

INDIAN COUNCIL OF WORLD AFFAIRS ACT, 2001

29 of 2001

[September 3, 2001]

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Prefatory Note Statement of Objects and Reasons. The Indian Council of World Affairs (ICWA) was established in Delhi in 1943, under the Societies Registration Act, 1860. Amongst others, the objects of the Council include promoting study of Indian and International Affairs. Within a few years of its establishment, the Indian Council of World Affairs became a world renowned institution providing outstanding facilities for study and research. Also, the Sapru House Library became one of India's premier libraries, and the Indian Council of World Affairs became a distinguished forum for Indian and foreign dignitaries to speak on foreign policy issues.

2. It was from 1981 that the Society's functioning witnesses marked deterioration, and in consequence, the institution started losing its standing. Academics, students and intellectuals distanced themselves from the affairs of the Council. There then also occurred many violations of the terms of the lease of land given by the Government to the Indian Council of World Affairs, The premises of the Council were sublet to other organizations and non-payment of dues to the Government mounted. Complaints were also received by the Government about deterioration in the maintenance of the Council Library. Since then, there have been consistent demands for intervention of the Government.

3. In order to check further deterioration of this important institution and to provide for its re-italization, the Indian Council of World Affairs Ordinance, 2000 (Ord. 3 of 2000) was promulgated by the President on September 1, 2000. This Ordinance, inter alia, provides for declaration of the Indian Council of World Affairs as an institution of national importance, its incorporation, a broad-based composition and provision for financial assistance.

4. The Indian Council of World Affairs Bill, 2000 to replace the Indian Council of World Affairs Ordinance, 2000 was introduced in the Lok Sabha during the Winter Session of Parliament. The Bill was considered and passed by the Lok Sabha on 18th December, 2000. The Bill was listed for consideration in the Rajya Sabha on 21st December, 2000, but, before it could be taken up for consideration, the Rajya Sabha was adjourned. The Indian Council of World Affairs Ordinance, 2000 lapsed after the expiration of six weeks from the date of re-assembly of Parliament. In order to maintain continuity of action, the Indian Council of World Affairs Ordinance, 2001 (Ord. 1 of 2001) was promulgated on 5th January, 2001.

5. The Government decided to withdraw the Indian Council of World Affairs Bill, 2000

from the Rajya Sabha and introduce the Indian Council of World Affairs Bill, 2001 to replace the Indian Council of World Affairs Ordinance, 2001 in the Lok Sabha, during the Budget Session of Parliament. Owing to repeated adjournment of the two Houses of Parliament, the Indian Council of World Affairs Bill, 2000 could be neither withdrawn, nor the Indian Council of World Affairs Bill, 2001 could be introduced in Parliament. Accordingly, the Indian Council of World Affairs Ordinance, 2001 (Ord. 1 of 2001) also lapsed upon the expiry of six weeks from the re-assembly of Parliament. In order to maintain continuity of Government action, and as Parliament was not in session, and since there was urgency, the Indian Council of World Affairs (Second) Ordinance, 2001 (Ord. 3 of 2001) was promulgated by the President on 8th May, 2001. 6. The Indian Council of World Affairs Bill, 2001 seeks to replace the Indian Council of World Affairs (Second) Ordinance, 2001 with certain modifications mainly pertaining to composition of the Council. The proposed Council is much more broad-based. The President of the Council would now be the Vice-President of India, ex officio and other members of the Council include Members of Parliament nominated by the Speaker of the Lok Sabha and Chairman of the Rajya Sabha. 7. The Indian Council of World Affairs Bill, 2001 seeks to replace the Indian Council of World Affairs (Second) Ordinance, 2001 with above modifications.

1. Short title and commencement. :-

(1) This Act may be called the Indian Council of World Affairs Act, 2001.¹

(2) Save as otherwise provided in this Act, it shall be deemed to have come into force on the 1st day of September, 2000.

1. Received the assent of the President on September 3, 2001 and published in the Gazette of India, Extra., Part II, Section 1, dated 3rd September, 2001, pp.1-8. No.36

2. Declaration of the Indian Council of World Affairs as institution of national importance. :-

Whereas the objects of the Indian Council of World Affairs, a society registered under the Societies Registration Act, 1860 (21 of 1860) are such as to make the institution one of national importance, it is here by declared that the institution, known as the Indian Council of World Affairs, is an institution of national importance.

