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NOTIFICATION

No.H.12017/55/2001-LJD/Vol-1/5, the 22nd October, 2001. The following Ordinance of the Central Government is hereby published for General information.

R. Lalthazuala,
Deputy Secretary to the Govt. of Mizoram,
Law and Judicial Department.

THE INSTITUTE OF TECHNOLOGY (AMENDMENT) ORDINANCE, 2001

No. 6 OF 2001

An ordinance further to amend the Institutes of Technology Act, 1961.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. (1) This Ordinance may be called the Institutes of Technology (Amendment) Ordinance, 2001.

Short title
and Com-
mencement.

(2) It shall come into force at once.

Amendment of section 2. 2. In section 2 of the Institutes of Technology Act, 59 of 1961, (hereinafter referred to as the principal Act), for the words "Kanpur and the Indian Institute of Technology, Madras", the words "Kanpur, the Indian Institute of Technology, Madras and the Indian Institute of Technology, Roorkee" shall be substituted.

Amendment of section 3. 3. In section 3 of the principal Act,—

(a) in clause (c),—

(i) the word "and" appearing at the end of sub-clause (ii) shall be omitted;

(ii) in sub-clause (ii) after the words "the Indian Institute of Technology, Madras;" the word "and" shall be inserted; and

(iii) after sub-clause (iii), the following sub-clause shall be inserted, namely:—

"(iv) in relation to the University of Roorkee, Roorkee, the Indian Institute of Technology, Roorkee;"

(b) after clause (k), the following clause shall be inserted, namely:—

"(1) "University of Roorkee" means the University of U.P. Act Roorkee established under the Roorkee University Act, IX of 1948. 1947.

Amendment of section 4. 4. In section 4 of the principal Act, after sub-section (IB), the following sub-section shall be inserted, namely:—

"(1C) The University of Roorkee, Roorkee shall, on such incorporation, be called the Indian Institute of Technology, Roorkee."

Insertion of new section 5A. 5. After section 5 of the principal Act, the following section shall be inserted, namely :—

Effect of incorporation of Institute of Technology, Roorkee. "5A. On and from the commencement of the Institutes of Technology (Amendment) Ordinance, 2001,—

(a) any reference to the University of Roorkee in any law (other than this Ordinance) or in any contract or other instrument shall be deemed as a reference to the Indian Institute of Technology, Roorkee;

(b) all property, movable and immovable, of or belonging to the University of Roorkee, shall vest in the Indian Institute of Technology, Roorkee;

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

(d) every person employed by the University of Roorkee immediately before such commencement shall hold his office or service in the Indian Institute of Technology, Roorkee 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 if this Ordinance 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 Indian Institute of Technology, Roorkee 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 Indian Institute of Technology, Roorkee of compensation equivalent to three month's remuneration in the case of permanent employees and one month's remuneration in the case of other employees:

Provided further that any reference, by whatever form of words, to the Vice-Chancellor and Pro-Vice-Chancellor of the University of Roorkee in any law for the time being in force, or in any instrument or other document, shall be construed as a reference to the Director and the Deputy Director, respectively, of the Indian Institute of Technology, Roorkee.

U.P. Act IX
of 1948.

(e) On the commencement of the Institutes of Technology (Amendment) Ordinance, 2001, the Vice-Chancellor of the University of Roorkee, appointed under the provisions of the Roorkee University Act, 1947 shall be deemed to have been appointed as Director under the Ordinance, and shall hold office for a period of three months or till such time the Director is appointed, whichever is earlier.

Explanation - The reference in this section to the commencement of this Ordinance shall be construed in relation to the Indian Institute of Technology, Roorkee as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Ordinance, 2001 come into force.

6. In section 38 of the principal Act,-

Amend-
ment of
section 38.

(i) after clause (d), the following clauses shall be inserted, namely:-

“(e) the Syndicate of the University of Roorkee functioning as such immediately before the commencement of this Ordinance shall continue to so function until a new Board is constituted for the Indian Institute of Technology, Roorkee under this Ordinance, but on the constitution of a new Board under this Ordinance, the members of the Syndicate holding office before such constitution shall cease to hold office;

(f) the Academic Council of the University of Roorkee functioning as such immediately before the commencement of this Ordinance shall continue to so function until a new Senate is constituted for the Indian Institute of Technology, Roorkee under this Ordinance, but on the constitution of a new Senate under this Act, the members of the Academic Council holding office before such constitution shall cease to hold office;

(g) until the first Statutes and the Ordinances in relation to the Indian Institute of Technology, Roorkee are made under this Ordinance, the Statutes and Ordinances of the Indian Institute of Technology, Bombay as in force immediately before the commencement of the Institutes of Technology (Amendment) Ordinance, 2001 shall apply to the Indian Institute of Technology, Roorkee with the necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Ordinance.

(h) notwithstanding anything contained in the Institutes of Technology (Amendment) Ordinance, 2001, any student who joined classes of the University of Roorkee on or after the commencement of 1994-95 shall, for the purpose of clause (b) of subsection (1) of section 6, be deemed to have pursued a course of study in the Indian Institute of Techn-

nology. Roorkee provided that such student has not already been awarded degree or diploma for the same course of study;

(i) if any difficulty arises in giving effect to the provisions of the Institutes of Technology (Amendment) Ordinance, 2001, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Ordinance as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this clause after the expiry of two years from the commencement of the Institutes of Technology (Amendment) Ordinance, 2001:

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

(ii) Explanation shall be numbered as Explanation 1 thereof and after Explanation 1 as so numbered, the following Explanation shall be inserted, namely:—

“Explanation 2.— The reference in clause (e) and (f) of this section to the commencement of this Ordinance shall be construed in relation to the Indian Institute of Technology Roorkee as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Ordinance, 2001 come into force.”.

Repeal and savings. 7. (1) The Roorkee University Act, 1947 is hereby U.P. Act IX of 1948.
repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the repealed Act shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Ordinance.

K.R.NARAYANAN,
President.

SUBHASH C.JAIN,
Secy. to the Govt. of India.