

CENTRE FOR DEVELOPMENT OF ADVANCED COMPUTING
BYE-LAWS

(Framed under Rule 16 of the Rules and Regulations for administration and management of the Society)

1. Council Meetings and Procedures

- 1.1 **Meetings:** Meetings of the Council shall be held at least once in a year. An extraordinary meeting may also be convened at any time by the Chairman, or on a written request from at least one third of the members of the Society to the Council.
- 1.2 **Place of meeting:** Meetings of the Council shall be held at the Headquarters of the Society unless the Chairman otherwise directs.
- 1.3 **Notice of a meeting:** Notice of a meeting shall be given to the members at least fourteen days before the day of the meeting (In case of an extraordinary meeting at least seven days notice) under the hand of the Secretary to the Council.
- 1.4 **Quorum and Procedure:** 3/5th of the total membership of the Council shall form the quorum and all issues shall be decided by a majority of votes of the members present and voting. In the event of a tie, the Chairman shall have a second or casting vote.
- 1.5 **Adjourned meeting:** If there is no quorum at the expiration of fifteen minutes after the time fixed for a meeting, the meeting shall be adjourned to such a time and/or date as the Chairman may fix. No quorum shall be necessary for such an adjourned meeting.
- 1.6 **Chairman of the meeting:** The Chairman of the Council shall preside over all meetings of the Council. In the absence of the Chairman, the Vice-Chairman of the Council shall preside over the meeting. In the absence of both the members present will elect a chairman from amongst themselves for that meeting only.
- 1.7 **Minutes:** The Secretary to the Council shall record the minutes of the meetings of the Council, seek the approval of the Chairman of the meeting and send a copy of such approved minutes, to every member of the Council.
- 1.8 **Vacancy:** When a vacancy occurs in the office of the nominated members of the Council through death, resignation, or for any other reason, the nominating authority shall fill such vacancy.
- 1.9 **Vacancy not to affect the proceedings:** If any vacancy in the office of a member of the Council has occurred, the continuing members shall act as if no vacancy had occurred, and no act or proceedings of the 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. Nothing in this rule will derogate the provision regarding quorum necessary in the meetings of the Council.

2. General Body of The Society

- 2.1 General Body shall mean all the members of the Governing Council of the Society. The Chairperson of the Council shall be the Chairperson of the General Body. The Council would decide any subsequent addition/ admission of the members to the Society.
- 2.2 **Meeting and Nature of Business:** The General Body shall meet at least once a year to consider and adopt the Annual Report and Audited Statement of Accounts. This meeting will be called as Annual General Meeting of the General Body provided, however, that no separate meeting shall be required as long as the General Body is confined to members of the Governing Council only and the Council is meeting for the same purpose.

3. Technical Advisory Committee (TAC) Meetings and Procedures

- 3.1 **Meeting.** Meetings of the TAC shall generally be held twice a year. The DG in consultation with the Chairman shall convene the meeting.
- 3.2 **Notice of a meeting:** Notice of a meeting shall be given under the hand of the Secretary to the members at least seven days before the day of the meeting.
- 3.3 **Place of meeting:** Meeting of the TAC shall be held at the Headquarters of the Society or New Delhi unless the Chairman otherwise directs.
- 3.4 **Minutes:** The Secretary to the TAC shall record the minutes of the meetings of the Council, seek the approval of person chairing the meeting and send a copy of such approved minutes of every meeting, as early as possible to every member of the Council.
- 3.5 **Chairman of the meeting:** The Chairman of the TAC shall preside at all meetings of the CC. In the absence of the Chairman, the members present shall elect a member to preside over the meeting.
- 3.6 **Quorum:** Minimum 3 members of the TAC shall form the quorum for the meeting.
- 3.7 **Adjourned meeting:** If there is no quorum at the expiration of fifteen minutes after the time fixed for a meeting, the meeting shall be adjourned to such a time and/ or date as the Chairman may fix. No quorum shall be necessary for such an adjourned meeting.

4. CC Meetings and Procedures

- 4.1 **Meetings:** Meetings of the CC may be held once every quarter to monitor and review the activities of the Society and to suggest remedial measures as deemed

fit, to meet the aims and objectives of the Society and to consider such other matters as may be brought before it. Any more meetings of the CC, if necessary, shall be convened by the Chairman or at the request of the DG.

- 4.2 **Place of meeting:** Meeting of the CC shall be held at the Headquarters of the Society or New Delhi unless the Chairman otherwise directs.
- 4.3 **Notice of a meeting:** Notice of a meeting shall be given under the hand of the Secretary to the members at least seven days before the day of the meeting.
- 4.4 **Quorum and Procedure:** 1/3rd of the total membership of the CC shall form the quorum for the meeting.
- 4.5 **Adjourned meeting:** If there is no quorum at the expiration of fifteen minutes after the time fixed for a meeting, the meeting shall be adjourned to such a time and/ or date as the Chairman may fix. No quorum shall be necessary for such an adjourned meeting.
- 4.6 **Chairman of the meeting:** The Chairman of the CC shall preside at all meetings of the CC. In the absence of the Chairman, the members present shall elect a member to preside over the meeting.
- 4.7 **Minutes:** The Secretary to the CC shall record the minutes of the meetings of the Council, seek the approval of the Chairman of the meeting and send a copy of such approved minutes of every meeting, to every member of the CC.
- 4.8 **Vacancy:** When a vacancy occurs in the office of the nominated members of the CC through death, resignation, or for any other reason, such vacancy shall be filled with the approval of the Chairman of the CC.
- 4.9 **Vacancy not to affect proceedings:** If any vacancy in the office of a member of the CC has occurred, the continuing members shall act as if no vacancy had occurred and no act or proceedings of the CC 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. Nothing in this rule will derogate the provision regarding quorum necessary in the meetings of the CC.

