

STATE BLOOD TRANSFUSION COUNCIL, ASSAM

RULES & REGULATIONS

**MINISTRY OF HEALTH & FAMILY WELFARE
GOVERNMENT OF ASSAM**

(1996)

RULES & REGULATIONS
OF THE
STATE BLOOD TRANSFUSION COUNCIL

- 1.1 These Rules may be called the state Blood Transfusion Council Rules, 1996.
- 1.2 These Rules shall come into force with effect from the date of registration of the Society by the Registrar of Societies.

2. Definitions

In these Rules, unless the context otherwise requires:

- i) The Chairman means the President who shall preside over the meetings of the Governing Body and the Executive Committee.
- ii) The Executive Committee means the Executive Committee referred to in Rule 6.
- iii) The Governing Body means the Governing Body of the State Blood Transfusion Council.
- iv) The Central Government means the Government of India.
- v) The State Government means the Govt. of the State of Assam.
- vi) The National Council means the National Blood Transfusion Council.
- vii) The State Council means the State Blood Transfusion Council of the State of Assam.
- viii) The President means the President of the Governing Body of the State Council.
- ix) The Director means the Director of the State Council.
- x) The Rules means Rules registered along with the Memorandum of Association and as may be amended by the State Council from time to time.
- xi) The year means the financial year of the State Government of Assam.
- xii) Member means the Member of the State Council.

3. Membership

- 3.1 The following shall be members of the State Council either ex-officio being the holders for the time being of certain offices or by personal appointments or election as in these Rules and Regulations prescribed:
1. The President of the State council.
 2. All other members of the Governing Body.
- 3.2 Principal Secretary/Secretary of the concerned Deptt. In the Ministry of Health & Family Welfare of the State Government shall be the President.
- 3.3 **The Director of the State Council who shall be appointed by the Governing Body with the prior approval of the State Government, shall be the Member Secretary of the Governing Body.**
- 3.4 The Director shall maintain a register of members of the State Council which shall show the individual names of all ex-officio members. A separate register shall be maintained for other members.

4. Authorities of the State Council

- 4.1 The following shall be the authorities of the State Council:
1. Governing body
 2. Executive Committee
 3. Such other bodies as may be prescribed by the Governing Body.

5. Governing Body

- 5.1 The management of the affairs of the Council shall be entrusted to a Governing Body which shall be entitled "The Governing Body of the State Blood Transfusion Council". The property of the State Council shall be vested in the Governing Body and in any proceedings; civil or criminal may be described as the property of the Governing Body. In any proceedings, the State Council may sue or be used in the name of the Director or such other member as shall in reference to the matter concerned be appointed by the Governing Body for the occasion.
- 5.2 The first members of the Governing Body of the State Council shall be those mentioned in Clause 5 of the Memorandum of Association. They shall hold office until a new Governing Body is appointed according to these Rules.

- 5.3 The Director of the State Council shall be the Member Secretary of the Governing Body.
- 5.4 The Director shall maintain a register of members of the Governing Body which shall show the individual names of all ex-officio members. A separate register shall be maintained for other members.

5.5 Duration of Appointment of Members

- 5.5.1 Notwithstanding anything contained in sub-rule(2) of this rule, when a person becomes a member of the Governing Body by reason of the office or appointment he holds, his membership to the Governing Body, shall cease when he ceases to hold that office or appointment.
- 5.5.2 Unless their membership of the Governing Body is previously terminated as provided in sub-rules (1) and (3), the tenure of non-official members shall be for two years from the date of their nomination to the Governing Body. Such members after their two years tenure will be eligible for renomination.
- 5.5.3 All members of the Governing Body shall cease to be members if they resign, become of unsound mind, become insolvent or be convicted of a criminal offence involving moral turpitude or removal from the post by virtue of which he was holding the membership.
- 5.5.4 Resignation of membership shall be tendered to the Governing Body in person to its Member-Secretary and shall not take effect until it has been accepted on behalf of the Governing Body by the President.
- 5.5.5 Any vacancy in the membership of the Governing Body caused by death or by any of the reasons mentioned in these Sub-rules shall be filled in the same manner as provided in Rule 5.2.

