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**STANDING COMMITTEE ON CHEMICALS &
FERTILIZERS (2020-21)**

SEVENTEENTH LOK SABHA

**MINISTRY OF CHEMICALS AND FERTILIZERS
(DEPARTMENT OF PHARMACEUTICALS)**

**THE NATIONAL INSTITUTE OF PHARMACEUTICAL EDUCATION AND
RESEARCH (AMENDMENT) BILL, 2021.**

TWENTY THIRD REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

AUGUST, 2021 /SRAVANA, 1942 (SAKA)

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(DEPARTMENT OF PHARMACEUTICALS)

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RESEARCH (AMENDMENT) BILL, 2021.



Presented to Lok Sabha on 04.08.2021

Laid in Rajya Sabha on 04.08.2021

LOK SABHA SECRETARIAT
NEW DELHI

AUGUST 2021 /SRAVANA, 1942 (SAKA)

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**COMPOSITION OF THE STANDING COMMITTEE ON CHEMICALS &
FERTILIZERS (2020-21)**

Smt. Kanimozhi Karunanidhi - Chairperson

**MEMBERS
LOK SABHA**

2	Shri Maulana Badruddin Ajmal
3	Shri Deepak Baij
4	Shri Ramakant Bhargava
5	Shri Prataprao Govindrao Patil Chikhalikar
6	Shri Rajeshbhai Naranbhai Chudasama,
7	Shri Ramesh Chandappa Jigajinagi
8	Shri Pakauri Lal
9	Shri Kripanath Mallah
10	Shri Satyadev Pachauri
11	Smt Aparupa Poddar
12	Dr. M.K.Vishnu Prasad
13	Shri Atul Kumar Singh alias Atul Rai
14	Shri Arun Kumar Sagar
15	Shri M. Selvaraj
16	Shri Pradeep Kumar Singh
17	Shri Uday Pratap Singh
18	Shri Indra Hang Subba
19	Shri Prabhubhai Nagarbhai Vasava
20	Dr. Sanjeev Kumar Singari
21	VACANT

RAJYA SABHA

22	Shri G.C.Chandrashekhar
23	Dr. Anil Jain
24	Shri Ahmad Ashfaque Karim
25	Shri M.V. Shreyams Kumar
26	Shri Jaiprakash Nishad
27	Shri Anthiyur P. Selvarasu
28	Shri Arun Singh
29	Shri A.D. Singh
30	Shri Vijay Pal Singh Tomar
31	Shri K. Vanlalvena

SECRETARIAT

1.	Shri Manoj K. Arora	-	Officer on Special Duty
2.	Shri N.K. Jha	-	Director
3.	Shri C. Kalyanasundaram	-	Additional Director
4	Shri Gagan Kumar	-	Committee Officer

INTRODUCTION

I, the Chairman of the Standing Committee on Chemicals and Fertilizers having been authorised by the Committee to submit the report on their behalf present this Twenty third Report on The National Institute of Pharmaceutical Education and Research (Amendment) Bill, 2021 of the Ministry of Chemicals and Fertilizers (Department of Pharmaceuticals).

2. The Bill was introduced in Lok Sabha on 15 March 2021 and was referred to the Committee by the Hon'ble Speaker, Lok Sabha under Rule 331E (b) of the Rules of Procedure and Conduct of Business in Lok Sabha for examination and report within three months from the date of publication of the reference of the Bill in Bulletin Part-II of Lok Sabha dated 16 April 2021. At the request of the Committee, Hon'ble Speaker granted extension of two months for the presentation of the Report.

3. The Committee at their sitting held on 29.06.2021 heard the views of the representatives of the Ministry of Chemicals and Fertilizers (Department of Pharmaceuticals) and The National Institute of Pharmaceutical Education and Research the provisions of the Bill. The Committee considered and adopted the Bill on 29.07.2021.

4. The Committee also wish to express their thanks to the officers of the Ministry of Chemicals and Fertilizers (Department of Pharmaceuticals) for placing before them detailed written notes on the subject and for furnishing the desired information in connection with the examination of the Bill.

New Delhi;
29 July, 2021
07 SRAVANA, 1942 (Saka)

KANIMOZHI KARUNANIDHI
Chairperson
Standing Committee on
Chemicals and Fertilizers

CHAPTER – I

INTRODUCTORY

The National Institute of Pharmaceutical Education and Research Act, 1998 (13 of 1998) was enacted to declare the National Institute of Pharmaceutical Education and Research (NIPER) at Mohali, Punjab to be an institute of national importance and to provide for its incorporation and matters connected therewith. The Act came into force w.e.f. 26 June, 1998.

1.2. The Act was subsequently amended in 2007 to empower the Central Government to establish similar institutes in different parts of the country. Thereafter, six new institutes at Ahmedabad, Guwahati, Hajipur, Hyderabad, Kolkata and Raebareli were established during 2007-08.

1.3. Over the years, a need was felt to bring clarity that the six institutes so established as well as any other similar institute to be established under the said Act shall be institutes of national importance. In order to coordinate the activities of all such institutes, to ensure coordinated development of pharmaceutical education and research and maintenance of standards, etc., there is a need to establish a central body, to be called the Council. Also, there is a need to rationalise the Board of Governors of each such institute and to widen the scope and number of courses run by such institutes.

1.4. In order to address the above needs, the National Institute of Pharmaceutical Education and Research (Amendment) Bill, 2021 was introduced in Lok Sabha by the Union Chemicals and Fertilizers Minister on 15th March, 2021 to amend the NIPER Act, 1998. Hon'ble Speaker, Lok Sabha referred the Bill, as introduced in Lok Sabha, to Standing Committee on Chemicals and Fertilizers on 16 April, 2021 for examination and Report on the Bill within three months. Since the Committee could not hold their sittings due to extraordinary situation created due to COVID pandemic. The Committee, therefore, at their sitting held on 29 June, 2021 decided to request the Hon'ble Speaker to grant extension of three months time for presentation of the Report.

1.5. The Bill has been proposed under Entry 64 –“Institutions for scientific or technical education financed by the Government of India wholly or in part and declared by Parliament by law to be institutions of national importance” of List I - Union List of the Seventh Schedule of the Constitution of India. The Bill seeks to grant status of institutes of national importance to existing six National Pharmaceutical Institutes located in Ahmedabad, Guwahati, Hajipur, Hyderabad, Kolkata and Raebareli. This also aims to empower the Central government to establish a Council for these institutes and to rationalise their Board of Governors for better administration. The following chapters examine the present status of functioning of NIPERs and the provisions of the Bill to meet the present extraordinary situation arising in the country out of COVID-19 pandemic and the future challenges, similar or otherwise, in the field of Pharmaceutical sector.

CHAPTER – II

PRESENT STATUS OF FUNCTIONING OF NIPERS

NATIONAL INSTITUTE OF PHARMACEUTICAL EDUCATION & RESEARCH

Indian Pharma Industry has been a global leader in Generic drugs. In order to acquire leadership position in drug discovery and development and to continue to excel in the formulations, Government recognized that human resources/talent pool is very critical. Thus Government of India has set up National Institute of Pharmaceutical Education & Research (NIPER) at SAS Nagar Mohali as a registered society under the Society Registered Act 1860, Subsequently the Institute was given statutory recognition by an act of Parliament, NIPER Act, 1998 and the Institute was declared as an Institute of National Importance. During 2007-08, six new NIPERs were started at Ahmedabad, Guwahati, Hajipur, Hyderabad, Kolkata and Raebareli.

The main aims and objectives of NIPER are:

- i. to nurture and promote quality and excellence in pharmaceutical education and research;
- ii. to concentrate on courses leading to master's degree, doctoral and post-doctoral courses and research in pharmaceutical education;
- iii. to hold examinations and grant degrees;
- iv. to confer honorary awards or other distinctions;
- v. to cooperate with educational or other institutions having objectives wholly or partly similar to those of the Institute by exchange of faculty members and scholars and generally in such manner as may be conducive to their common objective;
- vi. to conduct courses for teachers, pharmaceutical technologies, community and hospital pharmacists and other professionals;
- vii. to collect and maintain world literature on pharmaceutical and related sciences and technology so as to develop an information centre of its own kind for other institutions within the country and in the developing world;
- viii. to develop a world level centre for creation of new knowledge and transmission of existing information in pharmaceutical areas with focus on national, educational professional and industrial commitments;
- ix. to develop a multi-disciplinary approach in carrying out research and training of pharmaceutical manpower so that the larger interests of the profession academia and pharmaceutical industry are better served and a pharmaceutical work culture is evolved which is in tune with the changing world trends and patterns of pharmaceutical education and research;
- x. to organise national or international symposia, seminars and conferences in selected areas of pharmaceutical education, from time to time;
- xi. to arrange courses catering to the special needs of the developing countries;
- xii. to act as nucleus for interaction between academic and industry by encouraging exchange of scientist and other technical staff between the

- Institute and the industry and by undertaking sponsored and funded research as well as consultancy projects by the Institute; and
- xiii. to pay due attention to studies on the distribution and usage of drugs by the rural masses, taking into account the socio-economic spectrum in the country

2.2 NIPERs impart postgraduate and doctorate education and conduct high end research in various streams of pharmaceuticals. They have a combined annual intake capacity of about 1,000 post- graduate students [M Pharma, M Tech Pharma and MBA Pharma] and 185 PhD fellows. The NIPERs at Mohali, Hyderabad and Ahmedabad have been ranked as respectively 3rd, 5th and 8th best in the country in the 'Pharmacy' category in the National Institutional Ranking Framework (NIRF) released by the Ministry of Education for the year 2020. The Government of India has supported the NIPERs with financial grants of more than Rs. 800 cr. during the last five years. In order to further equip the NIPERs and strengthen their education and research capabilities in Pharma and medical devices sectors, the Cabinet has approved few specific changes in the existing Act due to passage of time and changed circumstances.

PRESENT STATUS OF FUNCTIONING

2.3 In regard to a query of the Committee about the present status of functioning of each of the seven institutes mentioned in the Schedule of NIPER (Amendment) Bill, 2021, the Department of Pharmaceuticals stated in a written reply as under:-

“NIPER, Mohali is functioning in its own well developed campus since its inception in 1998. After amendment of the NIPER Act in April, 2007, six new NIPERs at Ahmedabad, Guwahati, Hajipur, Hyderabad, Kolkata and Raebareli were set up during 2007-08 with the help of Mentor Institutes as per details as under:

NIPER	Mentor Institute	Academic session started in the year
Mohali	-	1998
Ahmedabad	B.V. Patel Pharmaceutical Education and Research Development (PERD) Centre, Ahmedabad.	2007
Guwahati	Medical College, Guwahati	2008
Hajipur	ICMR - Rajendra Memorial Research Institute of Medical Science, Patna	2007
Hyderabad	CSIR-Indian Institute of Chemical Technology, Hyderabad	2007
Kolkata	CSIR-Indian Institute of Chemical Biology, Kolkata	2007
Raebareli	CSIR-Central Drug Research Institute, Lucknow	2008

With appointment of regular Directors and setting up individual Board of Governors, all the seven NIPERs are functioning in a full-fledged manner independently”.