5. Board

The Board will generally meet once in a quarter. Members can also participate over audio/ video conferencing. The procedures and quorum of physical presence for the conduct of such meetings shall be determined in the first meeting of the Board.

6. Business by Circulation

The Council/ CC/ TAC /Board may dispose off urgent matters by circulation of documents by conventional or electronic means in cases where the decision cannot wait for formal convening of the meeting.

7. Sub-Committee

The Council/ CC/ TAC /Board may appoint subcommittees from amongst its own members or the staff of the Society or both and may assign to such sub-committees such

powers and duties as are in accordance with the Rules and Regulations of the Society.

8. Powers, Functions and Duties of the Council

- 8.1 The Council shall be the apex policymaking body of the Society, and be responsible for fulfilment of the objectives and overall administration and management of the Society.
- 8.2 The Council shall have adequate powers to discharge its responsibilities. The Council shall frame and notify the financial and the administrative powers of the CC and the DG within the spirit of the Rules and Regulations of the Society.
- 8.3 Powers, functions and duties of various authorities have been described in the Rules and Regulations, Bye-Laws and the delegation of powers. Any power specifically not delegated shall vest with the Council.
- 8.4 **Special Powers of the Chairman.**
In emergent cases or under special circumstances the Chairman may exercise powers of the Council in consultation with one or more members of the Council (Consultation with finance member of the Council in case the matter under reference is of a financial nature) and take decisions. Such decisions shall be reported in the next meeting of the Council.

9. Powers, Functions and Duties of the CC : Subject to the overall control of the Council, the CC shall have the following powers and duties and shall perform the following functions:

- 9.1 Monitor and review periodically the administrative and financial activities of the Society and suggest suitable measures, as deemed fit, to meet the aims and objectives of the Society.
- 9.2 Consider the detailed Annual Budget Estimate and also the Revised Estimate submitted by the Board and forward the same with its recommendations to the Council.
- 9.3 Authorise re-appropriation to augment provision under the heads other than “Salaries, Allowances and Provident Fund Contributions” on recommendation of the Board.
- 9.4 Consider and submit for approval of the Council the proposals for alteration, addition and modification to the Bye-law made under the rules of the Society.
- 9.5 Propose from time to time alterations and modifications to the Rules and Regulations to meet the aims and objectives of the Society for approval of the Council.
- 9.6 Guide and advise the DG in terms of the nature of funding, policy matters, and business to be undertaken abroad by the Society and manpower policy.
- 9.7 Take up and clear any other matter that the Council may specifically assign.

10. Powers, Functions and Duties of the TAC

- 10.1 Brainstorm on technology directions and areas of great importance and opportunity in the national and international context.
- 10.2 Review design issues and directions, business, IPR, resource sharing, collaboration methodologies and productization which C-DAC is undertaking or should be undertaking from time to time in an interactive mode.
- 10.3 Make recommendations for considerations of the Council and to various Ministries including Administrative Ministry to play a meaningful role in ICTE through R&D projects, technology development efforts, products, system integration and services.
- 10.4 Direct C-DAC to prepare White-papers, Concept-papers, Blueprints for National Missions, Strategy papers, etc. in consultation with various people in India/abroad from time to time.
- 10.5 To consider any other matter that the Council may specifically assign.

11. Powers, Functions and Duties of the Board : Under the overall ambit of the Council and the CC, the Board shall assist the DG by providing a forum for regular discussion and participative management and thus contribute towards the synergy and attaining the objectives of the Society. The Board shall undertake work towards:

- 11.1 Technical agenda for the organisation, Centres and Groups and recommend ways and means of co-ordinated implementation.
- 11.2 Planning of 5 years, Annual and Supplementary Budgets for approval by the Council as per procedure laid down from time to time.
- 11.3 Propose additions, alterations and modifications to the Bye-laws, Staff Rules, Recruitment Rules, Induction Norms, Purchase Procedures, Financial Accounting Norms and other standing operating procedures or related matters for the consideration of the CC and/ or the Council.
- 11.4 Review and scrutinise the progress of major projects undertaken by all the Centres of the Society and advise DG regarding suitable measures for improving their implementation.
- 11.5 Appoint subcommittees from amongst its members and/ or staff of the Society with or without outside experts and assign and/ or delegate them the tasks that fall within the scope of such committees.
- 11.6 Help compile the Annual Report of the Society and other such documents for the consideration and approval of the Council.
- 11.7 Discuss revenue generation activities and export initiatives and recommend norms and operating procedures.

11.8 Undertake any other tasks as considered appropriate by DG.

12. Finances and Accounts

12.1 **Properties and Funds of the Society:** The properties and funds of the Society vested in the Council shall consist of:

- 12.1.1 Grants-in-aid released by the Government of India,
- 12.1.2 Other grants, donations and gifts (periodical or otherwise).
- 12.1.3 The income from properties and funds vested in the Council and fees, subscriptions and other annual receipts.
- 12.1.4 All movable and immovable assets such as machinery, plant, equipment, computer hardware and software and instruments (whether laboratory, workshop or otherwise), books and journals, furniture, fixtures, land and buildings belonging to the Society.
- 12.1.5 Remuneration received through consultancy, design, development, technology transfer, contracts etc.