3. Definitions. :-

In this Act, unless the context otherwise requires,

- (a) "appointed day" means the date of commencement of this Act;
- (b) "Chairperson" means the Chairperson of the Governing Body;
- (c) "Council" means the Indian Council of World Affairs incorporated under Section 4 ;
- (d) "Director-General" means the Director-General of the Council;
- (e) "existing Council" means the Indian Council of World Affairs, a society registered under the Societies Registration Act, 1860 (21 of 1860) and functioning as such immediately before the appointed day;
- (f) "Fund" means the Fund of the Council referred to in Section 18 ;
- (g) "Governing Body" means the Governing Body of the Council;
- (h) "member" means a member of the Council and includes the President and Vice-President;
- (i) "President" means the President of the Council;
- (j) "regulations" means the regulations made under this Act;
- (k) "rules" means the rules made under this Act;
- (l) "Vice-Presidents" means the Vice-presidents of the Council.

4. Incorporation of the Council. :-

(1) The Indian Council of World Affairs is hereby constituted as a body corporate by the name of the Indian Council of World Affairs and as such body corporate it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by that name sue and be sued.

(2) The head office of the Council shall be at Delhi and the Council may, with the previous approval of the Central Government, establish branches at other places in India.

5. Transfer of assets and liabilities of the existing Council to the Council. :-

(1) On and from the appointed day,

(a) all properties and other assets vested in the existing Council immediately before that day, shall vest in the Council;

(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the existing Council immediately before that day for or in connection with the purposes of the existing Council, shall be deemed to have been incurred, entered into and engaged to be done by, with or for the Council;

(c) all sums of money due to the existing Council, immediately before that day, shall be deemed to be due to the Council;

(d) all suits and other legal proceedings instituted or which could have been instituted by or against the existing Council, immediately before that day, may be continued or instituted by or against the Council; and

(e) every employee holding any office under the existing Council immediately before that day, shall, on that day, hold his office or service under the Council with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting; and shall continue to do so unless and until his employment under the Council is duly terminated or until his remuneration and other conditions of service are duly altered by the Council.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or in any other law for the time being in force, the absorption of any employee by the Council in its regular service under this section shall not entitle such employee to any compensation under that Act or any other law and no such claim shall be entertained by any court, tribunal or other authority.

6. Obligation to transfer property or assets. :-

(1) Every person having possession, custody or control of property forming part of the properties and other assets referred to in clause (a) of sub-section (1) of Section 5 shall deliver forthwith such property to the Director-General.

(2) Any person in charge of the property and other assets of the existing Council immediately before the commencement of this Act shall, within ten days from that day, furnish to the Director-General

a complete inventory of all properties and assets (including particulars of book debts and investments and belongings) immediately before the commencement of this Act and also of all agreements entered into by the existing Council or any person on its behalf.

7. Composition of die Council. :-

(1) On and from the 1st day of September, 2001 and until the appointment of date under sub-section (2), the Council shall consist of the following members, namely:

(a) the Vice-President of India, who shall be President, ex officio;

(b) the Prime Minister of India;

(c) the Speaker of the Lok Sabha;

(d) the Leader of the House, Rajya Sabha;

(e) the Leader of the Opposition, Lok Sabha;

(f) the Leader of the Opposition, Rajya Sabha.

(2) On and from such date as may be appointed by the Central Government by notification in the Official Gazette,¹[* * *] the Council shall consist of the following members, namely:

(a) the Vice-president of India, who shall be the President, ex officio;

(b) three Vice-Presidents to be nominated, in the first instance by the Council constituted under sub-section (1) and thereafter by the Council constituted under this sub-section;

² (c) Director-General, ex officio Member-Secretary;

(d) five members of the Lok Sabha to be nominated by the Speaker of the Lok Sabha and three members of the Rajya Sabha to be nominated by the Chairman of the Rajya Sabha;

(e) seven members, who are distinguished in the field of diplomacy, international affairs, international law. Multilateral or United Nations affairs, security and disarmament to be nominated, in the first instance by the Council constituted under sub-section (1) and thereafter by the Council constituted under this sub-section;