PRESENT STATUS REGARDING CONSTRUCTION OF OWN CAMPUS

2.4 On being asked about the present status of construction of own campus for each of the seven institutes with permanent building and state of the art laboratory facilities, Department of Pharmaceuticals furnished the following written reply:

NIPER	State of the art laboratory facilities	Status of land/construction
Mohali	All the NIPERs have state of the art laboratory facilities.	NIPER, Mohali has its own full-fledged campus at 129.25 acres of land.
Ahmedabad	Rs. 100.00 crore each has been approved by the Expenditure Finance Committee (EFC) in 2018 for NIPERs at Ahmedabad, Hyderabad and Guwahati and Rs. 55.00 cr. each for NIPERs at Hajipur, Kolkata and Raebareli.	60 acres land has been allocated by the Government of Gujarat. M/s Hindustan Steelworks Corporation Limited (HSCL) has been selected as Project Management Consultant (PMC). NIPER, Ahmedabad has shifted to temporary constructed building on the allocated land. After approval of construction by EFC in March, 2018, the construction activities have started.
Guwahati	Substantial funds have been released, out of the approved amount, for purchase of equipment for labs for the NIPERs. The Department is seeking additional funds for up-gradation of laboratories facilities and up-gradation of facilities at NIPER Mohali.	Out of 89 acres of land allocated by the Government of Assam, only 51.42 acres was handed over by District Administration. M/s Engineering Project (India) Limited has been appointed as Project Management Consultants. About 90% of construction has been completed. Institute has started functioning from the newly constructed campus.
Hajipur	It is also proposed to set up one Centre of Excellence each in NIPERs at Mohali, Ahmedabad and Hyderabad.	Government of Bihar has allotted 12.5 Acres of Land free of cost. The Institute is functioning from an existing building at the site. The construction activities have not started due to deferment of decision by EFC in March, 2018 regarding construction of campus. Proposal has again been submitted for consideration and recommendation of EFC.
Hyderabad		Government of Telangana has allotted 50 Acres of Land at District Medak free of cost. The Institute is presently functioning from rented campus at IDPL, a PSU under the aegis of the Department. As IDPL is under closure, it has been decided to transfer the 50 acres of IDPL's land for setting up regular campus of the Institute. M/s National Project Construction Corporation Limited (NPCC) has been selected as Project Management Consultant (PMC). The construction activities have not started due to deferment of decision by EFC in March, 2018 regarding construction of

		campus. Proposal has again been submitted for consideration and recommendation of EFC.
Kolkata		Government of West Bengal allotted 10 acres of Land at Kalyani, Nadia District for NIPER, Kolkata during January 2018. NIPER, Kolkata is currently functioning in the lease premises of M/s. Bengal Chemicals & Pharmaceuticals Limited (BCPL), a PSU under the aegis of the Department. As BCPL is under strategic disinvestment, it has been decided to transfer about 20 acres of BCPL's land for setting up regular campus of the Institute. The construction activities have not started due to deferment of decision by EFC in March, 2018 regarding construction of campus. Proposal has again been submitted for consideration and recommendation of EFC.
Raebareli		Government of Uttar Pradesh has provided about 50 acres of Land in District Raebareli. The institute is currently functioning from a Transit Campus at Lucknow. The construction activities have not started due to deferment of decision by EFC in March, 2018 regarding construction of campus. Proposal has again been submitted for consideration and recommendation of EFC.

2.5 During briefing on the subject, the Secretary, Department of Pharmaceuticals briefed the Committee on the status of construction of regular campuses to NIPERs as below:-

“Regarding the construction, while we are very grateful for those States which have already allocated land for the NIPERs that were announced, the Central Government makes the provisions for the funds for the capital expenditure, that is, for construction and purchases of equipment, and of course, the recurring expenditure. It would not be, I would humbly submit, correct to say that Ministry has not done anything. Ministry had prepared a very ambitious proposal of Rs.4,300 cror ensuring that construction can be taken up in all the NIPERs, and the same was submitted to the Ministry of Finance; discussions were held. Ministry has advised us to take it up in a phased manner. Therefore, in the first round, we have received an approval for three years, 2018-2020; and we have an EFC which we have proposed for the next five years, 2021-26. In the first phase, whatever we received as approval from the Ministry under the EFC-II, we have taken up the construction in Ahmedabad and in Guwahati; and we have taken up the upgradation of all the labs in all the NIPERs and filling up of post.... I am very happy to report to you, in the last two years or so, not only we have almost completed 85 per cent

construction of NIPER Guwahati –it should be ready in a couple of months. We are able to start the work in Ahmedabad. I would say that that was delayed because as I pointed out in my earlier intervention because the local NIPER was not able to align with the approvals given by EFCs. So, we have to make them come back to the approval given; that took time. As I said, we did not have the powers to make them do it immediately; we will have to persuade them, discuss, etc. So, all of them have got existing construction; they are either in rented premises or in the premises of our erstwhile PSU building. So, they are housed and we are able to provide them grants for the equipment”.

SCOPE AND NUMBER OF COURSES/PROGRAMS BEING UNDERTAKEN

2.6 The Department of Pharmaceuticals (Department of Pharmaceutical) was requested to furnish the details of courses and programmes being conducted by each of the seven institutes. In its written reply, Department of Pharmaceuticals stated that NIPERs conduct Master’s and PhD programmes under various specializations of pharmaceuticals and medical devices, as under:

S.No.	Department	Mohali	Ahmedabad	Hyderabad	Guwahati	Hajipur	Kolkata	Raebareilly
1.	Medicinal Chemistry	√	√	√	√		√	√
2.	Natural Products	√	√	√			√	
3.	Traditional Medicine	√						
4.	Pharmaceutical Analysis	√	√	√	√	√		
5.	Pharmacology and Toxicology	√	√		√	√	√	√
6.	Regulatory Toxicology	√		√				√
7.	Pharmaceutical Technology (BT)	√						
8.	Pharmaceutical Technology (Form.)	√			√			
9.	Pharmaceutical Technology (PC)	√		√				
10.	Pharmaceuticals	√	√	√	√	√	√	√
11.	Biotechnology	√	√		√	√		√
12.	Pharmacy Practice	√			√	√		
13.	Clinical	√						

	Research							
14.	Pharmacoinformatics			√			√	
15.	Pharmaceutical Management	√	√	√				
16.	M. Tech (Medical Device)	√	√	√	√		√	
17.	Regulatory Affairs			√				
Total		15	8	10	8	5	6	5

2.7 During briefing on the subject, a representative of the Department informed the Committee as follows on the specific query of a member about inclusion of Pharmacognosy in the syllabus of courses/programmes conducted by NIPERS:

“For your specific question regarding the pharmacognosy, this was one of the ancient subjects, but very very important subject. Since takers are very very less, we have to keep on modifying the syllabus according to job opportunity and industrial opportunity. This is being taught in three NIPERs in the form of natural products, traditional medicines. More than 50 per cent of the pharmacognosy is taught in that course and the rest of the things like pharmacology, toxicology including pharmaco informatics where NIPER, Kolkata and NIPER, Mohali are doing, one chapter is there about the pharmacognosy. That is root of the pharmacy. We have taken care of it. It is there in the syllabus”.

PRESENT ANNUAL INTAKE CAPACITY

2.8 As it had been stated in the background note that these institutes have a combined annual intake capacity of about 1000 post graduate students and 185 PhD fellows, the Committee asked for the details of student intake capacity, actual number of students enrolled and passing out under each of the courses and programmes offered by each of the seven institutes during each of the last three years. In its written reply, Department of Pharmaceuticals furnished the following details of the students enrolled and passed out during last three years:

Student Enrolment-

	2018-20			2019-21			2020-22		
	MS	PhD	MBA	MS	PhD	MBA	MS	PhD	MBA
Mohali	192	22	42	207	17	44	216	9	46
Ahmedabad	102	9	-	112	12	-	145	24	-
Hyderabad	105	10	30	116	18	33	134	30	38

Guwahati	65	9	-	70	10	-	103	16	-
Kolkata	27	1	-	21	1	-	55	9	-
Hajipur	36	6	-	42	5	-	52	6	-
Raebareli	58	5	-	60	6	-	77	6	-
TOTAL	585	62	72	628	69	77	782	100	84
	719			774			966		

Student Pass-out –

	2016-18			2017-19			2018-20		
	MS	PhD	MBA	MS	PhD	MBA	MS	PhD	MBA
Mohali	209	29	35	201	9	42	185	19	36
Ahmedabad	69	2	-	72	4	-	96	6	-
Hyderabad	80	*	29	120	1	*	127	17	*
Guwahati	35	4	-	39	3	-	65	2	-
Kolkata	42	*	-	44	2	-	27	*	-
Hajipur	35	3	-	23	1	-	36	3	-
Raebareli	34	*	-	37	*	-	56	*	-
TOTAL	504	38	64	536	20	42	592	47	36
	606			598			675		

* Pursuing

Duration of Masters' course - 2 to 3 years

Duration of PhD course - 3 to 5 years

ACHIEVEMENTS IN RESPECT OF RESEARCH

2.9 When asked about the achievements made in respect of research and development during each of the last three years by each of the seven institutes, Department of Pharmaceuticals furnished the details of research publications and patents filed by each of the seven NIPERs during the last three years are as below:

		Mohali	Ahmedabad	Guwahati	Hyderabad	Hajipur	Kolkata	Raebareli	TOTAL
Research publications	2018-19	127	131	51	86	8	31	24	458
	2019-20	126	122	62	114	3	24	49	500
	2020	125	140	78	132	10	46	77	608

	-21								
Patents filed	2018-19	3	3	3	1	-	-	1	11
	2019-20	3	2	13	-	1	-	7	26
	2020-21	6	5	6	17	4	1	8	47

ADDITIONAL INITIATIVES TO BE TAKEN

2.10 In regard to a query of the Committee, whether more institutes are proposed to be set up in the country as per the requirements of the country particularly in the regions where it felt necessary to set up this institute, Department of Pharmaceuticals stated in written reply that in addition to existing seven NIPERs, it is proposed to set up five more NIPERs at Madurai (Tamil Nadu), Jhalawar (Rajasthan), Nagpur (Maharashtra), New Raipur (Chhattisgarh) and Bengaluru (Karnataka). In regard to the progress made in setting up of these NIPERS, the secretary, Department of Pharmaceuticals informed the Committee as below during the briefing on the subject:-

“At the same time, we have also tried to and have the approvals, Government announcements for increasing the geographical spread of the NIPERs and we had the announcement for one NIPER in Madurai in Tamil Nadu and one NIPER in Bengaluru, Karnataka. However, we could not get the financial resources during the last few years for setting up the NIPERs, but we continue to take up the matter with Ministry of Finance through our Expenditure Finance Committee and try to receive some more funds, so that we can fulfil that announcement also It may not be possible to have NIPER in every State, but we will try to have a programme by which we are taking the strength of every State in terms of development of drugs and pharmaceutical medicines”.

2.11 Further during the course of briefing, the secretary responded as under when the Committee enquired about the reasons for delay in setting up of Madurai and other NIPERs:-

“Sir, all these NIPERs were in Rajasthan, Bangalore, Madurai and Chhattisgarh. Except Bangalore, one was announced way back in 2012 and the other three in 2015-16. However, we have received the land in Rajasthan and also in Tamil Nadu. Since we did not get the funds, we are now pursuing the funds very rigorously.... Madam, none of them which were announced in 2012 have started functioning. All those which have started are of 2007-08 vintage. Then we had a slew of announcements in 2012-13 onwards, of which three NIPERs came in the budget announcement and two more came from the other advisory bodies. These are the five NIPERs that we are trying to operationalise. I may share with you the details. This time for the budget discussion for financial year 2021-22 also, we have made a request. However, because of the current situation, the progress is slow”.