12.2 **Acceptance of Donations etc.:** The Society may accept donations, gifts and subscriptions for specific purposes provided no onerous conditions are attached to them.

12.3 All funds received for or on behalf of the Society, shall be deposited in a bank account or a fixed deposit account with a Nationalised/ Scheduled Bank(s) in the name of the Society. In case of keeping/ operating deposit/ salary accounts in non-scheduled banks, approval of the CC shall be obtained.

12.4 **Assets/ Borrowings:** The Society may purchase/ acquire or lease or sell or dispose off movable or immovable assets and also make borrowings or draw short/ long term loans or temporary overdrafts/ advances for acquiring assets/ properties or carrying out activities with the prior approval of the Competent Authority.

12.5 **Payments:** Payments by or on behalf of the Society exceeding Rs. 20000 shall be made by cheque. The officials authorised for the purpose by the competent authority shall sign all cheques.

12.6 **Endorsements:** All bills for payment shall bear an endorsement “Passed for Payment” and the endorsement shall be signed by the Finance Officer of the Society/ Centre or by an officer to whom the power has been delegated by the competent authority.

12.7 **Permanent & Temporary Advances:** Permanent and temporary advances for cash payments shall be kept by any officer of the Society as authorised by the DG or by an officer to whom the power has been delegated by the competent authority.

12.8 **Budget:** The Society shall prepare or cause to prepare, in such form and at such

time each year as may be prescribed, budget estimates in respect of the ensuing financial year and submit the same to the Council for its consideration and approval.

12.9 Accounts and Audits

12.9.1 The Society shall maintain such books of accounts and other books in relation to its accounts in such form and in such manner as may be prescribed. The Chief Finance Officer shall be responsible for the accounts and audits of the Society. Finance Officers of the Centres shall be responsible for the accounts and audits of respective centres.

12.9.2 The financial year of the Society shall be from 1st April each year to 31st March of the subsequent year.

12.9.3 The accounts of the Society shall be audited by such auditors as approved by the Council from the approved list of auditors of the Comptroller and Auditor General of India.

12.9.4 The financial performance of the Society shall be reviewed at the end of each quarter and a formal report on its performance will be made to the CC.

12.9.5 The financial performance shall be monitored by the CC through verification of the books of accounts, if need be.

13. Finance and Accounts (F&A) Committee of The Society

13.1 **Composition.** The Finance and Accounts Committee of the Society shall comprise as under:

- | | |
|--|--------------------|
| (a) DG, C-DAC | - Chairman |
| (b) Jt. Secretary, F&A, DIT | - Member |
| (c) Jt Secretary, Society Division, DIT | - Member |
| (d) Senior Member dealing with the Society from Technical Group, DIT | - Member |
| (e) Chief Finance Officer of the Society | - Member Secretary |

Note :- The F&A Committee may invite additional members from Centres for specific issues if required.

13.2 **Meeting:** The F&A Committee shall generally meet once every quarter for periodic reviews of financial dealings undertaken by the Society and report the same to the Council. The powers of this committee would be recommendatory and would be put up to the Council for approval.

- 13.3 **Role:** The F&A Committee shall undertake following tasks:
- 13.3.1 Scrutinise and recommend the budget estimates and revised estimates of the Society for the ensuing/ current financial year to the Council.
 - 13.3.2 Scrutinise the Audited Annual Accounts of the Society before adoption of the same by the Council.
 - 13.3.3 Monitor the C&AG audit objections and their settlements.
 - 13.3.4 Scrutinise the list of losses written off and the unusable material disposed off by the Society.
 - 13.3.5 Facilitate the Society in timely release of Grants, approvals of expenditure beyond the powers of the Board etc.
 - 13.3.6 Advise the Society in financial planning and any matter related to financial aspects.
 - 13.3.7 Recommend re-appropriation of funds from one head to the other.
 - 13.3.8 To recommend writing off of losses, if any.
 - 13.3.9 To recommend disposal of obsolete/ surplus items held in the Centres of the Society.
 - 13.3.10 Perform any such task that is assigned by the Council.

14. Powers, Duties and Functions of officers of the Society

- 14.1 **Duties of the DG:** The DG shall be the Chief Executive of the Society.
- 14.1.1 **Business of the Society:** It shall be the duty of the DG to carry on the work of the Society under the direction of the Council in accordance with the Rules and Bye-laws for the administration and management of the Society. In case of an emergency, he may take such actions as may be necessary and report the same in the next meeting of the Council / CC.
 - 14.1.2 **Direction and control of the Employees:** All employees of the Society shall be under the general control of the DG, who may issue Standing Orders / Office Orders on various subjects, as necessary, from time to time.
 - 14.1.3 **Sanction of expenditure:** All expenditure within the approved budget, including all project grants and revenues, shall be approved/ sanctioned by the DG, or an employee to whom the power has been delegated. The DG may re-appropriate expenditure within overall budget. However, re-appropriation with respect to grant in aid (plan and non-plan) could be

made within the limitations prescribed in 'Delegation of Powers'.

