

SECTION I

1. Title

This publication may be called the Handbook on "Delegation of Powers in the Indian Council of Agricultural Research (ICAR)".

2. Extent of Application and Organizational Set-up

This handbook includes details of powers which have been delegated to various authorities and other officers in the ICAR under its Rules, Bye-laws or otherwise. Their scope and application extend to the Headquarters of the Council and all its constituent units, viz. research institutions, regional and sub-stations, Agricultural Scientists' Recruitment Board and research laboratories and Co-ordinated Projects managed and administered by the Council.

3. Definitions

1. In these rules, unless the context otherwise requires:
 - (a) "The Society" means the Indian Council of Agricultural Research, a Society registered under the Societies' Registration Act, 1860.
 - (b) "The Council" means the Indian Council of Agricultural Research.
 - (c) "The Governing Body" means the body constituted under Rule 35 of the Rules of the Indian Council of Agricultural Research as the Governing Body of the Society.
 - (d) "The President" means the President of the Indian Council of Agricultural Research.
 - (e) "The Vice-President" means the Vice-President of the Indian Council of Agricultural Research.
 - (f) "The Director-General" means the person appointed by the Government of India to be the Director-General of the Indian Council of Agricultural Research.
 - (g) "The Member, Finance" means the Officer nominated by the Government of India in the Ministry of Finance to act as a Member of the Governing Body.
 - (h) "The Secretary" means the person appointed by the Government of India to be the Secretary of the Indian Council of Agricultural Research. Secretary includes Additional Secretary and/or Deputy Secretary so appointed in the Council, or any other person exercising the functions of the Secretary by whatever name called.
 - (i) "The Director" means a person appointed under the provision of these Rules and Bye-laws of the Council to be the Director of an Institute of the Indian Council of Agricultural Research.
 - (j) "The Chairman" means the person appointed by the President with the approval of the Government of India to be the Chairman of the Agricultural Scientists' Recruitment Board.
 - (k) "The Constituent Units of the Society" means the Indian Council of Agricultural Research Headquarters, its research institutions, regional and sub-stations, research laboratories and co-ordinated projects managed and administered by the Society.
 - (l) "Year" means unless otherwise specified by the Governing Body, the financial year of the Government of India.
 - (m) "Appropriation" means the assignment to meet specified expenditure of funds included in a Primary Unit of appropriation.
 - (n) "Head of the Department" under the ICAR means an Officer who has already been so declared by the competent authority or whom the Director-General may, by order, specify as Head of the Department.

- (o) "Head of Office" means an Officer so declared by the competent authority.
- (p) "Primary Units of Appropriation" ordinarily are:
- (i) Headquarters Administration
 - (ii) Agricultural Scientists' Recruitment Board
 - (iii) Research Institutes, Project Directorates, National Research Centres, National Bureaux, Laboratories
 - (iv) Each project falling under the All-India Co-ordinated Project
 - (v) Projects others than (iv) above
 - (vi) Education
 - (vii) Fellowships and Scholarships
- (q) Secondary Units of Appropriation are:
- (i) Pay of Officers-
 - (ii) Pay of Establishment
 - (iii) Allowances and Honoraria excluding Overtime and Travelling Allowances
 - (iv) Travelling Allowances
 - (v) Overtime Allowances
 - (vi) Grants-in-aid
 - (vii) Leave Salary and Pension Contribution
 - (viii) Other charges including stock, tools, plants and equipment
 - (ix) Works
 - (x) Any other item or items, as may be required
 - (xi) Fellowships and Scholarships
- (r) "Re-appropriation" means the transfer of funds from one unit of appropriation to another such unit.
- (s) "Recurring Expenditure" means expenditure which is incurred at periodic intervals,
- (t) "Non-recurring Expenditure" means expenditure other than recurring expenditure.
- (u) "Contingent Expenditure" means and includes all incidental and other expenditure including expenditure on stores, which is incurred for the management of an office, for the working of technical establishment such as a laboratory, workshop, industrial installation, store depot and the like, but does not include any expenditure which has been specifically classified as falling under some other head of expenditure such as "Works", "Tools and Plant" etc.
- (v) "The Agricultural Scientists' Recruitment Board" means the Board constituted under Rule 25 of the Rules and Bye-laws of the ICAR.
- (w) "Miscellaneous Expenditure" means all expenditure other than expenditure falling under the category of Pay and Allowances of Councils staff. Leave Salary. Pension Contingencies, Grants-in-Aid, P.F. Contributions, Works, Stock, Tools and Plant and the like.
- (x) ~~Legal charges includes the fees to barristers Advocates, pleaders, Arbitrators and umpires. Payments in satisfaction of court decrees or awards of arbitral tribunals are not legal charges but are to be treated as Miscellaneous expenditure.~~
- (y) ~~"Department of the central Government" means a ministry or Department of the central Govt. as notified from time to time.~~
- (z) "Drawing and Disbursing Officer" means a head of office and also any other officer equivalent to status of a Gazetted officer so designated by the Head of Department to draw bills and make payments on behalf of the council's Head Quarter/Institute. The term shall also include a Head of Department where he himself discharges such function.
- (aa) "Permanent advances" – Councils officers may make such payments as are authorized to be paid out of permanent advances or imprest which they are permitted to hold