CHAPTER- III

CLAUSE BY CLAUSE EXAMINATION OF THE BILL

The Minister of Chemicals and Fertilizers has given the following statement of objects and reasons for the National Institute of Pharmaceutical Education and Research (Amendment) Bill 2021:-

- (i) Amendment of section 2 to declare that -
 - a) each such Institute is an institution of national importance;
 - b) every Institute established under sub-section (2A) of section 4 on and after the commencement of the National Institute of Pharmaceutical Education and Research (Amendment) Act, 2021 shall also be an institution of national importance;

- (ii) Amendment of section 4 to rationalize the Board of Governors of each such institute from its existing strength of 23 to 12 members;

- (iii) Amendment of section 7 to widen the scope and number of courses run by such institutes, including graduate and post-graduate degrees, doctoral and post-doctoral distinctions and research in pharmaceutical education, integrated courses, certificate courses and executive courses;

- (iv) Insertion of new sections 30A, 30B, 30C, 30D, 30E to provide for establishment of Council, term of office, etc., of members of Council, functions of Council, Chairman of Council and power to make rules by Central Government, respectively;

- (v) Insertion of a new section 33A to empower the Central Government to issue directions to the Institute for efficient administration of the Act.

DEFINATION OF INSTITUTION OF NATIONAL IMPORTANCE

3.2 The proposed amendments and justification thereof as furnished by the Department in its background material is as under:

- " I. Amendment of section 2 to declare that –
 - a. Each such Institute is an institution of national importance;
 - b. Every Institute established under sub-section (2A) of section 4 on and after the commencement of the National Institute of Pharmaceutical Education and Research (Amendment) Act, 2021 shall also be an institution of national importance."

3.3 The original 1998 Act was for setting up an individual institute of national importance, viz., the National Institute of Pharmaceutical Education and Research at SAS Nagar (Mohali), Punjab. The Act was amended in the year 2007 permitting establishment of similar institutes in different parts of the country [Section 4 (2A)] and other centers in different locations within its jurisdiction [Section 4 (4A)]. Six new NIPERs were accordingly set up in 2007-08. The amendment is to bring clarity that

these institutes and any other similar institutes set up subsequently would be institutes of national importance.

3.4 On being asked to provide the definition of 'An Institution of National Importance', the Department of Pharmaceuticals in a written reply stated that the definition of Institution of National Importance is given in the following entries of the Seventh Schedule of the Constitution:

“62. The institutions known at the commencement of this Constitution as the National Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial and the Indian War Memorial, and any other like institution financed by the Government of India wholly or in part and declared by Parliament by law to be an institution of national importance.

63. The institutions known at the commencement of this Constitution as the Benares Hindu University, the Aligarh Muslim University and the 1 [Delhi University; the University established in pursuance of article 371E;] any other institution declared by Parliament by law to be an institution of national importance.

64. Institutions for scientific or technical education financed by the Government of India wholly or in part and declared by Parliament by law to be institutions of national importance.”

IMPACT OF DECLARING NIPER AN INSTITUTE OF NATIONAL IMPORTANCE

3.5 When it was asked, how this designation assist an institute in terms of academics, administration and financial aid from the Government of India, the Department of Pharmaceuticals in its written reply stated that the NIPERs are institutes providing scientific and technical education, financed by the Government of India and declared as institutes of national importance. Section 2 of the NIPER Act, 1998 reads as under:

“ Declaration of National Institute of Pharmaceutical Education and Research as an institution of national importance.—Whereas the objects of the institution known as the National Institute of Pharmaceutical Education and Research, Sector-67, S.A.S. Nagar (Mohali), District Ropar, Punjab are such as to make the institution one of national importance, it is hereby declared that the institution known as the National Institute of Pharmaceutical Education and Research is an institution of national importance.”

Subsequently, NIPER Amendment Act, 2007 incorporated the following provision:

“(2A) the Central Government may, by notification in the Official Gazette, establish similar Institutes in different parts of the country.”

Thereafter, six new NIPERs were set up by the Central Government. The Institutes of National Importance receive special recognition and funding from the Government of India.

3.6 On being asked further, whether all the seven institutes are presently functioning with the status of institutions of national importance, the Department of Pharmaceuticals in its written reply stated as under:-

“Yes, all NIPERs are functioning with the status of institutions of national importance. In this regard, may please refer reply to Question No. 8(i) above. The proposed amendment is to bring clarity that these institutes and any other similar institutes set up subsequently would be institutes of national importance”.

RATIONALIZATION OF COMPOSITION OF BOARD OF GOVERNORS

3.7 In the background note furnished by Department of Pharmaceuticals, it has been stated that the present strength of Board of Governors (BoG) of NIPERs is 23, whereas the strength of BoG of Indian Institutes of Technology (IITs), on which the NIPERs have been modeled is 9. The strength of BoG of Indian Institutes of Science Education & Research (IISERs) is 13. It is proposed to rationalize the strength of BoG of NIPERs to 12 members. Most of the members proposed to be deleted have been included in the Council proposed to be set up as per Sections 30 A (2) of the Bill.

3.8 On being asked about whether this reduction of 11 Governors in BoG of an institute would result in effective functioning of the institutes, Department of Pharmaceuticals in its written reply furnished the following:-

“The rationalization of the strength of BoG to 12 members is in line with composition of other similar institutes of national importance and would result in effective functioning of the Institutes, as the existing composition of the BoGs of NIPERs is too large and unwieldy. It was noted that senior members like Financial Advisor of the Department, Member Secretary, AICTE, Director, AIIMS, Director, CSIR Labs, and Presidents of Industry Associations were not being able to spare time for attending meetings of the BoGs of the seven NIPERs, which ordinarily meet thrice a year. As simultaneously a NIPER Council at apex level is being created, most of the members being deleted from the BoGs will find a place in the proposed Council. As such, institutional views of the respective organizations being excluded from BoG will be available for the benefit of the proposed NIPER Council”.

3.9 When it was further asked, whether this reduction in number of Governors is likely to result in dearth in various shades of opinions in the Board meetings and the manner in which this issue is likely to be addressed, Department of Pharmaceuticals clarified in its written submission, “The reduction will not result in dearth of opinion for BoG as the individual pharma educationists/ scientists/ researchers / industrialists will continue to be members of BoGs. Further, two Professors of the Institute(s) are being proposed to be included in the respective BoGs, who will provide the internal academic inputs to the Board”

3.10 Clarifying further, the Department of Pharmaceuticals replied during the evidence as under:

“As per Section 4(3)(m) of the principal Act, three eminent public persons or social workers one of whom shall be either from the Scheduled Castes or Scheduled Tribes to be nominated by the Visitor out of a panel prepared by the Central Government to the Board of Governors of the NIPERS. This provision has been removed in the present Bill“.

3.11 As per the proposed substitution of sub-section 3 of Section 4 of NIPER Act 1998, Chairperson of the Board of Governors of an institute shall be an eminent academician, scientist or technologist or professional to be nominated by the Visitor (President of India). In this regard, Department of Pharmaceuticals was requested to provide the present procedure being followed by it for the nomination of Chairpersons to the Board of Governors of various institutes. In reply, Department of Pharmaceuticals stated as under:

“A panel of eminent academician, scientist, technologist or professional, with approval of the Hon’ble Minister (Chemicals & Fertilizers) is forwarded to the President of India as Visitor of the India for appointing as Chairperson of the Board of Governors of NIPERs”.

3.12 On being further asked, whether there is any proposal for the identification of chairpersons of the BoGs by the proposed Council, Department of Pharmaceuticals stated in its written reply,

“Presently, there is no proposal for identification of the Chairperson of the BoGs by the proposed Council.”

WIDENING OF SCOPE OF NUMBER OF COURSES/PROGRAMMES RUN BY NIPERS

3.13 In the background note furnished by Department of Pharmaceuticals on the Bill, it has been stated that the existing provision [Section 7(ii) of the Act] prescribes that the Institute should concentrate on courses leading to master’s degree, doctoral and post-doctoral course and research in pharmaceutical education. NITI Aayog while evaluating the NIPERs has recommended for starting the undergraduate courses immediately. The government is also keen to develop courses as per the need of the Industry and to develop skills of the work force. The enabling provisions for initiating integrated PG and PhD courses, short term certificate courses, one-year executive courses, etc. is a step in that direction. Accordingly, the following amendment to clause (ii) of Section 7 of the principal Act has been proposed in the Bill:-

“(ii) to develop courses leading to graduate and post graduate degrees, doctoral and post-doctoral distinctions and research in pharmaceutical education or to develop integrated courses relating thereto;

40 (ia) to conduct executive education courses, short-term certificate courses, training programmes, online or distant education, diploma courses and such other short-term executive courses;”

3.14 Since the proposed amendment is silent on conduct of the courses/programmes. Hence, the comments of the Department whether it would be appropriate to word the above proposal as “to develop and conduct courses leading to graduate and post graduate degrees”, Department of Pharmaceuticals in its written reply stated, “The existing Sub Section 7(iii) of the Original Act prescribes that one of the functions of the Institute is ‘to hold examinations and grant degrees’. As such the amended sub-section 7(ii) read with existing 7(iii) implies that the Institute is mandated to ‘develop and conduct courses”.

3.15 As per the information provided in the background note, all existing M.Pharma/PhD students/fellows in NIPERs are paid fellowships. The new courses would be fully paid for revenue generation to NIPERS and assist in making them self-reliant to some extent. In this regard, Department of Pharmaceuticals was requested to furnish the details of paid courses/programmes of each of the institute along with the fee structures. In its written reply, Department of Pharmaceuticals stated that the qualifying Graduate Pharmaceuticals Aptitude Test (GPAT) is one of the pre-requisite for admission to NIPERs. The Master’s students are paid a fellowship of Rs. 12,400 per month whereas PhD scholars are paid fellowship in the range of Rs. 31,000-33,000 per month. All the existing M. Pharma/PhD courses are paid courses. The tuition fee is Rs. 18,700 per semester of six months. SC/ST students are exempted from payment of Tuition Fees. Master’s Program in Pharmaceutical Management (MBA Pharma) is fully paid course where no fellowships are paid to students and tuition fee is Rs. 80,465 per semester of six months.

ESTABLISHMENT OF A COUNCIL

3.16 In the NIPER(Amendment) Bill, 2021 it is proposed to new sections 30A, 30B, 30C, 30D, 30E to provide the establishment of Council, term of office, etc, of members of Council, functions of Council, Chairman of Council and power to make rules by Central Government. In regard to the above, Department of Pharmaceuticals in its background note has stated that the original Act of 1998 was enacted for one single Institute at Mohali. Subsequently, six more NIPERs were set up at Ahmedabad, Guwahati, Hajipur, Hyderabad, Kolkata and Raebareli after amendment of the NIPER Act in 2007-08. As per Section 8 of the existing NIPER Act, BoGs of the Institutes are responsible for the general superintendence, direction and control of the affairs of the Institute. The proposed Council is to be set up under the chairmanship of the Minister in charge of the Department of the Pharmaceuticals. It would co-ordinate the activities of all NIPERs and advise them on issues relating to duration of the courses, lay down policy, examine development plans, examine the annual budget estimates of each Institute, recommend the Central Government regarding allocation of funds and advise the Visitor in respect of any function to be performed by him under this Act. The composition, powers etc. of the proposed Council are similar to those prescribed for IIT Council as per IIT Act. It is reiterated that NIPERs are modeled on IITs.

3.17 On being asked about the challenges being faced by different NIPERs presently in the absence of such Council, Department of Pharmaceuticals in a written submission to the Committee stated as under:-

“As per provisions of Section 8 of the NIPER Act, 1998, which was enacted for NIPER Mohali, the Board of Governors of the Institute is responsible for the general superintendence, direction and control of the affairs of the Institute. While, with amendment of the Act in the year 2007, the six new NIPERs were set up in 2007-08, but their first Board of Governors was set up only in March, 2019. During the interim period, with approval of the Cabinet, a Steering Committee of NIPERs was set up under the chairmanship of Secretary of the Department for policy and coordination issues of NIPERs. This arrangement made at executive level permitted the Committee to perform functions of BoG of individual NIPERs as well as deal with common policy and coordination issues of NIPERs. With setting up of BoGs for individual NIPERs, there is a need to have an Apex body having statutory backing for policy making, performing advisory role, maintaining uniformity and ensuring coordination amongst various NIPERs.”