5.6 Proceedings of the Governing Body

- 5.6.1 The meetings of the Governing Body shall be held at least twice a year and at such time and place as the President shall decide, If the President shall receive a requisition for calling a meeting signed by one-third members of the Governing Body, the president shall call such meeting as soon as may be reasonably possible and at such place as he may deem fit.

- 5.6.2 At the annual meeting of the Governing Body the following business shall be brought forward and disposed of:
- a) Income and expenditure account and the balance sheet for the past year.
 - b) Annual report of the State Council.
 - c) Budget for the next year.
 - d) Proposals for enquiries and research work for the next year.
 - e) Appointment of the Executive Committee and the Standing Committees.
 - f) Other business on the agenda.
 - g) Other business brought forward with the assent of the President.
- 5.6.3 Every notice calling a meeting of the Governing Body shall state the date, time and place at which such meeting will be held and shall be served upon every member of the Governing Body not less than twenty one clear days before the date appointed for the meeting. Such notice shall be under the hand of the Member-Secretary and shall be accompanied by an agenda of the business to be placed before the meeting provided that accidental omission to give such notice to any member shall not invalidate any re-resolution passed at such meeting. In the event of any urgent business the President may call the meeting of the Governing Body at clear ten days' notice.
- 5.6.4 The President shall take the Chair at the meetings of the Governing Body. In his absence the Governing Body shall elect one from among the members present as Chairman of the meeting.
- 5.6.5 One third of the members of the Governing Body, including the substitutes nominated under Rule 5.6.9 present in person, shall form a quorum at every meeting of the Governing Body.
- 5.6.6 All disputed questions at the meeting of the Governing Body shall be determined by votes.
- 5.6.7 Each member of the Governing Body shall have one vote and in case of an equality of votes the Chairman shall have a casting vote.
- 5.6.8 The Chairman shall have the right to adjourn any meeting from time to time.
- 5.6.9 Should any official member be prevented for any reason whatsoever from attending a meeting of the Governing Body the President of the Council shall be at liberty to nominate a substitute to take his place at the meeting of the Governing Body, Such substitute shall have all the rights and privileges of a member of the Governing Body for that meeting only.

- 5.6.10 Any member desirous of moving any resolution at a meeting of the Governing Body shall give notice thereof in writing to the Member-Secretary of not less than ten clear days before the day of such meetings.
- 5.6.11 Any business which it may become necessary for the Governing Body to perform except such as may be placed before its Annual meeting may be carried out by circulation among all its members and any resolution so circulated and approved by a majority of the members signing shall be as effectual and binding as if such resolution had been passed at a meeting of the Governing Body provided that at least one-third members of the Governing Body have recorded their views on the resolution provided that in the event of any urgent business the President of the Council may take a decision on behalf of Governing Body. Such a decision shall be reported to the Governing Body at its next meeting for ratification.

5.7 Powers of the Governing Body

- 5.7.1 The Governing Body will have full control of the affairs of the State Council and will have authority to do, exercise and perform all the powers, acts and deeds of the State Council consistent with the aims and objects of the State Council.
- 5.7.2 The Governing Body shall have full powers in the matter of expenditure from the funds of the State Council save in the matter of pay and allowances and concessions to Govt, servants on foreign service.
- 5.7.3 The Governing Body shall have full power to make such bye-laws as they shall think essential for the regulations of the business of the State Council and in particular with reference to the keeping of accounts, the preparation and sanction of budget estimates, the sanctioning of expenditure, entering into contracts, the control and investment of funds of the State Council and the sale or alteration of such investment and any other purpose that may be necessary.
- 5.7.4 The Governing Body may accept the management and administration of any endowment or trust fund or any subscription or donation provided that the same is unaccompanied by any condition inconsistent with or in conflict with the nature and object for which the State Council is established.
- 5.7.5 The Governing Body shall review the progress and performance of Committees constituted by it and constituent units established under different disciplines and give such policy directives as it may deem fit to the concerned committees and constituent units of the State Council.

