

The Anusandhan National Research Foundation Act, 2023

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Act 25 of 2023

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THE ANUSANDHAN NATIONAL RESEARCH FOUNDATION ACT, 2023 NO. 25 OF 2023 [12th August, 2023.] An Act to establish the Anusandhan National Research Foundation to provide high level strategic direction for research, innovation and entrepreneurship in the fields of natural sciences including mathematical sciences, engineering and technology, environmental and earth sciences, health and agriculture, and scientific and technological interfaces of humanities and social sciences, to promote, monitor and provide support as required for such research and for matters connected therewith or incidental thereto. BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

Chapter I- PRELIMINARY

1. Short title and commencement.

(1) This Act may be called the Anusandhan National Research Foundation Act, 2023. (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 and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definition.

In this Act, unless the context otherwise requires,—(a) "appointed date" means such date as the Central Government may, by notification, appoint under sub-section (2) of section 1; (b) "Chief Executive Officer" means the Chief Executive Officer of the Foundation; (c) "Committees" means the Committees of the Executive Council referred to in section 12; (d) "Executive Council" means the Council constituted under sub-section (1) of section 7; (e) "Foundation" means the Anusandhan National Research Foundation established under section 3; (f) "Funds" means the Funds referred to

in sub-section (2) of section 13;(g)"Governing Board" means the Governing Board of the Foundation constituted under section 5;(h)"Member" means a Member of the Governing Board or the Executive Council and includes the President, Vice-President and Chairperson, as the case may be;(i)"notification" means the notification published in the Official Gazette and the expression "notified" shall be construed accordingly;(j)"prescribed" means prescribed by rules made under this Act; and(k)"regulations" means the regulations made by the Executive Council under this Act.

Chapter II

ANUSANDHAN NATIONAL RESEARCH FOUNDATION

3. Establishment of Foundation.

(1)With effect from such date as the Central Government may, by notification, appoint, there shall be established for the purposes of this Act, a Foundation to be known as the Anusandhan National Research Foundation.(2)The Foundation, referred to in sub-section (1), shall be a body corporate, having perpetual succession and a common seal, with power subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

4. Objectives of Foundation.

(1)Subject to the provisions of this Act, the Foundation shall serve as the apex body to provide high level strategic direction for research, innovation and entrepreneurship in the fields of natural sciences including mathematical sciences, engineering and technology, environmental and earth sciences, health and agriculture, and scientific and technological interfaces of humanities and social sciences.(2)Without prejudice to the provisions contained in sub-section (1), the Foundation shall undertake suitable initiatives including the following, namely:—(a)preparing the roadmap for short, medium and long term research and development;(b)seeding, growing and facilitating research at academic and research institutions, particularly at universities and colleges where research capacity is at a nascent stage, through programmes such as research and development projects, fellowships, academic chairs, and creation of centres of excellence;(c)funding competitive peer-reviewed grant proposals to eligible persons;(d)assisting in setting up research infrastructure and environment that is conducive for scientific pursuit with specific focus on matters of national priorities, emerging frontiers and strategic research;(e)increasing India's role and participation in key areas of national and global importance;(f)supporting translation of research undertaken into capital intensive technologies;(g)evolving nationally coordinated programmes to identify scientific and practical solutions for societal, developmental, financial and techno-economic challenges;(h)coordinating across the Central Government, State Governments, public authorities, industries, and research institutions, to document and analyse the expenditure on scientific research and their outcomes during each financial year, and report the same to the Central Government;(i)evolving participation in international collaborative projects and fostering exchange of scientific information;(j)encouraging collaboration with scientists from within and outside India, including scientists of Indian origin, with a view to enrich the Indian scientific ecosystem; and(k)encouraging

the Public Sector Enterprises as well as the private sector entities to invest in the activities of the Foundation.(3)In addition to the objectives referred to in sub-section (2), the Foundation shall also, to the extent practicable, either by itself, or through a suitable agency identified in this behalf, undertake an annual survey of outcomes of scientific research in India, with a view to create a central repository, for the collection, interpretation and analysis of information and data surrounding such research, and the aim of such a repository would include providing information for policy formulation and advising the Central Government and State Governments as well as the private sector:Provided that the survey referred to in this sub-section shall exclude any strategic areas of research as determined by the Governing Board.(4)The Foundation shall perform the aforesaid objectives through a Governing Board constituted under section 5.

