

Bye Laws of the National Centre for Polar and Ocean Research

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1. Short Title:

The Bye-laws of the National Centre for Polar and Ocean Research (NCPOR), are given below.

2. Definitions.- In these Bye-laws –

- (a) Central Government' means the Administrative Ministry of the NCPOR;
- (b) 'Chairperson' means the chairperson of the Governing Council;
- (c) 'Council' means the Governing Council of the NCPOR;
- (d) 'Director' means the Director of the NCPOR;
- (e) 'Society' means NCPOR as registered under Goa Societies Registration Act- 1860.
- (f) 'General Body' means the General Body of the NCPOR.
- (g) 'Institute, means the NCPOR;
- (h) Year' means a year commencing on the first day of April of a Calendar year and terminating on the thirty-first day of March of the following year.

3. Head Office and other Branches of the Institute:

The head office of the NCPOR shall be at Ministry of Earth Sciences (MoES), New Delhi and the Council may, with the previous approval of the Central Government, establish branches or laboratories at other places within and outside India.

4. Authorities of the Society/Institute. –

The Following shall be the authorities:

- (a) The General Body;
- (b) The Governing Council; and
- (c) The Director of the institute.

5. General Body

- (a) There shall be a General Body of the NCPOR, which shall be the apex body of the Society.
- (b) The Institute shall maintain a register of the members of the General Body giving their addresses and occupations and each member shall sign the register. The present composition of the General Body is at Annex-I.

(c) There shall be an annual general meeting of the General Body at a place and on a date fixed by the President –

- (i) to consider and pass annual report of the Institute;
- (ii) to consider the balance sheet and audited accounts for the preceding year; and
- (iii) To consider any other matter which the President may consider appropriate.

(d) The General Body of the Society shall meet at least once in a year at a place and on a date fixed by the President.

(e) The General Body may meet in order to discuss any important urgent issue in an extraordinary meeting.

(f) All the proceedings of the General Body, duly approved by the President, shall be submitted to the Registrar of Societies and the Central Government by its Member-Secretary.

(g) The General Body may, make or, amend or, add or, repeal rules if inconsistent with Bye-laws.

(h) Subject to the provisions of the (NCPOR) Societies Registration Act, 1860, and the General Body may alter, extend or abridge any purpose or purposes for which the Institute is established.

6. **Governing Council.-**

(a) There shall be a Governing Council for the Institute consisting of the following members:-

(i)	Secretary to the Government of India of the Administrative Ministry or eminent Scientist appointed by the Secretary of the Administrative Ministry	Chairperson
(ii)	Up to seven experts in the relevant field to be appointed by the Chairperson –	Members
(iii)	Maximum three representatives of the Administrative Ministry including Financial Adviser to Ministry or his nominee	Members
(iv)	<i>Other Ex-officio</i> Member(s) (e.g. DG IMD in case IITM or other similar cases)	Member
(v)	Director of the Institute	Member-Secretary

(b) The Institute shall keep a roll of the members of the Council giving their addresses and occupations, and every member shall sign the same. If a member of the Council changes his address, he shall convey his new address to the Director, who shall thereupon enter the new address in the roll of members.

(c) The members of the council under clause 6(a) of these Bye-laws or any Committee appointed by it shall be paid by the Institute such fee and allowance(s), as may be provided in the rules, in respect of journeys undertaken by them for attending the meetings of the Council or the Committees set up by the Council or in connection with any business of the Institute.