3.18 In regard to the improvements expected to be brought to the functioning of the NIPERs after the establishment of the Council, Department of Pharmaceuticals informed the Committee as follows:-

“The Council will ensure planned and coordinated development of pharmaceutical education and research and maintain standards thereof. It will lay down policies, examine and approve development plans of the NIPERs and advise them on various matters. The Council headed by the Hon'ble Minister with senior functionaries from various departments, industry associations and other agencies will provide the necessary support, guidance and lead to improvement in performance of NIPERs”.

3.19 Proposed provisions in Section 30 C (2) deal with the functions of the Council. In this regard, when it was observed that one of the functions of the Council should be monitoring or reviewing the performance of each of the institutes and enquired whether any provisions are proposed to be made in this regard in the Bill, Department of Pharmaceuticals replied as follows:-

“As per Section 30(C)(1) of the Amendment Bill, the general duty of the Council is to coordinate the activities of all the Institutes and to take all such steps as to ensure planned and coordinated development of pharmaceutical education and research and maintenance of standards. The main objectives of the Council includes to lay down policy, perform advisory functions and to examine development plans and annual budget estimates.”

PARTICIPATION OF MEMBERS OF PARLIAMENT IN THE COUNCIL

3.20 It is proposed to drop the Members of Parliament from the Board of Governors of the Institute but to include three MPs (two from Lok Sabha and one from Rajya Sabha) in the proposed Council. In this regard, the following reasons were furnished by Department of Pharmaceuticals:-

“ Joint Committee of Parliament on Office of Profit in its 9th Report (Fifteenth Lok Sabha) presented to Lok Sabha on 2nd May, 2013, concurring with the views of Ministry of Law and Justice, came to conclusion that unless NIPER is exempted from disqualification under the Parliament (Prevention of Disqualification) Act, 1959, no exemption can be granted to the Members, who are proposed to be nominated on Board of Governors and as such, the nomination to the Board of Governors attracts disqualification on the ground of holding an office of profit. The Committee was further of the view that there should be an express provision either in the Act - requiring nomination/election of Members of Parliament for appointment to the Government body or in the Parliament (Prevention of Disqualification) Act, 1959, exempting them from disqualification under Article 102(1) (a) of the Constitution. The matter was considered at various levels and it was decided to exclude the Members of Parliament from the Board of Governors of individual NIPERs and instead include them in the proposed Council to be set up under the chairmanship of Hon’ble Minister of Chemicals & Fertilizers. Section 30 (A) (3) of the Amendment Bill declare that the office of a member of the Council shall not disqualify its holder for being chosen as or for being, a member of either House of Parliament”.

3.21 When asked, whether it is proposed to specify that the MPs proposed to be nominated to the Council should have exposure to medical/pharmaceutical field so as to be benefitted of their experience, Department of Pharmaceuticals in a written reply stated as below:-

“Section 30(E) (1) (a) of the proposed Amendment Bill prescribes that the Central Government may make rules about the manner of filling vacancies among the members of the Council. The Department does not propose to prescribe that the MPs who are nominated to the Council should have exposure to medical/pharmaceutical field”.

SUGGESTIONS BY MEMBER OF THE COMMITTEE

3.22 A member of the Committee made the following suggestions:-

- i) There is no provision in the NIPER Act regarding inter-NIPER transfer of Director and faculty members. We may incorporate suitable provisions in the proposed amendment of NIPER Act enabling the Department to have power of inter-NIPER transfer of Directors and faculty members.
- ii) This will help in bringing administrative and academic efficiency and it will further increase interactions between various NIPERs. The time bound transfer and exchange of faculties may help in mutual sharing and learning among the faculties and Directors of NIPERs.
- iii) As per existing NIPER Act (Section 16(1)), Director of an institute is appointed by BoG with prior approval of Visitor (President of India). Now, a NIPER Council is being proposed to be set up under Minister. In IITs, the Director is appointed by the Council with prior approval of Visitor. Similar provision may be

incorporated in Amendment Bill that Director is appointed by Council (instead of BoG).

EMPOWERING THE CENTRAL GOVERNMENT THROUGH SECTION 33A

3.23 In the background note furnished to the Committee it has been stated that the NIPERs are autonomous institutions with their individual Boards responsible for the general superintendence, direction and control of the affairs of the Institute, However, in number of instances, the Central Government found itself constrained in taking actions(s) for ensuring smooth administration of the institute. Although under Rule 11 of the existing Act, the Visitor does possess powers to give directions, based on reports of the Inquiry conducted on the work and progress of the Institute, but is not practically possible to approach the highest office of the land every time. NIPERs being largely financed by Government, directions are required to be issued in rare cases, mainly relating to administrative and financial matters. There academic autonomy would, however, not be impinged. The proposed amendment was discussed in length with the Chairman, Board of Governors as well as Directors of NIPERs. Further, the proposed amendment seeking these powers is not unique. Such power to the Central Government to issue directions to the Institutes of national importance is specifically prescribed in various other Acts passed by the Parliament, as indicated hereunder:

- a. Rajiv Gandhi National Inst. of Youth Development Act, 2012 (Section 41)
- b. National Institute of Design Act, 2014 (Section 36)
- c. Indian Institutes of Information Technology Act, 2014 (Section 46)
- d. Indian Institute of Petroleum and Energy Act, 2017 (Section 41)

3.24 Department of Pharmaceuticals also furnished the extracts of relevant provisions in other Central Acts where such powers exist are as under:-

THE RAJIV GANDHI NATIONAL INSTITUTE OF YOUTH DEVELOPMENT ACT, 2012

“41. Power of Central Government to give directions to Institute.—(1) The Central Government may give such directions, as it may deem necessary, to the Institute for the effective administration of this Act and the Institute shall comply with such directions. (2) In case of dispute between the Institute and the Central Government, in connection with the exercise of its powers and discharge of its functions by the Institute under this Act, the decision of the Central Government on that dispute, shall be final.”

THE NATIONAL INSTITUTE OF DESIGN ACT, 2014

“36. Powers of Central Government to issue directions.—The Central Government may give such directions as it may deem necessary to the

Institute for effective administration of this Act and the Institute shall comply with such directions.”

THE INDIAN INSTITUTES OF INFORMATION TECHNOLOGY ACT, 2014

“46. Power of Central Government to issue directions.—The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.”

THE INDIAN INSTITUTE OF PETROLEUM AND ENERGY ACT, 2017

“41. Control by Central Government.—The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act”.

3.25 Department of Higher Education has informed the Powers of the Visitor as per Clause 9 of the Institute of Technology Act, 1961 are as under:

“9. Visitor:-

(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”.

3.26 Further, the Committee were informed about the necessity of this provision as under:-

“The NIPERs are autonomous institution with their individual Boards responsible for the general superintendence, direction and control of the affairs of the Institute. However, in some recent instances, the Central Government found itself constrained in taking actions(s) for ensuring smooth administration of the institute. As such, a provision has been proposed whereby the Institute shall be bound to carry out such directions as may be issued from time to time by the Central Government for efficient administration of the Act”.

3.27 On being asked whether this provision may infringe the autonomous functioning of these institutes, Department of Pharmaceuticals in a written submission stated as below:-

“The suggestion has been incorporated after detailed discussions and deliberations with the Chairperson, Board of Governors and the Directors of all the NIPERs. The provision will be used in exceptional circumstances and autonomy of NIPERs is not going to be infringed. As per Section 11 of the existing Act, the Visitor does possess powers to give directions, based on reports of the Inquiry conducted on the work and progress of the Institute, but is not practically possible to approach the highest office of the

land every time. The proposed provision would be exercised in exceptional circumstances/cases only, if so warranted”.

3.28 When asked to furnish the details of instances where the Central Government found it necessary to take such action(s) during the last three years for the smooth administration of the institutes, Department of Pharmaceuticals furnished the following few of the instances where Department found constrained to take action for smooth functioning of Institutes, as under:

- a. Board of Governors, NIPER Mohali had prescribed/enhanced the service conditions (retirement age) of faculty, which was not within its power. The Department, after taking advice of M/o Law, Department of Personnel & Training and M/o Finance, had to file an appeal in the matter at the High Court of Punjab & Haryana.
- b. Despite the retirement age of staff, faculty and Director having been subsequently notified by the Department with approval of the Visitor (Hon'ble President of India), the Board of Governors, NIPER Guwahati passed a resolution for enhancement of retirement age of Director of the Institute.
- c. Director, NIPER Mohali was issued a Show Cause Notice with approval of Minister (Chemicals & Fertilizers) and after examining his reply thereto and obtaining approval of the Visitor, he was placed under suspension. High Court, Punjab considering the plea of Director that the initial action of issuance of Show Cause Notice (by Hon'ble Minister) was not by the competent authority, stayed the suspension order issued with approval of the President of India.
- d. The Resolution passed by the Board of Governors, NIPER Mohali for passing a revised order for relieving of Registrar of the Institute was not implemented by the Director after the term of the Board got over. Despite the Department obtaining advice of Additional Solicitor General endorsing the Resolution passed by BoG and repeatedly advising the Director to implement the Resolution passed by the BoG, instead of doing so, the matter was no one or other pretext was referred back by him to the Department.
- e. Director, NIPER Hajipur failed to implement the directions/ advice of the Department / Board of Governors of the Institute relating to various administrative/ financial issues and despite her being counselled by Secretary/Hon'ble Minister, things did not improve. Ultimately, she had to be placed under suspension with approval of Minister.

3.29 During briefing on the Bill by the representatives of the Department of Pharmaceuticals, when the Committee asked about the necessity of this provision, the Secretary, Department of Pharmaceuticals informed the Committee as under:-

“As regards powers, we did not have such a provision earlier. We faced certain constraints in the smooth functioning of the institute in the last 3-4 years. As you are aware, we are not intending to use this largely for academic purposes. So, the academic autonomy in terms of syllabus setting, conduct of examinations, admission, etc. continues to be with the

institutes. The purpose is to be able to have the legislative mandate to be able to guide the institutes largely in terms of financial and administrative functions where most of the financing is done by the Government at the moment. Since they are institutes of higher post-Degree courses, they do not have large revenue streams though we are trying to correct that also. Since there is a lot of Government money being spent through these institutes, it is necessary to have some powers to ensure that the money is spent well."

3.30 In this regard, when the Committee observed during briefing that It should be very clearly defined that these are the areas where the Government will give instructions and these are the areas where the Government will not interfere, but this is a general provision where you have not specified these things, the Secretary, Department of Pharmaceuticals responded as follows:-

"I will give some examples where we faced problems in the last 2-3 years. In one case, the Board of Governors itself prescribed and enhanced the service conditions of the faculty including the retirement age. We do not want a situation where the retirement age is different in each of these institutes. This is also one of the reasons why we have now the Apex Council suggested here. We had to file an appeal against our own institute in the court because we did not have the powers to direct them that they maintain some kind of uniformity across institutes. Similarly, we had a case where financial approvals for construction were not taken or were not being followed as per the approval of the EFC when we got the resources from the Ministry of Finance. There again, we had to issue advice to the Director --because at the moment we can only issue advice -- that this must be as per the approvals given by the EFC and they cannot make changes. So, largely, we will continue to use this for ensuring the smooth administration. As regards the language that we have taken here, we have kept it similar to that is there in some of the other Acts of institutes of national importance in which we found similar languages. So, we did not find it necessary to specify exactly what we should use it for because it is very difficult to foresee what may be the challenges in the future".