5. Governing Board

(1)There shall be constituted a Governing Board, which shall provide high level strategic direction, perform and monitor the implementation of the objectives of the Foundation.(2)The Governing Board referred to in sub-section (1) shall consist of the following, namely:—(a)the Prime Minister of India, ex officio—President;(b)the Union Minister of Science and Technology, ex officio—Vice-President;(c)the Union Minister of Education, ex officio—Vice-President;(d)a Member from the NITIAayog dealing with science and technology, ex officio—Member;(e)Secretary to the Government of India in the Department of Science and Technology, ex officio—Member;(f)Secretary to the Government of India in the Department of Scientific and Industrial Research, ex officio—Member;(g)Secretary to the Government of India in the Department of Biotechnology, ex officio—Member;(h)Secretary to the Government of India in the Department of Higher Education, ex officio—Member; and Governing Board.(i)the Principal Scientific Advisor to the Government of India, ex officio—Member-Secretary.(3)The President of the Governing Board may nominate or appoint the following Members to the Governing Board, namely:—(a)not exceeding two Members from the Prime Minister's Science, Technology and Innovation Council;(b)not exceeding five Members from business organisation or industry;(c)one Member from the field of humanities and social sciences;(d)not exceeding two Members from institutions engaged in scientific and technological research and development; and(e)not exceeding six experts who have specialised knowledge in the areas of health, mathematical and physical sciences, biological sciences, engineering and technology, innovation and partnership, computer and information sciences, and engineering.(4)The qualifications, experience, honorarium and allowances payable to and the other terms and conditions of service of the Members and experts of the Governing Board referred to in sub-section (3) shall be such as may be prescribed.

6. Meetings of Governing Board.

(1)The Governing Board shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings including quorum at such meetings, as may be specified by the regulations.(2)If the President for any reason is unable to attend a meeting of the Governing Board, any of the Vice-Presidents shall preside over the meeting.

7. Executive Council.

(1)The President of the Governing Board shall constitute an Executive Council to implement the provisions of this Act. (2)The Executive Council referred to in sub-section (1) shall consist of the following, nominated by the President of the Governing Board, namely:—(a)the Principal Scientific Advisor to the Government of India, ex officio—Chairperson;(b)Secretary to the Government of India in the Department of Science and Technology, 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 Higher Education, ex officio—Member;(g)Secretary to the Government of India in the Department of Health Research, ex officio—Member;(h)Secretary to the Government of India in the Department of Defence Research and Development, ex officio—Member;(i)Secretary to the Government of India in the Department of Atomic Energy, ex officio—Member;(j)Secretary to the Government of India in the Department of Space, ex officio—Member;(k)Secretary to the Government of India in the Department of Agricultural Research and Education, ex officio—Member; and Meetings of Governing Board. (l)the Chief Executive Officer of the Foundation appointed under section 11, ex officio—Member-Secretary. (3)The President of the Governing Board may also nominate or appoint the following Members to the Executive Council, namely:—(a)not exceeding two ex officio Members amongst Secretaries of such other Departments or Ministries of the Government of India, not referred to in sub-section (2), as may be notified by the Central Government; and (b)not exceeding three Members amongst distinguished experts who have specialised knowledge in the areas of science and technology in academia, philanthropic sector, research laboratories and industries. (4)The qualifications, experience, honorarium and allowances payable to and the other terms and conditions of service of the Members of the Executive Council referred to in clause (b) of sub-section (3) shall be such as may be prescribed.

