

A G R E E M E N T

The AGREEMENT made this 27th day of August One Thousand Nine Hundred Ninety Two between THE PRESIDENT OF INDIA (hereinafter called "the Government of India" which expression shall where the context so admits include his successors in Office and assigns) of the first part, THE GOVERNOR OF WEST BENGAL (hereinafter called "the Government of West Bengal" which expression shall where the context so admits include his successors in office and assigns) of the second part and THE VICE-CHANCELLOR OF CALCUTTA UNIVERSITY, a statutory body corporate having its office at College Square in the town of Calcutta (hereinafter called "the University" which expression shall where the context so admits include his successors in office and assigns) of the third part.

WHEREAS:

(1) It was agreed in the tripartite agreement dated 14th January 1972 between the Government of West Bengal, the University of Calcutta and the Government of India (Department of Atomic Energy) that the Institute shall be under the control and direction of a Council comprising the Vice-Chancellor, Calcutta University, 3 persons appointed by the Secretary, Department of Atomic Energy, Government of India, Secretary, Education Department, Government of West Bengal or his nominee, one Professor of Physics or allied subjects appointed by the Calcutta University, the Director/Project Director, Variable Energy Cyclotron Centre, Calcutta and the Director of the Institute who shall be the Ex-officio Member of the Council.

(2) As the year 1993 is the birth centenary year of Prof. Meghnad Saha, the participants to the agreement made for formation of the Saha Institute of Nuclear Physics as an autonomous unit on 14th January 1972, decided that this is an appropriate moment to re-organise the Saha Institute of Nuclear Physics in order to revitalise it.

(3) The Saha Institute of Nuclear Physics which started in 1972 with a recurring annual grant of Rs.20.00 lakhs from Government of India, Rs.1.00 lakh from the Government of West Bengal and Rs.36,000.00 from the University of Calcutta has grown manifold with an estimated budget of Rs.5.95 crores in 1991-92.

(4) The Institute which was in the University Campus area in 1972, was shifted to Salt Lake Area in its own building adjacent to the Variable Energy Cyclotron Centre of the Department of Atomic Energy.

(5) In view of the proposal of the Central Government to set up a Superconducting Cyclotron facility at Variable Energy Cyclotron Centre at a cost of about Rs.32.00 crores, it was decided to bring close involvement of Saha Institute of Nuclear Physics and Variable Energy Cyclotron Centre by providing adequate experimental facilities for scientific research to the gifted scientists in Saha Institute of Nuclear Physics and ensure the full benefit of heavy investments made and proposed to be made by Government of India in Variable Energy Cyclotron Centre towards the cost of advanced scientific facilities.

(6) The parties to this agreement are now desirous of drawing up a fresh agreement in supersession of the agreement dated 14th January 1972 as hereinafter provided for the management and functioning of the Institute.

WITNESSETH AND IT IS HEREBY AGREED by and between the parties hereto as follows :

1. This agreement shall come into force and take effect as from the 27th day of August month of 1992.
2. The Saha Institute of Nuclear Physics working as an

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autonomous institution under the administrative control of the Department of Atomic Energy shall have the recognition of the University of Calcutta as a Centre for conducting research ~~both~~ for ^{doctorate} M.Sc. and Ph.D. degrees. The Institute shall also provide facilities for teaching and research in Nuclear and other Physical and Biological Sciences.

3. The Rules set out in the Schedule hereto shall constitute the Rules for the administration and management of the Institute from the date of commencement of this Agreement. These Rules may from time to time be altered, added to and modified by the Council with the joint consent of the Government of India (Department of Atomic Energy) and the Government of West Bengal and such Rules (so altered, added to and modified) shall operate from such date as shall be notified by the Council, with the approval of the Government of India and the Government of West Bengal.

4. All the existing officers and employees of the Institute shall as from the date of commencement of this Agreement be governed by and be subject to the Rules set out in the Schedule hereto as amended from time to time. PROVIDED, however, that persons already serving or employed by the Institute on or before the said date shall continue to enjoy and be entitled to all rights and benefits that they were enjoying and entitled to in respect of leave, provident fund and other service matters as on the date of the commencement of this Agreement.