OBSERVATIONS AND RECOMMENDATIONS

1. The Committee note that the National Institute of Pharmaceutical Education and Research Act, 1998 (13 of 1998) was enacted to declare the National Institute of Pharmaceutical Education and Research (NIPER) at Mohali, Punjab to be an institute of national importance and to provide for its incorporation and matters connected therewith. The Act came into force w.e.f. 26 June, 1998. The Act was subsequently amended in 2007 to empower the Central Government to establish similar institutes in different parts of the country. Thereafter, six new institutes at Ahmedabad, Guwahati, Hajipur, Hyderabad, Kolkata and Raebareli were established during 2007-08. Over the years, a need was felt by the Government to bring clarity that the six institutes so established as well as any other similar institute to be established under the said Act shall be institutes of national importance. In order to coordinate the activities of all such institutes, to ensure coordinated development of pharmaceutical education and research and maintenance of standards, etc. a need was also felt to establish a central body, to be called the Council, to rationalise the Board of Governors of each such institute and to widen the scope and number of courses run by such institutes. The Committee examined the present status of functioning of NIPERs and various provisions of the proposed amendments in the Bill. The observations/recommendations of the Committee are given in the following paragraphs.

SECTION 2 OF THE AMENDMENT BILL

2. Each NIPER have been declared as an Institution of National importance and thus regain special recognition and funding from the Government of India. However the Committee are not satisfied at their present annual intake capacity which is 1185. **Given the huge population of country and India being the Pharmacy of the world, the Committee are of the view that the combined annual intake capacity**

of the NIPERs should be enhanced significantly, so that we can train more and more people in the important field of Pharmaceutical education and Research.

3. The Committee also note that in spite of all the NIPERs being an Institution of National importance there is huge disparity among them in terms of infrastructure, courses offered, campus area and the academic and research output. **The Committee therefore also recommend that there should be a standard for all their parameters which every NIPERs should strive to meet giving justification to its tag of Institution of National importance.**

4. The Committee note that out of seven NIPERS only NIPER, Mohali has its own full-fledged campus. Out of other six NIPERS set up during 2007-08, 90% of construction has been completed only in respect of Guwahati NIPER and construction activities have been started for Ahmedabad NIPER. Construction of campus for other four NIPERs viz. Hajipur, Hyderabad, Kolkatta and Raebareli has not been started due to deferment of decision by Economic Finance Committee (EFC) in March, 2018. In this regard, the Committee note that fresh proposals have been submitted by the Department of Pharmaceuticals for the consideration of EFC. Since it is very much necessary for these NIPERs to function in their own campus to achieve the full potential as Institutions of National Importance, **the Committee recommend that the Department should pursue vigorously at the highest level with the Ministry of Finance for the early EFC approval along with the appropriate financial outlay for the construction of own campuses for all these NIPERs in a time bound manner. At the same time, the Committee also recommend that the EFC under Ministry of Finance should take appropriate action to expedite the approval process in respect of construction of permanent campuses for all NIPERs.**

5. The Committee note that all NIPERs have state-of-the-art laboratory facilities. Rs. 100.00 crore each was approved by the Expenditure Finance Committee (EFC) in 2018 for NIPERs at Ahmedabad, Hyderabad and Guwahati and Rs. 55.00 crore each for NIPERs at Hajipur, Kolkata and Raebareli. Out of the approved amount, substantial funds have been released for the purchase of equipment for labs for the NIPERs. Further, the Department is seeking additional funds for up-gradation of laboratories facilities in NIPERs. **In this regard, the Committee recommend that concrete proposals for upgradation of laboratory facilities in all NIPERs should be prepared and placed before EFC for its early approval. EFC under the Ministry of Finance also should examine the proposals of the Department in a time bound manner for according early approvals on priority basis.**

6. The Committee note that specialization programme on Natural Products is conducted by NIPERs at Mohali, Ahmedabad, Hyderabad and Kolkata and specialization programme on traditional medicine is conducted by Mohali NIPER only. In this regard, the Committee note that pharmacognosy which is an ancient subject on the root of pharmacy is being taught in the above mentioned NIPERs in the form of natural products and traditional medicines. **In this regard, the Committee recommend that these programmes on Natural Products and traditional medicine further strengthened in coordination with the Ministry of AYUSH. The Department may also consider introducing the Programme on traditional medicine in other NIPERs as well. Likewise, the course on natural products may also be conducted in all the NIPERs. Ministry of AYUSH may also bring a separate Bill namely NIPER (AYUSH) dedicated solely for the promotion and development of research in the field of indigenous medical system.**

7. The Committee are concerned to note that the proposal to set up five more NIPERs at Madurai (Tamil Nadu), Jhalawar (Rajasthan), Nagpur (Maharashtra), New Raipur (Chattisgarh) and Bengaluru (Karnataka) is remaining on paper since 2012. Since the present coverage of NIPERs is hardly sufficient to create a talented pool of pharmacists in the country, **the Committee strongly recommend that the Department of Pharmaceuticals should chalk out concrete proposals for the timely setting up of these NIPERs and place the same before the Ministry of Finance for the allocation of necessary budgetary allocation for the same.**

SECTION 4- BOARD OF GOVERNORS

8. The Committee note that the Section 4 of the Parent Act is proposed to be amended to rationalize the present strength of Board of Board of Governors (BoG) of each of NIPERs from 23 to 12 members in line with the other similar institutes of national importance viz. Indian Institute of Technology (IITs) and Indian Institute of Science Education and Research(IISER). Even though this proposal is aimed at effective functioning of the institutes, the Committee recommend the following:-

“As per Section 4(3)(m) of NIPER Act,1998, three eminent public persons or social workers one of whom shall be either from the Scheduled Castes or Scheduled Tribes to be nominated by the Visitor out of a panel prepared by the Central Government to the Board of Governors of the NIPERS. This provision has been removed in the present Bill. Since it is very much necessary from the point of view of social inclusion, **the Committee recommend that the Department of Pharmaceuticals should reconsider this omission and ensure at least one public person or a social worker from the Scheduled Caste /Scheduled Tribe should be included in the Board of Governors and suitable provision may be made in the Bill for the purpose.**“

SECTION 7- WIDENING SCOPE AND NUMBER OF COURSES/PROGRAMMES

9. The Committee are glad to note the Amendment of Section 7 of the Principal Act to widen the scope and number of courses run by such institutes to include graduate and integrated courses, certificate courses and executive courses in addition to earlier courses leading to masters' degree, doctoral and post-doctoral course and research in Pharmaceutical education. **The Committee also recommend that B.Pharma courses should be started at all the NIPERs so that a healthy pool of graduates for the Industry needs and further research in the field of Pharma may be created.**

10. **The Committee further recommend that students pursuing integrated PG and PhD courses should also be given fellowship to bring in parity with the existing PG and PhD students at the NIPERs and the Integrated PG and PhD students at IISERs and other institutes of National importance who are paid fellowships.**

SECTIONS 30A TO 30E – ESTABLISHMENT OF A COUNCIL

11. The Committee note that now it is proposed to drop the Members of Parliament from the Board of Governors of the Institute (unlike the Section 4(3)(o) of the Principal Act) and instead it is proposed to include three MPs (two from Lok Sabha and one from Rajya Sabha) in the proposed Council. However, it is not specified in the Bill whether they should have exposure/experience in the field of medical/pharmaceutical field. In this regard, the Committee note that Section 30(E) (1)(a) of the proposed Amendment Bill prescribes that the Central Government may make rules about the manner of filling vacancies among the members of the Council. The Department does not propose to prescribe that the MPs who are nominated to the Council should have exposure to medical/pharmaceutical field. Since it is very much necessary to specify that the MPs proposed to be nominated to the Council

should have exposure to medical/pharmaceutical field so as to be benefitted of their experience, **the Committee recommend that the Department of Pharmaceuticals either incorporate a suitable provision in the present Bill in this regard or appropriate Rules should be framed for the purpose.**

12. The Committee understand the need of a central body to be called the Council in order to coordinate the activities of all the NIPERs to ensure coordinated development of Pharmaceutical education and research and maintenance of standards etc. The Committee note that the NIPERs are modeled on IITs and the composition, powers etc. of the proposed Council are similar to those prescribed for IIT Council as per the IIT Act. However, the Committee note that as per existing NIPER Act, Section 16(1), Director of an Institute is appointed by Board of Governors with prior approval of visitor (President of India). Now, the Council is being proposed to be set up under the chairmanship of the Minister of Chemicals and Fertilizers and in IITs since the Director is appointed by the Council with prior approval of visitor, **the Committee, therefore, recommend that similar provision may be incorporated in the amendment Bill so that Directors of NIPERs are also appointed by the council instead of Board of Governors with the prior approval of the Visitor.**

13. The Committee also note that the proposed Council is required to meet at least once every year under Section 30c clause (3) of the Amendment Bill. The Committee are of the view that the proposed council being the apex body for all the NIPERs and having many erstwhile members of the Board of Governors should meet more frequently for better coordination and administration of the NIPERs. **The Committee therefore recommend that the clause (3) of Section 30c of the Amendment Bill be changed to read as:**

“The Council shall meet at least once every sixth months and follow such procedure in its meetings as may be prescribed.”

14. The Committee note that at present there is no provision in the NIPER Act regarding inter-NIPER transfer of Directors and faculty members. This will help in bringing administrative and academic efficiency and it will further increase interactions between various NIPERs. The time bound transfer and exchange of faculties may help in mutual sharing and learning among the faculties and Directors of NIPERs. **The Committee, therefore, recommend that suitable provision may be incorporated in the Bill to enable the Department to have power of inter-NIPER transfer of Directors and other faculty members.**

New Delhi;
29 July, 2021
07 SRAVANA, 1942 (Saka)

Kanimozhi Karunanidhi
Chairperson
Standing Committee on
Chemicals and Fertilizers

Bill No. 54 of 2021

THE NATIONAL INSTITUTE OF PHARMACEUTICAL EDUCATION
AND RESEARCH (AMENDMENT) BILL, 2021

A

BILL

further to amend the National Institute of Pharmaceutical Education and Research Act, 1998.

BE it enacted by Parliament in the Seventy-second year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5 **1.** (1) This Act may be called the National Institute of Pharmaceutical Education and Research (Amendment) Act, 2021. 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.

