

**RULES AND REGULATIONS OF THE NORTH EAST CENTRE FOR TECHNOLOGY
APPLICATION AND REACH (NECTAR)**

SHORT TITLE

1. These Rules and Regulations may be called “Rules and Regulations of the NORTH EAST CENTRE FOR TECHNOLOGY APPLICATION AND REACH (NECTAR), SHILLONG, MEGHALAYA”, hereinafter referred to as “Rules”.
2. These Rules shall supersede the earlier Rules. These have been approved by the Government of India vide Department of Science and Technology’s communication No. AI/18/1/NECTAR/2017 dated 3rd May, 2018.
3. These Rules come into effect from _____, the date they have been approved/accepted by the Competent Authority in the Office of the Registrar of Societies where the NORTH EAST CENTRE FOR TECHNOLOGY APPLICATION AND REACH (NECTAR) is registered.

DEFINITIONS

4. In these rules, unless the context otherwise requires –
 - a) The “Society” means the **North East Centre for Technology Application and Reach (NECTAR)**.
 - b) The “Governing Council” means the Governing Council of **North East Centre for Technology Application and Reach (NECTAR)**.
 - c) The “Executive Council” means the Executive Council of the **North East Centre for Technology Applications and Reach (NECTAR)**.
 - d) The “Chairman” means the Chairman of Governing Council of **North East Centre for Technology Application and Reach (NECTAR)**.
 - e) The “Director General” means the Director General of the **North East Centre for Technology Application and Reach (NECTAR)** appointed under the rules.
 - f) The “Member Secretary” means the Member-Secretary of the Governing Council of “**North East Centre for Technology Application and Reach (NECTAR)**”.

- g) “The Central Government” means the Administrative Ministry/Department of Government of India concerned with Science and Technology.
- h) “Year” means the “Financial Year” i.e. the period of twelve calendar months beginning from the first day of April of a year and ending on the thirty-first day of March of the subsequent year.
- i) “Member” means member of the Governing Council of NECTAR.

MEMBERS OF THE NECTAR

- 5. The NECTAR shall maintain a Register of Members giving their names and addresses and the same shall be open to inspection by the Members.
- 6. A Member of the NECTAR shall cease to be a member: (i) on death; (ii) on resignation; (iii) on being declared insolvent or of un-sound mind; (iv) on conviction of criminal offence involving moral turpitude; and (v) on his failure to attend three consecutive meetings of the Governing Body.
- 7. The NECTAR shall function notwithstanding any vacancy in its body and no act or proceedings of the NECTAR shall be invalid merely by reasons of such vacancies or of any defect in the appointment of any of its Members.

AUTHORITIES OF THE NECTAR

- 8. The following shall be the authorities of the NECTAR
 - i) The Governing Council;
 - ii) The Executive Council;
 - iii) The Chairman;
 - iv) The Member-Secretary /Director General, NECTAR; and

THE GOVERNING COUNCIL

- 9. The affairs of the NECTAR shall be managed, administered, directed and controlled, subject to its rules and bye-laws framed thereunder by the Governing Council, with prior approval of the Central Government.
- 10. The Governing Council will consist of Secretary, Department of Science & Technology as Chairman and Chief Secretaries of North Eastern States and Secretary, NEC as Members and Director General, NECTAR as Member-Secretary.

FUNCTIONS AND POWERS OF THE GOVERNING COUNCIL

11. The Governing Council shall take all broad policy decisions regarding the scope and activities of the NECTAR subject to rules and bye-laws framed thereunder.

12. In particular, and without prejudice to the generality of the foregoing provisions, the Governing Council shall have the power, subject to the provisions of these rules and the bye-laws, within the overall mandate contained in the Memorandum of Association, to:
 - (i) Consider the annual and supplementary budgets placed before it by the Executive Council from time to time, and pass them with such modifications as it may think fit;

 - (ii) Recommend to Government, creation and abolition of posts subject to restrictions laid down by Government from time to time;

 - (iii) Revise the emolument structure for its employee with prior approval of the Government.