5. The Government of India (Department of Atomic Energy) shall pay the entire annual recurring and non-recurring expenditure of the Institute for development and maintenance of the Institute.

6. The Institute shall be under the control and direction of a re-constituted Governing Council with Chairman, Atomic Energy Commission and Secretary, Department of Atomic Energy as Chairman, ~~the Secretary, Department of Higher Education and~~ Secretary, Department of Science and Technology or any other two

one nominees of the Government of West Bengal, ^{two members} a distinguished

physicist of the Calcutta University, the Director of the Institute, ~~three~~ ^{three} scientists to be nominated by the Department of Atomic Energy who are working in the fields of interest to the

Secretary (Finance) in the Department of Atomic Energy and a representative of the Secretariat of Department of Atomic Energy (the Joint Secretary looking after autonomous institutions) as members.

7. The entire properties and funds of the Institute (including lands, buildings and appurtenances on the said lands as listed in the Second Schedule to the agreement dated the 14th day of January 1972) shall be vested with the re-constituted Governing Council of the Institute formed as per this Agreement.

8. Any addition, modification, and revocation of this agreement signed on this date be made with the consent of the Government of India (Department of Atomic Energy) and the Government of West Bengal (Education Department) only.

IN WITNESS WHEREOF THE PRESIDENT OF INDIA has caused Shri V. Ranganathan, Joint Secretary to the Government of India, Department of Atomic Energy on his behalf to set his hand and the GOVERNOR OF WEST BENGAL has caused Shri Dilip Bhattacharyya, Secretary, Department of Higher Education, Government of West Bengal on his behalf to set his hand and the Vice Chancellor of Calcutta University has caused Shri. Tapas Kumar Mukherjee Prof./Head, Department of Physics to set his hand and seals the day, month and year first above written.

Receipt
[Signature]

SIGNED, SEALED AND DELIVERED BY

[Signature]

For and on behalf of the President of India.

श्री. वी. रंगनाथन / V. RANGANATHAN
संयुक्त सचिव / Joint Secretary to the
संघीय परमाणु / Commissioner of Atomic
विभाग, नयी दिल्ली / Department of Atomic Energy
नई दिल्ली / New Delhi - 110 039.
C.S.M. Marg / Bombay-400 039.

in the presence of

- 1. [Signature] Secretary, DAE & Chairman, AEC (P.K. Iyengar)
- 2. [Signature] Director, VECC, DAE, Calcutta

For and on behalf of the Governor of West Bengal

in the presence of

- 1. [Signature] (N. Krishnamurthi) Chief Secretary Govt. of West Bengal
- 2.

For and on behalf of the University of Calcutta

[Signature] Registrar Calcutta University

in the presence of

- 1.
- 2.

THE SCHEDULE

Rules for the Administration and Management of the Saha Institute of Nuclear Physics.

1. Short Title: These Rules shall be called the "Rules of the Saha Institute of Nuclear Physics".

2. Interpretation: Unless there is anything contrary in the subject/context.

(1) "Council" means the ^{Governing} Council of the Institute.

(2) "Director" means the Director of the Institute.

(3) "Institute" means the Saha Institute of Nuclear Physics.

(4) "Year" means the period of twelve calendar months beginning from the first day of April and ending on the thirty first day of March.

3. Administration and Management: Subject to these Rules and such Rules as may hereafter be made from time to time, the administration and management of the Institute shall vest in the Council.

4. Constitution of the Council: The Council shall consist of

(a) Secretary, Department of Atomic Energy (Chairman)

(b) Three scientists appointed by the Government of India.

(c) One distinguished Nuclear Physicist of the Calcutta University.

(d) Secretary, Department of Higher Education or any other nominee of the Government of West Bengal.

(e) Secretary, Department of Science & Technology or any other nominee of the Govt. of West Bengal.

(f) Joint Secretary (Finance), Department of Atomic Energy.