Amendment of long title.	<p>2. In the National Institute of Pharmaceutical Education and Research Act, 1998 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:—</p> <p style="padding-left: 40px;">“An Act to declare certain institutions of pharmaceutical education and research to be institutions of national importance and for matters connected therewith or incidental thereto.”.</p>	13 of 1998. 5
Amendment of section 1.	<p>3. In section 1 of the principal Act, in sub-section (1), for the word “Institute”, the word “Institutes” shall be substituted.</p>	
Substitution of new section for section 2.	<p>4. For section 2 of the principal Act, the following section shall be substituted, namely:—</p>	
Declaration of certain institutions as institutions of national importance.	<p style="padding-left: 40px;">“2. (1) Whereas the objects of the institutions mentioned in the Schedule, are such as to make them institutions of national importance, it is hereby declared that each such Institute is an institution of national importance.</p> <p style="padding-left: 40px;">(2) It is hereby declared that every Institute established under sub-section (2A) of section 4, on and after the commencement of the National Institute of Pharmaceutical Education and Research (Amendment) Act, 2021, shall be an institution of national importance.”.</p>	10 15
Amendment of section 3.	<p>5. In section 3 of the principal Act,—</p> <p style="padding-left: 40px;">(i) for clause (a), the following clause shall be substituted, namely:—</p> <p style="padding-left: 80px;">‘(a) “appointed day”, in relation to an Institute mentioned in column (3) of the Schedule, means the date of its establishment as mentioned against it in column (4) of that Schedule;’;</p> <p style="padding-left: 40px;">(ii) in clauses (b) and (c), for the words “the Institute”, the words “an Institute” shall be substituted;</p> <p style="padding-left: 40px;">(iii) after clause (c), the following clause shall be inserted, namely:—</p> <p style="padding-left: 80px;">‘(ca) “Council” means the Council established under sub-section (1) of section 30A;’;</p> <p style="padding-left: 40px;">(iv) in clauses (d), (e) and (f), for the words “the Institute”, the words “an Institute” shall be substituted;</p> <p style="padding-left: 40px;">(v) for clause (g), the following clauses shall be substituted, namely:—</p> <p style="padding-left: 80px;">‘(g) “Institute” means any of the institutions mentioned in column (3) of the Schedule;</p> <p style="padding-left: 80px;">(ga) “member” means a member of the Council nominated or elected under sub-section (2) of section 30A;</p> <p style="padding-left: 80px;">(gb) “prescribed” means prescribed by rules made under this Act;</p> <p style="padding-left: 80px;">(gc) “Schedule” means the Schedule to this Act; ’;</p> <p style="padding-left: 40px;">(vi) in clauses (h) and (j), for the words “the Institute”, the words “an Institute” shall be substituted.</p>	20 25 30 35
Amendment of section 4.	<p>6. In section 4 of the principal Act,—</p> <p style="padding-left: 40px;">(i) in the marginal heading, for the words “Establishment of Institute”, the words “Establishment and incorporation of Institutes” shall be substituted;</p> <p style="padding-left: 40px;">(ii) for sub-section (1), the following sub-section shall be substituted, namely:—</p> <p style="padding-left: 80px;">“(1) Each of the Institutes mentioned in column (3) of the Schedule shall be a body corporate.”;</p>	40

(iii) in sub-section (2), for the words “The Institute”, the words “Each Institute” shall be substituted;

(iv) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The Board of Governors of an Institute shall consist of the following persons, namely:—

(a) a Chairperson, who shall be an eminent academician or scientist or technologist or professional, to be nominated by the Visitor;

(b) the Director of the institute, *ex officio*;

(c) the Joint Secretary to the Government of India in Department of Pharmaceuticals dealing with the national institutes of pharmaceutical education and research, *ex officio*;

(d) the Secretary, dealing with medical or technical education in the State Government concerned, *ex officio*;

(e) the representative of Drug Controller General of India, Ministry of Health and Family Welfare of the Government of India, *ex officio*;

(f) three eminent pharmaceutical experts, at least one of whom shall be a woman, having special knowledge or practical experience in education, research and biotechnology, to be nominated by the Council;

(g) two pharmaceutical industrialists to be nominated by the Council;

(h) two professors of the institute, to be nominated by the Senate.”;

(v) in sub-section (4), the proviso shall be omitted.

7. In section 4A of the principal Act, the words “within its jurisdiction” shall be omitted. Amendment of section 4A.

8. Section 5 of the principal Act shall be omitted. Omission of section 5.

9. In section 6 of the principal Act,— Amendment of section 6.

(i) for the words “On and from the appointed day”, the words “On and from the appointed day, in relation to the National Institute of Pharmaceutical Education and Research, Mohali” shall be substituted;

(ii) after clause (a), the following clause shall be inserted, namely:—

“(aa) all property, movable and immovable of, or belonging to, the Society, shall vest in that Institute;”;

(iii) for the words “the Institute”, wherever they occur, the words “that Institute” shall be substituted.

10. In section 7 of the principal Act,— Amendment of section 7.

(a) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted;

(b) for clause (ii), the following clauses shall be substituted, namely:—

“(ii) to develop courses leading to graduate and post graduate degrees, doctoral and post-doctoral distinctions and research in pharmaceutical education or to develop integrated courses relating thereto;

(iia) to conduct executive education courses, short-term certificate courses, training programmes, online or distant education, diploma courses and such other short-term executive courses;”;

(c) in clause (v), for the words “by exchange of faculty members”, the words “by promoting collaborative research, exchange of faculty members, researchers” shall be substituted;

(d) after clause (x), the following clause shall be inserted, namely:—

“(xa) to establish Centres of Excellence for drug discovery and development and medical devices;”.

Amendment of section 8.	11. In section 8 of the principal Act, for the word “Board”, wherever it occurs, the words “Board of an Institute” shall be substituted.	5
Amendment of section 9.	12. In section 9 of the principal Act,— (i) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted; (ii) in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted; (iii) in sub-section (2), for the words “the Institute”, the words “any Institute” shall be substituted.	10 15
Amendment of section 10.	13. In section 10 of the principal Act,— (i) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted; (ii) for the words “the Institute”, the words “each of the Institutes” shall be substituted.	 20
Amendment of section 11.	14. In section 11 of the principal Act,— (i) in sub-section (1), for the words “the Institute”, the words “every Institute” shall be substituted; (ii) in sub-section (2), for the words “the Institute”, the words “any Institute” shall be substituted.	 25
Amendment of section 12.	15. In section 12 of the principal Act,— (i) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted; (ii) in the opening portion, for the words “the Institute”, the words “an Institute” shall be substituted.	 30
Amendment of section 13.	16. In section 13 of the principal Act, in the opening portion, for the words “the Institute”, the words “each Institute” shall be substituted.	
Amendment of section 14.	17. In section 14 of the principal Act, for the words “senate of the Institute”, the words “senate of each Institute” shall be substituted.	
Amendment of section 16.	18. In section 16 of the principal Act, for the words “Director of the Institute”, the words “Director of each Institute” shall be substituted.	35
Amendment of section 17.	19. In section 17 of the principal Act, for the words “the Institute”, the words “each Institute” shall be substituted.	
Amendment of section 18.	20. In section 18 of the principal Act, for the words “Registrar of the Institute”, the words “Registrar of each Institute” shall be substituted.	40
Amendment of section 20.	21. In section 20 of the principal Act,— (i) for the words “enabling the Institute”, the words “enabling the Institutes” shall be substituted;	

(ii) for the words “pay to the Institute”, the words “pay to each Institute” shall be substituted.

22. In section 21 of the principal Act,—

Amendment
of section 21.

5 (i) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted;

(ii) in sub-section (1), for the words “The Institute shall”, the words “Every Institute shall” shall be substituted.

23. In section 22 of the principal Act, for the words “the Institute”, the words “every Institute” shall be substituted.

Amendment
of section 22.

10 **24.** In section 23 of the principal Act,—

Amendment
of section 23.

(i) in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted;

(ii) in sub-section (2), for the words “the Institute”, the words “every Institute” shall be substituted;

15 (iii) in sub-section (3), for the words “accounts of the Institute”, the words “accounts of any Institute” shall be substituted;

(iv) in sub-section (4), for the words “the Institute”, the words “every Institute” shall be substituted.

20 **25.** In section 24 of the principal Act, in sub-section (1), for the words “The Institute”, the words “Every Institute” shall be substituted.

Amendment
of section 24.

26. In section 25 of the principal Act, for the words “the Institute”, the words “an Institute” shall be substituted.

Amendment
of section 25.

27. In section 27 of the principal Act, in sub-section (1), for the words “the Institute”, the words “every Institute” shall be substituted.

Amendment
of section 27.

25 **28.** In section 28 of the principal Act, for the words “Ordinances of the Institute”, the words “Ordinances of each Institute” shall be substituted.

Amendment
of section 28.

29. After Chapter II of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of
new Chapter
II-A.

“CHAPTER II-A

THE COUNCIL

30

30A. (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 for all the Institutes specified in column (3) of the Schedule, a central body to be called the Council.

Establishment
of Council.

35 (2) The Council shall consist of the following members, namely:—

(a) Minister in charge of the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio*, as Chairperson;

40 (b) Minister of State in the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio*, as Vice-Chairperson;

(c) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio*;

(d) the Chairperson of every Board of Governors, *ex officio*;

(e) the Director of every Institute, *ex officio*;

(f) the Chairperson, All India Council for Technical Education, *ex officio*;

(g) the Director General, Council of Scientific and Industrial Research, *ex officio*;

5

(h) four Secretaries to the Government of India, to represent the Ministries or Departments of the Central Government dealing with Biotechnology, Health Research, Higher Education and Science and Technology, *ex officio*;

(i) not less than three, but not more than five persons to be nominated by the Visitor, at least one of whom shall be a woman, having special knowledge or practical experience in education, pharmaceutical industry, medical devices industry or pharmaceutical research;

10

(j) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States, from amongst its members;

(k) the President, Indian Drugs Manufacturing Association, *ex officio*;

15

(l) the President, Organisation of Pharmaceutical Producers of India, *ex officio*;

(m) the President, Pharmacy Council of India, *ex officio*;

(n) the Financial Advisor of the Ministry or Department of the Central Government dealing with Pharmaceuticals, *ex officio*;

20

(o) the Joint Secretary to the Government of India in the Ministry or Department of the Central Government having administrative control of the Pharmaceuticals, *ex officio*, as Member-Secretary.

(3) It is hereby declared that the office of a member of the Council shall not disqualify its holder for being chosen as or for being, a member of either House of Parliament.

25

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

30B. (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.

30

(3) The term of office of a member elected under clause (j) of sub-section (2) of section 30A shall come to an end as soon as he becomes a Minister or Minister of State or Deputy Minister, or the Speaker or the Deputy Speaker of the House of the People, or the Deputy Chairperson of the Council of States or ceases to be a member of the House which elected him.

35

(4) 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.

(5) Notwithstanding anything contained in this section an outgoing member shall, unless the Central Government otherwise directs, continue in office until another person is nominated or elected as a member in his place.

40

(6) 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.

45

30C. (1) It shall be the general duty of the Council to coordinate the activities of all the Institutes and to take all such steps as to ensure planned and coordinated development of pharmaceutical education and research and maintenance of standards thereof.

Functions of Council.

5 (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;

10 (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;

15 (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 lay down policy or guidelines for promoting research and development in pharmaceuticals and related areas, fostering collaboration and overseeing developments and on matters incidental thereto;

20 (e) to examine the annual budget estimates of each Institute and to recommend to the Central Government the allocation of funds for that purpose;

(f) to advise the Visitor, if so required, in respect of any function to be performed by him under this Act; and

(g) to perform such other functions as are assigned to it by or under this Act.

25 (3) The Council shall meet at least once every year and follow such procedure in its meetings as may be prescribed.

30D. (1) The Chairperson of the Council shall ordinarily preside at the meetings of the Council:

Chairman of Council.

30 Provided that in the absence of the Chairperson, the Vice-Chairperson shall preside at the meetings of the Council:

Provided further that in the absence of both the Chairperson and the Vice-Chairperson, any other member, chosen from amongst themselves by the members present at the meeting shall preside at that meeting.

35 (2) It shall be the duty of the Chairperson of the Council to ensure that the decisions taken by the Council are implemented.

(3) The Chairman shall exercise such other powers and perform such other duties as are assigned to him by this Act.

40 30E. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Chapter.

Power to make rules in respect of matters in this Chapter.