 - (iv) Enter into arrangements with the Central Government and with the State Governments and other public or private organizations or individuals within the country for securing grant-in-aid, endowment, donations or gifts to the NECTAR, on mutually agreed terms and conditions, provided that such terms and conditions, if any, shall not be contrary to, inconsistent or in conflict with the objects of the NECTAR provided for any such arrangements with foreign and/or international agencies or organizations, the prior approval of the Central Governments shall be obtained;

 - (v) Take over, acquire by purchase, gifts, exchange, lease or hire or otherwise from Central Government, the State Governments and other public or private bodies or individuals, institutions; immovable properties, endowments or other funds together with any attendant obligations and engagements not inconsistent with objects of the NECTAR provided for any such activity involving the foreign and/or the international agency or organization, the prior approval of the Central Government shall be obtained;

 - (vi) To sell, mortgage, lease, exchange and otherwise transfer or dispose of or deal with all or any property, movable or immovable of the Society for the furtherance of the objects of the Society;

 - (vii) Create/buy/lease/hire and maintain suitable hardware/software systems, office(s) in India and abroad and equipments and other logistics required for its operation;

- (viii) Appoint Committees and Sub-committees for such purposes and with such powers and for such period and on such terms as it may deem fit and dissolve any of them;
- (ix) Delegate such administrative and financial powers as it may think proper to the Chairman, and such other officers of the NECTAR as may be considered necessary.
- (x) To offer prizes and to grant scholarships, fellowships and stipends in furtherance of the objectives of the Society;
- (xi) To undertake any other activity which is conducive to working and growth of NECTAR;
- (xii) To construct, maintain, alter, improve or develop any building or works necessary or convenient for the purpose of Society;
- (xiii) Frame, amend or repeal bye-laws for the administration and management of the affairs of the NECTAR and in particular to provide for the following matters, subject to approval of Central Government:
 - a) Conduct of business and the procedures to be adopted at meetings of the Governing Council;
 - b) Preparation and sanction of budget estimates, sanctioning of expenditure, entering into an execution of contracts, investment of the funds of the NECTAR, sale or alteration of such investments and maintenance of accounts and their audit;
 - c) Procedure for recruitment of officers and establishment in the service of the NECTAR;
 - d) Terms and tenures of appointments, emoluments, allowances and other conditions of service of the officers and employees of the NECTAR, subject to restriction laid down by the Government from time to time;
 - e) Rules regarding discipline, suspension and dismissal of the officers and employees of the NECTAR;
 - f) Powers, duties and functions of the Executive Council as well as other officers and employees of the NECTAR;
 - g) Operations and other activities of the NECTAR;

- h) Execution of contracts and other instruments on behalf of the NECTAR;
 - i) Conduct and defence of legal proceedings and manner of signing pleadings;
 - j) Rules for TA/DA and remuneration to be paid to Members/Expert participating in NECTAR/Committees/ Working Group etc.
 - k) Review user charges/sources of internal revenue at least once a year and inform the Administrative Ministry;
 - l) Such other matter that may be necessary for the administration of the NECTAR.
13. However, the Governing Council shall have no powers in matters concerning creations/continuation of posts. Further, recruitment, promotions, retirement, extension in service, staff entitlements and other service conditions, will be governed as per instructions issued by Central Government from time to time.

PROCEEDINGS OF THE GOVERNING COUNCIL

14. Every meeting of the Governing Council shall be presided over by the Chairman and in his/her absence by a member to be selected from among the members present.
15. Five members of the Governing Council present in person, or through their representatives, shall constitute a quorum at any meeting of the Governing Body.
16. Not less than 15 days clear notice of every meeting shall be given to each member of the Governing Council. However, the period of notice may be reduced at the discretion of the Chairman, if the circumstances so warrant. The notice of the meeting will be signed by the designated Officer of the NECTAR.
17. Minimum one meetings of the Governing Council shall be held in each year. The meeting may also be convened as and when needed at the instance of Chairman or at least three other members of the Governing Council.
18. For the purpose of Rule 17, each year shall be deemed to commence on the first day of April and terminate on the 31st day of March of the following calendar year.
19. An Annual Meeting of the Governing Council will also be held to approve the Annual Report/ Annual Technology Report of NECTAR and also for approving the accounts for the preceding year.
20. Any business which it may be necessary for the Governing Council to perform may be performed by a resolution in writing circulated to all its members by electronic and postal means and any such resolution so circulated and approved by the majority of the members signing, shall be as effectual and binding as if such a resolution had been