- 14.1.4 Approve foreign travels of all staff except DG. While approving the foreign tours of the employees it shall be ensured that the vetting is done in accordance with the instructions issued by the Administrative Ministry from time to time.
 - 14.1.5 The DG shall have the power to create contract, project and temporary posts (other than regular posts) and make appointments thereto up to the scale of posts, which do not require approval / clearance of Appointment Committee of Cabinet (ACC).
 - 14.1.6 Authorise import of equipment, components and such other items as provided in the sanctioned budget proposals.
 - 14.1.7 Write-off irrecoverable losses of stores as per delegated financial powers.
 - 14.1.8 Grant fellowships, scholarships, awards or other monetary assistance on such terms and conditions as it may prescribe, to such persons as it may select for carrying out any research, investigation and study on a subject in which the Society is interested or for significant contribution/ achievement.
 - 14.1.9 Publish and/ or to finance the publications, as it may deem fit, from time to time, of the work done or work carried out on behalf of the Society.
 - 14.1.10 Frame detailed guidelines on Staff Rules, Service Conditions and detailed procedures in line with the Rules and Regulations and the Bye-Laws of the Society which will be applicable to the employees of the Society.
 - 14.1.11 **Supervision of work:** The DG shall administer, direct, coordinate, exercise overall control, and supervise the activities of the Society.
 - 14.1.12 **Annual Report:** The DG shall submit the Annual Report of the Society to the Council in time each year.
 - 14.1.13 **Powers Delegated:** The administrative and financial powers delegated to DG are annexed. DG may delegate some of his powers to other officers. Overall responsibilities for powers so delegated shall remain with DG.
- 14.2 **Duties and Responsibilities of the Executive Directors:** The Executive Director (ED) of the Centres / Functions shall function under the direction, control and guidance of the DG within the ambit of organisational policies, guidelines and programmes. He shall be responsible and accountable for the Scientific, Technical, Academic, Administrative and Financial performance including but not limited to Intellectual Property and Revenue generation of the respective Centre/ Function. The ED shall ensure that the approved procedure is followed while he exercises powers delegated to him. The ED may delegate some of his powers in line with the guidelines and policies laid down by the Board from time to time to other officers in his Centre / Function. Overall responsibilities for powers so

delegated shall remain with the ED.

14.3 **Duties of the Registrar**

14.3.1 **Secretarial work:** The Registrar shall act as Non-member Secretary to the Council and the CC and Member-Secretary to the Board.

14.3.2 **Work under the general control of the DG:** In all matters concerning the Society he shall act under the general control and orders of the DG.

14.3.3 **Correspondence:** The Registrar shall be in charge of correspondence relating to the Society, subject to the instructions of the DG.

14.3.4 **Office management:** The Registrar will be in charge of the administration of the Society and discharge responsibilities under the overall supervision of the Director General.

14.3.5 **Maintenance of the premises:** The Registrar will look after the maintenance and upkeep of the premises and the property of the Society.

14.4 **Duties of the Chief Finance Officer:** The Chief Finance Officer shall be responsible for all matters relating to the keeping and maintenance of accounts, management of funds, preparation of budgets, banking operations, audit of accounts and such other related matters of the Society. He shall work under the overall supervision and control of the Director General. He will perform all such duties and undertake responsibilities as outlined in the Policy Manual.

14.5 **Duties of Head - Corporate HRD.** The Head – Corporate HRD, shall be responsible for all matters relating to the Human Resources Development policy of the Society. He shall coordinate and implement all matters relating to recruitment, promotions, transfer and discipline of the employees of the Society. He shall work under the general control and supervision of the DG.

14.6 **Duties and Functions of the other employees:** Heads of Administration in their respective Centres will perform duties similar to that of Registrar and Head, Corporate HRD in their respective Centres. Finance Officers of the Centres will perform duties similar to that of CFO and undertake responsibilities at their respective Centres. Duties and Functions of other employees will be decided and notified by the Director General (ED in his Centre) or by any other officer so authorized.

15. Execution of Contracts on behalf of the Society

15.1 **Contracts with Director General:** The Vice-Chairman of the Council (or any other person authorised by the Council for the purpose) shall sign all contracts between the Society and the Director General.

15.2 **Contracts with others:** All other contracts by or on behalf of the Society shall be signed by the DG / Registrar or ED / Head of Administration in the Centre or any

other officer of the Society specifically authorised in that respect.

16. Other Miscellaneous Matters.

16.1 **Travel Allowances.** Allowances for the members of the Council, CC, TAC and the staff of Society shall be paid in accordance with the rules of the Society for inland travels.

16.2 **Foreign Travel Allowances.** The foreign travel allowances for travel abroad by employees shall be admissible as per the rules notified by the Administrative Ministry.

17. Appointing, Disciplinary and Appellate Authorities : Schedule to Bye-Law

SCHEDULE

Appointing Authorities in C-DAC

Technical Posts : Group 'A'

Sr. No.	Name of the Post	Pay Scale (Rs.)	Appointing Authority
1.	Director General	22400-525-24500	Chairman, Governing Council with the approval of the Government
2.	Executive Director	18400-500-22400	DG with the approval of the Government
3.	Sr. Director/ Scientist 'G' /Equivalent	18400-500-22400	DG with the approval of the Government
4.	Scientist 'F' /Equivalent	16400-450-20000	DG.
5.	Scientist 'E' /Equivalent	14300-400-18300	DG. ED for employees working in Centres.
6.	Scientist 'D' /Equivalent	12000-375-16500	DG. ED for employees working in Centres.
7.	Scientist 'C' /Equivalent	10000-325-15200	DG. ED for employees working in Centres.
8.	Scientist 'B' /Equivalent	8000-275-13500	DG. ED for employees working in Centres.