7. **Tenure of membership of the Council.-**

- (a) The membership of Official Member shall terminate when he ceases to hold that office.
- (b) The term of membership of the members of the Council shall be five years.
- (c) A member of the Council shall cease to be such a member on the happening of any of the following events:
 - (i) if he dies, resigns, becomes of unsound mind, becomes insolvent, or is convicted of a criminal offence involving moral turpitude;
 - (ii) if he is removed from membership by the Central Government;
- (d) A member of the Council, other than the Chairperson or an *ex-officio* member, may resign his membership by a letter addressed to the Chairperson, and such resignation shall take effect from the date it is accepted by the chairperson.
- (e) Any casual vacancy in the Council shall be filled by nomination by the Chairperson and the member so nominated to fill such a casual vacancy, shall hold office for the remainder of the term of the member in whose place he has been nominated.
- (f) A person shall be disqualified for being nominated as a member if he/she -
 - (i) has been convicted and sentenced to imprisonment for an offence which involves moral turpitude; or
 - (ii) is an un-discharged insolvent; or
 - (iii) is of unsound mind and stands so declared by a competent court.

8. Meeting of the Council.-

- (a) Every meeting of the Council shall be presided over by the Chairperson or his nominee.
- (b) The Council shall meet at least twice every year at a place and on a date to be fixed by the Chairperson.
- (c) The Chairperson may call a special meeting at any time or on the request made by not less than one-third of the members of the Council.
- (d) Minimum 5 (five) members will constitute the quorum. The Council meeting adjourned for want of quorum, may meet again after thirty minutes even on the same day.
- (e) Minutes of the meeting shall be recorded by the Member Secretary of the Council and be approved by the Chairperson. The approved minutes shall be circulated to the members.
- (f) Each member of the council, including the Chairperson, shall have one vote, and if there be a tie on any question to be determined by the Council, the Chairperson shall, in addition, have and exercise a casting vote.
- (g) Any business of the Institute may be performed by the Council, by circulation and approved by a majority of the members.
- (h) No act or proceeding(s) of the Council or any committee or sub-committee of the Council under Bye-laws shall be invalid merely by reason of-

- (i) any vacancy in, or any defect in the constitution of, the Council; or
- (ii) any defect in the appointment of a person acting as a member of the Council; or
- (iii) any irregularity in the procedure of the Council not affecting the merits of the case;

9. Functions and powers of the Council.-

(a) It shall be the function of the Council to carry out the objects of the Institute as set forth in the Memorandum of Association.

(b) The Council shall be guided by directives issued by the Central Government on policy related issues from time to time.

(c) The Council shall, inter alia, exercise the following powers:

- (i) may recommend add to, amend, or repeal rules and regulations and bye-laws for the conduct of the affairs of the Institute to General Body;
- (ii) consider, approve and authorize operation of the funds of the Institute;
- (iii) Chairperson of the council shall accord approval for participation of the staff members of the institute for foreign deputation.
- (iv) constitute as many Committees or as many ad-hoc committees for the disposal of any of its business or for tendering advice on any matter pertaining to the Institute;
- (v) institute and award fellowships, scholarships, prizes and medals;
- (vi) create scientific, technical, administrative and other posts under the Institute, other than the post of the Director, and to select and make appointments thereto with the approval of the Central Government;
- (vii) cooperate and collaborate with foreign institutions and international organizations in the field of Earth Sciences and Allied Sciences;
- (viii) acquire by gift, purchase, exchange, lease, hire or otherwise howsoever any property, movable or immovable and to construct buildings, as may be necessary or convenient for carrying on the activities of the Institute;
- (ix) dispose of any immovable property with prior approval of the Central Government;
- (x) delegate its powers to the Director, and through him or directly to other members of staff of the Institute or to any Committee appointed by it; and
- (xi) to do all such acts and things as are incidental or conducive to the discharge of its functions and attainment of any one or more of the objects specified in the Memorandum of Association.
- (xii) Member-Secretary should keep proper records and minutes of the proceedings of the Council meetings, and be responsible for implementation of the resolution(s) passed by the Council;

10. Director

(a) The Director shall be appointed by the Council with the prior approval of the Central Government;

(b) The Director shall hold office for such period and on such terms and conditions of service as may be prescribed in the rules.

