CHAPTER III
The Council

31. Establishment of Council
32. Term of Office of, Vacancies among, & Allowances Payable to Members of Council
33. Functions of Council
34. Chairman of Council
35. Power to make Rules in respect of matters in this Chapter

CHAPTER IV
Miscellaneous

36. Acts and Proceedings not to be invalidated by Vacancies, Acts.
37. Power to Remove Difficulties
38. Transitional Provisions
39. Repeal and Savings

THE SCHEDULE

Provisions of The Indian Institute of Technology (Kharagpur) Act. 1956. Continued in Force
1. Declaration of the Indian Institute of Technology (Kharagpur) as an Institution of National Importance
2. Definitions
3. Incorporation
4. Transfer of Service of Existing Employees of Indian Institute of Technology at Kharagpur

ANNEXURE

The Institutes of Technology (Amendment) Act. 1963

1. Short Title and Commencement
2. Amendment of Section 2 (59 of 1961)
3. Amendment of Section 3
4. Amendment of Section 4
5. Amendment of Section 12
6. Amendment of Section 38
7. College of Engineering and Technology, Delhi to cease to be Affiliated College of University of Delhi (8 of 1922)

MINISTRY OF LAW
(Legislative Department)

New Delhi, the 20th December, 1961 /Agrahayana 29, 1883 (Saka)
The following Act of Parliament received the assent of the president on the l9th December, 1961, and is hereby* published for general information.

THE INSTITUTES OF TECHNOLOGY ACT 1961
No. 59 of 1961
[19th December, 1961]

An Act to declare certain institutions of technology to be institutions of national importance and provide for certain matters connected with such institutions and the Indian Institute of Technology Kharagpur.
Be it enacted by Parliament in the Twelfth Year of Republic of India as follows:-

CHAPTER 1
PRELIMINARY

Short title and commencement

1. (1) This Act may be called the Institutes of Technology Act, 1961.

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

Declaration of certain institutions as institutions of national importance.

2. Whereas the objects of the institutions known as the Indian Institute of Technology, Bombay, the College of Engineering and Technology, Delhi. The Indian Institute of Technology, Kanpur and the Indian Institute of Technology, Madras are such as to make them institutions of national importance, it is hereby declared that each such institution is an institution of national importance.

Definitions

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

(a) "Board", in relation to any Institute, means the Board of Governors thereof;
(b) "Chairman" means the Chairman of the Board:
(c) "corresponding Institute" means-

i) in relation to the society known as the Indian Institute of Technology, Bombay, the Indian Institute of Technology,
(ia) in relation to the society known as the College of Engineering and Technology, Delhi, the Indian Institute of Technology, Delhi;
ii) in relation to the society known as the Indian Institute of Technology (Kanpur) Society, the Indian Institute of Technology, Kanpur. and
(iii) in relation to the society known as the 1ndian Institute of Technology, Madras, the Indian Institute of Technology Madras;

(d) "Council" means the Council established under sub-section (1) of Section 31;

(e) "Deputy Director", in relation to any Institute, means the Deputy Director thereof;

(f) "Director", in relation to any Institute, means the Director thereof;

(g) "Institute" means any of the Institutions mentioned in Section 2 and includes the Indian Institute of Technology, Kharagpur, incorporated under the Indian Institute of Technology (Kharagpur) Act, 1956; 5 of 1956.

(h) "Registrar", in relation to any Institute, means the Registrar thereof;

(i) "Senate" in relation to any Institute, means the Senate thereof;

(j) "Society" means any of the following societies registered under the Societies Registration Act, 1860, namely- 21 of 1860.

(i) the Indian Institute of Technology, Bombay;
(ia) the College of Engineering and Technology, Delhi;*
(ii) the Indian Institute of Technology (Kanpur) Society;
(iii) the Indian Institute of Technology, Madras;

(k) "Statutes" and Ordinances" in relation to any Institute, mean the Statutes and Ordinances of the Institute made under this Act.