Technical Posts : Other than Group 'A'

Sr. No.	Name of the Post	Pay Scale (Rs.)	Appointing Authority
1	MSS	10000-325-15200	DG. ED for employees working in Centres.
2	MSS	8000-275-13500	DG. ED for employees working in Centres.
3	MSS	6500-200-10500	ED of functions in HQ. ED for employees working in Centres.
4	MSS	5500-175-9000	Registrar for employees in HQ. Head of Administration for employees in Centres.
5	MSS	5000-150-8000	Registrar for employees in HQ. Head of Administration for employees in Centres.
6	MSS	4500-125-7000	Registrar for employees in HQ. Head of Administration for employees in Centres.
7	MSS	4000-100-6000	Registrar for employees in HQ. Head of Administration for employees in Centres.
8	MSS	3050-75-3950-80-4590	Registrar for employees in HQ. Head of Administration for employees in Centres.

Non-Technical Posts

Sr. No.	Name of the Post	Pay Scale (Rs.)	Appointing Authority
1.	Registrar		DG in consultation with Vice Chairman, Council.
2.	Member administrative Staff	16400-450-20000	DG.
3.	Member Administrative Staff	14300-400-18300	DG. ED for employees working in Centres.
4.	Member Administrative Staff	12000-375-16500	DG. ED for employees working in Centres.

Sr. No.	Name of the Post	Pay Scale (Rs.)	Appointing Authority
5.	Member Administrative Staff	10000-325-15200	DG. ED for employees working in Centres.
6.	Member Administrative Staff	8000-275-13500	DG. ED for employees working in Centres.
7.	Member Administrative Staff	6500-200-10500	DG. ED for employees working in Centres.
8.	Member Administrative Staff	5500-175-9000	Registrar for employees in HQ. Head of Administration for employees in Centres.
9.	Member Administrative Staff	4500-125-7000	Registrar for employees in HQ. Head of Administration for employees in Centres.
10.	Member Administrative Staff	4000-100-6000	Registrar for employees in HQ. Head of Administration for employees in Centres.
11.	Member Administrative Staff	3050-75-3950-80-4590	Registrar for employees in HQ. Head of Administration for employees in Centres.
12.	All Group 'D' employees and staff in MMS category	2650-65-3300-70-4000, 2610-60-3150-65-3540, 2550-55-2660-60-3200	Registrar for employees in HQ. Head of Administration for employees in Centres.

17.1. Disciplinary Powers

Appointing authority shall be vested with the powers of Disciplinary authority.

17.2 Appellate Authorities in the matter of Penalties

The following are the appellate authorities :

Sr. No.	Description of the factor / situation	Appellate Authority
1.	Appeal against the orders issued by Chairman, Governing Council	Governing Council
2.	Appeal against the orders issued by Vice Chairman, Governing Council	Chairman, Governing Council
3.	Appeal against the orders issued by the DG	Vice-Chairman, Governing Council

Sr. No.	Description of the factor / situation	Appellate Authority
4.	Appeal against orders issued by Executive Director	Director General
5.	Appeal against orders issued by the Registrar	Director General
6.	Appeal against orders issued by the Head of Administration	Executive Director

No appeal lies against the orders of the Governing Council.

17.3 Review and Revision

The powers of review and revision of the orders of penalties are vested in the following authorities

Sr. No.	Description of the order	Empowered Authority	Note
1.	Orders passed by the Vice Chairman, Governing Council or Director General	Chairman, GC	
2.	Orders passed by the Chairman, GC	GC	
3.	Any order passed including an appellate order issued by an authority subordinate to the Authority / Officer specified	Chairman, GC or Governing Council or Director General	The Authorities / Officers exercise concurrent powers. Accordingly, if two officers are vested with the power of revision and if the higher authority initiated action by calling for the records of the case, the lower authority is precluded from exercising the same power.

18. Terms and Conditions of Service for the Staff of the Society

The employees of the Society, other than the Director General and Executive Directors are divided into the four categories namely (a) Scientific and Technical Staff (b) Administrative Staff and (c) Support and (d) Miscellaneous Staff. Administrative, Support and Miscellaneous staff shall be kept minimum by hiring the services of agencies on contract basis to perform administrative and support services such as house keeping, security, transport and travel booking etc.

18.1 Terms of Appointment:

18.1.1 The Rules and Regulations and Bye-Laws of the Society shall govern the terms of appointment of employees of the Society who join the

services of the Society on its pay roll. All the employees who have already joined the Society will have an option of either continuing with service conditions as applicable prior to bringing these rules in force or accepting these rules.

18.1.2 All the employees except as covered in para 18.1.3 below, hereafter shall be recruited in the Society for the probation period as specified in the Recruitment Rules and on clearing this shall be employed on contract for the duration of 5 years. The contract shall be renewable based on satisfactory performance review for further periods of five years at a time, till attaining the age of superannuation i.e. 60 years.

18.1.3 The Society may, in the interest of organization and on specific merits of the candidates, also recruit staff employees against regular vacancies. Such appointments shall, however, be made only in the pay scale of Rs.14300-400-18300 and above.

18.1.4 Deleted.

18.1.5 Migration from Contractual position to Regular Position:

18.1.5.1 Such contractual employees (Employees recruited on pay scale and not on consolidated salary) who have completed two or more contractual terms, covering a minimum of ten consecutive years, shall be considered for a regular appointment, provided, however, no such appointment shall extend beyond the age of superannuation. Such regularisation shall be based on merit and carried out through a duly constituted committee for this purpose and the candidates meeting the provisions of Recruitment Rules of C-DAC.

18.1.5.2 Society may consider cases of meritorious contractual employees (employees recruited on pay scale and not on consolidated salary) who have completed six years of service with the Society for review for regular appointment, provided, however, no such appointment shall extend beyond the age of superannuation.