passed at the meeting of the Governing Council provided that at least five members of the Governing Council have responded recorded their approval to the resolution.

THE EXECUTIVE COUNCIL

21. The Executive Council will oversee the technical, administrative and financial matters of the NECTAR. Its composition would be as under:

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| a) | Director General, NECTAR | - Chairman |
| b) | Representative of North Eastern States | - Member |
| c) | Representative of North Eastern Council (NEC) | - Member |

22. The Executive Council will hold its meetings at least once in three months. The notice of the meeting will be sent at least 7 days prior to the date of the meeting. The meeting may be held even at shorter notice as directed by the Chairman of the Council.

POWERS, DUTIES & FUNCTIONS OF EXECUTIVE COUNCIL

23. Subject to the overall control of the Governing Council and within overall mandate contained in the Memorandum of Association, the Executive Council shall have the following powers and duties and shall perform the following functions:

- a. Shall identify sector/ sub-sector wise problems and lay down road maps for technology intervention to arrive at a workable solution.
- b. To monitor and review periodically the activities of NECTAR, and to take remedial measures, as deemed fit, to meet the aims and objectives of the NECTAR.
- c. To consider the detailed Annual Budget Estimate and also Revised Estimate and forward the same with its recommendations to the Governing Council.
- d. To consider and submit for approval to the Governing Council the proposals for alteration, addition and modification to the Bye-laws made under the rules of the NECTAR.
- e. To propose from time to time alteration, addition and modifications to the Rules and Regulations of the NECTAR to meet the aims and objects of the NECTAR for approval of Governing Council.
- f. Exercise full powers to approve and sanction expenditure under every head and item provided in the Annual and Supplementary Budget Grants approved by the Governing Council.

- g. Approve foreign travels of the employees other than Director General, subject to ratification by the Governing Council. Foreign travel of DG would be approved by the Chairman, Governing Council and reported to the Governing Council.
- h. Appoint, from time to time, Sub-Committees, Working Groups, etc, from amongst, its members and /or staff of the NECTAR Sectoral groups and also outside experts and assign and/or delegate them some of its powers, duties functions and defined tasks as it may deem fit.
- i. Authorize import of equipment, components and other materials as provided in the sanctioned budget proposals.
- j. Undertake such other matters as may be necessary for the administration of the affairs and fund of the NECTAR.

MEMBERSHIP OF THE GOVERNING COUNCIL/EXECUTIVE COUNCIL

- 24. The representative of North Eastern States on the Executive Council shall be chosen in a manner and for such period as prescribed in the Bye Laws.
- 25. When a vacancy occurs in the case of the nominated member of the Executive Council through death, resignation or for any other reason, such vacancy shall be filled by a person nominated by the concerned nominating authorities.
- 26. If any vacancy in the office of a member of the Executive Council has occurred, the continuing members shall act as if no vacancy had occurred and no act of proceedings of the Executive Council shall be deemed to be invalid merely by reason of a vacancy or of a defect in the appointment of a person acting as a member.

OFFICERS AND EMPLOYEES

APPOINTMENT OF CHAIRMAN, GOVERNING COUNCIL, DIRECTOR GENERAL, NECTAR, ADVISERS, TECHNICAL STAFF AND ADMINSTRATIVE AND SUPPORTING STAFF

- 27. Secretary, Department of Science & Technology is the Ex-Officio Chairman of the Governing Council of NECTAR.
- 28. The appointment of Director General who is ex-officio Chairman of the Executive Council will be as per the procedure given in the Service Bye-Laws.
- 29. Appointment of all other officers and staff of NECTAR will be according to the NECTAR recruitment rules as approved by the Central Government.

