

**RULES AND REGULATIONS**

**Of**

**ERNET India**

1. Short Title

These Rules and Regulations may be called the Rules of ERNET India.

2. Definitions

In these Rules, unless the context otherwise requires:

- a. The “Society” means the ERNET India.
- b. The “Council” means the Governing Council of the Society.
- c. The “Committee” means the Executive Committee of the Society.
- d. The “Chairman” means the Chairman of Governing Council of the Society.
- e. The “Vice Chairman” means the Vice Chairman of the Governing Council of the Society.
- f. The “Director General ” means the Chief Executive of the Society.
- g. The “Registrar” means Registrar of the Society.
- h. The “User” means any person or organisation using services of the Society.
- i. The “Year” means the period of twelve calendar months beginning from the first day of April and ending on the thirty-first day of March of the subsequent year.
- j. “Administrative Ministry” means Department of Information Technology, Ministry of Communications and Information Technology, Government of India or the Ministry/Department that may be notified by the Government from time to time.

3. Administration and Management

- 3.1. Subject to these Rules and such Rules as may hereinafter be made from time to time, the administration and management of the Society shall vest in the Council, which will be assisted by the Committee, for a periodic review, monitoring of the activities of the Society and to take remedial measures, as deemed fit, to meet the aims and objects of the Society subject to the overall control and guidance of the Council; The Executive Committee shall deal with the administrative, technical and financial management of the Society under the overall guidance of the Governing Council.

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4. The Council

4.1 The Council shall consist of not less than 7 and not more than 16 members.

4.1.1 The composition of the Council for the time being shall be as under :

- |        |  |   |               |
|--------|--|---|---------------|
| (i)    | Minister/Minister of State for Communications & Information Technology | - | Chairman      |
| (ii)   | Secretary, Department of Information Technology, DIT                   | - | Vice-Chairman |
| (iii)  | Additional Secretary, DIT  | - | Member        |
| (iv)   | Representative of Department of Space                                  | - | Member        |
| (v)    | JS&FA, DIT (Representative of Ministry of Finance)                     | - | Member        |
| (vi)   | Joint Secretary (Societies), DIT                                       | - | Member        |
| (vii)  | Representative of Department of Telecom                                | - | Member        |
| (viii) | Representative of University Grants Commission                         | - | Member        |
| (ix)   | Representative of All India Council for Technical Education (AICTE)    | - | Member        |
| (x)    | Director, Indian Institute of Technology, Delhi or his Representative  | - | Member        |
| (xi)   | Director General, ERNET India  | - | Member        |

4.1.2 The Chairman of the Council can modify the above composition of the Council.

4.1.3 The Registrar shall be the ex-officio Secretary to the Council.

4.1.4 The term of the office of the members' indicated under (vii), (viii), (ix) and (x) in the Rule 4.1.1 above would be of three years.

5. The Committee

5.1 The Executive Committee shall consist of not less than 7 and not more than 10 members. The present composition of the Executive Committee is as follows:

- |     |                                    |          |
|-----|------------------------------------|----------|
| (i) | Secretary, Administrative Ministry | Chairman |
|-----|------------------------------------|----------|

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(ii)	Addl. Secretary, Administrative Ministry	Member
(iii)	Joint Secretary and Financial Adviser, Administrative Ministry	Member
(iv)	Joint Secretary (Societies), Administrative Ministry	Member
(v)	Group Coordinator looking after ERNET from technical angle in DIT	Member
(vi)	Director, IIT, Delhi	Member
(vii)	Representative of UGC	Member
(viii)	Director General, ERNET India	Member

5.1.1 The above composition of the Executive Committee can be modified by the Chairman of the Council.

5.1.2 Registrar of the Society will be ex-officio Secretary to the Executive Committee.

5.1.3 One of the members will be nominated by the Council as Vice-Chairman of the Executive Committee.

5.1.4 The term of office of the members of the Executive Committee under (vi) and (vii) of Rule 5.1 above will be of two years.

5.1.5 Committee may invite any functionary of the Society to the meeting where considered necessary.

## 6. General Body of the Society

6.1 General Body shall mean all the members of the Governing Council of the Society. Chairperson of the Council will be Chairperson of the General Body. Any subsequent addition/admission of the members to the Society would be decided by the Council.

6.2 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.

6.3 The quorum for the meetings shall be six and the meeting shall be presided over by the Chairman of the Council. In the absence of the Chairman, the meeting shall be presided over by the Vice Chairman of the Council. In the absence of Vice Chairman, the meeting shall be presided over by a member elected by the members present in the meeting.

6.4 The notice of the meeting will be sent at least 15 days prior to the date of the meeting signed by the Registrar. The period of notice may be reduced at the discretion of the Chairman, if the circumstance so warrant.