8. Meetings of Executive Council.

(1)The Executive Council shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings including quorum at such meetings, as may be specified by the regulations. (2)If the Chairperson for any reason is unable to attend a meeting of the Executive Council, the Member chosen by other Members shall preside over the meeting. (3)The Chairperson shall, in addition to presiding over the meetings of the Executive Council, exercise and discharge such powers and duties, as may be delegated by the Governing Board.

9. Vacancies, etc., not to invalidate proceedings of Governing Board or Executive Council.

No act or proceeding of the Governing Board or the Executive Council shall be invalidated merely by reason of—(a)any vacancy in, or any defect in the constitution of the Governing Board or the

Executive Council;(b)any defect in the appointment of a person acting as a Member of the Governing Board or the Executive Council; and(c)any irregularity in the procedure of the Governing Board or the Executive Council not affecting the merits of the case.

10. Functions of Executive Council

The Executive Council shall implement the objectives of the Foundation based on the policy direction and guidance provided by the Governing Board, including the following functions, namely:—(a)to consider applications for the grant of financial assistance in accordance with the eligibility criteria as determined necessary for such grants;(b)to determine through regulations,—(i)the requirements for registration, the form and manner for making of applications for financial assistance;(ii)reports and certification to be furnished pursuant to availing the financial assistance;(iii)the requirements of extension of financial assistance; and(iv)the grounds for revocation of financial assistance;(c)to facilitate and provide any assistance as may be required to ensure filing of applications for intellectual property rights pursuant to the research undertaken through financial assistance under this Act; and(d)any other function as may be delegated to it from time to time by the Governing Board.

11. Chief Executive Officer and other officers and employees of Foundation.

(1)The President of the Governing Board may appoint a Chief Executive Officer, not below the rank of Additional Secretary to the Government of India, for efficient administration of the Foundation.(2)The qualifications, experience, salary and allowances payable to and the other terms and conditions of service of the Chief Executive Officer shall be such as may be prescribed.(3)The Executive Council may appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.(4)The qualifications, experience, salary and allowances payable to and the other terms and conditions of service of the other officers and employees of the Foundation shall be such as may be prescribed.(5)The Executive Council may engage the services of such persons, both from within and outside India, as consultants and visiting scientists to the Foundation.(6)The eligibility criteria and honorarium payable to the consultants and visiting scientists, referred to in sub-section (5), shall be such as may be specified by the regulations.

12. Constitution of Committees.

(1)The Executive Council may constitute such Committees as it may deem necessary for the efficient discharge of its duties and performance of its functions under this Act.(2)The Executive Council may also co-opt persons, other than Members of the Governing Board or the Executive Council, as members of any Committees constituted under sub-section (1).(3)The co-opted members shall have the right to attend the meetings of the Committees and take part in the proceedings of the Committees, but shall not have right to participate in decision making.

Chapter III

FINANCE, ACCOUNTS AND AUDIT

13. Funds of Foundation.

(1)The Foundation shall receive monies from the following sources, namely:—(a)grants and loans of such sums of money as the Central Government may consider necessary, after due appropriation made by Parliament by law in this behalf;(b)any sums received for research and development, including through donations from any other source, including from public sector enterprises, the private sector, philanthropist organisations, foundations or international bodies;(c)recoveries made of the amounts granted to the Foundation;(d)any income from investment of the amounts received by the Foundation;(e)all amounts with the Fund for Science and Engineering Research under the Science and Engineering Research Board Act, 2008 as on the appointed date; and(f)such other sources as may be prescribed.(2)The Governing Board shall constitute the following Funds, into which it shall allocate, in the manner as it determines fit, the amounts received from clauses (a), (b), (c), (d) and (f) of sub-section (1), namely:—(a)the Anusandhan National Research Foundation Fund, which shall be used for the financing of activities under theAct, including expenses, salaries, allowances and other administrative exigencies for achieving the objectives of the Foundation;(b)the Innovation Fund for supporting outstanding creativity in the areas supported by the Foundation;(c)the Science and Engineering Research Fund for continuation of the projects and programmes initiated under the Science and Engineering Research Board Act, 2008; and(d)one or more Special Purpose Funds for any specific project or research.(3)The Governing Board shall maintain the Science and Engineering Research Fund referred to in clause (c) of sub-section (2) for such time as it may determine necessary, and allocate to such Fund, the following amounts, namely:—(a)all amounts under clause (e) of sub-section (1); and(b)any further amounts from any of the other sources of Funds received by the Foundation, as may be determined to be necessary for the implementation of such projects and programmes, based on a review and assessment by the Executive Council.(4)The Central Government shall frame such financial rules for the utilisation of the amounts in the Funds established under this Act.