18.1.5.3 Considering the special situation of merger of four different organizations with different service conditions, which have come together, the following one-time provisions will be extended in respect of employees who will move into the merged organization :

(a) Those who enjoy pension benefits will carry forward the same along with other benefits when they opt for these new service conditions and will be deemed regular employees. Such employees shall not avail GPF/ CPF/ EPF.

(b) All regular employees till the date of merger will upon

accepting these service conditions will be deemed regular employees.

- (c) All contractual employees (Employees recruited on pay scale and not on consolidated salary) who had joined the Society as on 31st December 1998 (including on probation) upon opting for these service conditions will be deemed regular employees.
- (d) Those who joined the Society on contractual terms of service (Employees recruited on pay scale and not on consolidated salary) from 1.1.1999 till these rules come into effect, upon opting these service conditions, will be considered for regular position on a one-time basis.

18.1.6 **Designations:** Besides the category and Grade designations viz. MTS, MAS, MSS, MMS functional designations could be assigned by DG to the employees of Scientific, Technical and Administrative cadre. No Employee shall use a designation which is not provided for in the MOA / Rules / Byelaws / Staff Rules or the modifications approved by DG in this regard.

18.1.7 **Recruitment and Promotion:** Recruitment and promotion of employees shall be in accordance with the Recruitment Rules of the Society as approved by the Council.

18.1.8 **Appointment on Project-Based Contract:**

- (a) The Competent Authority shall be competent to engage a person on contract in pay scale other than regular posts, upto the scale of posts, which do not require approval/ clearance of ACC.
- (b) The Competent Authority shall be competent to engage a person on contract for projects for the duration of such projects, which have been approved by DIT or any other sponsoring organisation. Persons appointed on such contract basis will be paid consolidated emoluments. The emoluments and terms of appointment shall be settled in advance between the Society and the incumbent.

All other things being equal, preference may be given to these employees at the time of filling up of regular posts subject to merit and meeting the provisions of Recruitment Rules of C-DAC.

18.1.9 **Temporary Employees:** Scientific, Technical, Business, Academic and Administrative/ Support Persons may be employed in Society as purely Temporary Employees for short-term assignments of the Society. Such Temporary Employees may be paid suitable honoraria / remuneration as may be decided by the Competent Authority from time to time.

18.1.10 **Certificate of Physical Fitness:** Every employee shall, prior to taking

up his appointment, be medically examined and be certified fit for service by the medical officer/hospital approved by the Society.

- 18.1.11 **Agreement:** Every officer of the Society shall accept in writing the terms and conditions of his appointment before joining the services of the Society.
- 18.1.12 **Probation:** Every employee of the Society on his initial appointment will be on probation for a period as specified in the Recruitment Rules.
- 18.1.13 **Resignation:** An employee may resign from the Services of the Society. Employees employed to work up to superannuation shall do so by giving three months notice; others shall do so by giving one month's notice. The Society may adjust balance EL in credit in lieu of shortfall in notice period in case of resignations. In case of employees on probation, the notice period shall be one month. The Appointing authority concerned shall accept resignations. Acceptance of resignations shall be subject to obtaining clearances from various departments.
- 18.1.14 **Superannuation:** The age of superannuation for all categories of employees shall be as per instructions of Govt. of India on the subject; presently it is 60 years.
- 18.1.15 **Working Hours:** The Society shall work for 5 days a week with Saturdays and Sundays as weekly off days. Every employee shall work for 8 hours a day. The Director General of the Society / Executive Directors/ Heads of Centres of the Society shall be competent to declare any day as an off day and substitute any other day as a working day to meet any exigencies, disturbances during Bandh, strike etc. The working hours shall normally be 9.00 AM to 5.30 / 6.00 PM with 30/ 60 minutes lunch break. However, the respective centres shall decide actual timings generally within abovementioned time limits depending upon local conditions. The timing followed should not be a limiting factor to accomplish task assigned to an employee.
- 18.1.16 **Attendance :**
- (a) Attendance shall be marked daily according to the methods prescribed from time to time. An employee who is absent from duty shall be liable for deduction of salary/ allowances in proportion to days/ period of absence.
- (b) **Absence from Station:** Employees are required to take permission from their reporting officers for being absent from the station. In case of emergent situations where such sanction cannot be taken, the employees shall inform their reporting officers at the earliest opportunity.

- 18.1.17 **Employees not to be absent from duty without permission or be late in attendance.** An employee shall not absent himself from his duties or be late in attending office without having first obtained the permission of the competent authority, nor shall he absent himself in case of sickness or accident without submitting a proper medical certificate.
- 18.1.18 **Holidays:** The Society shall observe compulsory, additional holidays and restricted holidays out of the holidays notified from time to time by the Central Government. Employees shall be entitled to select any two restricted holidays of their choice.
- 18.1.19 **Grievance:** The Society shall have an open door policy and employees of staff at all levels are expected to discuss their grievances, personal / official difficulties with their immediate supervisors.
- 18.1.20 **Salary:** Every employee shall be paid the salary fixed for his post, every month, so long as he remains in the service of the Society and performs his duties satisfactorily.
- 18.1.21 **Obedience to Rules and Regulations:** During the period of service, every employee shall observe, obey and abide by the Rules of the Society and the Bye-laws, Staff Rules, Service Conditions and all Standing/ Office Orders notified from time to time.
- 18.1.22 **CPF/ EPF/ GPF:** Employees of the Society shall be admitted to Contributory Provident Fund under the Employees' Provident Fund Act, 1952 where the employee shall contribute a minimum amount as prescribed by the Law and a like amount shall be contributed by the Society as Employer's contribution.

