

THE SCIENCE AND ENGINEERING RESEARCH BOARD ACT, 2008

ACT NO. 9 OF 2009

[17th January, 2009.]

An Act to provide for the constitution of a Board for promoting basic research in Science and Engineering and to provide financial assistance to persons engaged in such research, academic institutions, research and development laboratories, industrial concerns and other agencies for such research and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Science and Engineering Research Board Act, 2008.

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

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “Board” means the Science and Engineering Research Board constituted under sub-section (1) of section 3;

(b) “Chairperson” means the Chairperson of the Board;

(c) “Fund” means the Fund for Science and Engineering Research constituted under sub-section (1) of section 10;

(d) “member” means a member of the Board and includes the Chairperson;

(e) “Oversight Committee” means the Oversight Committee of Experts constituted under sub-section (1) of section 5;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “Secretary” means the Secretary of the Board appointed under sub-section (1) of section 4.

CHAPTER II

SCIENCE AND ENGINEERING RESEARCH BOARD

3. Constitution and incorporation of Board.—(1) The Central Government shall, by notification in the Official Gazette, constitute, for the purposes of this Act, a Board to be called the Science and Engineering Research Board.

(2) The Board 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.

(3) The Board shall consist of the following persons, namely:—

(a) Secretary to the Government of India in the Department of Science and Technology, *ex officio*—Chairperson;

(b) Member-Secretary, Planning Commission, *ex officio*—Member;

(c) Secretary to the Government of India in the Department of Biotechnology, *ex officio*—Member;

(d) Secretary to the Government of India in the Department of Scientific and Industrial Research, *ex officio*—Member;

(e) Secretary to the Government of India in the Ministry of Earth Sciences, *ex officio*—Member;

(f) Secretary to the Government of India in the Department of Expenditure, Ministry of Finance or his nominee, *ex officio*—Member;

(g) Secretary to the Government of India in the Department of Health Research, *ex officio*—Member;

(h) not more than three members to be appointed by the Central Government from amongst persons having experience in scientific research in different disciplines in academic institutions;

(i) not more than three members to be appointed by the Central Government from amongst persons having experience in scientific research in different disciplines in Government research laboratories;

(j) not more than four members to be appointed by the Central Government from amongst persons having experience in scientific research in different disciplines in the industry, international projects on science and technology, socio-economic sectors and other Government research laboratories.

(4) The Head Office of the Board shall be at Delhi or in the National Capital Region.

(5) The qualifications and experience, term of office and allowances of the members specified in clauses (h) to (j) of sub-section (3) shall be such as may be prescribed.

(6) The Chairperson shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties, as may be prescribed or delegated to him by the Board.

(7) No act or proceeding of the Board shall be invalidated merely by reason of—

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

(b) any defect in the appointment of a person acting as a member of the Board;

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

4. Secretary and other officers and employees of Board.—(1) The Board may appoint an eminent Scientist not below the rank of Additional Secretary to the Government of India as the Secretary of the Board, in consultation with the Central Government.

(2) The Board may appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

(3) The qualifications and experience, terms and conditions of service including salary and allowances of the Secretary and other officers and employees of the Board shall be such as may be specified in the regulations made by the Board.

(4) The Board may engage the services of personnel, both from within and outside the country as consultants, visiting scientists on such terms and conditions and remunerations as may be specified in the regulations made by the Board and shall facilitate their operations within the country.

5. Oversight Committee of Experts.—(1) Subject to the rules made in this behalf, the Board shall constitute an Oversight Committee of Experts consisting of experts, eminent scientists and academics to advise and assist the Board.

(2) The Oversight Committee shall consist of the following persons, namely:—

(i) a scientist of eminence and international repute—Chairperson;

(ii) Secretary to the Government of India in the Department of Science and Technology, *ex officio*—Vice-Chairperson;

(iii) Presidents of Indian National Science Academy, Indian Academy of Sciences and Indian National Academy of Engineering, *ex officio*—Members;

(iv) not more than three members to be appointed by the Central Government from amongst distinguished experts in different areas of science and technology; and

(v) Secretary to the Board, *ex officio*—Member.

6. Committees of Board.—(1) Subject to the rules made in this behalf, the Board may appoint such committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act.

(2) The Board shall have the power to co-opt as members of any committee appointed under sub-section (1), such number of persons who are not members of the Board as it may think fit, and the person so co-opted shall have the right to attend the meetings of the committee, and take part in the proceedings of the committee.

7. Powers and functions of Board.—(1) The Board shall serve as a premier multi-disciplinary research funding agency for planning, promoting and funding basic research in the emerging areas of science and engineering.

(2) The powers and functions of the Board shall, *inter alia*, include—

(i) serving as a premier multi-disciplinary research agency for planning, promoting and funding of internationally competitive research in emerging areas;

(ii) considering and taking decisions on the recommendations and suggestions made by the Oversight Committee;

(iii) identifying major inter-disciplinary research areas, and individuals, groups or institutions and funding them for undertaking research;

(iv) evolving nationally coordinated programmes in various identified areas involving institutions that will have a multiplier effect in promoting research;

(v) assisting in setting up infrastructure and environment for scientific pursuit;

(vi) achieving synergy between academic institutions, research and development laboratories and industry for promoting basic research in science and engineering;

(vii) evolving a management system to speedily provide for funding research, including monitoring and evaluation, by adopting modern management practices;

(viii) evolving participation in international collaborative projects, wherever necessary or desirable; and

(ix) taking over and continuance of the basic research projects and programmes undertaken or funded by the Central Government under the existing Science and Engineering Research Council scheme.

