

North East Centre for Technology Application and Reach (NECTAR)

FINANCIAL BYE-LAWS

Under Rule 12 (xiii) of the Rules of the NORTH EAST CENTRE FOR TECHNOLOGY APPLICATION AND REACH (NECTAR), the Governing Council hereby makes and adopts, with prior approval of the Central Government, the following Financial Bye-Laws:

PART – I : SHORT TITLE AND COMMENCEMENT

1. (1) These bye-laws shall be called the NORTH EAST CENTRE FOR TECHNOLOGY APPLICATION AND REACH (NECTAR) Financial Bye-laws, 2017, hereinafter referred to as the Financial Bye-Laws.

(2) These Financial Bye-Laws have been approved by the Government of India vide letter No. AI/18/1/NECTAR/2017 dated 3rd May, 2018.

(3) These Financial Bye-Laws shall come into force from the date of adoption by the Governing Council.

2. Definitions

Various terms used in these Financial Bye-Laws will have the same meaning as defined in Bye-Law 3 of Service Bye-Laws.

PART – II : BUDGET ESTIMATES

3. The Budget Estimates for the ensuing year will normally be finalized in October each year by the Centre. The budget will show under various heads:
 - (1) The actual receipts and expenditure of the preceding year;
 - (2) The Budget and Revised estimates for the current year;
 - (3) The proposed Budget Estimates for the ensuing year;
4. The Director General shall prepare the detailed Budget Estimates as above and place them before the Executive Council. The Budget Estimates as finally recommended by the Executive Council will be placed before the Governing Council of the Centre for approval. The estimates will thereafter be submitted to the Government.
5. The Budget Estimates will be prepared in the prescribed form to show the Annual Estimates of receipts and expenditure under various heads of account. The heads of classification shall be according to the sources of income and main heads of expenditure called primary units of appropriation.
6. The funds provided in the approved Budget Estimates shall be deemed to be at the disposal of the Governing Council and the Director General will have full powers to appropriate moneys therefrom to meet expenditure provided that no funds of the Centre shall be appropriated or re-appropriated to meet expenditure on a new service

or item not included in the approved budgets, or any head of expenditure not approved by the Governing Council.

Write-off of losses

7. For write-off of losses, the Governing Council may follow the provisions contained in the General Financial Rules of the Government and other relevant government instructions as in force from time to time.

PART – III : FINANCIAL MANAGEMENT AND CONTROL

Application of General Financial Rules, as applicable from time to time

8. The provisions of the General Financial Rules (as applicable from time to time) and other relevant government instructions, as in force from time to time, shall be applicable in the financial management of the Centre.

Finance Committee

9. There shall be a Finance Committee of the Centre with its constitution as follows:
 - (i) Director General - Chairman
 - (ii) Financial Advisor, Department of Science & Technology or his nominee - Member
 - (iii) Two members of the Executive Council nominated by the Chairman, Governing Council - Members
 - (iv) One of the Advisers (Technical) of NECTAR nominated by Director General - Member
 - (v) Senior Administrative Officer - Member Secretary
10. The powers and functions of the Finance Committee shall be as follows:
 - (i) To consider the annual Budget Estimates of the Centre and make recommendations thereon to the Governing Council;
 - (ii) To scrutinize the Audited Annual Accounts of the Society before their submission to the Governing Council.
 - (iii) To recommend write-off of losses;
 - (iv) To consider proposals for creation of new posts and make recommendations to the Governing Council in keeping with the guidelines issued by the Central Government from time to time;
 - (v) To consider revision of pay scales, allowances and other terms and conditions of service of staff having financial implications and make recommendations to the Governing Council;
 - (vi) To advise the Society from time to time in various financial matters;
 - (vii) Any other item to be specifically allotted by the Director General, the Executive Council or the Governing Council of the Centre from time to time.

Technology Delivery Partnerships and Projects

11. (1) The principal aim of the Centre is to deliver and implement technology solutions to the States of the North East Region. The concerned projects may assume various forms such as Memorandum of Understanding, Public Private Partnership (PPP), purchase and services contract and so on. The partnering or contracting entities and organizations would include the governmental organizations, the public and the private sector, non-profit institutions and international organisations. The Director General shall have full powers of executing these contracts and partnership agreements provided that the financial implications are within the approved and budgeted schemes and programs and subject to the delegation of financial powers to the various levels as follows:

S.No.	Contracts for purchases, services and partnerships	Appraisal forum	Approval Authority
1	Upto Rs 25 lakhs	Concerned Division	Director General
2	More than Rs 25 lakhs and upto Rs 150 lakhs	Technical Advisory Committee	Director General
3	Greater than Rs 150 lakhs	Technical Advisory Committee	EC or a separate project committee.

(2) All projects with Technology Development Assistance, other than grants-in-aid, of more than Rs. 50 lakhs shall be approved by the Executive Council. Grant-in-aid cases, upto Rs. 25 lakhs each, shall be approved by the DG, and beyond Rs. 25 lakhs each by the EC.

