

The Rajiv Gandhi Science And Technology Commission Act, 2004

MAHARASHTRA

India

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Act 15 of 2004

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The Rajiv Gandhi Science And Technology Commission Act, 2004.[Maharashtra Act No. XV of 2004]This Act received the assent of the Governor on the 15th December 2004; assent was first published in the Maharashtra Government Gazette, Part IV, on the 15th December 2004).An Act to provide for establishment and incorporation of the Rajiv Gandhi Science and Technology Commission.WHEREAS it was expedient to establish and incorporate a Science and Technology Commission for advancement, propagation and promotion of application of science and technology to the various problems facing the society and to make provision therefor for the benefit of the society;AND WHEREAS both Houses of the State Legislature were not in session;AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make a law to provide for establishment and incorporation of the Science and Technology Commission, for the purposes aforesaid; and, therefore, promulgated the Rajiv Gandhi Science and Technology Commission Ordinance, 2004, on the 21st July 2004;AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Fifty-fifth Year of the Republic of India as follows: —

1. Short title and commencement.

(1)This Act may be called the Rajiv Gandhi Science and Technology Commission Act, 2004.(2)It shall be deemed to have come into force on the 21st July 2004.

2. Definitions.

(1)In this Act, unless the context otherwise requires, —(a)"adjunct appointment" means concurrent appointment by the Commission of a person already working in a college, institute, university,

industry, research institution or organisation and who is associated with the Commission in carrying out the work of formulation, testing or implementation, or evaluation, of the projects or work of the Commission;(b)"Commission" means the Rajiv Gandhi Science and Technology Commission established under section 3;(c)"Contract appointment" means appointment of a person on contract basis whether for a specified project work or for a specified period;(d)"Fund" means the fund of the Commission referred to in section 15 of the Act;(e)"Government" or "State Government" means the Government of Maharashtra;(f)"member" means a member of the Commission and includes the Chairman and Member-Secretary of the Commission;(g)"prescribed " means prescribed by rules made under this Act;(h)"regulations" means regulations made by the Commission under this Act;(i)"rules" means rules made by the Government under this Act;(j)"tenure appointment" means appointment of a person for a specified period, at the expiry of which the appointment shall automatically stand terminated, unless the appointment is renewed before the expiry of the specified period.

3. Establishment of Commission.

(1)For the purposes of advancement, propagation and promotion of application of science and technology to the various problems faced by the society and to the developmental work, the State Government may, by notification in the Official Gazette, establish a Commission called "the Rajiv Gandhi Science and Technology Commission".(2)The Commission shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property movable, immovable and intellectual and to contract and may sue and be sued by the said name.

4. Constitution of Commission.

(1)The Commission shall consist of, —(a)a Chairman, to be appointed by the Government, who shall be a person who is an eminent scientist having wide and varied experience in application of developments in science and technology for the solution of problems facing the society and preferably experience of socio-economic analysis;(b)a Member-Secretary, to be appointed by the Government, who shall be a person who is preferably a senior scientist having wide and varied experience in application of developments in science and technology to the solution of problems facing the society and preferably experience of socio-economic analysis. The Member-Secretary shall be the executive head of the Commission's establishment. Selection of the person for appointment as a Member-Secretary may be done on the lines of the prevailing methods adopted by the Government of India for appointments to senior scientific positions, such as through a Search Committee, advertisement, etc.;(c)not more than five other non-official members, to be appointed by the State Government, out of whom, —(i)not more than two members shall be from amongst persons who are experts in the field of science and technology and have proven record of experience of application of developments in science and technology for the benefit of the society;(ii)at least one member shall be from the field of research and development in science and technology for the benefit of society;(iii)the remaining members shall be chosen from amongst the persons—(A)who have knowledge of, or experience in, industry or agriculture; or(B)who are members of the engineering profession:Provided that, not less than one-half of the non-official members shall be