- 5.7.6 The Governing Body shall be empowered to pay the charges and expenses, preliminary and incidental to its establishment and registration.
- 5.7.7 The Governing Body shall have full power to purchase or otherwise acquire any property at such price and generally on such terms and conditions as it thinks fit.
- 5.7.8 The Governing Body shall have full power to institute, conduct, defend, compound, compromise or abandon any legal proceedings by or against the State Council or otherwise relating to the affairs of the State Council.
- 5.7.9 The Governing Body shall have power to invest and deal with the funds and moneys of the State Council upon such securities and in such manner as they think fit and from time to time to vary and realise such investments.
- 5.7.10 The Governing Body shall have power to enter into all such negotiations and contracts and rescind and vary all such contracts and execute and do all such acts, deeds and things as it may consider expedient in relation to any of the matters aforesaid or otherwise for the purpose of the State Council.
- 5.7.11 The Governing Body may by resolution delegate to the Executive Committee & Director of the State Council such of its powers for the conduct of business as the Governing Body may deem fit.
- 5.7.12 The Governing Body may by resolution appoint standing or ad-hoc committees consisting of members of the Governing Body or co-opt other experts not being members of the Governing Body for carrying out its object.

6. Executive Committee

- 6.1 The Governing Body will constitute an Executive Committee which will be responsible for acting for and doing all deeds on behalf of the Governing Body and for taking all decisions and exercising all the powers, vested in the Governing Body under Rule 5.7, except those which may specifically be excluded to be exercised by the Executive committee.
- 6.2 The composition of the Executive Committee shall be as follows:
 - 1. President of the State council - Chairman
 - 2. Director, State Health Services - Member
 - 3. Representative of the State Ministry of Finance - Member
 - 4. State Drugs Controller/Food & Drugs Administrator - Member
 - 5. One expert in Blood Transfusion Medicine from Major Medical & Health institution of the State. - Member
 - 6. Director, State Council/ PD, ASACS - Member Secretary

- 6.3 The term of office of the non-official Members of the Executive Committee will be two years. The non-official members, who will be members of the Governing Body will be eligible for re-nomination.
- 6.4 The minutes of the Executive Committee meetings will be placed before the Governing Body at its next-meeting.
- 6.5 In the absence of the President the Executive Committee shall elect one from among the Members present as Chairman of the meeting.
- 6.6 The Standing Committees constituted by the Governing Body shall submit their reports to the Executive Committee who shall be empowered to take decisions on their recommendations.
- 6.7 Meetings of the Executive Committee shall be held as often as necessary but not less than once in a month.
- 6.8 Meetings of the Executive Committee shall be convened by the Member Secretary by giving clear seven days' notice in writing along with the Agenda specifying the business to be transacted, the date, time and venue of the meeting.
- 6.9 The Chairman may convene special meetings of the Executive Committee by giving clear seven days' notice in writing along with Agenda specifying the business to be transacted along with the date, time and venue of the meeting.

6.10 Powers and functions of the Executive Committee

- 6.10.1 Subject to general control and directions of the Governing Body, the Executive Committee shall be responsible for the management and administration of the affairs of the State Council in accordance with the rules and bye-laws made there under for the furtherance of the objects and shall exercise all powers of the Governing Body, except which may specifically be excluded or modified to be exercised by the Executive Committee, including the powers:
- i) To carry out the broad policies and objects of the State Council as set out in the Memorandum of Association or in accordance with such directives as the State Government may issue to the State Council.
 - ii) To sanction expenditure for carrying out the administration of the State Council in accordance with the budget estimates approved by the Governing Body of the State Council.

- iii) To Create such posts as are necessary to administer the State Council and recruit and appoint staff except that for which the prior approval of the State Government shall be required.
- iv) The Executive Committee may delegate such powers as it considers appropriate to the Director or other officers of the State Council.
- v) The Executive Committee may make bye-laws for the conduct of business of the State Council, including the bye-laws for the service conditions of the staff, provided that the Executive Committee may, with the approval of the Governing Body, adopt State Government Rules and /or Regulations regarding service conditions of the staff with or without modifications as may be considered necessary. The bye-laws so framed by the Executive Committee shall be subject to the approval of the Governing Body.
- vi) Notwithstanding anything contained in Sub-rule 6.10.1(v), the Executive Committee shall make bye-laws under the aforesaid sub-rules in respect of the matters for which the power to adopt rules and/or regulations has not been exercised within twenty four months of the registration of Society

7. Powers and Functions of the President.

- 7.1 The President shall have the power to call for and preside over all meetings of the Governing Body and the Executive committee.
- 7.2 The President shall have the authority to review periodically the work and progress of the State Council and to order enquiries into the affairs of the State Council and to pass order on the recommendations of the reviewing or enquiry Committee.
- 7.3 Nothing in these Rules shall prevent the President from exercising any or all the powers of the Governing Body in case of emergencies in furtherance of the objects of the State Council and the action taken by the President on such occasions shall be reported to the Governing Body subsequently for ratification.

