Visitor may appoint one or more persons to review the work and progress of the Institute and to hold enquiries into the affairs thereof and to report thereon in such manner as the Visitor may direct.

(3) Upon receipt of any such report, the Visitor may take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the Institute shall be bound to comply with such directions.

Authorities
of the
Institute.

10. The following shall be the authorities of the Institute, namely:—

- (a) the Board;
- (b) the Academic Council;
- (c) the Finance Committee; and
- (d) such other authorities as may be declared by the Statutes to be the authorities of the Institute.

The Board.

11. The Board shall consist of the following persons, namely:—

- (a) the Chairman;
- (b) one non-official to be nominated by the Central Government;
- (c) one person to be nominated by the All-India Council for Technical Education;
- (d) the Chairman, University Grants Commission, *ex officio*;
- (e) the Director of Scientific and Industrial Research, Government of India, *ex officio*;
- (f) the Director, *ex officio*;
- (g) three persons nominated by the Central Government, one to represent the Ministry of Education, another the Ministry of Finance and the third the other Ministries;
- (h) three members of Parliament, two to be elected from among themselves by the members of the House of the People and one from among themselves by the members of the Council of States.

Term of
office of,
and vacan-
cies among
members of,
the Board.

12. (1) Save as otherwise provided in this section, the term of office of a member of the Board shall be five years from the date of his nomination or election as the case may be:

Provided that the term of office of a member elected under clause (h) of section 11 shall come to an end as soon as he ceases to be a member of the House from which he was elected.

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

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

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

(5) The manner of filling casual vacancies among members shall be such as may be provided for in the Statutes.

(6) 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 shall be entitled to any salary by reason of this sub-section.

13. (1) The Board shall be the supreme governing body of the Institute and shall exercise all the powers of the Institute not otherwise provided for by this Act, the Statutes and Ordinances, and shall have power to review the acts of the Finance Committee and the Academic Council.

Functions of the Board.

(2) Subject to the provisions of this Act, the Board shall—

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

(b) institute courses of study at the Institute;

(c) make Statutes;

(d) institute and appoint persons to teaching as well as non-teaching posts in the Institute in accordance with the procedure laid down in the Statutes;

(e) consider and modify Ordinances;

(f) consider and pass resolutions on the annual report, the annual accounts and the financial estimates as it thinks fit; and

(g) exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act and the Statutes.

(3) The Board shall have power to appoint such committees as it considers necessary for the performance of its functions and duties.

14. (1) The Academic Council shall consist of the following persons, namely:—

Academic Council.

(a) the Director, *ex officio*, who shall be the Chairman of the Council;

(b) the Deputy Director, *ex officio*, who shall be the Vice-Chairman of the Council;

(c) the Registrar, *ex officio*;

(d) the professors appointed or recognised as such by the Institute for the purpose of imparting instruction in the Institute;

(e) such other members of the staff as may be laid down in the Statutes.

(2) Subject to the provisions of this Act, Statutes and Ordinances, the Academic Council shall have the control and general regulation of, and be responsible for the maintenance of standards of instruction, education and examination in, the Institute, and shall exercise such powers and perform such other duties as may be conferred or imposed upon it by the Statutes and shall advise the Board on all academic matters.

Finance
Committee.

15. (1) The Finance Committee shall consist of the following persons, namely:—

- (a) the Chairman, *ex officio*, who shall be the Chairman of the Committee;
- (b) two persons nominated by the Central Government;
- (c) one person nominated by the Board; and
- (d) the Director.

(2) The Finance Committee shall—

- (a) examine and scrutinise the annual budget of the Institute prepared by the Director and make recommendations to the Board;
- (b) approve proposals of reappropriation as between different departments of the Institute without affecting the total sanction of the grant;
- (c) consider the periodical statements of accounts, reappropriation statements and the audit report and make recommendations to the Board;
- (d) give its views and make its recommendations to the Board either on the initiative of the Board or of the Director, or on its own initiative on any financial question affecting the Institute.

Chairman.

16. (1) The Chairman shall be nominated by the Visitor and shall hold office for a period of five years.

(2) The Chairman shall ordinarily preside at the meetings of the Board and at the Convocations of the Institute.

(3) It shall be the duty of the Chairman to see that the decisions taken by the Board are given effect to.

(4) The Chairman shall have such other powers as may be conferred upon him by this Act or the Statutes.

Director.

17. (1) The Director shall be appointed by the Visitor out of a panel of three names submitted to him by the Board.

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

(3) The Director shall have such other powers and perform such other duties as may be laid down in this Act or the Statutes or Ordinances.

18. The Deputy Director shall be appointed on such terms and conditions as may be laid down by the Statutes and shall perform such duties and exercise such powers as may be assigned to him by this Act or the Statutes or by the Director. Deputy Director.

19. (1) The Registrar shall be a whole-time officer of the Institute and shall be appointed on such terms and conditions as may be laid down by the Statutes and shall be the custodian of records, the common seal, the funds of the Institute and such other property of the Institute as the Board shall commit to his charge. Registrar.