(f) seven members, who are representatives (of which at least two shall be the Vice-Chancellors) of Universities or research institutions of higher learning from amongst experts in the fields of history, economics and other social sciences to be nominated, in the first instance by the Council constituted under sub-section (1) and thereafter by the Council constituted under this sub-section;

(g) seven members, who are either media personalities or persons from organisations such as India International Centre, Centre for Policy Research, Indian Council of Social Science Research, Institute of Defence Studies and Analyses, Indian Council of Cultural Relations, and interested in the work and objectives of the Council to be nominated by the Governing Body of the Council;

(h) five members from Business or Chambers of Commerce, Federation of Indian Chambers of Commerce and Industry, Confederation of Indian Industry, Associated Chambers of Commerce and Industry of India, Federation of Indian Export Organisations to be nominated by the Governing Body of the Council;

(i) three members from the Ministry of External Affairs, ex officio [Foreign Secretary, Financial Advisor, and Dean (Foreign Service Institute)], Body;

(j) five members to be nominated by the Central Government to represent respectively the Ministries of the Central Government dealing with Education, Culture, Urban Development, Science and Technology and Defence, ex officio.

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

(4) A person shall be disqualified for being nominated or selected as a member if he

(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

(b) is an undischarged insolvent; or

(c) is of unsound mind and stands so declared by a competent court.

1. Omitted by Indian Council of World Affairs (Amendment) Act, 2003 [No. 5 OF 2004] [January 7, 2004]
2. Substituted by Indian Council of World Affairs (Amendment) Act, 2003 [No. 5 OF 2004] [January 7, 2004]

8. Term of Office and vacancies among members. :-

(1) Save as otherwise provided in this section, the term of office of a member shall be three years from the date of his nomination.

(2) The term of office of the member nominated to fill a casual vacancy shall continue for remainder of the term of the member in whose place he is nominated.

(3) A member shall, unless the Central Government otherwise directs, continue in office until another person is nominated as a member in his place.

(4) The Central Government shall remove a member if he (a) becomes subject to any of the disqualifications mentioned in sub-section (4) of Section 7 ; or (b) refuses to act or becomes incapable of acting; or (c) is, without obtaining leave of absence from the Council, absent from three consecutive meetings of the Council; or (d) in the opinion of the Central Government, has so abused his position as to render his continuance in office detrimental to the public interest: Provided that no member shall be removed under this clause unless he has been given a reasonable opportunity of being heard in the matter.

(5) A member shall, unless disqualified under sub-section (4) of Section 7 , be eligible for re-nomination.

(6) A member may resign from his office by writing under his hand addressed to the Central Government but shall continue in his office until his resignation is accepted by that Government.

(7) The manner of filling vacancies among members shall be such as may be prescribed by rules.

9. Powers and functions of President. :-

The President shall exercise such powers and discharge such functions as are laid down in this Act or as may be prescribed by rules.

10. Powers and functions of Vice-Presidents. :-

The Vice-Presidents shall exercise such of the powers and perform such of the functions of the President as may be prescribed by rules

or as may be delegated to him by the President.

11. Allowances of members. :-

Members shall receive such allowances, if any, from the Council as may be prescribed by rules.

12. Meetings of Council. :-

The Council shall hold its first meeting at such time and place as may be appointed by the Central Government and shall observe such rules of procedure in regard to the transaction of business at the first meeting as may be laid down by that Government; and thereafter the Council shall meet at such times and places and observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by regulations.

13. Objects of Council. :-

The objects of the Council shall be

(a) to promote the study of Indian and international affairs so as to develop a body of informed opinion on international matters;

(b) to promote India's relations with other countries through study, research, discussion, lectures, exchange of ideas and information with other organisations within and outside India engaged in similar activities;

(c) to serve as a clearing house of information and knowledge regarding world affairs;

(d) to publish books, periodicals, journals, reviews, papers, pamphlets and other literature on subjects covered under clauses (a) and (b);

(e) to establish contacts with organisations promoting objects mentioned in this section;

(j) to arrange conferences and seminars to discuss and study the Indian policy towards international affairs; and

(g) to undertake such other activities for the promotion of ideas and attainment of the abovementioned objects.

14. Governing Body and other committees of Council. :-

(1) There shall be a Governing Body of the Council which shall be constituted by the Council.