8. Power of Functions of the Director

- 8.1 The Director shall be the Chief Executive of the State Council and shall be responsible for the co-ordination of policies, planning and execution of various programmes under the State Council and for liaison with the National Blood Transfusion Council and with other Blood Transfusion Councils of States. Without prejudice to the generality of the foregoing provisions the Director shall exercise such powers and discharge such functions as shall be specified in the Bye-laws and also those laid down below:

- a) He shall do all such acts as may be required for the proper conduct of the ordinary current administrative and business duties and affairs of the State council.
- b) He shall allocate duties to officers and employees of the State Council and shall exercise such supervision and executive control as may be necessary subject to these rules and regulations.
- c) All the correspondence shall be over his signature or of an officer(s) so authorised by him in this behalf.
- d) He shall also be a Member (Ex-officio) of all the Committees appointed by the Governing Body and shall attend at his discretion all or any meetings of such committees.
- e) He shall exercise such of the financial and administrative powers as may be delegated to him by the Governing Body/Executive Committee or by the President.
- f) The Director shall sign and execute on behalf of the Governing Body/Executive Committee all agreements, contracts etc. Which may be necessary for the proper conduct of the business of the Council. The drafts of all contracts involving consideration exceeding specified monetary limit shall be submitted to the Solicitor to the State Government or such other officer dealing with conveyancing matters in the Ministry of Law of the State Government for its advice as to its correctness or their form.
- g) He shall sign and verify complaints, written documents statements, affidavits, Petitions and tabular statements and institute or defend suits, actions and other legal proceedings on behalf of the State Council/ Governing Body/Executive Committee.
- h) He shall have power to compromise, settle or refer to arbitration any dispute relating to the State Council after taking competent legal advice.
- i) The Director may, subject to such restrictions as he may think fit to impose, authorise the officer(s) of the State Council as the case may be, to exercise powers up to the extent to be indicated under the Bye- laws.
- j) The Director may, subject to such restrictions as he may think fit to impose, authorise the Heads of the Projects to exercise such of the powers conferred upon him under the Bye-laws.
- k) The Drawing and Disbursing Officer or any other officer of group A or B authorised by the Director on his behalf shall have the power to sanction an expenditure of a miscellaneous or contingent nature up to the limit to be specified, in each case, under the Bye-laws.

9. Standing Committees of the National council

9.1 The Governing Body will set up the following two Standing sub- Committees, or such number of Committees which may be deemed expedient in the conduct of its objects:

- a) Standing Committee (Finance & Admn)
- b) Standing Committee (Technical)

9.2 The Director, State Council will be the Chairman of the Standing Committee (Fin & Admn). The Standing Committee (Tech) will be chaired by the Director, State Health Services. There will be four members on each of these two Committees who will be members of the Governing Body. The Chairman of these Standing Committees may, with the prior approval of the Executive Committee, co-opt up to a maximum of two experts for a particular meeting(s), or for a particular period of time.

9.3 The Standing Committees will submit their reports to the Executive Committee who shall take decisions on their recommendations.

10. Accounts and Audit

- a) The State Council shall cause regular accounts to be kept of all its moneys and properties in respect of the affairs of the State Council.
- b) The accounts of the State Council shall be audited annually by the auditors appointed by the State Government and any expenditure incurred in connection with such audit be payable by the State Council to the Auditors.
- c) The auditors appointed by the State Government in connection with the audit of the accounts of the State Council shall have the same rights privileges and authority in connection with such audit as the Auditor General of the State has in connection with the audit of Government accounts and in particular shall have the right to demand the production of books, accounts connected vouchers and other necessary documents and papers.
- d) The report of such audit shall be communicated by the auditor to the State Council which shall submit a copy of the Audit Report along with its observation to the State Government. The auditor shall also forward a copy of the report to the State Government.