The Society / Centre shall have the option to create a Provident Fund Trust managed by it, features of which shall broadly be the same as provided for under Central Govt. Rules or under Employee's PF Act, 1952 as amended from time to time. These are;

- (a) A minimum of 12% of pay (Sum of Basic pay, Dearness Pay and the DA) will be deducted every month from the salary of each employee as contribution to the provident fund.
- (b) A matching contribution equal to the sum mentioned above will be made by the Society in respect of each employee.
- (c) Employees may contribute any additional amount voluntarily to the Provident Fund. However, the contribution by the Society will be limited to the amount mentioned above.
- (d) Interest will be allowed on the total amount at the rates notified from time to time.

- (e) If an employee was a member of a recognized provident fund scheme and has withdrawn from it on joining the Society on regular basis, he will start contributing to the Society's Provident Fund scheme from the date of his joining the service of the Society.
- (f) If an employee was not a member of any recognized Provident Fund Scheme previously, he will start contributing to the Society's Provident Fund Scheme from the date of his joining the Society.

18.1.23 **Liability to Abide by the Rules and Orders.** Every employee shall perform such duties as may be entrusted to him and shall to the best of his ability, carry out the lawful directions of persons under whose jurisdiction, superintendence or control he may for the time being be placed according to the Rules and Bye-laws of the Society and the Standing/ Office Orders issued by the Competent Authority.

18.1.24 **Whole-time Service:** An employee shall devote his whole time to the service of the Society and shall not without the previous permission of the Council in the case of the Director General, or of the Appointing Authority in the case of others, engage, directly or indirectly, in any trade, business or occupation or enter in any remunerative commitment, or absent himself/ herself from duty except in the case of accident or sickness certified by a competent medical authority. Employees shall not take part in politics or contest for election or accept nomination to any local body or any other authority without the previous permission of the Council in the case of the Director General, and of the appointing authority in the case of others.

18.1.25 **Detailing on Sundays and Society holidays:** The Director General or Authority to whom the employee is subordinate may, for urgent work in the interest of the Society may detain any employee for bonafide work beyond the notified working hours, on weekly offs and holidays.

18.1.26 **Transfer/ Posting:** Every employee shall be liable to be posted at the discretion of the DG or appointing authority, to serve at any of the Society's Centres or any other place or organization for the Society's work in India or abroad. Corporate Office will issue orders for inter centre transfers.

18.1.27 **Curtailment of period of notice**

- (a) The service of any employee may be terminated by giving a shorter notice than that specified in the rules on payment to him of a sum equivalent to the amount of pay plus allowances for the period by which such notice falls short of the period specified.
- (b) The appointing authority, or the authority to whom the power has

been delegated, may accept a shorter period of notice from an employee in special circumstances.

18.1.28. **Leave on termination of contract:** For employees on contract (On regular payscale) earned leave with full pay may be counted towards the period of notice required under bye-laws and for any part not so utilized, pay and allowances may be paid in accordance with the guidelines on the subject. Un-utilized portion of Half pay leave shall also be allowed to be encashed at the time of Resignation / Retirement.

18.2 Intellectual Property Rights : Patents/ Copyrights

18.2.1 All work of intellectual nature whether in the form of lectures, presentations, reports, charts, paper, analysis, design, drawings, software or hardware, artistic/ musical work etc; carried out by an employee shall be owned by the Society without exception.

18.2.2 The Society encourages its employees to actively pursue research. All the innovations and discoveries must be documented and reported to their reporting officers. The Society shall endeavour to register/ protect intellectual property generated by employees if it deems fit. Employees may be suitably rewarded at the discretion of the Society in accordance with the guidelines announced from time to time. Intellectual Property generated at any place including office, home, or any other place during or beyond his office hours on working days or on holidays/ weekly offs/ during leave/ days of absence shall be owned by the Society.

18.2.3 The Society may consider sharing commercial consideration received on sale of patent to a third party with the employee concerned in the proportion and within the mechanism as may be decided by the Society from time to time.

18.2.4 Employees shall sign/ execute all necessary documents, declarations, forms etc. required for registration/ protection of intellectual property in the name of the Society/ assignee during employment or even after he has resigned or been relieved from the Society.

19. Tenure of Appointment.

19.1 **Period of Service.** All appointments to the society shall be made as per provisions contained in Clause 18.1.1 to 18.1.5 of the Bye-laws of the Society given above, which may include a probationary period, normally one year. Performance of the employee shall be reviewed by committees constituted for this purpose and based on the recommendations of such committees his services shall be continued as per Clause 18.1.2 to 18.1.4 as applicable. However, no such appointment shall extend beyond the age of superannuation i.e. 60 years. All regular appointments shall be subject to availability of vacancies.

- 19.2 **Compulsory/ Voluntary/ Retirement:** An employee may be retired compulsorily or seek voluntary retirement as per Staff Rules in this regard.
- 19.3 **Extension:** Normally, extension beyond the age of superannuation is not allowed. However, in exceptional cases extension may be granted as per the instructions of Govt. of India with the prior approval of DIT.
- 19.4 **Termination of Service:** Notwithstanding the provisions contained in the Rules, Bye-laws and Staff Rules, the services of any employee of staff may be terminated by either party giving not less than three months' notice in writing to the other to terminate it, except during the period of probation, when the period of notice shall be one month.