(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 manner of filling vacancies among the members of the Council;

(b) the disqualifications for being chosen as, and for being, a member of the Council;

45 (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 thereat;

(e) the travelling and other allowances payable to members of the Council; and

(f) the functions of the Council and the manner in which such functions may be exercised. 5

(3) Every rule made by the Central Government under this Chapter 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 both Houses agree that the rule should not be made, the rule 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.”. 10 15

Amendment of section 31. **30.** In section 31 of the principal Act, for the words “No act of the Institute”, the words “No act of the Council or any Institute” shall be substituted.

Amendment of section 32. **31.** In section 32 of the principal Act,—
(i) in the marginal heading, for the word “Institute”, the word “Institutes” shall be substituted; 20

(ii) for the words “the Institute”, the words “every Institute” shall be substituted.

Amendment of section 33. **32.** In section 33 of the principal Act, for the words “Whenever the Institute”, the words “Whenever an Institute” shall be substituted.

Insertion of new section 33A. **33.** After section 33 of the principal Act, the following section shall be inserted, namely:— 25

Power of Central Government to issue directions. “33A. The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.”.

Amendment of section 35. **34.** In section 35 of the principal Act, for clause (b), the following clause shall be substituted, namely:—

“(b) until the first Statutes and the Ordinances in relation to the Institutes mentioned in column (3) of the Schedule are made under this Act, the Statutes and the Ordinances of the National Institute of Pharmaceutical Education and Research, Sector-67, S.A.S. Nagar (Mohali), District Ropar, Punjab as in force, shall apply to those Institutes with the necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act.”. 30 35

THE SCHEDULE

[See sections 2, 3(a), (g), (gc), 4(I), 30A and 35(b)]

Sl. No.	Location of	Name of institutions incorporated under this Act institute and the State	Date of establishment of Institute
(1)	(2)	(3)	(4)
1.	Mohali, Punjab	The National Institute of Pharmaceutical Education and Research Society, Mohali	8th July, 1998
2.	Ahmedabad, Gujarat	The National Institute of Pharmaceutical Education and Research, Ahmedabad	6th September, 2007
3.	Hajipur, Bihar	The National Institute of Pharmaceutical Education and Research, Hajipur	6th September, 2007
4.	Hyderabad, Telengana	The National Institute of Pharmaceutical Education and Research, Hyderabad	6th September, 2007
5.	Kolkata, West Bengal	The National Institute of Pharmaceutical Education and Research, Kolkata	6th September, 2007
6.	Guwahati, Assam	The National Institute of Pharmaceutical Education and Research, Guwahati	5th August, 2008
7.	Raebareli, Uttar Pradesh	The National Institute of Pharmaceutical Education and Research, Raebareli	26th September, 2008

STATEMENT OF OBJECTS AND REASONS

The National Institute of Pharmaceutical Education and Research Act, 1998 (13 of 1998) was enacted to declare the National Institute of Pharmaceutical Education and Research at Mohali, Punjab to be an institute of national importance and to provide for its incorporation and matters connected therewith.

2. The Act was subsequently amended in 2007 to empower the Central Government to establish similar institutes in different parts of the country. Thereafter, six new institutes at Ahmedabad, Guwahati, Hajipur, Hyderabad, Kolkata and Raebareli were established during 2007-08.

3. A need is felt to bring clarity that the six institutes so established as well as any other similar institute to be established under the said Act shall be institutes of national importance. In order to coordinate the activities of all such institutes, to ensure coordinated development of pharmaceutical education and research and maintenance of standards, etc., there is a need to establish a central body, to be called the Council. Also, there is a need to rationalise the Board of Governors of each such institute and to widen the scope and number of courses run by such institutes.

4. The National Institute of Pharmaceutical Education and Research (Amendment) Bill, 2021, *inter alia*, seeks to provide for —

(i) amendment of section 2 to declare that—

(a) each such Institute is an institution of national importance;

(b) every Institute established under sub-section (2A) of section 4 on and after the commencement of the National Institute of Pharmaceutical Education and Research (Amendment) Act, 2021 shall also be an institution of national importance;

(ii) amendment of section 4 to rationalise the Board of Governors of each such institute from its existing strength of 23 to 12 members;

(iii) amendment of section 7 to widen the scope and number of courses run by such institutes, including graduate and post-graduate degrees, doctoral and post-doctoral distinctions and research in pharmaceutical education, integrated courses, certificate courses and executive courses;

(iv) insertion of new sections 30A, 30B, 30C, 30D, 30E to provide for establishment of Council, term of office, etc., of members of Council, functions of Council, Chairman of Council and power to make rules by Central Government, respectively;

(v) insertion of a new section 33A to empower the Central Government to issue directions to the Institute for efficient administration of the Act.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 5th March, 2021.

D.V. SADANANDA GOWDA.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill seeks to insert new Chapter II-A, and new sections 30A to 30E, in the principal Act. Proposed section 30E empowers the Central Government to make rules to provide for (i) the manner of filling vacancies among the members of the Council; (ii) the disqualifications for being chosen as, and for being, a member of the Council; (iii) the circumstances in which, and the authority by which, members may be removed; (iv) the meetings of the Council and the procedure of conducting business thereat; (v) the travelling and other allowances payable to members of the Council; and (vi) the functions of the Council and the manner in which such functions may be exercised.

ANNEXURE

EXTRACTS FROM THE NATIONAL INSTITUTE OF PHARMACEUTICAL EDUCATION AND RESEARCH ACT, 1998

(13 OF 1998)

An Act to declare the institution known as the National Institute of Pharmaceutical Education and Research to be an institution of national importance and to provide for its incorporation and matters connected therewith.

* * * * *

CHAPTER I

PRELIMINARY

Short title and commencement. **1.** (1) This Act may be called the National Institute of Pharmaceutical Education and Research Act, 1998.

13 of 1998.

* * * * *

Declaration of National Institute of Pharmaceutical Education and Research as an institution of national importance. **2.** Whereas the objects of the institution known as the National Institute of Pharmaceutical Education and Research, Sector-67, S.A.S. Nagar (Mohali), District Ropar, Punjab are such as to make the institution one of national importance, it is hereby declared that the institution known as the National Institute of Pharmaceutical Education and Research is an institution of national importance.

Definitions. **3.** In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date of establishment of the National Institute of Pharmaceutical Education and Research under sub-section (1) of section 4;

(b) “Board” means the Board of Governors of the Institute constituted under sub-section (3) of section 4;

(c) “Chairperson” means the Chairperson of the Institute nominated under clause (a) of sub-section (3) of section (4);

(d) “Dean” means the Dean of the Institute appointed under section 17;

(e) “Director” means the Director of the Institute appointed under section 16;

(f) “Fund” means the fund of the Institute to be maintained under section 21;

(g) “Institute” means a National Institute of Pharmaceutical Education and Research established under sub-section (1) or sub-section (2A) of section 4;

(h) “Senate” means the Senate of the Institute referred to in section 13;

* * * * *

(j) “Statutes” and “Ordinances” mean the Statutes and the Ordinances of the Institute made under this Act.

CHAPTER II

THE INSTITUTE

Establishment of Institute. **4.** (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, the National Institute of Pharmaceutical Education and Research shall be constituted as a body corporate by the name aforesaid.

(2) The Institute shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue and be sued.

* * * * *

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

(a) a Chairperson, who shall be an eminent academician, scientist or technologist or professional, to be nominated by the Visitor;

(b) the Director of the Institute, *ex officio*;

(c) the Joint Secretary, incharge of Pharmaceutical Industries in the concerned Ministry or Department of the Government of India, *ex officio*;

(d) the Secretary, Technical Education, Government of the State within which the Institute is situated, *ex officio*;

(e) the Financial Adviser of the Ministry or Department of the Government of India dealing with the pharmaceutical industries, *ex officio*;

(f) the Drug Controller General of India, Ministry of Health and Family Welfare of the Government of India, *ex officio*;

(g) the Member Secretary, All-India Council for Technical Education, *ex officio*;

(h) the Director of any one of the national laboratories of the Council of Scientific and Industrial Research to be nominated by the Director General of Council of Scientific and Industrial Research, New Delhi;

(i) the Director of either the All-India Institute of Medical Sciences, New Delhi or the Post-Graduate Institute of Medical Education and Research, Chandigarh, to be nominated by rotation by the Ministry of Health and Family Welfare of the Government of India;

(j) the President, Indian Drugs Manufacturers' Association, *ex officio*;

(ja) a representative of the Pharmacy Council of India;

(k) the President, Organisation of Pharmaceutical Producers of India, *ex officio*;

(l) three eminent pharmaceutical experts, one of whom shall be an educationist, a research scientist and a biotechnologist, to be nominated by the Central Government;

(m) three eminent public persons or social workers one of whom shall be either from the Scheduled Castes or the Scheduled Tribes to be nominated by the Visitor out of a panel prepared by the Central Government;

(n) two pharmaceutical industrialists to be nominated by the Visitor out of a panel prepared by the Central Government;

(o) three Members of Parliament, two from Lok Sabha to be nominated by the Speaker of Lok Sabha and one from Rajya Sabha to be nominated by the Chairman of Rajya Sabha.

(4) The term of office of the Chairperson and Governors other than *ex officio* Governors shall be three years and they shall be entitled for such allowances as may be determined by the Central Government:

Provided that the term of office of a member nominated under clause (o) of sub-section (3) shall come to an end as soon as he becomes a Minister or Minister of State or Deputy Minister, or the Speaker or the Deputy Speaker of the House of the People, or the Deputy Chairman of the Council of States, or ceases to be a member of the House from which he was nominated.

* * * * *

Centres of Institute.	<p>4A. An Institute, with the prior approval of the Central Government, may, by notification in the Official Gazette, establish one or more centres in different locations within its jurisdiction.</p>
Vesting of properties.	<p>5. On and from the appointed day, subject to the other provisions of this Act, all properties which had vested in the Society, immediately before the commencement of this Act, shall, on and from such commencement, vest in the Institute.</p>
Effect of incorporation of Institute.	<p>6. On and from the appointed day,—</p> <p style="padding-left: 40px;">(a) any reference to the Society in any contract or other instrument shall be deemed as a reference to the Institute;</p> <p style="padding-left: 40px;">(b) all the rights and liabilities of the Society shall be transferred to, and be the rights and liabilities of, the Institute; and</p> <p style="padding-left: 40px;">(c) every person employed by the Society immediately before the appointed day shall hold office or service in the 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 held the same if this Act had not been passed, and shall continue to be so unless and until his employment is terminated or until such tenure, remuneration and terms and condition are duly altered by the Statutes:</p> <p style="padding-left: 40px;">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 employee and one month's remuneration in the case of other employee.</p>
Functions of Institute.	<p>7. The functions of the Institute shall be—</p> <p style="padding-left: 40px;">* * * * *</p> <p style="padding-left: 40px;">(ii) to concentrate on courses leading to master's degree, doctoral and post-doctoral courses and research in pharmaceutical education;</p> <p style="padding-left: 40px;">* * * * *</p> <p style="padding-left: 40px;">(v) to cooperate with educational or other institutions having objects wholly or partly similar to those of the Institute by exchange of faculty members and scholars and generally in such manner as may be conducive to their common objective;</p> <p style="padding-left: 40px;">* * * * *</p> <p style="padding-left: 40px;">(x) to develop a world level centre for creation of new knowledge and transmission of existing information in pharmaceutical areas, with focus on national, educational, professional and industrial commitments;</p> <p style="padding-left: 40px;">* * * * *</p>
Powers of Board.	<p>8. (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, direction and control of the affairs of the Institute and shall exercise all the powers not otherwise provided for by this Act, the Statutes and the Ordinances, and shall have the power to review the acts of the Senate.</p> <p>(2) Without prejudice to the provisions of sub-section (1), the Board shall—</p> <p style="padding-left: 40px;">(a) take decisions on questions of policy relating to the administration and working of the Institute;</p> <p style="padding-left: 40px;">(b) fix, demand and receive fees and other charges;</p> <p style="padding-left: 40px;">(c) 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;</p>

(d) institute academic and other posts and to make appointments thereto (except in the case of the Director);

(e) frame Statutes and Ordinances and to alter, modify or rescind the same;

(f) institute and award fellowship, scholarship, prizes and medals;

(g) consider and pass resolutions on the annual report, the annual accounts and the budget estimates of the Institute for the next financial year as it thinks fit together with a statement of its development plans; and

(h) do all such things as may be necessary, incidental or conducive to the attainment of all or any of the aforesaid powers.