from amongst the persons who are not in the employment of the State Government, Central Government or any other State Government or their undertakings;(d)the Chief Secretary, Secretary of Finance Department, Secretary of Planning Department and the Secretary-in-charge of Science and Technology, of the Government shall be the ex-officio members of the Commission:Provided that, Secretary of Finance Department shall be designated as the Member-Finance of the Commission. His views and opinion in the financial matters of the Commission shall, as far as possible, be accepted by the commission. In such cases, the decisions on financial matters could be taken by a simple majority of the members present. Where there is a difference of opinion between the views of the other members including the Chairman and the Member-Finance, the matter shall be decided by two-third majority of the members present.(2)The State Government shall notify the appointments of the members in the Official Gazette, and upon the publication of the names of the Chairman, Member-Secretary and not less than three members referred to in clause (c) of sub-section (2), the Commission shall be deemed to be duly constituted.

5. Term of office and conditions of appointments of Chairman and members.

(1)The Chairman and non-official members shall be appointed for a term of five years and the term of five years shall be computed from the date of the constitution of the Commission under sub-section (2) of section 4:Provided that, the five years term of the Chairman and all the nonofficial members shall be co-terminus and shall be computed from the date of constitution of the Commission under sub-section (2) of section 4 irrespective of the later date of actual appointment of any of the remaining members:Provided further that, the Chairman and members shall be eligible for re-appointment.(2)The Chairman, Member-Secretary or a non-official member may, at any time, by writing in his own hand addressed to the Government, resign from the office of the Chairman, Member-Secretary or a member, as the case may be:Provided that, such office bearer shall continue in office until his resignation is accepted by the Government or for a period of one month from the date of resignation, whichever is earlier.(3)Notwithstanding anything contained in sub-section (1), the Government may, remove a person from the office of the Chairman, Member-Secretary or member, as the case may be, if that person, —(a)becomes an undischarged insolvent;(b)is convicted and sentenced to imprisonment for any offence, involving moral turpitude;(c)becomes of unsound mind and stands so declared by ad hoc Medical Board appointed for the purpose;(d)refuses to act or becomes incapable of acting;(e)is, without obtaining leave of absence from the Commission, absent in three consecutive meetings of the Commission;(f)in the opinion of the Government, has so abused the position of Chairman, Member-Secretary or member as to render that person's continuance in the office detrimental to the public interest or is otherwise unfit or unsuitable to continue as such Chairman, Member-Secretary or member;(g)in the opinion of the Government, the standard of performance of such person is not found to be satisfactory or not upto the expected performance:Provided that, no person shall be removed under clause (f) or (g), unless that person has been given a reasonable opportunity to show cause in writing in the matter and a committee of experts specially constituted for the purpose by the Government recommends and approves such removal.(4)Notwithstanding anything contained in the foregoing provisions of this section, the State Government may curtail the term of office of the Chairman and any or all non-official members holding office for the time being and appoint a new Chairman and other non-official members either for the remainder of the term or for a full term of five years, as the State Government may deem

fit.(5)A vacancy caused under sub-section (2) or (3) or in any other manner, shall be filled in, as soon as may be, —(a)if such vacancy is in the office the Chairman, by a fresh nomination of any other member or any other person as the Chairman; and(b)if such vacancy is in the office of a member, by making a fresh nomination of some person, and the member or person so nominated shall hold office as the Chairman or the member, as the case may be, for the remainder of the term of office of the person in whose vacancy such person has been nominated would have held office, if the vacancy had not occurred:Provided that, if the vacancy of a member other than that of the Chairman, occurs within six months preceding the date on which the term of office of the member expires, the vacancy may not be filled in.(6)The remuneration, allowances and other terms and conditions of service for the office of the Chairman and Member-Secretary shall be such as may be fixed by the State Government by an order issued in this behalf and in case of non-official members, the same shall be as may be prescribed.