(2) The Governing Body shall be the executive committee of the

Council and shall exercise such powers and discharge such functions as the Council may, by regulations made in this behalf, confer or impose upon it.

(3) On and from such date as may be appointed by the Central Government by notification in the Official Gazette, the Vice-President of India, ex officio shall be the Chairperson of the Governing Body and shall exercise such powers and discharge such functions as may be prescribed by regulations.

(4) The procedure to be followed by the Governing Body in the exercise of its powers and discharge of its functions and the term of office of, and the manner of filling vacancies among the members of the Governing Body, shall be such as may be prescribed by regulations.

(5) Subject to such control and restrictions as may be prescribed by rules, the Council may constitute as many standing committees and as many ad hoc committees as it thinks fit for exercising any power or discharging any function of the Council or for inquiring into, or reporting or advising upon, any matter which the Council may refer to them.

(6) The Chairperson and members of the Governing Body or a standing committee or an ad hoc committee shall receive such allowances as may be prescribed by regulations.

15. Staff of Council. :-

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(1) There shall be a Director-General of the Council who shall, before a Council is constituted under sub-section (2) of Section 7, be appointed by the Council constituted under sub-section (1) of that section and thereafter during the tenure of a Council constituted under sub-section (2) of Section 7, by that Council.

(1-A) Every appointment of the Director-General under sub-section (1) shall be made from a panel of at least two names recommended by the Government of India in the Ministry of External Affairs.

(1-B) The Director-General shall be the chief executive officer of the Council.

(1-C) The Director-General shall be at least equivalent to the rank of Additional Secretary to the Government of India and shall have a tenure not exceeding three years.

(2) The Director-General shall act as ex officio Member-Secretary to the Council, its Governing Body and other bodies and Committees thereof.

(3) The Director-General shall exercise such powers and discharge such functions as may be prescribed by regulations or as may be delegated to him by the Council or the President or the Governing Body or the Chairperson.

(4) The Financial Advisor of the Ministry of External Affairs shall be the Financial Advisor of the Council.

(5) Subject to such rules as may be made in this behalf, the Council may appoint such number of other officers and employees as may be necessary for the exercise of its powers and efficient discharge of its functions and may determine the designations and grades of such other officers and employees.

(6) Subject to such rules as may be made in this behalf, the Director-General and other officers and employees of the Council shall be entitled to such salary and allowances and shall be governed by such conditions of service in respect of leave, pension, gratuity, provident fund and other matters, as may be prescribed by regulations made in this behalf.

1. Substituted by Indian Council of World Affairs (Amendment) Act, 2003 [No. 5 OF 2004] [January 7, 2004]

16. Functions of Council. :-

The Council shall undertake various plans to promote, organise and implement various programmes for efficiently achieving the objects of the Council specified in Section 13 and shall also perform such other functions as the Central Government may, by rules, prescribe.

17. Payment to Council. :-

The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Council in each financial year such sums as may be considered necessary for the exercise of powers and efficient discharge of functions of the Council under this Act.

18. Fund of Council. :-

(1) The Council shall maintain a Fund to which shall be credited to
(a) all moneys received from the Central Government; (b) all

moneys received by the Council by way of grants, gifts, donations, benefactions, bequests or transfers; and (c) all moneys received by the Council in any other manner or from any other source.

(2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Council may, subject to the approval of the Central Government, decide.

(3) The Fund shall be applied towards meeting the administrative and other expenses of the Council, including expenses incurred in the exercise of its powers and discharge of its functions under Section 16 or in relation to any of the activities referred to therein or for anything relatable thereto.

19. Budget of Council. :-

The Council shall prepare, in such form and at such time every year, as may be prescribed by rules, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Council and shall forward to the Central Government such number of copies thereof as may be prescribed by rules.

20. Accounts and audit. :-

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

(2) The accounts of the Council 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 Council 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 Council 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 office or offices of the Council.

(4) The accounts of the Council 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.

21. Annual Report. :-

The Council shall prepare every year, in such form and at such time as may be prescribed by rules, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

22. Authentication of orders and instruments of Council. :-

All orders and decisions of the Council shall be authenticated by the signature of the President or the Vice-President and all other instruments issued by the Council shall be authenticated by the signature of the Director-General or any other officer of the Council authorised by the Council in this behalf.