(2) The Registrar shall act as the Secretary of the Board, the Academic Council, the Finance Committee and such other Committees as may be prescribed by this Act or the Statutes.

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

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

20. The powers and duties of authorities and officers other than those hereinbefore mentioned shall be determined by the Statutes. Other authorities and officers.

21. For the purpose of enabling the Institute to discharge its functions efficiently under this Act, the Central Government may out of moneys provided by Parliament for the purpose pay to the Institute in each financial year such sums of money and in such manner as it may think fit. Grants by Central Government to the Institute.

22. (1) The Institute shall maintain a Fund to which shall be credited— Funds of the Institute.

(a) all moneys provided by the Central Government;

(b) all fees and other charges received by the Institute;

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

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

(2) All moneys credited to the Fund shall be deposited in such Banks or invested in such manner as the Institute may, with the approval of the Central Government, decide.

(3) The Fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions under this Act.

Accounts
and audit.

23. (1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Institute.

(4) The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

Acts and
proceedings
not to be
invalidated
by vacancies,
etc.

24. No act done or proceeding taken by the Institute, the Board, the Academic Council or the Finance Committee or any other body set up under this Act or the Statutes, shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Institute, the Board, the Academic Council, the Finance Committee or such body respectively.

Pension and
provident
fund.

25. (1) The Institute shall constitute for the benefit of its officers including the Director, teachers and other servants, in such manner and subject to such conditions as may be prescribed by the Statutes, such pension, insurance and provident funds as it may deem fit.

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

26. All appointments on the teaching or non-teaching staff of the Institute shall be made on the recommendation of a Selection Committee constituted for the purpose under the Statutes by—

Appoint-
ments.

(a) the Board with the prior concurrence of the Visitor, if the appointment involves emoluments of fifteen hundred rupees or over per month;

(b) the Board, if the appointment involves emoluments of three hundred and fifty rupees or over but less than fifteen hundred rupees per month;

(c) by the Director in any other case.

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

(a) the conferment of honorary degree;

(b) the formation of departments of teaching;

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

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

(e) the term of office and the method of appointment of officers of the Institute;

(f) qualifications of teachers of the Institute;

(g) the classification and method of appointment and the determination of the terms and conditions of service of teachers and other staff of the Institute;

(h) the constitution of pension, insurance and provident funds for the benefit of the officers, teachers and other staff of the Institute;

(i) the constitution, powers and duties of the authorities of the Institute;

(j) the establishment and maintenance of halls and hostels;

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

(l) the manner of filling vacancies among members of the Board;

(m) fixing allowances of the Chairman and members of the Board;

(n) authentication of the orders and decisions of the Board;

(o) the meetings of the Board, the Academic Council, the Finance Committee, or any other Committee, the quorum at such meetings and the procedure to be followed in the conduct of their business; and

(p) any other matter which by this Act is to be or may be prescribed by the Statutes.

Statutes how made.

28. (1) The first Statutes shall be framed by the Chairman after consultation with the Director and with the previous approval of the Visitor and a copy of the same shall be laid before Parliament.

(2) The Board may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided.

(3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may assent thereto or withhold assent or remit it for further consideration.

(4) A Statute passed by the Board shall have no validity unless it has been assented to by the Visitor.

Ordinances.

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

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

(b) the courses of study to be laid down for all degrees and diplomas of the Institute;

(c) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the Institute, and shall be eligible for degrees and diplomas;

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

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

(f) the conduct of examinations;

(g) the maintenance of discipline among the students of the Institute; and

(h) any other matter which by this Act or the Statutes is to be or may be provided for by the Ordinances.

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

(2) All Ordinances made by the Academic Council shall have effect from such date as it may direct, but every Ordinance so made shall be submitted, as soon as may be, to the Board and shall be considered by such Board at its next succeeding meeting.

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

31. Every dispute arising out of a contract between the Institute and any of its officers or teachers shall be referred to a Tribunal of Arbitration consisting of one member nominated by the Board, one member nominated by the officer or teacher concerned and an umpire appointed by the Visitor, and the decision of the Tribunal shall be final. Tribunal of
Arbitration.

THE GOVERNMENT PREMISES (EVICTION) AMENDMENT ACT, 1956

ACT No. 52 OF 1956

An Act further to amend the Government Premises (Eviction) Act, 1950.

[15th September, 1956]

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. This Act may be called the Government Premises (Eviction) Amendment Act, 1956. Short title.

27 of 1950. 2. In the long title of the Government Premises (Eviction) Act, 1950 (hereinafter referred to as the principal Act), for the words "certain persons from Government premises", the words "persons from public premises in certain cases" shall be substituted. Amendment
of long title.

3. In sub-section (1) of section 1 of the principal Act, for the words "Government Premises", the words "Public Premises" shall be substituted. Amendment
of section 1.