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### 7. Officers and Employees of the Society

Subject to the provisions of these Rules, the staff of the Society will consist of :

- i) Director General
- ii) Registrar & CPO
- iii) Chief Finance Officer
- iv) Member Scientific & Technical Staff (Scientist)
- v) Member Technical Support Staff
- vi) Member Administrative / Finance Staff (Executive)
- vii) Member Administrative / Finance Support Staff
- viii) Such other officers and employees including those engaged on fixed contract/trainees, as may be considered necessary for the work of Society.

### 8. Council to be the Apex Body of the Society

The Council shall be the Apex policy-making body of the Society. Subject to the provisions of these Rules, the Council shall conduct the Administration and Management of the Society.

### 9. Executive Committee to be the Executive Body of the Society

The Executive Committee shall be the executive arm of the Governing Council and shall develop policies for consideration and approval of the Council as per the objectives of the Society detailed in Memorandum of Association, and formulate strategies and methodology for executing Council decisions. It shall also be responsible for planning, analysis and coordination of research and development and other activities in the thrust areas of the Society.

### 10. Duration of the Membership of the Council/Committee

When a person becomes a member of the Council/Committee by reason of the office or appointment he holds or by reason of nomination, his membership of the Council/Committee shall terminate when he ceases to hold that office or appointment or if the nominating authority withdraws his nomination.

### 11. COUNCIL MEETINGS AND PROCEDURES

- 11.1 Meetings: Meetings of the Council shall be held at least once in a year to consider & adopt the Annual Report & Audited Statement of Accounts for the preceding year. An extraordinary meeting may also be convened at any time by the Chairman, or on a written request of at least one third of the members of the Council.

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- 11.2 Place of meeting: Meetings of the Council shall be held at the Headquarters of the Society unless the Chairman otherwise directs.
- 11.3 Notice of a meeting: Notice of a meeting shall be given to the members at least fifteen days before the day of the meeting. The period of the notice may be reduced at the discretion of the Chairman, if the circumstances so warrant.
- 11.4 Quorum and Procedure: The quorum for the meeting shall be six and the meetings shall be presided over by the Chairman of the Council. 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.
- 11.5 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.
- 11.6 Chairman of the meeting: The Chairman of the Council shall preside all meetings of the Council. In the absence of the Chairman, the Vice-Chairman of the Council shall preside over the meeting.

## 12 COMMITTEE MEETINGS AND PROCEDURES

### 12.1 COMMITTEE

- 12.1.1 Meetings: Meetings of the Committee shall be held at least twice a year. Special meetings of the Committee, if necessary, shall be convened by the Chairman or at the written request of at least one third of the members of the Committee.
- 12.1.2 Place of meeting: Meeting of the Committee shall be held at the Headquarters of the Society unless the Chairman otherwise directs.
- 12.1.3 Notice of a meeting: Notice of a meeting shall be sent by the Registrar seven days prior to the date of the meeting. The period of notice may be reduced at the discretion of the Chairman of the Executive Committee, if the circumstances so warrant.
- 12.1.4 Quorum and Procedure: The quorum for the meeting would be 4.
- 12.1.5** 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.
- 12.1.6** Chairman of the meeting: The Chairman of the Committee shall preside at all meetings of the Committee. In the absence of the Chairman, the Vice-Chairman of the Committee shall preside over the meeting.
- 12.1.7** Nature of Business: The committee shall meet to monitor and review the activities of the Society and to take 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 the Committee with the permission of its Chairman.

13. Business by circulation of papers

The Council/Committee may dispose off urgent matters by circulation of papers in such cases where the decision cannot wait for formal convening of the meeting.

14. Vacancies

When a vacancy occurs in the office of a nominated member of the Council or Committee through death, resignation or any other reason, such vacancy shall be filled by a person nominated by the concerned nominating authority.

15. Vacancy not to affect proceedings

If a vacancy in the office of a Member of the Council or Committee has occurred, the continuing members shall act as if no vacancy had occurred and no act or proceedings of the Council shall be deemed invalid merely by reason of a vacancy in the Council or of a defect in the appointment of a person acting as a member. Nothing in this rule will derogate from provision regarding quorum necessary in the meeting of the Council/Committee.