(g) Joint Secretary looking after autonomous institutions in the Department of Atomic Energy.

(h) Director of the Institute (ex-officio Member).

5. Chairman of the Council: The Secretary, Department of Atomic Energy shall be the Chairman of the Council.

6. Secretary to the Council: The Registrar of the Institute appointed under Rule 17 shall be the ex-officio Secretary to the

Chairman, Atomic Energy Commission

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Council. He shall act as the Recorder to the Institute and shall have charge of all documents relating to the Institute.

7. Vacancies: When a vacancy occurs in the office of a Member of the Council other than the Director through death, resignation or for any other reasons, such vacancy shall be filled by the authority which appointed such member.

8. Vacancy not to affect proceedings: If a vacancy in the office of a member of the Council occurs, 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 by reason of a vacancy in the Council or on account of a defect in the appointment of a person acting as a member.

9. Council to be executive body of the Institution: The Council shall be the executive body of the Institute and subject to the provisions of these Rules, the Council shall have charge of the administration and management of the Institute.

10. Bye-Laws:

1) The Council may frame bye-laws from time to time not inconsistent with these Rules for the General Administration and Management of the Institute and may in particular provide for the following matters.

- (a) conduct of business and the procedure to be adopted at meeting of the Council and the quorum for such meetings;
- (b) date of commencement and duration of the session of the Institute;
- (c) finance and accounts of the Institute;
- (d) payment and amount of fees to be levied;
- (e) term and tenure of appointments, emoluments, allowances and other conditions of service of the officers and employees of the Institute;
- (f) duties and functions of the Director and other officers and employees of the Institute;

- (g) rules regarding discipline, suspension and dismissal of the officers and employees of the Institute;
- (h) courses of study and research in the Institute;
- (i) award of certificates, diplomas and the title of Fellow or Associate, whether honorary or endowed;
- (j) admission of students to the Institute;
- (k) execution of contracts and other instruments on behalf of the Institute;
- (l) establishment and maintenance of pension, provident or other funds for the benefit of the officers and employees or for the purpose of the Institute;
- (m) conduct and defence of legal proceedings and the authority for signing pleadings; and
- (n) such other matters as may be necessary for the administration of the Institute.

ii) The first set of bye-laws under this Rule will be subject to approval of the Government of India and in respect of all subsequent, modification, deletions and additions to the first bye-laws relating to rules (c) and (e) above assent of the Government of India will be required.

iii) Any bye-laws relating to the administration and management of the Institute as in force on the date of execution of this agreement shall insofar as they are not inconsistent with any of the provisions of these Rules, continue in force until they are superseded by bye-laws framed by the Council in pursuance of this Rule.

11. Officers and employees: Subject to the provision of these Rules, the staff of the Institute shall be categorised as under :

- i) Scientific;
- ii) Technical;
- iii) Administrative;
- iv) Auxiliary.

The classification of posts in the above categories will be decided upon by the Council.

12. Appointment of Director: The appointment of the Director shall be made by the Council with the prior approval of the Government of India (Department of Atomic Energy). Subject to the provision of Rule 16, the Director shall ordinarily hold office for a period not exceeding five years at a time. His emoluments, allowances and other conditions of service shall be fixed by the Council.

13. Power of Delegation of the Director: The Director may delegate any of his powers, functions and duties to any member of the staff of the Institute with the previous approval of the Council.

14. Appointments of officiating Director or temporary Director: Notwithstanding anything contained in Rule 12, the Council may appoint a person to officiate as Director in the absence of the Director appointed under Rule 12. The Council may also make a temporary appointment of Director in a vacancy of the Director. Every appointment under this Rule shall be for a period not exceeding one year at a time. An officiating or a temporary Director shall discharge only such of the duties and functions vested in the Director as may from time to time be sanctioned by the Council and the Council may impose conditions and restrictions as to the discharge of any such duty or function by the officiating or temporary Director.

15. Appointment of scientific and technical staff: Subject to the provision of Rule 16, the appointment of members of the scientific and technical staff of the rank of Reader and above shall be made by the Council on the recommendation of the Selection Committees set up under the bye-laws of the Institute for periods normally not exceeding five years at a time.