6. The main aims and objectives of the Commission shall be, —

(a)to be an agent for change, development or advancement through inputs of science and technology;(b)to function as the prime mover of stimulating horizontal interaction between the universities, research and development institutions and any other industries or institutions for developing and upgrading science and technology;(c)to propagate application of science and technology through studies, adaptation of technology, formulating projects, by using the technology, field demonstration, imparting necessary training, publications and consultancy;(d)to provide necessary seed capital and other inputs on identified projects for propagating application of science and technology;(e)to act as catalyst or facilitator for transfer of technology from laboratories and other research efforts to application of science and technology on a larger scale;(f)to catalyse applications of innovations in line departments of the Government such as innovations in education sector to create knowledge based society, improving health services, etc., for sustained economic progress;(g)to create facilities, including equipments, for undertaking application related research and development in areas or disciplines where such facilities are not available in other institutions or are inadequate to the requirements; and(h)any other activities for propagating application of science and technology.

7. Functions and Scope of Commission.

In furtherance of the aims and objectives of the Commission, the Commission shall perform all or any of the following functions, namely: —(a)undertake studies and surveys to identify the technology gaps, where there shall be special emphasis on agricultural surveys, items that affect rural economy, artisans cottage industries, small scale units, agro-based industries, building materials, horticulture, agriculture, economic exploitation of minor minerals, marine products and such other subject as the Commission may determine with a view to create value added products;(b)identify and develop innovations in technologies and formulate projects for implementation;(c)project implementation and funding;(d)disseminate information about results of projects and other information through publications, visual media, films, mobile exhibitions or the like so as to ensure wider circulation;(e)consultancy service about technologies or expertise developed by the Commission;(f)conduct technology application oriented training programmes for

the beneficiaries or the implementing agencies to upgrade skills and to inculcate scientific temper;(g)provide financial and other support to organisations or institutions actively involved in identification or implementation or monitoring of the project of the Commission, which may also include funds for creation of hardware or equipment facilities in areas or disciplines where they do not already exist or are inadequate to the requirements;(h)set up and supervise centres of excellence or institutes of excellence in science and technology or for specific purposes with a view to encourage creation of employment opportunities through science and technology;(i)identify technology for non-conventional sources of energy that are replicable;(j)any other activity in furtherance of the aims and objectives of the Commission:Provided that, the Commission may provide a limited support to relevant basic research, however the main role of the Commission shall be to promote application oriented research and development work and thereafter its utilisation on a wider scale and the Commission shall not undertake or promote any activity or activities which do not directly further this basic aim and objective of the Commission; and in particular, the Commission shall not, —(i)promote, support or fund any research which, if successful, will not have potential for direct application or adaptation; and(ii)promote, support or fund any academic activities leading to grant of degree or diploma or recognition on completion of any study or project or procedure.

8. Method or procedure of working of Commission.

In pursuance of the aims and objectives and for discharging the functions assigned to the Commission, the Commission shall adopt the following method or procedure for identification, formulation and implementation of projects involving application of science and technology, namely: —(a)undertaking studies, both in house and sponsored, to identify the problem areas and potential areas for science and technology inputs;(b)holding seminars, conferences, workshops and discussions for identifying technology gaps, suitable technologies, generating projects and review implementation of programmes;(c)interaction with research institutions, universities, industries, Government agencies, professional bodies, field agencies, voluntary agencies, experts and others in the field of science and technology;(d)instituting mechanism for streamlining interaction between such institutions, bodies or agencies as are referred to in clause (c);(e)identification of institutions and experts for establishing techno-economic viability of the projects and for implementation of projects;(f)project funding, monitoring and review;(g)publication of results of successful projects and proven technologies, with a view to achieve multiplier or replication effect;(h)identify infrastructure gaps and promote or finance setting up of facilities that are not available in other institutions or are not adequate to the requirements;(i)consultancy to Government agencies, industries, voluntary agencies and other organisations in providing science and technology inputs for implementation of their schemes and programmes;(j)supporting and encouraging initiative from the actual end-users of innovations in science and technology;(k)mobilisation and utilisation of funds of line departments for mutually relevant projects;(l)interaction with the institutions outside the country, and bilateral agencies and international development agencies for projects, programmes and finances.