16. Bye-laws

16.1 The Council may frame Bye-Laws from time to time in consistent with these Rules for the general administration and management of the Society, and may in particular provide for the following:

- (a) Conduct of business and the procedure to be adopted at meetings of the Council, Committee and the quorum for such meetings;
- (b) Finances and accounts of the Society;
- (c) Term and tenure of appointments, emoluments, allowances and other conditions of service of the officers and employees of the Society including conduct rules with the approval of the administrative ministry;
- (d) Powers, functions and duties of the Director General of the Society and other officers and employees of the Society;
- (e) Execution of contracts and other instruments on behalf of the Society;
- (f) Establishment and maintenance of provident fund or other funds for the benefit of the officers and employees or for the purposes of the Society;
- (g) Conduct and defence of legal proceedings and the manner of signing pleadings;
- (h) R&D and other activities of Society; and
- (i) Such other matters as may be necessary for the administration and management of the Society.

17. Appointment of Director General

The appointment of the Director General shall be made strictly as per Recruitment Rules.

18. Powers of the Director General

18.1 The Director General shall exercise general supervision over the affairs of the Society and shall function under the overall control of the Council and in accordance with the Rules and Bye-Laws. In the case of an emergency, he may take such action as may be necessary and report it to the Council.

18.2 All officers and employees (members) of the Society shall be under the control of the Director General, who may issue standing orders from time to time not inconsistent with the MoA or the Rules and Bye Laws.

18.3 All expenditure within the approved budget shall be approved and sanctioned by the Director General, or a member of staff to whom such power has been delegated by him in writing.

18.4 Director General may in writing delegate some of his powers to members of staff of the Society subject to conditions under which such delegated powers shall be exercised by the delegated authority.

19. Powers of the Registrar & CPO

19.1 Secretarial work: The Registrar shall act as ex-officio Secretary to the Council and the Committee. He shall act as the Recorder to the Council and Committee shall have charge of all documents relating to the Society. He shall send the notices for the meetings and communicate the minutes of the meetings to all the members.

19.2 Work under the general control of the Director General: In all matters concerning the Society he shall act under the general control and orders of the Director General.

19.3 Correspondence: The Registrar shall be in charge of correspondence relating to the Society, subject to the instructions of the Director General.

19.4 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.

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

20. Powers of the Chief Finance Officer

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

The Chief Finance Officer shall be responsible for all matters relating to accounts, finance, budgets, audits and related matters of the Society. The officer shall ensure that he manage the responsibilities in the manners prescribed in the policy manual and shall also ensure that the powers exercised by various authorities are strictly in conformance to delegation of powers approved by the administrative ministry.

Duties and Functions of the other staff members: Duties and Functions of the other staff members will be decided by the Director General.

### 21. Appointments of officiating or temporary Chief Executive

In the absence of the Chief Executive appointed under Rule 17, the Chairman, Governing Council may make a temporary / officiating arrangements with the approval of the Administrative Ministry & (ACC). Every such appointment under this Rule shall be for a period not exceeding six months at a time. An officiating or a temporary Chief Executive shall discharge only such of the duties and functions vested in the Chief Executive as may from time to time be sanctioned by the Chairman, GC who may impose conditions and restrictions as to the discharge of any such duty or function by the officiating or temporary Chief Executive.

### 22. Appointment of distinguished Scientists and specialists

The Director General with the approval of Council may appoint individual with outstanding expertise in the area of interest to the Society as Distinguished Scientists of the Society. The tenure and Terms for appointment would be decided by the Council on case to case basis.

### 23. Tenure of appointment of employees of the Society

Notwithstanding anything contained in Rule 17, the regular employees of the Society shall superannuate at the age of 60 years or the age that may be decided by the Government. As and when need arises for extension of service in rare & exceptional cases, Department may be approached on case to case basis.

### 24. Legal Action

The Society may sue or may be sued in the name of the Registrar as per provisions laid down in Section 6 of the Societies Registration Act 1860 as applicable to National Capital Territory of Delhi.

### 25. Seal of the Society

The Registrar is authorised to execute all documents and contracts and to put in the Seal of the Society on such documents on the direction of the Director General. The custody of the Seal would be with the Registrar.



26. FINANCES AND ACCOUNTS

26.1 Properties and Funds vested in the Council: The properties and funds of the Society vested in the Council shall include:

26.1.1 Grants gifts, loans etc. received from within the country or abroad.

26.1.2 All machinery, plant, equipment and instruments, books and journals, furniture, furnishings and fixtures and all other moveable properties belonging to the Society.

26.1.3 Communication channels including telephone, broadcasting, radio, satellite etc., taken on lease or otherwise in India or abroad.

26.1.4 Gifts and donation of cash and securities and or any properties either movable or immovable.

26.1.5 Funds earned by the Society for services made available to external agencies.

26.1.6 All land, buildings, part of buildings, installations and other immovable or movable properties including vehicles, purchased by the Society, or otherwise acquired, in perpetuity or on lease.

26.2 Acceptance of Donations etc.: The Council may accept donations; gifts and subscriptions for specific purposes not inconsistent with the objects of the Society, provided no onerous conditions are attached to them. Donations by agencies abroad shall require prior approval of the government.