14. Budget

The Executive Council shall prepare a budget, maintain proper accounts in such form and manner at such time and at such intervals as may be prescribed for the next financial year, showing the estimated receipts and expenditure of the Foundation, as approved by the Governing Board, and forward the same to the Central Government.

15. Annual report.

The Executive Council shall prepare, in such form and manner and at such time in every financial year, as may be prescribed, its annual report, giving a full account of the Foundation's activities during the previous financial year and submit a copy of the same to the Central Government.

16. Annual report and auditor's report to be laid before Parliament.

(1)The Executive Council shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form and manner as may be prescribed in consultation with the Comptroller and Auditor-General of India.(2)The Comptroller and Auditor-General of India or any other person appointed in connection with the auditing of the accounts of the Foundation 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 account 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 Foundation under this Act.(3)The accounts of the Foundation 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 Foundation to the Comptroller and Auditor-General of India.(4)The Executive Council shall furnish to the Central Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report.

17. Certification and report to be furnished.

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

Chapter IV

MISCELLANEOUS

18. Certification and report to be furnished.

(1)Any person receiving financial assistance from the Foundation shall furnish certification and report to the Executive Council, in such form and manner and at such time as may be specified by the regulations.(2)The Executive Council may authorise an officer to visit any academic institutions, research and development laboratories, industries and other organisations with which the person referred to in sub-section (1) is associated, at any time to verify the accuracy of the certification or report made under this section.

19. Power of Governing Board to delegate

The Governing Board may, by general or special order in writing, published in the Official Gazette, delegate to the Executive Council, the Chairperson of the Executive Council or the Chief Executive Officer, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions including, but not limited to administrative and financial matters, as it may deem necessary.

20. Power of Governing Board to issue directions.

(1) Without prejudice to the foregoing provisions of this Act, the Executive Council shall, in discharge of its powers and performance of its functions under this Act, be bound by such directions as the Governing Board may give in writing to it from time to time. (2) The Executive Council shall furnish to the Governing Board such information with respect to its activities as the Governing Board may, from time to time, require.

21. Application of other laws not barred.

The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

22. Protection of action taken in good faith

No prosecution or other legal proceeding shall lie against the Central Government or the Governing Board or Executive Council or any Member of the Governing Board or Executive Council, or any Committee, officer or employee of the Foundation, or any other person authorised by the Central Government or the Foundation, for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

23. Power to make rules.

(1) The Central Government may, by notification, and subject to the condition of previous publication, make rules not inconsistent with the provisions of this Act, to carry out the purposes of this Act. (2) In particular and 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, experience, honorarium and allowances payable to and the other terms and conditions of service of the Members and experts of the Governing Board under sub-section (4) of section 5; (b) the qualifications, experience, honorarium and allowances payable to and the other terms and conditions of service of the Members of the Executive Council under sub-section (4) of section 7; (c) the qualifications, experience, salary and allowances payable to and the other terms and conditions of service of the Chief Executive Officer under sub-section (2) of section 11; (d) the qualifications, experience, salary and allowances payable to and the other terms and conditions of service of the other officers and employees under sub-section (4) of section 11; (e) the other sources from where the Foundation receive monies under clause (f) of sub-section (1) of section 13; (f) the financial rules for the utilisation of the amounts in the funds under sub-section (4) of section 13; (g) the form, manner, time and interval for preparation of budget for the next financial year under section 14; (h) the form, manner and time for preparation of annual report by the Executive Council under section 15; (i) the form and manner of preparation of annual statement of accounts by the Executive Council under sub-section (1) of section 16; (j) the date of submission of audited copy of accounts together with the auditor's report under sub-section (4) of section 16; (k) the manner of dealing with the monies transferred by the Board to the Foundation under second proviso to clause