- under orders of competent authority issued in terms of Rule 291 of the General Financial Rules subject to reocurement on presentation of bills.
- (bb) "Controlling Officer" - means an officer entrusted by Director General/The Head of Department with the responsibility of controlling the incurring of expenditure and or the collection of revenue.
- (cc) "Government " -means the central Govt. and "Financial Year" means the year beginning on the 1st of April and ending on the 31st March following.
- (dd) "Reserve Bank " -means the Reserve Bank of India or any office or agency of the RBI and includes any Bank acting as the agent of the Reserve Bank of India in accordance with the provisions of the Reserve Bank of India Act. 1934 (Act II of 1934).
- (ee) "Treasury Rules " -means the Treasury Rules of the central Govt.
- (ff) "General Financial Rules"- means the General Financial rules of central Govt.
- (gg) "Accredited bank"- in relation to the Council means the SBI or as per rules & by Laws of the Society.
- (hh) "Competent Authority"- means the council or any other authority to whom the relevant power may be delegated by the Council.
- (ii) "Scheme"- Each component part of a scheme is treated as a separate scheme if the component parts of the scheme are mutually independent of each other and are not dependent on the execution of one or more such component parts. In case the functioning of a scheme is dependent on the execution of one or more other schemes, the entire group of such schemes should be taken as a single scheme. If a scheme consists of revenue component, capital expenditure and loan content etc. and provision is made under the respective heads of account separately, the total cost of the integrated scheme has to be taken into account for the purpose of powers for sanction.
- (jj) "Provident Fund"- means a fund in which subscriptions or deposits of any class or classes of employees are received and held on their individual accounts and includes any contributions and any interest or increment accruing on such subscriptions, deposits or contributions under the rules of the Fund. In respect of P.F. transaction the 'Head of Accounts office' means the Finance and Accounts Officer of the institute/HQ concerned and "the immediate superior of the Head of Accounts office" means the Director (Finance) ICAR.
- (kk) "Cadre" - Cadre means the strength of a service or a part of a service sanctioned as a separate unit.

"Substantial alteration in the scope of a scheme" may be decided by the Secretary of the Ministry/Department in consultation with the I.F.A. taking into account (1) Any change that may lead to a change in the objectives of an approved scheme including any material change in its physical scope; (2) Any change in the programmes through which the objectives of an approved scheme are to be achieved, and (3) Any change in the pattern of resources including funds.

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- (ll) "Capital Expenditure"- means a significant expenditure incurred with the object of acquiring tangible assets of a permanent nature (for use in the organization and not for sale in the ordinary course of business) or enhancing the utility of existing assets.
- (mm) "Revenue Expenditure"- includes the charges on maintenance, repair, upkeep and working expenses, which are required to maintain the assets in a running order as also all other expenses incurred for the day to day running of the organization, including establishment and administrative expenses.
- (nn) Principles for allocation of expenditure between capital and Revenue: - The following

are the main principles governing the allocation of expenditure between Revenue and capital: -

- a. Capital shall bear all charges for the first construction and equipment of a project as well as charges for intermediate maintenance of the work while not yet opened for service. It shall also bear charges for such further additions and improvements, which enhance the useful life of the asset, as may be sanctioned under rules made by competent authority.
 - b. Subject to Clause (c) below, revenue shall bear subsequent charges for maintenance and all working expenses. These embrace all expenditure on the working and upkeep of the project and also on renewals and replacements and additions, improvements or extensions that are revenue in nature as per rules made by Government.
 - c. In the case of works of renewal and replacement, which partake expenditure both of a capital and revenue nature, the allocation of expenditure shall be regulated by the broad principle that Revenue should pay or provide a fund for the adequate re-placement of all wastage or depreciation of property originally provided out of capital grants. Only the cost of genuine improvements, which enhance the useful life of the asset, whether determined by prescribed rules or formulae, or under special orders of Government, may be debited to Capital. Where under special orders of Government, a Depreciation or Renewals Reserve Fund is established for renewing assets of any commercial department or undertaking, the distribution of expenditure on renewals and replacements between Capital and the Fund shall be so regulated as to guard against overcapitalization on the one hand and excessive withdrawals from the Fund on the other.
 - d. Expenditure on account of reparation of damage caused by extraordinary calamities such as flood, fire, earthquake, enemy action, etc., shall be charged to Capital, or to Revenue, or divided between them, depending upon whether such expenditure results in creation/acquisition of new assets or whether it is only for restoring the condition of the existing assets, as may be determined by Government according to the circumstance of each case.
- (oo) Clarification regarding - 'Per annum in each case' and 'each case in respect of non-recurring contingent expenditure' - 'Per annum in each case' in respect of recurring contingent expenditure means 'each type of expenditure' eg. if a subordinate authority is empowered to incur expenditure on repairs up to Rs. 1,000 per annum in each case it would be competent for it to incur expenditure on repairs on any number of occasions during the year but subject to a limit of Rs. 1,000 for that year.