(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.

(4) Notwithstanding anything contained in sub-section (2) of section 4, the Board shall not dispose of in any manner any immovable property without the prior approval of the Central Government.

9. (1) The 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. Institute to be open to all races, creeds and classes.

(2) No bequest, donation or transfer of any property shall be accepted by the Institute which in the opinion of the Board involves conditions or obligations opposed to the spirit and object of this section.

10. All teaching at the Institute shall be conducted by or in the name of the Institute in accordance with the Statutes and the Ordinances made in this behalf. Teaching at Institute.

11. (1) The President of India shall be the Visitor of the Institute. Visitor.

(2) The Visitor may appoint one or more persons to review the work and progress of the Institute and to hold inquiries into the affairs thereof and to report thereon in such manner as the Visitor may direct.

* * * * *

12. The following shall be the other authorities of the Institute, namely:— Authorities of Institute.

13. The Senate of the Institute shall consist of the following persons, namely:— Senate.

14. Subject to the provisions of this Act, the Statutes and the Ordinances, the Senate of the 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. Functions of Senate.

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16. (1) The Director of the Institute shall be appointed by the Board with the prior approval of the Visitor. Director.

(2) The Director shall be the principal academic and executive officer of the Institute and shall be responsible for the proper administration and academic performance of the Institute and for 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 the Ordinances.

Dean. **17.** (1) The Dean of the 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 the Director.

(2) The Dean shall report to the Director.

Registrar. **18.** (1) The Registrar of the 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 such 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 assigned to him by this Act or the Statutes or the Director.

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Grants by Central Government. **20.** For the purpose of enabling the Institute to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Institute in each financial year such sums of money and in such manner as it may think fit.

Fund of Institute. **21.** (1) The Institute shall maintain a Fund to which shall be credited—

(a) all moneys provided by the Central Government;

(b) all fees and other charges;

(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.

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Setting up of endowment fund. **22.** Notwithstanding anything contained in section 21, the Central Government may direct the Institute to—

(a) set up an endowment fund and any other fund for specified purpose;

(b) transfer money from its Fund to endowment fund or any other fund.

Accounts and audit. **23.** (1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance-sheet, in such form as may be specified, in accordance with such general directions as may be issued by the Central Government in consultation with the Comptroller and Auditor-General of India.

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

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

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

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

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25. All appointments of the staff of the institute except that of the Director, shall be made in accordance with the procedure laid down in the Statutes—

(a) by the Board, if the appointment is made on the academic staff in the post of Assistant Professor or above or if the appointment is made on the non-academic staff in any cadre, the maximum of the pay-scale for which is the same or higher than that of Assistant Professor; and

(b) by the Director, in any other case.

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27. (1) The first Statutes of the Institute shall be framed by the Board 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.

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28. Subject to the provisions of this Act and the Statutes, the Ordinances of the Institute may provide for all or any of the following matters, namely:—

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CHAPTER III

MISCELLANEOUS

31. No act of the Institute or Board or Senate or any other body set up under this Act or the Statutes, shall be invalid 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 person acting as a member thereof, or

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

3 of 1956.

32. Notwithstanding anything contained in the University Grants Commission Act, 1956 or in any other law for the time being in force, the Institute shall have power to grant degrees and other academic distinctions and titles under this Act.

33. Whenever the Institute receives funds from any Government, the University Grants Commission or any other agency sponsoring a scheme to be executed by the Institute, notwithstanding anything in this Act,—

(a) the amount received shall be kept by the Institute separately from the Fund of the Institute and utilised only for the purpose of the scheme;

(b) the staff required to execute the same shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organisation:

Provided that any money remaining unutilised under clause (a) shall be transferred to the endowment fund created under section 22 of this Act.

* * * * *

Transitional provisions.

35. Notwithstanding anything contained in this Act,—

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(b) until the first Statutes and the Ordinances are made under this Act, the Statutes and the Ordinances of the National Institute of Pharmaceutical Education and Research, Sector-67, S.A.S. Nagar (Mohali), District Ropar, Punjab as in force, immediately before the commencement of this Act, shall continue to apply to the Institute in so far as they are not inconsistent with the provisions of this Act.

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LOK SABHA

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BILL

further to amend the National Institute of Pharmaceutical Education and Research Act, 1998.

(Shri D.V. Sadananda Gowda, Minister of Chemicals and Fertilizers)

**MINUTES OF THE SIXTH SITTING OF THE
STANDING COMMITTEE ON CHEMICALS & FERTILIZERS
(2020-21)**

The Committee sat on Tuesday, the 29th June, 2021 from 1400 hrs. to 1530 hrs. in Committee Room 'D', Parliament House Annexe, New Delhi.

PRESENT

Smt. Kanimozhi Karunanidhi- Chairperson

MEMBERS

LOK SABHA

- 2 Shri Ramesh Chandappa Jigajinagi
- 3 Shri Kripanath Mallah
- 4 Shri Satyadev Pachauri
- 5 Dr. M. K. Vishnu Prasad
- 6 Shri Arun Kumar Sagar
- 7 Er. Bishweswar Tudu
- 8 Shri Prabhubhai Nagarbai Vasava

RAJYA SABHA

- 9 Shri G.C. Chandrashekhar
- 10 Shri Anil Jain
- 11 Shri Ahmad Ashfaque Karim
- 12 Shri M. V. Shreyams Kumar
- 13 Shri Jaiprakash Nishad
- 14 Shri Anthiyur P. Selvarasu
- 15 Shri Arun singh

SECRETARIAT

1. Shri Manoj Kumar Arora - Officer on Special Duty(LSS)
2. Shri N. K. Jha - Director
3. Shri C. Kalyanasundaram - Additional Director
4. Shri Panna Lal - Under Secretary

Part I

1. At the outset, Hon'ble Chairperson welcomed the Members of the Committee and informed the Members that the sitting had been convened to consider and select two additional subjects for examination and report, in addition to the subjects already selected, during the year 2020-21. Accordingly, the Committee decided to select the following two additional subjects for examination and report during 2020-21:-

- (i) "Availability of Medicines and Medical devices for COVID management."
- (ii) "Fertilizer prices and availability of DAP."

2. Hon'ble Chairperson also informed the Members that the Hon'ble Speaker has referred the 'The National Institute of Pharmaceuticals Education and Research (Amendment) Bill, 2021' to the Committee on 16th April, 2021 for examination and report within three months. Since the sittings of the Committee could not be held due to extraordinary situation prevailed due to the second wave of COVID pandemic in the country, Committee felt that more time is required for examination and report on the Bill and hence decided to request the Hon'ble Speaker to grant three months extension of time to present the Report on the Bill.

Part-II

Briefing by the representatives of Department of Pharmaceuticals on The National Institute of Pharmaceuticals Education and Research (Amendment) Bill, 2021'

LIST OF WITNESSES

I. MINISTRY OF CHEMICALS AND FERTILIZERS (DEPARTMENT OF PHARMACEUTICALS)

S.No	Name of the Officer/Officials	Designation
1.	Ms S. Aparna	Secretary
2.	Sh. Rajneesh Tingal	Joint Secretary
3.	Shri Krishna Pilli	Director

II REPRESENTATIVE OF NIPER

1. Dr. U S N Murty Director (NIPER-Guwahati)

3. Thereafter, representatives of the Ministry of Chemicals & Fertilizers (Department of Pharmaceuticals) and other officials were invited to the sitting to brief the Committee on the National Institute of Pharmaceuticals Education and Research (Amendment) Bill, 2021. Their attention was invited to the provisions contained in Direction 55(1) of the Directions by the Speaker regarding confidentiality of the Committee's proceedings.

4. After the witnesses introduced themselves, Secretary of the Department of Pharmaceuticals made power point presentation and briefed the Committee on the Bill. After the briefing, Chairperson and Members of the Committee raised various queries on the Bill which were answered by the Secretary and other witnesses. The following were the important Points discussed during briefing:-

- I. Omission of SC & ST members from the Board of Governors of the Institute in the Bill.
 - II. Creation of a Council to coordinate the activities of all seven NIPERs
 - III. Intake capacity of the NIPERs and need to enhance the same.
 - IV. Importance of plant based medicine development and traditional medicine.
 - V. New provision in the Bill to empower the Government of India to issue directions to the NIPERs.
 - VI. Promotion of R&D and drug discovery by collaborating with Ministry of AYUSH and Ministry of Health and Family Welfare.
 - VII. Timely Completion of Construction of own campuses for NIPERs to avoid cost overruns. Etc.
 - VIII. Delays in setting up of new NIPERs.
5. The Secretary, Department of Pharmaceuticals and other officials responded to the aforesaid issues raised by the Committee.
 6. The Chairperson thanked the witnesses for appearing before the Committee as well as for furnishing valuable information to the Committee. They were also asked to provide written replies to questions asked by the Members during discussion.
 7. A copy of the verbatim record of the proceedings of the sitting has been kept.

The Committee then adjourned.

**MINUTES OF THE NINTH SITTING OF THE
STANDING COMMITTEE ON CHEMICALS & FERTILIZERS
(2020-21)**

The Committee sat on Thursday, the 29th July, 2021 from 1015 hrs. to 1045 hrs. in Committee Room B, Parliament House Annexe, New Delhi.

PRESENT

Ms Kanimozhi Karunanidhi- Chairperson

MEMBERS

LOK SABHA

2. Shri Deepak Baij
3. Shri Prataprao Patil Chikhalikar
4. Shri Kripanath Mallah
5. Shri Satyadev Pachauri
6. Dr. M. K. Vishnu Prasad
7. Shri Arun Kumar Sagar
8. Shri M. Selvaraj
9. Shri Uday Pratap Singh
10. Shri Indra Hang Subba
11. Shri Prabhubhai Nagarbhai Vasava
12. Shri G. C. Chandrashekhar
13. Dr. Anil Jain
14. Shri M. V. Shreyams Kumar
15. Shri Jaiprakash Nishad
16. Shri Anthiyur P. Selvarasu
17. Shri Arun Singh
18. Shri Vijay Pal Singh Tomar
19. Shri K. Vanlalvena

SECRETARIAT

1. Shri Manoj K. Arora - OSD
2. Shri N. K. Jha - Director
3. Shri C. Kalyanasundaram - Additional Director
4. Shri Kulvinder Singh - Deputy Secretary

2. At the outset, the Hon'ble Chairperson welcomed the Members of the Committee to the sitting.

3. The Committee then took up for consideration and adoption the draft Report on "The National Institute of Pharmaceutical Education and Research (Amendment) Bill, 2021" (Department of Pharmaceuticals).

4. After deliberations, the Draft Report on NIPER (Amendment), Bill 2021, was unanimously adopted by the Committee without any amendment.

5. The Committee authorised the Chairperson to make consequential changes, if any, arising out of the factual verification of the Report by the Ministry of Chemicals and Fertilizers (Department of Pharmaceuticals) and present the same to both the Houses of Parliament.

The Committee then adjourned.