16. Tenure of appointments of scientific and technical staff: Notwithstanding anything contained in Rules 12 and 15 the Council may retain in service up to the age of sixty years selected members of the scientific and technical staff of the rank of Reader and above who have rendered meritorious service to the Institute for a minimum period of 5 years.

17. Appointment of Registrar: The appointment of the Registrar shall be made by the Council on the recommendation of the Selection Committee set up under the bye-laws of the Institute.

18. Appointment of other employees: Appointment of other members of the staff whether scientific or technical or administrative or auxiliary shall be made in accordance with the bye-laws of the Institute.

19. Tenure of Service: Save as otherwise prescribed, each employee shall, after completion of the probationary period be given a continuing appointment upto the date of superannuation which shall be the day of his attaining the age of 60 years in the case of scientific and technical staff and the age of 58 years in the case of administrative and auxiliary staff.

PROVIDED that for special reasons extension of service may be granted to the scientific and technical staff subject to their being fit in all respect, upto the age of sixty-five and in the case of administrative and auxiliary staff upto the age of sixty. Such extensions, shall not, however, be given for more than two years at a time.

20. Properties and Funds vested in the Council: The properties and funds of the Institute vested in the Council shall consist of

- a) lands, buildings and appurtenances on the said lands as listed in the Second Schedule to the Agreement dated the 14th day of January 1972;

- b) the income from properties and funds vested in the Council and fees, subscriptions and other annual receipts;
- c) recurring grants made by the Government of India;
- d) other grants, donations and gifts (periodical or otherwise); and
- e) all machinery, plant, equipment and instruments (whether laboratory, workshop or otherwise), books and journals, furniture, furnishings and fixtures belonging to the Institute.

21. Acceptance of Donations etc: The Council may accept donations, gifts and subscriptions for specific purposes provided conditions if any attached to them are acceptable to the Council and all such donations, gifts and subscriptions other than those falling under clauses (b) and (d) of Rule 20 shall be accepted only with the approval of the Government of India.

22. Budget and Accounts:

(a) The Council shall frame the Annual Budget of the Institute according to the time schedule indicated by the Government of India and forward copies thereof to the Government of India for approval.

(b) Moneys forming part of the funds of the Institute vested in the Council shall be deposited in a Bank or Banks specified by the Council in the name of the members of the Council and shall remain under the control of the Council. Such account in the Bank or Banks shall be operated by such members of the Council or officers of the Institute as the Council may from time to time decide.

(c) The accounts of the Institute for every financial year shall be audited annually by a Chartered Accountant or Accountants as defined in the Chartered Accountants Act, 1949, (XXXVII of 1949) to be appointed by the Council in consultation with the Comptroller and Auditor General of India.

(d) The Comptroller and Auditor General of India shall have the power to issue, at his discretion, a directive to the Chartered Accountant or Accountants so appointed to scrutinize that the grant given by Government has been spent for the purpose for which it has been given and to supply such information as may be called for from time to time.

23. Annual Report: The Council shall annually submit a report on the working of the Institute to the Government of India. Such report shall contain particulars regarding the work of the Institute during the previous year together with such other information as may be required by the aforesaid Authorities and shall be accompanied by a balance sheet duly audited showing the income and expenditure of the Institute during the said year.

24. Alteration of Rules: These Rules may from time to time be altered, added to and modified by the Council with the consent and concurrence of the Government of India, and the Government of West Bengal and the Rules (so altered, added to and modified) shall operate from such date (with retrospective effect or otherwise) as shall be notified by the Council with the approval of the Government of India and the Government of West Bengal.

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Joint Secretary / BANGALORE
Government of India
Department of Atomic Energy

Department of Atomic Energy
C-11, Salt Lake, Calcutta - 700 039.
C-11, Salt Lake / Bombay-400 039.

[Handwritten Signature]

Registrar
Calcutta University

Secretary to the Government of
West Bengal, Department of
Higher Education.