

Bye-laws

I. COUNCIL, MEETINGS AND PROCEEDINGS

1.1 Meetings

Meetings of the Council shall be held once in every quarter and there should not be less than four meetings in a year. The meetings shall be convened by the Director of the Institute in consultation with the Chairman in accordance with the convenience of the majority members of the Council. An extra-ordinary meeting shall be convened on the written requisition of at least three members of the Council within 15 days of the receipt of any such requisition.

1.2 Place of Meeting

The meeting of the Council shall be held alternately at Calcutta and Bombay unless the Council decides otherwise with regard to any particular meeting. This shall apply to extraordinary meeting also.

1.3 Agenda and Notice

The Agenda and Notice of the meeting shall be prepared by the Registrar in consultation with the Director and circulated by the Registrar at least seven days in advance before the date of the meeting. In the event of non-receipt of a Notice by a member, the proceedings of the meeting to which the Notice relates shall not be invalidated. Any item proposed by Chairman or any Member of the Council shall form part of the Agenda.

1.4 Quorum and Procedure

Five members shall form a quorum and all matters shall be decided by a majority of votes of the members present. In the event of a tie the Chairman shall have a second or a casting vote.

1.5 Powers of the Chairman or Chairman of the Meeting

The Chairman of the Council shall preside at all meetings of the Council. In the absence of the Chairman the Members present shall elect one from among themselves to preside at the meeting. Besides presiding over meetings of the Council, the Chairman shall have such other powers as are delegated to him by the Council.

1.6 Minutes

The Registrar shall keep the minutes of the meetings of the Council, and send a copy of the minutes of every such meeting, as early as possible, to the address of every Member.

1.7 Vacancy

When a vacancy occurs in the office of a member of the Council through death, resignation or any other cause, the Registrar shall, as soon as possible, notify the vacancy to the nominating authority concerned requesting it to nominate a member to fill the vacancy.

1.8 Committees of the Council

The Council may appoint Committees from amongst its own Members or the staff of the Institute or persons from outside or all and may assign to such Committees such powers and duties as are in accordance with the Rules and Bye-Laws of the Institute.

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II. FINANCE AND ACCOUNTS

2.1 Accounts

The Registrar shall be responsible for the accounts of the Institute.

2.2 Receipts

The Council shall open and maintain in the name of the Saha Institute of Nuclear Physics one or more Accounts at the State Bank of India or its subsidiaries or any of the nationalized banks and shall always forthwith pay or cause to be paid all income and receipt of the Institute including all capital income and receipts, to the credit of the said account or accounts.

Also all surplus funds of the Institute, not immediately required for expenditure, may be deposited with the State Bank of India or any of its subsidiaries or any of the nationalized banks on such terms as the Council may decide.

2.3.1 Deposits to and withdrawals from Banks

The aforesaid bank accounts (including Fixed Deposit Accounts) shall be operated upon in the following manner :

- a) All cash and cheques shall be paid into the Bank over the signature of any one of the following persons, namely :
 - (i) The Director
 - (ii) The Registrar
 - (iii) The Administrative Officer
 - (iv) Accounts Officer/Finance Officer
 - (v) An Officer nominated by Council
- b) All disbursements and withdrawal of cheques other withdrawal orders on the banks shall be signed by any two persons mentioned in (a) above, provided one of them must be as at (ii) or (iv) above.

2.3.2 Payment

Payment by or on behalf of the Institute exceeding Rs. 1000/- (Rupees one thousand only) shall ordinarily be made by cheques.

2.3.3 Endorsements

All bills for payment shall bear an endorsement "Passed for Payment", and the endorsement shall be signed by the Registrar or by an Officer of the Institute to whom the power has been delegated by the Director.

2.3.4 Permanent Advance

A permanent advance of a sum to be fixed from time to time by the Council may be kept by the Registrar for Cash Payment.

2.4.1 Financial Year

The financial year of the Institute shall be from 1st April of one Calendar year to 31st March of the next Calendar year.

