

Technology Development Board Act, 1995

Chapter V - Miscellaneous

(1) An industrial concern or an institution receiving financial assistance from the Board shall furnish returns to the Board in such form and at such time as may be determined by regulations.

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

Section 16 - Power of the Central Government to issue direction

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

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

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

Section 17 - Power of Central Government to supersede the Board

(1) If at any time the Central Government is of opinion-

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

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

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

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

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

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

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

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

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

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

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

Section 18 - Delegation

The Board may, by general or special order in writing, delegate to the Chairperson or any other member or to any officer of the Board Subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act (except the power under section 22) as it may deem necessary.

Section 19 - Members officers and employees of the Board to be public servants

All members, officer and other employees of the Board shall be deemed, when acting or purporting to act in pursuance of the Board shall be deemed, when acting or purporting to act pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.(45 of 1860)

Section 20 - Protection of action taken in good faith

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

Section 21 - Power of Central Government to make Rules

- (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.
- (2) Without prejudice to the generality of the forgoing power, such rules may provide for all or any of the following matters, namely:-
- (a) the number of members of the Board under clause (g) of sub-section (3) of section 3;
 - (b) the term of office and other conditions of service of the members of the Board, under sub-section (4) of section 3;
 - (c) the powers and duties of the Chairperson under sub-section (5) of section 3;
 - (d) the constitution of committees under sub-section (1) of section 5;
 - (e) the form of application under sub-section (1) of section 7;
 - (g) the form in which, and the time at which the Board shall prepare its budget under section 11 and its annual report under section 12;
 - (g) the form of annual statement of accounts under sub-section (1) of section 13 and the date before which the audited copy of the accounts may be furnished to the Central Government under sub-section (4) of that section;
 - (h) any other matter which is to be, or may be, prescribed or in respect of which provision is to be or may be, made by rules.

Section 22 - Power of Board to make regulations

- (1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules generally to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the fore going power, such regulations may provide for all or any of the following matters, namely:-
- (a) the terms and conditions of service of the Secretary and other officers and employees of the Board under sub-section (2) of section 4;
 - (b) the conditions subject to which equity capital may be provided by the Board under clause (a) of section 6;
 - (c) the form in which and the time at which the returns may be furnished to the Board under sub-section (1) of section 15.

Section 23 - Rules and regulations to be laid before Parliament

Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

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