26.3 All moneys received for or on behalf of the Society, shall be deposited in a bank account or fixed deposit account with a public financial institution within the guidelines issued by the Government, if any, and in accordance with the provisions of the Income Tax Act relating to such organizations.

26.4 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 for carrying out its activities.

26.5 Payments: Normally all payments by or on behalf of the Society shall be made by cheque. Any one officer amongst Director General, CFO and Registrar & CPO shall sign the cheque where the value of cheque does not exceed Rs.25000/-. If the value of cheque exceeds Rs.25000/-, any two officers jointly amongst ED, CFO, Registrar & CPO shall sign the cheque.

26.6 Endorsements: All bills for payment shall bear an endorsement "Passed for Payment" and the endorsement shall be signed by the Director General or by an officer to whom the power has been delegated in writing by the Director General.

26.7 Permanent & Temporary Advances: Permanent and temporary advances for cash payments shall be kept by any officer of the Society as authorised by the Director General or by an officer to whom the power has been delegated by him in writing.

## **Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

### 27. Accounts & Audits

27.1 The Society shall maintain such books of accounts and other books in relation to its accounts in such form and in such manner as prescribed by Administrative Ministry. The Chief Finance Officer shall be responsible for the accounts of the Society.

27.2 The financial year of the Society shall be from 1<sup>st</sup> April each year to 31<sup>st</sup> March of the subsequent year.

### 28. Accounts

28.1. Monies forming part of the funds of the Society vested in the council shall be deposited/invested in the name of the Society as per details given in Para 3.2.25 of MOA.

28.2. All the incomes, earnings, movable and/or immovable properties of the Society will be solely utilized and applied towards the promotion of the objects 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 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. The Society will operate on the basis of no profit and loss.

28.3. The accounts of the Society shall be audited annually by a Chartered Accountant or Accountants as defined in the Chartered Accountants Act, 1949(XXXVIII of 1949) to be approved by the Council from the approved list of Chartered Accountant or Accountants nominated by the Comptroller and Auditor General of India for this purpose.

28.4. All necessary financial documents, as and when required by any authority empowered by law, shall be produced for inspection.

### 29. Annual Report

The Council shall submit a Report on the working of the Society annually to the Department of Information Technology, Government of India. Such Report shall contain particulars regarding the work of the Society during the previous year and shall be accompanied by a balance sheet duly audited showing the income and expenditure of the Society during the said year.

### 30. Alteration of Rules

These Rules may from time to time be altered, added to and modified by the Council as and when necessary and the Rules (so altered, added to and modified) shall operate from such date as shall be notified by the Council. However, if there is any inconsistency between the Rules and the MoA or the Societies Registration Act 1860, the provision contained in the rules would be void to the extent of the inconsistency.

31. Change of Name

The name of the Society may be changed by the Council as and when necessary, with the approval of the administrative ministry and the change in name, so altered and modified shall operate from such date as shall be notified. The change in the name of the Society shall not affect any rights or obligations of the Society or render defective any legal proceedings by or against the Society and any legal proceedings, which might have been continued or commenced by or against it by its new name.

32. Amalgamation and Division of the Society

Subject to the provisions of the Societies Registration Act 1860, the Council shall be competent to amalgamate the Society with any other Society either wholly or partially for better utilization of the resources of the Society and the change shall operate from such date as shall be notified. Similarly the Government may order division or amalgamation of the Society after giving the Society opportunity to represent against such proposal.

33. Dissolution of the Society

The Society may be dissolved in accordance with the provisions of Section 13 of the Societies Registration Act (Act No. XXI of 1860) after obtaining the previous consent of the administrative ministry in that behalf.

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 it 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 revert to the Department of Information Technology, Government of India to be utilized for any of the purpose referred to in Section 1 of the Societies Registration Act 1860 or vest with any other society or institution with similar objects, as may be decided by the members, subject to the provisions of the Societies Registration Act 1860.

A list of persons who are members of the Council within the meaning of section 2 (b) of Rules & Regulations will be maintained by Society.

34. Application of the Act

All the provisions of the Societies Registration Act 1860 as applicable to National Capital Territory of Delhi shall apply to the Society.

CERTIFIED that this is a true copy of the Rules and Regulations of the Society as amended in the 12<sup>th</sup> meeting of the reconstituted Governing Council of the Society.

**Right to Information Act: Chapter-II Sub-section 4(1)(b)(v)**

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Sl. NO	Full Name	Designation	Signature
1.	Dr. Gulshan Rai	Member, GC	
2.	Shri Ajeer Vidya	Member, GC	
3.	Shri Pankaj Agrawala	Member, GC	

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