19.5 **Voluntary Retirement:**

An employee has the right to retire and get retirement benefits by giving three months advance notice to the Appointing Authority –

- (i) after attaining age of 50 years provided he entered service of the Society before attaining the age of 35 years or
- (ii) after attaining the age of 55 years or
- (iii) Employees have also the option to retire voluntarily on completion of 20 years qualifying service

by giving three months' notice, which requires acceptance by Appointing Authority. Retirement will take effect on expiry of notice period, unless before expiry thereof, permission for retirement is refused by the Appointing Authority; if applied while on extraordinary leave other than on medical ground, the notice period need not be insisted upon and his request may be accepted immediately.

Weightage up to five years will be added to the qualifying service of the employee provided that –

- (a) the total qualifying service including the weightage does not exceed thirty-three years;
- (b) the period does not go beyond the date of normal superannuation;
- (c) the weightage is used only for the purpose of reckoning qualifying service for pension / gratuity and does not confer any other benefit like notional increase in pay.

Notice can be withdrawn with the permission of the Appointing Authority before the intended date of retirement.

The Appointing Authority, at its discretion can accept a notice of less than three months; but commutation of pension can be applied for only after the expiry of normal notice period of three months.

Notice can be given before attaining the age specified or completing the required years of qualifying service; but the effective date of retirement should be after the attainment of the prescribed age or completion of years of qualifying service.

19.6 Premature Retirement

Premature retirement is distinct from (i) compulsory retirement ordered as penalty, and (ii) voluntary retirement.

Conditions – The Appointing Authority has the absolute right to retire an employee from service if it considers necessary to do so in public interest by giving him notice of not less than three months in writing or pay and allowances in lieu thereof, in the following circumstances :-

- (i) After attaining age of 50 years if he had entered service before attaining the age of 35 years or
- (ii) After attaining the age of 55 years or
- (iii) On completion of 30 years' qualifying service

Restrictions – The power should NOT be exercised –

To retire an employee on grounds of misconduct or as a short-cut to avoid formal disciplinary proceedings; or

For reduction of surplus staff or for effecting general economy without following the instructions relating to retrenchment.

Appeal – An employee served with a notice / order of premature retirement may represent within three weeks from the date of service of such a notice / order of premature retirement for consideration by the appellate authority.

Premature retirement benefits – Normal retirement benefits, but weightage in qualifying service is not admissible.

Notice can be given before attaining the age specified or completing the required years of qualifying service; but the effective date of retirement should be after the attainment of the prescribed age or completing of years of qualifying service.

Retirement on medical grounds –

An employee who suffers on account of any bodily or mental infirmity which permanently incapacitates him for the service may be retired from service with retirement benefits.

Conditions :

The Appointing Authority shall direct the employee to appear before the appropriate Medical Authority for medical examination and recommendation.

If the Medical Authority recommends that the employee is not fit to continue in service, he will be retired from service.

If the Medical Authority recommends that the employee is fit for further service of less laborious character than that which he had been doing and if he is not willing to be so employed, or if there are no means of employing him in a lower post, he will be retired from services.

19.7. Employees who are retired prematurely may be allowed:

- (a) Pay for the notice period of one month/three months as may be applicable to him under his terms and conditions of service, plus leave salary for un-availed earned leave. The quantum of leave salary will not exceed the maximum limit to which earned leave can be accumulated under the Leave Rules applicable to the employees.
- (b) Full provident fund contribution of the employer with accretions thereto in the account of the employee subject to the provision of the Provident Fund Rules applicable to him.
- (c) Gratuity for each completed year of service or part thereof as admissible under the Gratuity Rules.
- (d) Transfer TA benefits for self and family for proceeding to hometown or to the place where he intends to settle in India as admissible under the TA Rules.

20. Conduct, Discipline, Control and Appeal Rules : The Central Civil Services (Classification, Control & appeal) Rules and the Central Civil Services (Conduct) Rules as amended shall mutis-mutandis apply to the employees of the Society with the modification that:

- 20.1 The term “President” in the Central Civil Services (Classification, Control & appeal) Rules shall mean the “Minister in-charge of Department of Information Technology”.
- 20.2 The term “Government” in the Central Civil Services (Conduct) Rules shall mean the “Society”.
- 20.3 The term “Government Servant” shall mean the “employee in the service of the Society”.
- 20.4 **Orders made by the Council not Appealable** Notwithstanding anything contained in these bye-laws, no appeal shall lie against any order made by the Council.

21. Pay, Allowances and other Benefits. The Council shall fix the scales of pay and allowances of the employees of the Society from time to time. The scales are given in the Staff Rules / Recruitment Rules.

- 21.1 **Pay Scales :** These shall be as provisioned in the Recruitment Rules of the Society.

21.2 **Allowances**

Basic Pay, Dearness Pay (DP), Dearness Allowance (DA), House Rent Allowance (HRA), City Compensatory Allowance (CCA) shall be as applicable to the Central Government employees as per orders issued from time to time.

21.3 **Other Benefits:** Allowances mentioned in the Staff Rules which are over and above the allowances applicable to the Central Government Employees, shall be paid subject to the Society maintaining sound financial health. These details are given in Staff Rules.

22. **Residuary Clause:**

Except where otherwise provided in the Bye-laws and the Staff Rules, the Central Government Rules shall apply to the employees of the Society.

23. The Society aims to promote efficiency, creativity, innovation and initiative. The Society lays the greatest emphasis on flexibility, communication, participation, teamwork and infrastructure creation.

This is a copy of the Byelaws of the Society as approved (after modifications) in the meeting of the Governing Council held on 27th Day of October 2004.