2.4.2 Budget Estimates

The budget estimates for the ensuing year shall be finalized by the Council before the end of December according to the time schedule indicated by the Government of India. The budget will show under various heads :

- (i) The actual expenditure of the preceding year.
- (ii) The budget estimates for the current year.
- (iii) The actual expenditure up to the end of August or any month in the current year prescribed by the Government of India.
- (iv) The revised budget estimates for the current year.
- (v) The budget estimates for the ensuing year.

2.4.3 Sanction of Expenditure

All expenditure within the budget grant shall be approved and sanctioned by the Director or a Member or Members of the Staff to whom the power has been delegated by the Director with the approval of the Council. The Director shall have the power to make re-appropriation subject to the following conditions :

- (i) Re-appropriation to augment the provision under the head "Salaries, Allowances and P.F. Contributions" shall require the prior consent of the Council.
- (ii) No re-appropriation shall be made without prior consent of the Council from the head of capital expenditure to the head of revenue expenditure and vice versa.
- (iii) Re-appropriations within the heads of capital expenditure to cover expenditure on a new project not included in the budget shall require the prior consent of the Council.

III. CREATION OF POSTS, PROCEDURES FOR RECRUITMENT AND PROMOTION AND CLASSIFICATION OF POSTS

3.1.1 Creation of Post

The Council shall have the authority to create any post or posts as it may deem necessary subject to availability of funds.

3.2.1 Recruitment & Promotion

Appointments of Scientific and Technical Staff below the rank of Reader and appointments to auxiliary staff below the rank of Registrar shall be made by the Director, SINP. The Director may delegate his powers of appointment to any Member of the Staff of the Institute with prior approval of the Council.

3.2.2 Procedure for Recruitment and Promotion

Procedure and norms for recruitment of candidates to different posts and for promotion and grant of Advance Increments shall be laid down by the Director with the approval of the Council.

3.3 Classification

The employees of the Institute will be placed in one of the four following categories :

- (i) Scientific
- (ii) Technical
- (iii) Administrative
- (iv) Auxiliary

The decision of the Council regarding categorization shall be final.

3.4 Special Appointments

The Council may on the recommendations of the Director create ex-cadre posts for special appointments on terms and conditions to be prescribed by the Council in this behalf.

3.5 Visiting Appointments

Appointment of visiting Scientists/Technologists/ Engineers shall be made by the Director on the terms and conditions to be prescribed by the Council in this behalf.

3.6 Honorary Professors

The Council may on the recommendations of the Director appoint Honorary Professors. Honorary Professorship may be offered by the Council to eminent scholars in recognition of their distinguished contribution to knowledge on subjects in which the Institute is interested or to persons who have rendered valuable service to the Institute. Honorary professors shall enjoy such privileges as may be decided by the Council from time to time.

IV. TERMS OF APPOINTMENT

4.1 Physical Fitness

Each employee shall produce a certificate of physical fitness from a Medical Officer nominated by the Director before appointment and may at any time be required to submit himself to such medical examination as the Director may decide during the course of his service.

4.2 Probation

Save as otherwise expressly provided, each employee shall be given a letter of appointment embodying the terms and conditions of appointment and on appointment shall be put on probation for a period of one year. The Appointing Authority may extend, reduce or waive the period of probation for special reasons provided that it may not be extended for more than a total probationary period of two years. During the period of probation the service of an employee may be terminated by the Appointing Authority without assigning any reason and without notice unless otherwise provided in the letter of appointment.

4.3.1 Tenure

Save as otherwise expressly provided, in Rules 12 and 15 of Rule as of SINP each employee may, after satisfactory completion of the probationary period and subject to a confirmatory declaration, be provided a continuing appointment in the Institute upto the date of superannuation. The date of superannuation in respect of Scientific and Technical staff shall be on attaining age of 60 years, provided that for special reasons, extension of service may be granted by the Council to the Scientific and Technical Staff up to the age of 65 years, subject to their being fit in all respects. Such extensions shall not however be given for more than two years at a time.

4.3.2 In the case of administrative and auxiliary staff, the age of retirement shall be 60 years. No extension will be allowed beyond the age of 60 years to these categories of staff.

4.3.3 Every employee shall retire from services of the institute on the afternoon of the last day of month, in which he attains the age of retirement.