23. Vacancy, etc. not to invalidate proceedings of the Council. :-

No act or proceeding of the Council, Governing Body or any standing or ad hoc committee under this Act shall be invalid merely by reason of

(a) any vacancy in, or any defect in the constitution of, the Council; or

(b) any defect in the appointment of a person acting as a member of the Council; or

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

23A. Transitory provision :-

¹ For the removal of doubts, it is hereby declared that till the constitution of a Council in terms of sub-section (2) of Section 7, the Council referred to in sub-section (1) thereof shall be deemed to have been a Council for the purposes of this Act notwithstanding anything contrary contained in any provision of this Act:

Provided that anything done or any action taken or any proceeding

initiated under any provision of this Act or rules or regulations made thereunder shall not be called in question before any court or other authority because of non-existence of a Council in terms of sub-section (2) of Section 7.

1. Inserted by Indian Council of World Affairs (Amendment) Act, 2003 [No. 5 OF 2004] [January 7, 2004]

24. Reports, returns and information. :-

The Council shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.

25. Power 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) 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 members under sub-section (7) of Section 8 ;

(b) the powers and functions to be exercised and discharged by the President and the Vice-Presidents under section 9 and Section 10 , as the case may be;

(c) the allowances to be paid to the members under Section 11 ;

(d) the control and restrictions in relation to the constitution of standing and ad hoc committees under sub-section (5) of Section 14 ;

(e) the number of other officers and employees that may be appointed by the Council and the manner of such appointment under sub-section (5) of Section 15 ;

(f) the salaries and allowances payable to the Director-General and other officers and employees of the Council under sub-section (6) of Section 15 ;

(g) such other functions to be performed by the Council under Section 16 ;

(h) the form in which and the time at which the budget shall be prepared by the Council and the number of copies thereof to be

forwarded to the Central Government under Section 19 ;

(i) the form in which an annual statement of accounts including the balance-sheet shall be prepared by the Council under sub-section (1) of Section 20 ;

(j) the form in which and the time at which the annual report of the activities of the Council shall be submitted to the Central Government under Section 21 ;

(k) any other matter which has to be or may be prescribed by rules.

26. Power to make regulations. :-

(1) The Council may make regulations consistent with the provisions of this Act and the rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely: (a) the summoning and holding of meetings, other than the first meeting of the Council, the time and place where such meetings are to be held and the transaction of business at such meetings under Section 12 ; (b) the powers and functions to be exercised and discharged by the Governing Body and the Chairperson under sub-sections (2) and (3) of Section 14 ; (c) the procedure to be followed by the Governing Body in exercise of its powers and discharge of its functions and the term of office of, and the manner of filling vacancies among, the members of the Governing Body under sub-section (4) of Section 14 ; (d) the allowances to be paid to the Chairperson and members of the Governing Body, standing and ad hoc committees under sub-section (6) of Section 14 ; (e) the powers and functions to be exercised and discharged by the Director-General under sub-section (3) of Section 15 ; (f) the conditions of service of the Director-General and other officers and employees of the Council under sub-section (6) of Section 15 ; (g) any other matter which has to be or may be prescribed by regulations.

(3) Notwithstanding anything contained in sub-section (1), the first regulations under this Act shall be made by the Governing Body and any regulations so made may be altered or rescinded by the Council in exercise of its powers under sub-section (1).

27. Rules and regulations to be laid before Parliament. :-

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

28. Power to remove difficulties. :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty : Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

28A. Power to remove difficulties :-

1 .-

(1) If any difficulty arises in giving effect to the provisions of the Indian Council of World Affairs (Amendment) Act, 2003. the Central Government may, by order, do anything not inconsistent with such provisions for the purpose of removing the difficulty :

Provided that no such order shall be made after the expiry of a period of two years from the commencement of the Indian Council of World Affairs (Amendment) Act, 2003.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

1. Inserted by Indian Council of World Affairs (Amendment) Act, 2003 [No. 5 OF 2004] [January 7, 2004]

29. Repeal and saving. :-

(1) The Indian Council of World Affairs (Second) Ordinance, 2001 (Ordinance 3 of 2001) is hereby repealed. (2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.