(b) of sub-section (3) of section 27; and (l) any other matter which is to be or may be prescribed or in respect of which provision is to be made by rules.

24. Power of Executive Council to make regulations.

(1) The Executive Council may, by notification and with the prior approval of the Central Government, make regulations not inconsistent with the provisions of this Act and any rules made thereunder to carry out the purposes 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 time, place and the rules of procedure in regard to transaction of business at the meetings and quorum of the Governing Board under sub-section (1) of section 6; (b) the time, place and the rules of procedure in regard to transaction of business at the meetings and quorum of Executive Council under sub-section (1) of section 8; (c) the requirements for registration, form and manner for making applications for financial assistance, reports and certification to be furnished for the financial assistance, extension of financial assistance and grounds for revocation of financial assistance under clause (b) of section 10; (d) the eligibility criteria and honorarium payable to the consultants and visiting scientists under sub-section (6) of section 11; (e) the form, manner and time for furnishing certification and report to the Foundation under sub-section (1) of section 18; and (f) any other matter which is required to be or may be specified by regulations or in respect of which provision is to be made by regulations.

25. 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, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

26. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, on the recommendations of the Foundation, by an order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or the rules or regulations made thereunder, as may appear to it to be necessary or expedient for removing such difficulty: Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Act. (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

27. Repeal and savings.

(1) The Science and Engineering Research Board Act, 2008 is hereby repealed and the Science and Engineering Research Board constituted under section 3 of the said Act (hereinafter referred to as the repealed Act) shall stand dissolved. (2) The repeal of the Science and Engineering Research Board Act, 2008 shall, however, not affect:—(a) any action taken pursuant to sub-section (3) of section 13; (b) previous operation or anything duly done under the repealed Act; (c) any right, privilege, obligation or liability acquired or accrued or incurred under the repealed Act; and (d) any proceeding pending or ongoing under the repealed Act. (3) On the dissolution of the Science and Engineering Research Board—(a) all assets, liabilities and other facilities forming part of or used in connection with the Science and Engineering Research Board, shall be deemed to be the assets of the Foundation; and (b) any officer or employee who has been, immediately before the dissolution of the Science and Engineering Research Board, employed on regular basis by the Science and Engineering Research Board, shall become, on and from such dissolution, the officer and employee, respectively, of the Foundation in such manner as may be notified by the Central Government, with the same rights and privileges as to pension, gratuity and other like matters as would have been admissible to him if the rights in relation to the Science and Engineering Research Board had not been transferred to, and vested in, the Foundation, and shall continue to do so unless and until his employment in the Foundation, is duly terminated or until his remuneration, terms and conditions of employment are duly altered by the Foundation: Provided that notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the transfer of the services of any officer or other employee, employed in the Science and Engineering Research Board, to the Foundation shall not entitle such officer or other employee, any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority: Provided further that where the Science and Engineering Research Board has established a provident fund, superannuation, welfare or other fund for the benefit of officers and other employees employed in the Science and Engineering Research Board, the monies relatable to the officers and other employees whose services have been transferred by or under this Act to the Foundation shall, out of the monies standing, on the dissolution of the Science and Engineering Research Board, to the credit of such provident fund, superannuation, welfare or other fund, stand transferred to, and vest in, the Foundation, and such monies which stand so transferred shall be dealt with by the said Foundation, in such manner as may be prescribed. (4) The mention of the particular matters referred to in sub-section (3) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal. ———