11. Bankers

The Bankers of the State Council shall be the State Bank of India or any of the Nationalised Banks. All Funds shall be paid into the State Council's account with the appointed banks and shall not be withdrawn except by a cheque, bill, note or other negotiable instruments signed by the Director of the State Council or jointly by two officers of the State Council as may be authorised by the Director of the State Council from time to time. The subordinate units of the State Council may also be permitted by the Director in his discretion to open bank accounts in the State Bank of India or any other Nationalised Banks or the post-office savings bank. The accounts will be operated by the Officer-in-charge/ Project Officer or as may be decided by the Director in any particular case.

12. Miscellaneous Provisions

- 12.1 For the purpose of the Rules and Regulations a year shall be taken to mean the financial year of the State Government.
- 12.2 The State Government shall have power to issue such directives as they deem fit from time to time for furtherance of the objects laid down.
- 12.3 A draft annual report and the yearly accounts of the Council shall be placed before the Governing Body at its annual meeting for consideration and approval. A copy of the annual report and audited statement of accounts as finally approved by the Governing Body shall be forwarded within six months to the State Government duly printed to be laid before the State Legislature within nine months of the close of the relevant Accounting Year, and also send a copy to the National Council.

12.4 Amendment

- 12.4.1 A notice may be served upon any member of the State Council either personally or by sending it through the post in an envelope addressed to such member at his address entered in the roll of membership.
- 12.4.2 The power of making bye-laws to regulate the duties of the Director shall be vested in the Government Body who shall at their discretion be entitled to amend and alter any such bye-laws from time to time.
- 12.4.3 The State Council, the Governing Body and the Executive Committee shall function notwithstanding that there may be no authority entitled to nominate a person on the State Council / Governing Body / Executive Committee or other

vacancy in the said Council/ Body due to any reason and no act or proceedings of such Council/ Body shall be invalidated merely by reason of the happening of any of the above events or of any defects in the appointment of any members of the Council/ Body.

12.4.4 No proposition for altering or amending the objects and purposes for which the State Council is established or for amalgamating the State Council with any other Association or Society shall be taken into consideration as contemplated by provisions of the Societies Registration Act XXI of 1860 without the previous approval of the State Government.

12.4.5 Once in every year on or before the annual meeting of the Society a list shall be filed with the Registrar of Societies of the names, addresses and occupations of the members of the Governing Body then entrusted with the management of the affairs of the Society.

12.4.6 Any number, not less than three-fifth of the members of the Society, may determine that it shall be dissolved or at the time then agreed upon and all necessary steps shall be taken for the disposal and settlement of the property of the Society, its claims and liabilities according to the Rules of the Society applicable thereto, if any, and if not then as the Governing Body shall find expedient provided that in the event of any dispute arising among the said Governing Body or the members of the Society the adjustment of its affairs shall be referred to the State Government and the State Government shall make such order in the matter as it shall deem requisite.

Provided that the Society shall not be dissolved unless three-fifth of the members shall have expressed a wish for such dissolution by their votes delivered in person or by proxy at a General body meeting convened for the purpose.

Provided that the Society shall not be dissolved without the consent of the State Government.

12.5 Upon the dissolution of the Society registered under this Act 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 said Society of any of them but shall be reverted to the State Government for such purpose as they deem fit.

- 12.6 For the purpose of this Act a member of a Society shall be a person who having been admitted therein according to the rules and regulations thereof shall have signed the roll of list of members thereof and shall not have resigned in accordance with such rules and regulations.
- 12.7 All provisions of the Societies Registration Act XXI of 1860 as extended to the State of Assam will apply to this Society.
- 12.8 The Rules and Regulations of the State Council save and except the last rule and regulations, may be altered at any time by the Governing Body by a resolution passed by a two thirds majority of the members present in person at any meeting of the Governing Body which shall have been duly convened for the purpose.

We, the undersigned being three of the members of the first Governing Body of the State Blood Transfusion Council, certify that the above is correct copy of the Rules and Regulations of the said State Council.

Place:

1. President

Date:

2. Secretary

3. Treasurer/ Member