(3) The Board may provide financial assistance for the purposes specified in sub-section (2), in the form of grants and loans to individuals, academic institutions, research and development laboratories, industries and other organisations.

CHAPTER III

APPLICATION FOR SANCTION OF FINANCIAL ASSISTANCE

8. Application for availing of financial assistance.—(1) An application for availing of financial assistance for the purposes specified in sub-section (1) of section 7 shall be made to the Board in such form as may be prescribed.

(2) The Board may, after examining the application and after making such enquiries or seeking such clarifications as it considers necessary, by order in writing, either sanction the financial assistance or refuse the same.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

9. Grants and loans by Central Government.—The Central Government may, after due appropriation made by Parliament by law, in this behalf, make to the Board grants and loans of such sums of money as that Government may consider necessary.

10. Fund for Science and Engineering Research.—(1) There shall be constituted a Fund to be called the Fund for Science and Engineering Research and there shall be credited to the Fund—

- (a) any grants and loans made to the Board by the Central Government under section 9;
- (b) all sums received by the Board including donations from any other source;
- (c) recoveries made of the amounts granted from the Fund; and
- (d) any income from investment of the amount of the Fund.

(2) The Fund shall be applied for meeting—

- (a) expenses on the object and for the purposes authorised by this Act;
- (b) salaries, allowances and other expenses of the members, officers and other employees of the Board;
- (c) remunerations of the consultants and visiting scientists; and
- (d) expenses of the Board in the discharge of its functions under this Act.

11. Budget.—The Board shall prepare, in such form and at such time in each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the Central Government.

12. Annual report.—The Board shall prepare, in such form and at such time in each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

13. Accounts and audit.—(1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The Comptroller and Auditor-General of India or any other person appointed by him in connection with the auditing of the accounts of the Board under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing 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 any of the office of the Board under this Act.

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

(4) The Board shall furnish to the Central Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report.

14. Annual report and auditor's report to be laid before Parliament.—The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

CHAPTER V

MISCELLANEOUS

15. Returns to be furnished to Board.—(1) An industrial concern or an institution receiving financial assistance from the Board shall furnish return to the Board in such form and at such time as may be specified by regulations.

(2) The Board may authorise an officer to visit any industrial concern or institution referred to in sub-section (1) at any time to verify the accuracy of any return made under this section.

16. Power of Central Government to issue directions.—(1) Without prejudice to the foregoing provisions of this Act, the Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government, whether a question is one of the policy or not, shall be final.

17. Power of Central Government to supersede Board.—(1) If at any time the Central Government is of the opinion—

(a) that on account of grave emergency, the Board is unable to discharge the functions and the duties imposed on it by or under the provisions of this Act; or

(b) that the Board has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Board or the administration of the Board has deteriorated; or

(c) that circumstances exist which render it necessary in the public interest so to do,

the Central Government may, by notification in the Official Gazette, supersede the Board for such period, not exceeding six months, as may be specified in the notification.

(2) Upon the publication of a notification under sub-section (1) superseding the Board,—

(a) all the members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Board shall, until the Board is reconstituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct; and

(c) all property owned or controlled by the Board shall, until the Board is reconstituted under sub-section (3), vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may reconstitute the Board by a fresh appointment and in such case any person or persons who vacated their offices under clause (a) of sub-section (2), shall not be deemed to be disqualified for appointment:

Provided that the Central Government may, at any time, before the expiration of the period of supersession, take action under this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

18. Delegation.—The Board may, by general or special order in writing, delegate to the Chairperson or any other member or to any officer of the Board subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act (except the power under section 21) as it may deem necessary.

19. Protection of action taken in good faith.—No prosecution or other legal proceeding shall lie against the Central Government or the Board or any committee appointed by it or any member of the Board or such committee, or any officer or employee of the Government or the Board or any other person authorised by the Central Government or the Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

20. Power of Central Government to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

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

(a) the qualifications and experience, term of office and other allowances of the members of the Board, under sub-section (5) of section 3;

(b) the powers and duties of the Chairperson under sub-section (6) of section 3;

(c) the constitution of Oversight Committee under section 5;

(d) the constitution of committees under sub-section (1) of section 6;

(e) the form of application under sub-section (1) of section 8;

(f) the form in which, and the time at which the Board shall prepare its budget under section 11 and its annual report under section 12;

(g) the form of annual statement of accounts under sub-section (1) of section 13 and the date before which audited copy of the accounts may be furnished to the Central Government under sub-section (4) of that section;

(h) any other matter which is to be or may be prescribed or in respect of which provision is to be, or may be, made by rules.

21. Power of Board to make regulations.—(1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules generally to carry out the provisions of this Act.

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

(a) the qualifications and experience, terms and conditions of service including salaries and allowances of the Secretary and other officers and employees of the Board under sub-section (2) of section 4;

(b) the form in which and the time at which the returns may be furnished to the Board under sub-section (1) of section 15.

22. Rules and regulations to be laid before Parliament.—Every rule and every 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 rule or regulation or both Houses agree that the rule or regulation should not be made, the rule 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 rule or regulation.