4.4 Emoluments

The Council shall fix the scales of pay, allowances and other benefits for the employees of the institute from time to time in accordance with the guidelines laid down by the Govt. of India and subject to the provision of funds in the approved budget estimate.

4.4.1 Each employee shall be paid the salary for the post every month so long he is in the service of the institute and satisfactorily carries out his duties.

4.4.2 The increment in the time scale of pay of an employee will fall due on the first of the month in which he completes 12 months at the current stage in the scale of pay unless the date of increment has been rationalised under extant rules of the Institute governing increments, provided that this order will not apply to cases where increments are withheld as a measure of penalty, under the order of the Appointing Authority in accordance with the procedure prescribed for the purpose.

4.4.3 The Appointing authority may stop an employee at an Efficiency Bar in the pay scale for any period of time and the same shall not constitute a penalty.

4.5 Obedience to Rules, Bye-Laws and Standing Orders

4.5.1 During the period of his service every employee shall observe, obey and abide by the rules, bye-laws and standing orders made from time to time by the Council and Standing orders issued by the Director and other competent authorities.

4.5.2 Each employee shall perform to the best of his ability all the duties pertaining to his post and shall carry out any lawful directions given to him by the Council in the case of the Director and in other cases by the Director or by any other person to whom the power to give such directions has been given expressly or impliedly.

4.5.3 No employee will be entitled to leave the place of duty during his duty period and nobody will be entitled to leave without the permission of the Director or any other person to whom the power to give such permission has been given expressly or impliedly.

4.6 Wholetime service

- 4.6.1 Employees of the Institute shall be whole time workers and shall not, except with the previous sanction of the Director engage, directly or indirectly, any trade or business or undertake any other employment or hold any other office to which any salary or emolument or honorarium is attached or enter into any remunerative commitment or undertake remunerative lecture or examination work.

Provided that an employee may, without such sanction, but with the knowledge of the Director, undertake honorary work of a social or charitable nature or occasionally work of a literary, artistic or scientific character subject to the condition that his official duties do not thereby suffer; but he shall not undertake and shall discontinue such work if so directed by the Appointing Authority.

Explanation

Canvassing by an employee in support of the business of insurance agency, commission agency etc. owned or managed by his wife or any other member of his family be deemed to be a breach of this bye-law.

- 4.6.2 No employee shall, except with the previous sanction of the Council take part in the registration, promotion or management of any bank or any company or any firm registered under the Companies Act 1956 or any other law for the time being in force.

Provided that any employee may, with the approval of the Director, take part in the registration, promotion or management of a Cooperative Society registered under the Co-operative Societies Act of 1912 or any other law for the time being in force or a literary scientific or charitable society registered under the Society registration Act of 1860 or any other corresponding law in force.

4.6.3 Leave Rules and Holidays

- 4.6.3.1 Leave cannot be claimed as a matter of right. The employees of the Institute shall be granted leave in accordance with the Leave Rules framed by the Council from time to time.

- 4.6.3.2 An employee shall not, without the previous permission of the competent authority absent himself from duty except in the case of accident or illness certified by the competent medical authority prescribed by the Director and except in accordance with the Bye-laws regarding the leave applicable to him.

4.6.3.3 The Director or the member of the staff on whom the power has been delegated by him, may for urgent work require any member of the staff to work outside the usual working hours or may call any member of the staff to work on Sundays or other holidays. For such work, the Director may grant compensatory holidays or overtime allowance as per rules and orders made by the Council from time to time in that regard.

4.6.4 Travelling Allowance

4.6.4.1 Employees of the institute shall be governed by the schedule of T.A and D.A. Rules as may be framed by the Council from time to time.

4.6.4.2 Members of the Council and outside persons nominated as Members of Committees constituted by the Council shall be governed by the Rules regarding traveling and halting allowances as may be framed by the Council from time to time.

4.6.5 Taking part in politics and Election/Nomination

No employee shall take part in politics, or shall be a member of or otherwise be associated with any political party or any organization which takes part in politics. Nor shall he take part or subscribe in aid of or assist in any other manner in any political movement or activity. He shall also not offer himself for election or accept nomination to any local body, state legislature or parliament.