* Published in the Gazette of India extraordinary, Pt.II, Section I No. 63 dated December 20, 1961.
** Came into force with effect from 1st April, 1962, by Notification No. F24-35/61-T6 dated 23rd March, 1962, published in the Gazette of India, in Pt.II Section 3 No. 13, dated March 31, 1962.
*** Inserted by The Institutes of Technology (Amendment) Act 1963 (No. 29 of 1963) published in the Gazette of India extraordinary, Pt.II Section 1 No. 27 dated 12th September, 1963 which came into force with effect from 13th September, 1963 by Notification No. F24-10/63-T6 dated 12th September, 1963, published in the Gazette of India in Pt. II Section 3 No. 38, dated September 21, 1963.

CHAPTER II
THE INSTITUTES

Incorporation of, institutes.

4. (1) Each of the Institutes mentioned in Section 2 shall be a body corporate having perpetual succession and a common seal and shall, by its name, sue and be sued.

(1a) The College of Engineering and Technology, Delhi, shall on such incorporation, be called the Indian Instititute of Technology, Delhi. **

(2) The body corporate constituting each of the said Institutes shall consist of a Chairman, a Director and other members of the Board for the time being of the Institute.

* Inserted by the Institutes of Technology (Amendment) Act, 1963 (No. 29 of 1963) published in the Gazette of India extraordinary, Pt.II Section 1 No. 27, dated 12th September, 1963 which came into force with effect from 13th September, 1963 by Notification No. F 24-19/63-T6 dated 12th September, 1963, published in the Gazette of India in Pt. II Section 3 no. 38, dated September 21, 1963.
** Ibid

Effect of incorporation of institutes

5. On and from the commencement of this Act,-

(a) any reference to a society in any law (other than this Act) or in any contract or other instrument shall be deemed as a reference to the corresponding Institute;
(b) all property movable and immovable, of or belonging to a society shall vest in the corresponding Institute,
(c) all the rights and liabilities of a society shall be transferred to, and be the rights and liabilities of, the corresponding Institute, and
(d) every person employed by a society immediately before such commencement shall hold his office or service in the corresponding Institute by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity Provident fund and other matters as he would have hell the same if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the Institute in accordance with the terms of the contract with the employee or, if no provision is made therein in this behalf on payment to him by the Institute of compensation equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees.

Power of Institutes.

6. (1) Subject to the provisions of this Act every Institute shall exercise the following powers and perform the following duties, namely:-

(a) To provide for instruction and research in such branches of engineering and technology, sciences and 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;
(c) to confer honorary degrees or other distinctions.

(d) to fix, demand and receive fees and other charges.,
(e) to establish, maintain and manage halls and hostels for the residence of students;
(f) to supervise and control the residence and regulate the discipline of students of the Institute and to make arrangements for promoting their health, general welfare and cultural and corporate life;
(9) to provide for the maintenance of units of the National Cadet Corps for the students of the Institute;
(h) to institute academic and other posts and to make appointments thereto (except in the case of the Director);
(i) to frame Statutes and Ordinances and to alter, modify or rescind the same;
(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 of receive bequests, donations and transfers of movable or immovable properties from testators, donors or transferors, as the case may be;
1) to co-operate vvith 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 and scholars and generally in such manner as may be conducive to their common objects;
(m) to institute and award fellowships, scholarships, exhibitions, prizes and medals; 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), an Institute shall not dispose of in any manner any immovable property without the prior approval of the Visitor.

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

7.(1) Every 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 or workers or in any other connection whatsoever.
(2) No bequest, donation or transfer of any property shall be accepted by any Institute which in the opinion of the Council involves conditions or obligations opposed to the spirit and object of this section.

Teaching at Institute.

8. All teaching at each of the Institutes shall be conducted by of in the name of the Institute in accordance with the

Statutes and Ordinances made in this behalf.

Visitor

9. (1) The President of India shall be the Visitor of every Institute.
(2) The Visitor may appoint one or more persons to review the work and Progress of any Institute and to hold inquiries into the affairs thereof and to report thereon in such manner as the Visitor may direct.
(3) Upon receipt of any such report, the Visitor may take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the Institute shall be bound to comply with such directions.

Authorities of Institutes

10. The following shall be the authorities of an Institute, namely Institutes.

(a) A Board of Governors,.
(b) A Senate; and
(c) such other authorities as may be declared by the Statutes to be the authorities of the Institute.