9. Making use of facilities including manpower in existing institutions.

(1) In discharge of its functions, the Commission may make use of the facilities that are available in any of the existing private or Government educational and the research and development organisations and, subject to the regulations framed in this behalf, the Commission shall work out arrangements to provide, to such institutions, financial support in lieu of their providing the facilities for the Commission or undertaking work on behalf of the Commission. (2) When the persons working in these institutions have devoted or are devoting their time to the projects undertaken on behalf of the Commission, the salary and other allowances of such persons for devoting such time may be reimbursed by the Commission to such institutions in accordance with the regulations.

10. Project Funding.

(1) The Commission may provide suitable financial support to the institutions chosen for development of technology, formulation of projects, undertaking demonstration of projects, implementing the projects or any other functions of the Commission. (2) The Commission shall frame regulations, for identification of institutions and for providing financial support under sub-section (1) of such institutions.

11. Meetings of Commission.

The Commission shall meet as and when necessary and at such times and shall observe such procedure in regard to the transaction of business at its meetings as may be provided by regulations.

12. Officers and other employees of Commission.

(1) The Commission may appoint or take on deputation, such other officers and employees including technical or project personnel as, in the opinion of the Commission, may be of necessary for the efficient performance of its functions under this Act. Such officers and other employees of the Commission shall consist of two categories, namely: —(a) Permanent staff. —consisting of administrative and secretarial officers and staff necessary for carrying out day to day working of the Commission, on a permanent basis; (b) Temporary or project staff on adjunct, contractual or tenure appointment. —consisting of persons appointed on temporary basis either by way of adjunct appointment or on contractual basis for a specified project or on tenure basis for a specific period. (2) The posts of officers and other employees of the Commission referred to under clause (a) of sub-section (1) shall be created with the prior sanction of the Government. (3) The manner of appointment and the salaries, allowances and other terms and conditions of service of the officers and employees shall be such as may be determined by the Commission, subject to any general or special orders issued in this behalf by the Government.

13. Overseeing Council.

(1)The Government may, by notification in the Official Overseeing Gazette, appoint an Overseeing Council for reviewing the work Council. and performance of the Commission, for giving guidance and for providing policy guidelines for smooth and efficient functioning of the Commission.(2)The constitution of the Overseeing Council, its functions and duties shall be such as may be specified in such notification.

14. Grants by State Government.

The Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Commission in each financial year by way of grants from the Consolidated Fund of the State, such sums of money as the Government may deem fit for being utilised for the purposes of this Act.

15. Fund of Commission.

(1)The Commission shall maintain a Fund to which shall be credited—(a)all moneys provided by the State and the Central Governments;(b)all fees, royalties and other charges received by the Commission;(c)all moneys received by the Commission by way of grants, gifts, endowments, donations, benefactions, bequests or transfers; and(d)all moneys received by the Commission in any other manner or from any other source.(2)All moneys credited to the Fund shall be deposited in such bank or banks and invested in such manner as the Commission may decide.(3)The Commission shall be encouraged to create a corpus as a long term measure.(4)The Fund shall be applied by the Commission towards meeting the expenses of the Commission for the purposes of this Act.Explanation. —For the purposes of this section, the expression "bank" means, —(a)the State Bank of India constituted under the State Bank of India Act, 1955;(b)a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959;(c)a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 or under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

16. Grants, donations, etc., to Commission.

The Commission may receive gifts, grants, donations, benefactions, endowments, bequests from the Central Government, the State Government and other State Governments, companies, industries, institutions, individual or from any other sources. Such receipts, particularly those from the bilateral or multilateral agencies shall, however, be subject to the overall policy guidelines, if any, of the Central Government and the State Government.

17. Budget.

(1)The Commission shall prepare, in such form and at such time each year, as may be prescribed, a budget in respect of the financial year next ensuing, showing the estimated receipts and

expenditure, and copies thereof shall be forwarded to the Government.(2)The expenditure from the Fund of the Commission shall be incurred only after the budget of the Commission has been approved by the Government or as a special case, with the prior approval of the State Government:Provided that, the Commission shall be competent to incur any expenditure from the moneys received under section 16, to further the aims and objectives of the Commission outside the budget approved by the Government or without referring the matter for approval of the Government, if there is no financial liability, direct or indirect, immediate or in future, on the Government. Such receipts of money and expenditure shall, however, be shown in the budget, accounts as well as annual report of the Commission.