Provided that an employee qualified to vote at such election may exercise his right to vote and that he shall not be deemed to have contravened the provisions of this Bye-law by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Provided further that if any question arises whether any movement or activity falls within the scope of this Bye-Law, the decision of the Council thereon shall be final.

Provided further that an employee may offer himself for election as a member of an academic board or Committee of a university with the knowledge of the Director and the Director himself, with the knowledge of the Council.

4.6.6 Participation in demonstration, strike etc.

No employee shall (i) engage himself or participate in any demonstration which is prejudicial to the interests of the Institute; and (ii) resort to or in any way abet any form of strike in connection with any matter pertaining to his service or to the service of any other employee of the Institute.

4.6.7 Activities not conducive to the interests of the Institute

No employee shall, without the previous permission of the Council in the case of the Director, and without the previous permission of the Director in case of other employees shall (i) own wholly or in part, or conduct or participate, in the editing or management of any newspaper or periodical publication; (ii) join or continue to be a member of an association or organisation the activities of which are, in the opinion of the Council, prejudicial to the interests of the Institute; (iii) communicate, directly or indirectly, any document or information relating to the institute to any other person or persons to whom he is not authorized to communicate such document or information; (iv) publish a book or contribute an article or participate in a radio broadcast or write a letter to a newspaper or periodical provided that no such permission shall be required if the publication, contribution, broadcast or writing is of a purely literary, artistic or scientific character; and (v) no employee shall ask for or accept contributions to or otherwise associate himself with the raising of any funds or other collections in cash or in kind in pursuance of any object whatsoever except for objects specifically authorized by the Council.

4.7 Termination of Service

4.7.1 The Appointing Authority may terminate the services of any temporary employee provided that the services of an employee shall be terminated only after giving one month's notice or due notice as specified in the letter of appointment. Likewise the temporary employee shall give one month's notice of his intention to leave the service of the Institute or due notice in accordance with the terms of his appointment, subject to the condition that in no case the total period of notice shall be more than three months.

Provided that the Appointing Authority may terminate the services of a temporary employee by giving him a shorter notice than that specified hereinabove on payment to him of a sum equivalent to the salary and allowances for the period by which such notice falls short of the specified period.

Provided further that the Appointing Authority may accept a shorter period of notice from the temporary employee, who intends to leave the services of the Institute.

4.7.2 Review of Appeal against Termination Orders

A temporary employee, whose services have been terminated under Bye-Law No. 4.7.1 may submit, within thirty days from the date of such termination, a representation to the Council and the Council shall pass appropriate orders on it after due consideration.

4.8 Disciplinary Action

4.8.1 The Appointing Authority may discharge dismiss or otherwise punish an employee for any misconduct or for breach of any of the provisions laid down in the Rules and Bye-Laws and Standing Orders of the Institute made by the Council or the Director from time to time and as in the letter of appointment.

4.8.2 The Appointing Authority shall also have the power to suspend an employee and fix the rates of his Subsistence Allowance during the period of his suspension in the following cases :

- (a) Where disciplinary proceedings against the employee concerned are contemplated or are pending; or
- (b) Where a case against him in respect of any criminal offence is under investigation or inquiry or trial.

4.8.3 Procedure for Disciplinary Action

No order shall be passed under the Bye-Law No. 4.8.1 except in pursuance of an enquiry made in accordance with the following procedure

- (a) The Appointing Authority shall appraise the concerned employee of the allegation/imputation of misconduct and shall call for an explanation in writing in relation thereto.
- (b) Such explanation shall be submitted by the concerned employee within a fixed time, ordinarily not more than a month from the date of receipt of the show cause notice.
- (c) If such explanation is not found satisfactory by the Appointing Authority, specific charges shall be framed against the employee concerned and communicated to him. An enquiry shall be conducted if the charged employee denies the charges.

- (d) The enquiry shall be conducted in accordance with the principles of natural justice and fairness so that the charged employee shall have a reasonable opportunity of defending himself against the charges.