Board of Governors

11. The Board of an Institute shall consist of the following persons, namely:-

(a) The Chairman,, to be nominated. by the Visitor,
(b) the Director, ex officio;
(c) one person to be nominated by the Government of each of the States comprising the zone in which the institute is situated, from among persons who, in the opinion of that Government, are technologists or industrialists of repute;
(d) four persons having special knowledge or practical experience in respect of education, engineering or science, to be nominated by the Council; and
(e) two professors of the Institute, to be nominated by the Senate.
Explanation - In this section, the expression "zone" means a zone as tor the time being demarcated by the All-India Council for Technical Education for the purposes of this Act.

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

12. (1) Save as otherwise provided in this section, the term of office of the Chairman or any other member of the Board shall be three years from the date of his nomination.
(2) The term of office of an ex officio member shall continue so long as he holds the office by virtue of which he is a member.
(3) The term of office of a member nominated under Clause (e)* of section 11 shall be two years from the 1st day of

January of the year in which he is nominated
f section 1 I shall be two years from the 1st day of January of the year in which he is nominated.
(4) 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.
(5) Notwithstanding anything contained in this section, an outgoing member shall, unless the Council otherwise directs, continue in office until another person is nominated as a member in his place.
(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 persons referred to in clauses (b) and (e) of section 1 1 shall be entitled to any salary by reason of this sub-section.

* Substituted by the institutes of Technology (Amendment) Act, 1963 (No. 29 of 1963), published in the, Gazette of India extraordinary Pt. 11 Section No. 27 dated 12-9-63 and shall in terms of the amendment be deemed always to have been substituted.

Functions of Board.

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

(2) Without prejudice to the provisions of sub-section (1), the Board of any Institute shall -

(a) take decisions on 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 academic as well as other posts in the Institute:
(e) consider and modify or cancel Ordinances;
(f) consider and pass resolutions an the annual report, the annual accounts and the budget estimates of the Institute for the next financial year as it thinks fit and submit them to the Council together with a statement of its development plans,
(g) exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes.

(3) The Board shall have the power to appoint such committees as it considers necessary for the exercise of its

powers and the performance of its duties under this act.

Senate

14. The Senate of each Institute shall consist of the following persons, namely:-

(a) the Director, ex officio, who shall be the Chairman of the Senate;
(b) the Deputy Director, ex officio;
(c) -the professors appointed or recognized as such by the Insti-
tute for the purpose of imparting instruction in the institutes
(d) three persons, not being employees of the Institute, to be nominated by the Chairman in consultation vvith the Director, from among educationists of repute, one each from the fields
of science, engineering and humanities; and
(e) such other members of the staff as may be laid down in the Statutes.

Functions of Senate

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

Chairman of Board

16. (1) The Chairman shall ordinarily preside at the meetings of the Board and at the Convocations of the Institute.
(2) It shall be the duty of the Chairman to ensure that the decisions taken by the Board are implemented.
(3) The Chairman shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes.

Director.

17. (1) The Director of each Institute shall be appointed by the Council with the prior approval of the Visitor.
(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 submit annual reports and accounts to the Board.
(4) The Director shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes or Ordinances.

Deputy Director.

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

Registrar

19. (1) The Registrar of each Institute 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.
(2) The Registrar shall act as the Secretary of the Board, the Senate, and suet, committees as may be prescribed by the Statutes.
(3) The Registrar shall be responsible to the Director for the proper discharge of his functions.
(4) The Registrar shall exercise such other powers and perform such other duties as may be designed to him by this Act or the Statutes or by the Director.

Other authorities and officers.

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

Grants by Central Government.

21. For the purpose of enabling the Institutes to discharge their functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to each Institute in each financial year such sums of money and in such manner as it may think fit.

Fund of the Institute

22. (1) Every Institute shall maintain a Fund to which shall be credited :-

(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 of any Institute 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 of any Institute shall be applied towards

meeting
the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its duties this Act.

Accounts and Audit

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

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

(3) The Comptroller and Auditor-General of India and any appointed by him in connection with the audit of the accounts of any Institute shall have the same rights, privilege authority in connection with such audit as the Con 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 inspect the offices of the Institute.

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

Pension and Provident Fund.

24. (1) Every Institute shall constitute for the benefit of its empl including the Director in such manner and subject to conditions as may be prescribed by the Statutes, pension, insurance and provident funds as it may deen.

19 of 1925.