'Each case in respect of non-recurring contingent expenditure' means 'on each occasion'. If on a particular occasion, number of articles of furniture are to be purchased, the powers of the sanctioning authority should be reckoned with reference to the total value of articles of furniture to be purchased on that occasion, and not with reference to individual articles like tables, chairs, racks, etc. constituting the furniture. Thus subordinate authority empowered to incur expenditure on the purchase of furniture to the extent of Rs.1000 in each case, would be competent to purchase various articles of furniture not exceeding Rs.1000 in value on each occasion.

- (pp) Supplementary Grant: - If savings are not available within the grant to which the payment is required to be debited, or if the expenditure is on "New service" or "New instrument of service" not provided in the budget, necessary supplementary Grant or

Appropriation in accordance with--Article 115(I) of the constitution should be obtained before payment is authorized.

(qq) A purely Temporary structure: - means a structure, the life of which is not more than two years (Note-2 & explanation *below Rule-24 of DFP Rules 1978)

3(A) The terms and expressions used in this delegation but not defined shall have the same meaning as assigned to them under the provisions of Rules and Bye-laws of the Council, General Financial Rules, Fundamental and Supplementary Rules, Delegation of Financial Power Rules and Central Govt. Receipts and Payments Rules etc.

4. Memorandum of Association of the ICAR

- (i) The name of the Society is the Indian Council of Agricultural Research.
- (ii) The objects for which the Indian Council of Agricultural Research is established are:
 - (a) To undertake, aid, promote, and co-ordinate agricultural and animal husbandry education, research and its application in practice, development and marketing in India and its Protectorates and any other areas in or in relation to which the Government of India has and exercises any jurisdiction by treaty, agreement, grant usage, sufferance or other lawful means by all means calculated to increase secure its adoption in every day practice.
 - (b) To act as a clearing house of information not only in regard to research but also in regard to agricultural and veterinary matters generally.
 - (c) For the purpose; of the Society to draw and accept and make and endorse discount and negotiate Government of India and other promissory notes, bills of exchange, cheques or other negotiable instruments.
 - (d) To invest the funds of, or money entrusted to, the Society upon such securities or in such manner as maybe determined from time to time by the Governing Body, and from time to time to sell or transpose such investments.
 - (e) To purchase, take on lease, accept as a gift or otherwise acquire, any land or building, wherever situated in India which may be necessary or convenient for the Society.
 - (f) To construct or alter any building which may be necessary for the Society.
 - (g) To sell, lease, exchange, and otherwise transfer all or any portion of the properties of the Society.
 - (h) To establish and maintain a research and reference library in pursuance of the objects of the Society with reading and writing rooms and to furnish the same with books, reviews, magazines, newspapers and other publications.
 - (i) To do all other such things as the Society may consider necessary, incidental or conducive to attainment of the above objects.
- (iii) The Governing Body of the Society shall be the body constituted to be the Governing Body under the Rules and Regulations of the said Society.
- (iv) The income and property of the Society, however, derived shall be applied towards the promotion of the objects thereof as set forth in this Memorandum of Association subject nevertheless in respect of the expenditure of grants made by the Government of India to such limitations as the Government of India may from time to time impose. No portion of the income and property of the Society shall be paid or transferred, directly or indirectly by way of dividends, bonus or otherwise howsoever by way of profit to the persons who at any time are or have been members of the

Society or to any of them or to any persons claiming through them or any of them, provided that nothing herein contained shall prevent the payment in good faith of remuneration of any member thereof or other persons in return for any service rendered to the Society.

- (v) If, on the winding up or 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 member of the Society or any of them but shall be dealt with in such manner as the Government of India may determine.

5. Powers of the Society

The Indian Council of Agricultural Research is a Society registered under the Societies Registration Act, 1860. As per Rule 16 of the Rules and Bye-laws of the Society, the ICAR shall have, subject to such restrictions as the Government of India may impose and subject to such guidelines as the Government of India may issue from time to time, in this behalf, full authority to perform all acts and issue such directions as may be considered necessary, incidental or conducive to the attainment of the objects enunciated in the Memorandum of Association of the Society.

6. Authorities of the Society

The followings are the authorities of the Society:

- (i) President
- (ii) Vice-President
- (iii) Governing Body
- (iv) Director-General
- (v) Secretary
- (vi) Chairman, Agricultural Scientists' Recruitment Board
- (vii) Director (DARE)
- (viii) Such other persons/bodies, committees or panels as may/shall be constituted or appointed by the Government of India, the Society or the Governing Body.

7. Powers Vested under the Rules and Bye-laws and Those Delegated There under

Schedules I to VI indicate the extent of powers vested in the Director-General, the Secretary Dir (fin) Dir (Per) Dir (Wks), and other officers in the ICAR, the Chairman/Secretary, ASRB, the Directors of ICAR Institutes/NRCs/Project Directorates, the Project Co-ordinators, the Zonal Co-ordinators and the Management Committees of the ICAR. Unless otherwise provided by any general or special rule or order, it shall be within the competence of an authority to exercise the powers delegated to another authority subordinate to it.