4.8.4 The requirements of (a), (b) and (c) in the Bye-Law No. 4.8.3 above may be waived if : (i) the facts on the basis of which disciplinary action is proposed to be taken have been established in a court of law ; or (ii) the employee has absconded ; or (iii) for any reason it is impracticable to communicate with him. The reasons for waiving the procedure laid down above shall be recorded in writing by the Appointing Authority.

4.8.5 (a) For the purpose of calling for an explanation or conducting an enquiry the Appointing Authority shall have the power to nominate any other officer of the Institute senior in rank to the officer enquired against to render assistance.

(b) If the enquiry has been conducted by an officer other than the Appointing Authority, a copy of the enquiry report should be furnished to the concerned employee by the Appointing Authority to enable him to make his submission in regard to the findings of the enquiry within a stipulated period. In cases where the enquiry officer's findings exonerate the charged employee and the Appointing Authority intends to disagree with such findings, he must record in writing his tentative opinion and communicate the same to the charged employee alongwith the enquiry report in order to afford a reasonable opportunity to the charged employee to make his submissions in that regard within a stipulated period.

(c) After due consideration of the charged employee's submissions to the enquiry report or his tentative opinion thereon, as the case may be, the action to be taken or the quantum of punishment to be imposed on the charged employee shall be decided by the Appointing Authority.

4.8.6 Appeal and Review

(1) An employee against whom a penalty order of punishment is passed shall have the right to make, within thirty days from the date of such a penalty order, a representation to the Council by way of an appeal against the order for reconsideration. In the case of a penalty order passed by the Council a review shall lie with it.

(2) Such representation shall be concise, polite and respectful in language and complete in all respects, specifying the relief desired. It shall be addressed to the Chairman of the Council and shall be sent through the Director and not direct.

(3) The Council shall consider the representation and pass appropriate orders on it after obtaining the views of the Director.

(4) In the case of full or partial exoneration of charges against an employee such order shall specify the amount of pay and allowances to be paid to the employee, if suspended during the period of enquiry and consideration of the representation.

(5) No further appeal shall lie against the orders of the Council as in Bye-Law No. 4.8.6(3) above.

(6) The Council may suo motu review any order of punishment passed by an Appointing Authority and after obtaining the views of the Director on the findings of the review, pass appropriate orders on it.

4.9 Retiring benefits

4.9.1 Provident Fund

Employees of the institute shall contribute to the Contributory Provident Fund in accordance with the Provident Fund Rules of the institute in force from time to time.

4.9.2(a) Gratuity

Employees of the Institute shall also be eligible to Gratuity in accordance with the Gratuity Rules of the institute in force from time to time.

4.9.2(b) Pension

Employees of the institute shall also be eligible to pension in accordance with the pension Rules of the institute governed by GPF Rules in force from time to time.

4.9.3 Others

The Council may formulate, as it may deem necessary, regulations regarding other benefits subject to funds being made available by the Government of India.

V. DUTIES AND FUNCTIONS OF OFFICERS OF THE INSTITUTE

5.1 Duties of the Director

5.1.1 Business of the institute

It shall be the duty of the Director to carry on the work of the Institute under the control of the Council in accordance with the Rules and Bye-laws for the administration and management of the institute. In cases of emergency, he may take such action as may be deemed necessary and report it to the Council.

5.1.2 Direction and Control of the staff

All members of the staff of the Institute shall be under the general control of the Director.

5.1.3 Supervision of work

The Director shall exercise general supervision over the programme of work and the research projects of the Institute.

5.1.4 Co-ordination of work

The Director may call for the general plan of work of each group at the beginning of each year and at any other time as he may consider necessary and co-ordinate the work of the various groups/Divisions in the Institute.

5.1.5 Annual Report

The Director shall submit to the Council the Annual Report of the Institute by the end of June each year.

5.2 Duties of Group Leaders/Heads of Divisions

A Group Leader/Head of Division shall discharge such duties and functions as may be assigned to him by the director.

5.3 Duties of Scientific Staff

5.3.1 Supervision

Professors, Associate Professors and Readers shall supervise and guide the work in their respective subjects under the general direction of the Director or a group Leader/Head of Division who has been so authorized by the Director.