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

**Such a declaration has been made by the Central Government in respect of the Provident Fund constituted under this section at the Indian Institute of Technology through Ministry of 5. R. Et C. A. Notification No. F23-8 61-T6 16-2-63 published in the Gazette of India Pt. 91 Section Ill Sub-sec. 11 No 9 March 2. 1963.

Appointments

25. All appointments on the staff of any Institute, except that of the Director, shall be made in accordance with the procedure laid down in the Statutes, by-

(a) the Board, if the appointment is made on the academic staff in the post of lecturer or above or if the appointment is made on the non-academic staff in any cadre the maximum of the pay-scale for which exceeds six hundred rupees per month;
(b) by the Director, in any other case.

Statutes

26. 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 degrees.
(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) the qualifications of teachers of the Institute;
(g) the classification, the 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;
(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 member of the Board; the allowances to be paid to the Chairman and members of the Board;
(n) the authentication of the orders and decisions of the Board;
(o) the meetings of the Board, the Senate, or any committee, the quorum at such meetings and the procedure to be followed in the conduct of their business;
(p) any other matter which by this Act is to be or may be prescribed by the Statutes.

Statutes how made

27. (1) The first Statutes of each Institute shall be framed by the Council with the previous approval of the Visitor and a copy of the same shall be laid as soon as may be before each House of Parliament.
(2) The Board may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner here after in this section provided.
(3) Every new Statute or addition to the Smtutes or ably amendment or repeal of a Statute shall require the previous approval of the Visitor who may assent thereto or withhold assent or remit it to the Board for consideration.
(4) A new Statute or a Statute amending or repeating an existing, Statute shall have no validity unless it has been assented to by the Visitor.

Ordinances.

28. Subject to the provisions of this Act and the Statutes. The Ordinances of each Institute 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;
(c) the conditions and mode of appointment and duties of examining bodies, examiners and moderators;
(f) the conduct of examinations;
(g) the maintenance or discipline among the students of the Institute, and
(h) any other matter which by this Act or the Statute is to be or may be provided for by the Ordinances.

Ordinances how made

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

Tribunal of Arbitration.

30. (1) Any dispute arising out of a contract between an Institute and Tribunal of any of its employees shall, at the request of the employee concerned or at the instance of the institute be referred to a Tribunal of Arbitration consisting of one member appointed by the Institute, one member nominated by the employee, and an umpire appointed by the Visitor.
(2) The decision of the Tribunal shall be final and shall not be questioned in any court.
(3) No suit or proceeding shall lie in any court in respect of any matter which is required by sub-section (1) to be referred to the Tribunal of Arbitration.
(4) The Tribunal of Arbitration shall have power to regulate its own procedure.
(5) Nothing in any lav, for the time being in force relating to arbitration shall apply to arbitrations under this section.

CHAPTER III
THE COUNCIL

Establishment of Council

31. (1) With effect from such date* as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be established a central body to be called the Council.
*The Council was established with effect from May 15. 1962 by Ministry of Scientific Research & Cultural Affairs Notification No. F24-5162-T6 dated 9th May, 1962 published in Part II Section 3 Sub-section (ii) of the Gazette of India No. 20 dated May 19, 1962.
(2) The Council shall consist of the following members, namely:-

(a) the Minister incharge of technical education in the Central Government, ex-officio, as Chairman,
(b) the Chairman of each institute, ex-officio,
(c) the Director of each Institute, ex-officio,.
(d) the Chairman, University Grant Commission, ex-officio;
(e) the Director-General, Council of Scientific and industrial Research, ex-officio,.
(f) the Chairman of the Council of the Indian Institute of Science, Bangalore, ex-officio,
(g) the Director of the Indian Institute of Science, Bangalore, ex-officio;
(h) three persons to be nominated by the Central Government one to represent the Ministry concerned with technical education, another to represent the Ministry of Finance and the third to represent any other Ministry;
(i) one person to be nominated by the All-India Council for Technical Education;
(j) not less than three, but not more than five, persons to be nominated by the Visitor, who shall be persons having special knowledge or practical experience in respect of education industry, science or technology,
(k) Three Members of Parliament, of whom two shall be elector Council of States from among its members.

(3 by the House of the People from among its members and one by the) An officer of the Ministry of the Central Government concerned with technical education shall be nominated by that Government to act as the Secretary of the Council.