PROPERTIES AND FUNDS VESTED IN THE NECTAR

30. The properties and funds of the NECTAR shall vest in the Governing Council and shall consist of:
- a) Recurring grants made by the Government of India through Administrative Ministry (DST).
 - b) Any other grants made by the Government of India/State Governments/Government agencies or Institutions of the Central Govt./State Govts.
 - c) Funds received from sponsored programmes to be indented by foreign countries (Government & industry), UN bodies etc., cleared by the Government of India.
 - d) Funds received from consultancy, project work, studies, development, technology transfer, contracts, etc., in India and those from abroad duly approved by the Government of India.
 - e) All machinery, equipment and instruments (whether laboratory, workshop, prototype or otherwise), books and journals, furniture, furnishings and fixtures belonging to the NECTAR.
 - f) Gifts and donations of cash and securities and of any properties, either movable or immovable.

LEGAL ACTION

31. The Designated Officer may sue or be sued in the name of the Society in all legal proceedings.

SEAL OF THE SOCIETY

32. The Designated Officer is authorized to execute all documents and contracts and to put in the Seal of the Society on such documents on the direction of the Council/Director General. The custody of the Seal would be with the Designated Officer.

BUDGET AND ACCOUNTS

- 33.
- a) The Governing Council shall frame the Annual Budget before the end of October of the preceding year and forward copies thereof to the Government of India.
 - b) Money forming part of the funds of the NECTAR, vested in the Governing Council, shall be deposited in the name of the NECTAR in an approved Bank or Banks which shall be a Nationalized Bank. The Bank account of the Society will be operated by the Director General/Member-Secretary or any other person so authorized by the Executive Council.
 - c) All the incomes, earnings, movable and/or immovable properties of the Society will be solely utilized and applied towards the promotion of the objectives as set forth in the Memorandum of Association and no portion thereof shall be paid or

transferred directly or indirectly by way of dividends, bonus, profit or any manner, whatsoever, to the members of the Society or to any person or persons claiming through any one or more of the members. No member of the Society shall have any personal claim on any movable and/or immovable properties of the Society or make any profit, whatsoever, by virtue of his membership.

- d) The accounts of the NECTAR shall be audited for each financial year by a Chartered Accountant or Accountants as defined in the Chartered Accountants Act, 349 (XXXVIII of 1949) to be approved by the Council by the end of September of the following financial year.
34. All provisions contained in the Societies' Registration Act of 1860 (XXI of 1960) shall apply to the Society, including Section 4, 6, 12, 12-A, 13 and 14.

ANNUAL REPORT (S)

35. The Governing Council shall submit an Annual Report of the NECTAR and sectoral activity annually to the Administrative Ministry. Such report shall contain particulars regarding the work of the NECTAR and sectoral Groups during the previous year and shall be accompanied by a balance sheet duly audited showing the income and expenditure of the NECTAR during the said financial year. Annual Report(s) will be submitted every year around September-October, but not later than October-end of every year.
36. Once in every year a list of members of the Governing Council shall be filed with the Registrar of Societies as required under Section 4 of the Societies Registration ACT.

ALTERATION OF RULES

37. The Rules may, from time to time, be altered, added to and modified by the Governing Council with the approval of the Central Government.

DISSOLUTION OF THE SOCIETY

38. The Society may be dissolved in accordance with the provisions of Section 13 of the Societies Registration Act (Act No. 21 of 1860) after obtaining the previous consent of the Central Government on that behalf.
39. If, upon the dissolution of the Society, there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Society, but shall be lawful for the members to determine by the majority of the votes of the members present personally at the time of dissolution of the Society that such property shall be given to the Central Government to be utilized for any of the purposes referred to in Section 1 of the Societies Registration Act (Act No.21 of 1860). Any liability, whatsoever, remaining after the dissolution of the Society should be borne by the Government of India.