(3) The Director General shall have full powers to set up standing or project-specific Technical Advisory Committees for the purposes set out in the preceding clause.

(4) The Centre may also implement technology delivery projects and programs with components of grants-in-aid and/or Technology Development Assistance employing appropriate financial instruments to the recipient bodies as per approved and budgeted schemes. The delegation of financial powers and the process outlined in clause (1) above shall also apply to such schemes and programs.

12. In the financial management and control of the Centre, the Director General will be responsible for overall financial affairs, financial control systems, audit, and record keeping activities. Director General will be assisted by the Senior Administrative Officer. NECTAR shall designate an officer of appropriate level to render financial advice whose concurrence shall be obtained for sanction and incurring of expenditure. Financial limits upto which concurrence is mandatory may be drawn with the approval of Governing Council.

13. The funds of the Centre shall be invested as specified in the Rules of the Centre. The funds shall be deposited in one or more nationalised banks in any of the instruments, deposit and other schemes and accounts of the said banks.

Drawing and Disbursing Officer

14. The Senior Administrative Officer, or any officer of the Centre shall be designated as the “Drawing and Disbursing Officer” (DDO). The Director General or the Senior Administrative Officer, as the case may be, may delegate the various financial powers such as opening of bank accounts, cheque signing powers with financial limits separately and jointly, signing of contracts and agreements for purchases and services and other financial activities to officers subordinate to them.

Execution of Contracts

15. All contracts by or on behalf of the Society and the Centre shall be signed by the Director General or by an officer of the Centre authorised by the Director General.

Representation in legal proceedings

16. The Director General or an officer empowered in this behalf by the Director General, may sue and be sued in the name of the Centre.

PART IV : ACCOUNTS AND AUDIT

17. The accounts of the Society shall be maintained in such form as may be prescribed by the Central Government, and as approved by the Governing Council on the recommendations of the Finance Committee.
18. The accounts of the Institute may be audited annually by a firm of chartered accountants empanelled by the Comptroller & Auditor-General of India (C&AG), that is, internal auditors, as defined in Chartered Accountants Act, 1949 (Act XXXVIII of 1949) appointed by the Director General on behalf of the Governing Council, and any expenditure incurred in connection with such audit shall be payable by the Centre to the Auditors. The accounts of the Centre shall be subject to audit by the C&AG as per the statutory provisions and the provisions of General Financial Rules of the Central Government.
19. As soon as practicable after the accounts of a financial year are closed but not later than the end of June following, the Director General shall cause to be compiled and prepared the Annual Accounts of the Centre_as on 31st March for the preceding year, consisting of:
 - (1) Receipts and Payments Accounts;
 - (2) Income and Expenditure Accounts; and
 - (3) Balance Sheet.

20. The Director General shall immediately after the preparation of the Annual Accounts (as on 31st March) submit them to the Internal Auditors of the Centre for audit and certification.
21. Subject to the provision of any law for the time being in force and applicable to the Centre, the Auditors will audit receipts and expenditure of the Centre and report on the receipts and expenditure audited by them. For discharging these duties, the Auditors shall have right of access, after giving reasonable previous notice, to the books, accounts, and other records of the Centre.
22. The Director General shall submit the Audit Certificate along with the Audit Report, if any, of the Statutory Auditors as well as the Annual Accounts and replies of the Centre to the Audit observations contained in the Audit Report to the Finance Committee and the Executive Council for scrutiny and to the Governing Council, for approval. These documents shall thereafter, be forwarded, along with the observations, if any, of the Governing Council to the Central Government.
23. The Annual Report and the Audited Annual Accounts of the Centre will be placed before the Governing Council for approval not later than the end of September every year.
24. The Director General shall be competent to lay down such procedures and issue such instructions for the due observance of these Financial Bye-Laws as may be necessary from time-to-time, subject to extant instructions of the Central Government as applicable from time to time.

PART – V : POWERS OF THE DIRECTOR GENERAL

25. The Director General of the Centre shall exercise as the Head of Department, the powers as prescribed by the Rules of the Centre and by these Financial Bye-Laws and such other powers as may be delegated to him by the Governing Council and the Executive Council from time to time **subject to extant instructions issued by the Government as amended from time to time.**
26. The Centre shall observe the rules and procedures as are generally followed in the Central Government offices in respect of matters pertaining to mode of payments, advances, security deposit and other security instruments against purchases, performance of contracts and services etc.
27. The Director General may delegate any of the powers vested in him under these Financial Bye-Laws to any of the officers of the Centre provided that no powers shall be delegated in respect of re-appropriation of funds, write off of losses and incurring of capital and other expenditure in excess of Rs one lakh in each individual case.
28. Any action taken or any powers exercised before the coming into force of these Financial Bye-Laws, and all sanctions, orders, declarations or other actions taken before the commencement of these Financial Bye-Laws shall continue to be operative and in force even after the commencement of these Financial Bye-Laws, unless specifically cancelled or revoked by the authority who accorded such sanction or took such action, or by a higher authority (GC in case of decision taken by the EC and/or DG and EC in case of decision by the DG).