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

32. (1) Save as otherwise provided in this section, the term of office of a member of the Council shall be three years from the date of his nomination or election, as the case may be.
(2) The term of office of an ex-officio member shall continue so long as he holds the office by virtue of which he is a member.
(3) A member of the Council referred to in clause (h) of sub-section (2) of section 31 shall hold office during the pleasure of the Central Government.
(4) The term of office of a member elected under clause (k) of sub-section (2) of section 31 shall expire as soon as he ceases to be a member of the House which elected him.
(5) The term of office of a member nominated or elected to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he has been nominated or elected.
(6) 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.
(7) The members of the Council shall be paid such travelling and other allowances by the Central Government as may be determined by that Government, but no member shall be entitled to any salary by reason of this sub-section.

Functions of Council

33. (1) It shall be the general duty of the Council to co-ordinate the activities of all the institutes.
(2) Without prejudice to the provisions of sub-section (1), the Council shall perform the following functions, namely:-

(a) to advise on matters relating to the duration of the courses, the degrees and other academic distinctions to be conferred by the Institutes, admission standards and other academic matters.
(b) to lay down policy regarding cadres, methods of recruitment and conditions of service of employees, institution of scholarships and free ships, levying of fees and other matters of common interest;
(c) to examine the development plans of each Institute and to approve such of them as are considered necessary and also to indicate broadly the financial implications of such approved plans;
d) to examine the annual budget estimates of each Institute and to recommend to the., Central Government the allocation of funds for that purpose;
(e) to advise the Visitor, if so required, in respect of any function to be performed by him under this Act; and
(f) to perform such other functions as are assigned to it by or under this Act.

Chairman of Council

34. (1) The Chairman of the Council shall ordinarily preside at the meetings of the Council.
(2) It shall be the duty of the Chairman of the Council to ensure that the decisions taken by the Council are implemented.
(3) The Chairman shall exercise such other powers and prefer such other duties as are assigned to him by this Act.

35. (1) The Central Government may make rules* to carry out the purposes of this Chapter.
(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of tt following matters, namely :-

(a) the manner of filling vacancies among the members the Council;
(b) the disqualifications for being chosen as, and for being a member of the Council;
(c) the circumstances in which, and the authority by which members may be removed;
(d) the meetings of the Council and the procedure of conducting business there at;
(c) the travelling and other allowances payable to member of the Council; and
(f) the functions of the Council and the manner in which such functions may be exercised.

Power to make rules in respect of matters in this Chapter

CHAPTER IV
MISCELLANEOUS

36. No act of the Council, or any Institute or Board or Senate or any other body set up under this Act or the Statutes, shall be invalied merely by reason of:-
(a) any vacancy in, or defect in the constitution thereof, or
(b) any defect in the election, nomination or appointment of a person acting as a member thereof, or
(c) any irregularity in its procedure not affecting the merits of the case.

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

* The Council (Institutes of Technology) Rules. 1962 made under Ministry of S.R. & C A. Notification No. F25-2162-T6 dated 2nd June, 1962. published in the Gazette of India Pt. 11 Sec. 3 Sub-sec . (ii) No. 23 dated June 9, 1962.

37. 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 provision or give such direction not inconsistent with the purposes of this Act, as appears to it to be necessary or expedient for removing the difficulty.

Power to remove difficulties.

38. Notwithstanding anything contained in this Act:- Transitional provisions.
(a) the Board of Governors of an Institute functioning as such immediately before the commencement of this Act shall continue to so function until a new Board is constituted for that Institute under this Act, but on the constitution of a new Board under this Act, the members of the Board holding office before such constitution shall cease to hold office;
(b) the [Staff Committee constituted in relation to the College of Engineering and Technology, Delhi and any Academic Council constituted in relation to any other Institute]* before the commencement of this Act shall be deemed to be the Senate constituted under this Act until a Senate is constituted under this Act for that Institute;
(c) until the first Statutes and the Ordinances are made under this Act, the Statutes and Ordinances are made under this Act, the Statutes and Ordinances of the Indian Institute of Technology, Kharagpur as in force immediately before the commencement of this Act shall continue to apply to that Institute and shall, with the necessary modifications and adaptations, also apply to any other Institute, in so far as they are not inconsistent with the provisions of this Act.