11. Functions and powers of Director.-

- (a) The Director shall be the Chief Executive of the Institute and shall be responsible for the day to day management of its activities and overall administration of the Institute and to discharge the responsibilities in accordance with the Rules and Bye-laws of the Institute.
- (b) In case of an emergency, the Director may take such action as may be necessary and report it to the Chairperson, Governing Council.
- (c) He shall be the custodian of the records and such other property of the Institute as the Council may commit to his charge.
- (d) The Director shall have full powers for carrying out all expenditure within the budgeted grant.
- (e) The Director shall-
 - (i) conduct all official correspondence on behalf of the Institute and the Council;
 - (ii) select and make appointments to the posts under the Institute for which he is the appointing authority under the rules;
 - (iii) assign tasks to the staff members of the Institute to manage affairs of the Institute and to exercise overall control, including disciplinary control, over staff of the Institute;
 - (iv) appoint committees of members of the staff of the Institute to manage all activities of the institute;
 - (v) participate in conferences; and nominate members of the staff of the Institute to represent the Institute in national conferences ;
 - (vi) Co-operate and collaborate with other national organizations in consultation with Chairman, Governing Council;
 - (vii) execute and sign all contracts, deeds and instruments except instruments relating to assurances of property;
 - (viii) draw, make, accept, endorse cheques, notes or other negotiable instruments for the purposes of the Institute;
 - (ix) delegate his powers to any of his subordinates;
 - (x) exercise such other powers as may be assigned to him by the Council from time to time;
 - (xi) negotiate, enter into and make contracts and deeds of the institute; and
 - (xii) receive grants, gifts, donations or other contributions from the Central Government or from any other source, provided that no benefaction shall be accepted by the Institute which, in its opinion, involves conditions or obligations contrary to the objectives of the Institute.
 - (xiii) May sue or be sued on behalf of the Society.

12. **Accounts and Audit.-**

- (a) The Institute shall prepare and maintain proper accounts and other relevant records and an annual statement of accounts.
- (b) The Accounts of the Institute shall be audited annually by a Chartered Accountant or Accountants as defined in the Chartered Accountants Act, 1949 (XXVIII of 1949), to be appointed by the Council.
- (c) The Comptroller and Auditor General of India shall have the right to demand production of books, accounts, and connected vouchers and other documents and papers and to inspect the records, offices of the Institute.

(d) The Institute shall maintain a bank account in the name of the institute and shall be operated upon jointly by the Director and any other officer or officers;

(e) All funds shall be deposited in the bank account as prescribed by the Central Government from time to time and accounted for in provided manner; and

13. Annual Report.-

Within six months of the close of every financial year, the Institute shall submit to the Central Government an annual report on its working during the previous year together with an audited statement of accounts showing the receipts and expenditure for the previous year as certified by the Chartered Accountant appointed for the purpose.

14. Budget.-

The annual budget of the Institute shall be drawn up in a prescribed manner and shall be approved by the Governing Council.

15. Reports, returns and information.-

The Institute shall furnish to the Central Government such reports, returns and information as may be required from time to time.

16. Winding up of the Society.-

If, on winding up or dissolution of the Society, there shall remain, after 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 or any of them, but shall be dealt with in manner as the Central Government decide.

17. Seal of the Institute.-

The Society shall provide a seal and also provide for its safe custody, every instrument to which the seal is affixed, shall be countersigned by the Director or by some other person authorized by the Director.

18. Transitional provisions.-

Notwithstanding anything contained in these Bye-laws until appropriate rules of procedures are made under these Bye-laws, the rules and regulations and procedures as are in force immediately before these Bye-laws shall continue to apply to the Institute not inconsistent with the Government of India norms.

19. Repeal and Saving.-

(a) The Bye Laws of NCAOR made heretofore and filed with the Registrar Panaji-Goa are hereby repealed.

(b) Notwithstanding the repeal of the said Bye Laws, anything done or any action taken under the same Bye Laws shall be deemed to have been done or taken under the corresponding provisions of these Bye-laws.