17. Accounts and Audit.

(1)The Commission shall cause to be maintained such books of accounts and other books in relation to its accounts, in such form and in such manner, as may be prescribed.(2)The Commission shall, as soon as may be, after closing its annual accounts, prepare a statement of accounts including the balance-sheet in such form as may be prescribed and forward the same to the Government.(3)The accounts of the Commission shall be audited by the Accountant General of the State of Maharashtra at such time and in such manner as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Accountant General.(4)The Accountant General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Accountant General generally has in connection with the audit of any 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 offices of the Commission.(5)The annual accounts of the Commission together with the audit report thereon shall be forwarded to the Government and the Government shall cause the same to be laid, as soon as may be, after the report is received, before both the Houses of the State Legislature and shall also forward a copy of the audit report to the Commission for taking suitable action on the matter arising out of the audit report or audit objections, if any.

19. Annual Report.

The Commission shall prepare once every year, in such form and at such time each year, as may be prescribed, an annual report giving accurate, true and full account of its activities during the previous financial year, and copies thereof shall be forwarded to the Government and the Government shall cause the same to be laid, as soon as may be, after its receipt, before both Houses of the State Legislature.

20. Returns and information.

The Commission shall furnish to the Government such returns or other information, with respect to its property, accounts or activities as the State Government may, from time to time, require.

21. Directions by Government.

In the discharge of its functions under this Act, the Commission shall be guided by such directions on questions of policy and procedure as may be given to it by the Government, from time to time.

22. Vacancies, etc., not to invalidate proceedings of Commission.

No act done or proceedings taken by the Commission, or the Overseeing Council shall be questioned or be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission or the Overseeing Council or any defect in the nomination of a person as the Chairman or a member.

23. Authentication of orders and instruments of Commission.

All orders and decisions of the Commission shall be authenticated under the signature of the Chairman or the Member-Secretary or any other member authorised in writing by Commission in this behalf and all other instruments of the Commission shall be authenticated by the signature of the Chairman or the Member-Secretary or any other officer of the Commission as may be authorised in writing by the Commission in this behalf.

24. Power of monitoring and reviewing the progress of work assigned to organization.

The Commission shall have power to assign work to Government supported organisations and to monitor and review the progress of the work assigned to any organisation irrespective of whether or not the organisation to which the work is so assigned is receiving any financial or other support from the Commission.

25. Chairman, members and employees of Commission to be public servants and protection of act done in good faith.

(1)The Chairman, members, officers and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.(2)No suit, prosecution or other legal proceedings shall lie against any member of the Commission or any officer or other employee of the Commission or any person acting under the direction either of the State Government or of the Commission, in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or regulations or orders made thereunder.

26. Power to make rules.

(1)The State Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules 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 terms and conditions of service of the non-official members of the Commission other than Chairman and Member-Secretary;(b)the form and manner and the time for preparation of the budget by the Commission;(c)the form and manner of maintenance of the accounts of the Commission;(d)any other matter which is required to be or may be prescribed, for carrying out the purposes of this Act.(3)Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature 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 expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made and notify such decision in the Official Gazette, the rule shall, from the date of such notification, 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 or omitted to be done under that rule.

27. Power to make regulations.

The Commission may, with the previous approval of the Government and by notification in the Official Gazette, make regulations consistent with the provisions of this Act and the rules made thereunder for, —(a)regulating arrangements to provide financial support to institutions providing facilities to the Commission;(b)identification of institutions for project funding and financial support under section 10;(c)regulating the meetings of the Commission and the procedure for conducting business thereat;(d)any other matter which is to be or may be regulated by regulations for carrying out the purposes of this Act.

28. Power to remove difficulty.

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

29. Repeal of Maharashtra Ord. XX of 2004 and saving.

(1)The Rajiv Gandhi Science and Technology Commission Ordinance, 2004, is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken (including any notification issued or nomination, appointment or rule made) under the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.