* Substituted by the institutes of Technology (Amendment) Act, 1963 (No. 29 of 1963) Published in the Gazette of India extraordinary Pt. 11, Sec. 1 No 27 dated 12-9-63 which came into force with effect from 13-9-63 by Notification No. F24-19/63-T6 dated 12-9-63 published in the Gazette of India Pt. II Sec. 3 No. 38 dated 21-9-63.

39. (1) The Indian Institute of Technology (Kharagpur) Act, 1955 is hereby repealed. Repeal and savings. 5 of 1956
(2) Notwithstanding such repeal, the provisions of the said Act set out in the Schedule shall continue to have effect; Provided that in the said provisions, the expression "this Act" means the said provisions.

THE SCHEDULE
(See Section 39)
Provisions of the Indian Institute of Technology (Kharagpur) Act, 1956, continued in force

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

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.

Definitions

3. In this Act, unless the context otherwise requires,-
(b) "Board"' means the Board of Governors of title Institute;
(c) "Chairman" means the Chairman of the Board;
(e) "Director" means the Director of the Institute;
(g) "Institute" means the Institute known as the Indian Institute of Technology, Kharagpur, incorporated under this Act.

Incorporation.

4. (1) The first Chairman, the first Director and the first member of the Board who shall be the persons appointed in the 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 Iong as they continue to hold such office or membership, at hereby constituted a body corporate by the name of the Indian Institute of Technology, Kharagpur.
(2) The Institute shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

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

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 right 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.

(2) Notwithstanding anything contained in sub-section (1) the Institute may, with the prior approval of the Visitor, alter ths 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 subsection (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.

Annexure
MINISTRY OF LAW
(Legislative Department)

New Delhi, the 12th September, 1963/Bhadra 21, 1885 (Saka)

The following Act of Parliament received the assent of the President on the 12th September, 1963, and are hereby published* for general information:-

THE INSTITUTE OF TECHNOLOGY (AMENDMENT) ACT, 1963
No. 29 of 1963

[12th September, 1963]

An Act to amend the Institute of Technology Act, 1961.

Be it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:-

1. (1) This Act may be called the Institutes of Technology (Amendment) Act, 1963. — Short title and commencement.
(2) It shall come into force on such date** as the Central Government may, by notification in the official Gazette appoint.

2. In Section 2 of the Institutes of Technology Act, 1961 (herein-after referred to as the principal Act), after the words "the Indian Institute of Technology, Bombay", the words "the College of Engineering and Technology, Delhi", shall be inserted. — Amendment of Section 2. 59 of 1961.

* Published in the Gazette of India Extraordinary Part II Sec. 1 No. 27 dated Sept. 12 1963 (Page 309/310).
** The Act came into force with effect from 13th September, 1963 published in the Gazette of India in Part II Sec. 3 No. 38, dated September 21, 1963.

3. In Section 3 of the principal Act- — Amendment of Section 3.

(a) in clause (c), after sub-clause (i), the following sub-clause shall be inserted namely -

"(ia) in relation to the society known as the College of Engineering and Technology Delhi, the Indian Institute of Technology, Delhi."

(b) in clause (j), after sub-clause (I), the following sub-clause shall be inserted namely :-

"(ia) the College of Engineering and Technology, Delhi."

4. In section 4 of the principal Act, after sub-section (1), the — Amendment of

following sub-section shall be inserted, namely :-

Section 4.

"(1) the College of Engineering and Technology, Delhi shall, on
such incorporation, be called the Indian Institute of Technology, Delhi."

5. In sub-section (3) of section 12 of the principal Act for the word, brackets and letter "clause(c)" shall be, and shall be deemed always to have been substituted.

Amendment of Section 12.

6. In section 38 of the principal Act, in clause (b), for the words "any Academic Council constituted in relation to any Institute", the words "the Staff Committee constituted in relation to the College of Engineering and Technology, Delhi and any Academic Constituted in relation to any other Institute" shall be substituted.

Amendment of Section 38.

7. Notwithstanding anything contained in the Delhi University Act, 1922, or the Statutes made the under, the College of Engineering and Technology, Delhi, incorporated under this Act, shall on the commencement of this Act, cease to be an "Affiliated College" within the meaning of clause (a) of section 2 of the Delhi University Act, 1922 except as respect things done or omitted to be done before such cesser.

8 of 1922.
College of Engineering and Technology, Delhi to cease to be affiliated college of University of Delhi.