5.3.2 Research programme

Every Professor or Associate Professor or Reader shall submit to the Director, from time to time or when called upon to do so, his research programme and that of the members of staff and students working with him.

5.3.3 Periodical Reports

Every member of scientific staff shall submit periodical reports of his work. There shall be not less than one such report in the course of each year.

5.3.4 Seminars, lectures

Every member of scientific staff shall hold or take part in seminars, besides giving lectures, and guidance to research workers attached to him.

5.3.5 Teaching Programme

Every Professor, Associate Professor, Reader and Lecturer shall participate in the Teaching Programme of the Institute and shall perform such duties and functions in this behalf as may be assigned to him by the Director.

5.3.6 Sanction for Research Work

All new schemes of research to be conducted at the institute which may involve any expenditure, shall be submitted to the Director through proper channel for sanction.

5.4 Duties of the Registrar

5.4.1 Secretarial Work

The Registrar shall act as the Secretary to the Council.

5.4.2 Work under the General Control of the Director

In all matters concerning the institute, the Registrar shall act under the General control and orders of the Director.

5.4.3 Correspondence

The Registrar shall be in charge of correspondence relating to the Institute, subject to instructions of the Director.

5.4.4 Office Management

The Registrar shall be in charge of the Administrative staff and the general maintenance staff of the Institute.

5.4.5 Maintenance of the premises

The Registrar shall look after the maintenance and upkeep of the premises and the property of the Institute.

5.4.6 Annual Budget Estimates

The Registrar shall prepare the Annual Budget Estimates of the institute for the Director, for submission to the Council.

5.5 Duties of other Employees

Other employees of the institute shall perform such duties and functions as may be assigned to them by the Director from time to time.

VI. STUDY, RESEARCH AND TEACHING

6.1 The Institute will carry out fundamental and applied researches in Nuclear and other Physical and Biological Sciences.

6.2 The Institute will organize teaching and training programmes as may be decided by the Council in accordance with rules and orders to be made from time to time.

VII. EXECUTION OF CONTRACTS AND OTHER INSTRUMENTS ON BEHALF OF THE INSTITUTE

7.1 Contract with Director

All contracts between the Institute and the Director shall to be signed by the Chairman or any other person authorized by the Council for the purpose.

7.2 Contracts with others

All other contracts by or on behalf of the institute shall be signed by the Director or by an officer of the institute empowered by him in this behalf.

VIII. DEPUTATIONS

Rules regarding depositions of employees of the Institute to attend Conferences, Symposia and other meetings or for other work in India and abroad will be framed by the Council from time to time.

IX. LEGAL AFFAIRS

All suits instituted by or on behalf of the Institute shall be in the name of the Council of the Institute. For the conduct of all such suits and for the defence in all suits brought against the Institute, the Registrar shall represent the Institute, sign the pleadings, receive summons, and take such other steps as may be necessary in connection with the suits under the general direction of the Council. In the event of a Suit filed by Registrar against the Institute, an officer nominated by the Council shall represent the Institute.

X. OTHER MATTERS FOR THE ADMINISTRATION AND MANAGEMENT OF THE INSTITUTE

10.1 Finance Committee

There shall be a Finance Committee of the Institute. The Finance Committee shall consist of the following :

- (a) Director, SINP - Chairman
- (b) Joint Secretary (R&D), DAE
- (c) Joint Secretary (F), DAE
- (d) Registrar, SINP- Member Secretary

10.1.2 The Finance Committee shall meet at least once a year.

10.1.3 The Finance Committee shall make recommendation to the Council on :

- (a) the budget proposals of the Institute ; and
- (b) any other matter as required by the Council.

10.2 Advisory Committees

Various Committees may be constituted by the Director as and when required to render assistance to him on matters relating to the Institute.

XI. DELEGATION OF POWERS

The Director may delegate any of his powers and duties under these Bye-Laws to an Officer or Officers of the Institute with the approval of the Council. The delegation shall be by an order passed by the Director.

XII. GENERAL

In the absence of provisions in the Bye-Laws, the Corresponding Government of India orders shall apply.

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