

**NATIONAL LAW UNIVERSITY OF
MEGHALAYA
FINANCIAL REGULATIONS 2022**

SECTIONS

1. These regulations are known as Finance Regulations of the National Law University of Meghalaya.

2. The words Governing Council, Executive Council, Academic Council, Finance Committee, Vice Chancellor and Registrar shall have the same meaning as defined in the National Law University of Meghalaya Ordinance, 2022.

3. The Accounts Officer/Finance Officer means ‘Accounts Officer/Finance Officer’ appointed by the University. Till the Accounts Officer/Finance Officer is appointed, the Registrar or any other officer authorized by the Vice-Chancellor shall be in charge of the post of the Accounts Officer/Finance Officer

4. The Financial Year of the University is from 1st April to 31st March of the following calendar year.

5. All the funds in whatever shape paid to the University shall be credited to the account of the University and shall be entered into Accounts.

6. As far as possible the money shall be received in the form of Bank Draft or Pay Order issued by any bank. Cash payment may also be accepted by the University.
7. As far as possible the cash received shall be deposited in the Bank on the same day. If it is a Bank holiday or if the cash is received after Bank business hours, it shall be deposited on the next working day.
8. The funds of the University have to be deposited or invested in Nationalized Bank. The Accounts shall be opened in the name of the University. The Registrar is competent to operate the accounts. If the Registrar is away from the office either on leave or for official purpose, the account may be operated by the signature of the Vice-Chancellor. The Vice-Chancellor shall be competent to delegate the powers for signing the cheques to Accounts Officer/ Finance Officer.
9. A receipt duly signed by duly authorised person shall be issued for the money received. For drafts and pay orders of the Banks also a separate receipt shall be issued in person.
10. Accounts Officer/Finance Officer is permitted to keep the amount of Imprest as approved by the Vice-Chancellor.
11. The amounts received for a specific purpose from any source shall be invested separately.
12. The funds of the University shall be spent only for the purpose of achieving the objectives and fulfilling the functions of the University.
13. The expenditure shall be made as per the Budget sanctions.
14. The Budget shall contain the various heads under which expenditure is sanctioned.

15. The Vice Chancellor is authorised to appropriate the funds allotted to one head to the other head if there is requirement of additional funds under any head during that financial year.

16. But the capital expenditure not provided in the Budget Estimates shall not be incurred without the previous sanction of the Executive Council.

17. The Vice Chancellor shall be entitled to incur expenditure sanctioned by the budget save as otherwise directed by the Executive Council.

18. The Registrar shall be entitled to incur expenditure as approved by the Vice-Chancellor from time to time. He shall be competent to release salary to full extent

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19. The payment of TA/DA, Sitting fee to the members of various Committee, Guest Faculties shall be made in cash or by cheque/Electronic Transfer. As far as possible, all other payments above Rs.10,000/- shall be made by cheque/Electronic Transfer. However, the competent authority may allow cash payment keeping in view the nature of payment/circumstances.

20. The Vice Chancellor shall have the authority to spend or incur expenditure of an emergent nature not provided for in the budget not exceeding Rs. 50,000/- during a month for the purpose of the University subject, however, the total amount so spent during one year does not exceed Rs.2,00,000/-. The expenditure so incurred shall be got ratified by the Executive Council in its earliest meeting following the period during which such expenditure was incurred.

21. A separate Bank account be opened in a nationalized Bank for meeting the contingent expenditure for day today administration of the University. The Registrar is authorized to spend from this amount on items approved in the budget.

22. The members and staff shall be eligible for travelling and halting allowance according to the rates prescribed in the Regulations. The Registrar shall be the authority to sanction traveling allowance and daily allowance bills to the members and staff.

23. The Registrar is entitled to permit to draw advance of traveling allowance and daily allowance of officers and employees of the University.

24. Budget Estimates of income and expenditure for the coming financial year shall be prepared according to the directions of the Finance Committee and be placed before the Finance Committee/Executive Council /Governing Council for approval before 31st March every year

25. The Accounts Officer/Finance Officer shall be responsible for the proper maintenance of all the accounts of the University. The cash book shall be balanced and signed by the Accounts Officer/Finance Officer and the Registrar

26. The University shall keep and maintain such books of accounts, registers, receipt books and files, as far as possible, conforming to those maintained by the University.

27. Postage account shall be maintained separately and expenditure on postage incurred in a day shall be posted in the book and signed by the authorized Officer. The University shall also be authorized to engage courier services for dispatch letters/material.

28. The books of accounts and all other books and documents connected with them shall remain under the custody of the Accounts Officer/Finance Officer of the University.

29. The annual audit of accounts shall be conducted by Chartered Accountants appointed by the Executive Council on such terms and conditions as the Executive Council may deem fit and the accounts as audited be laid before the Executive Council not later than 31st March of each year.

30. All the property, assets, money and securities belonging to the University shall stand in the name of the National Law University, Meghalaya.

31. The Executive Council may establish one or more funds by transferring such sums as it may deem fit out of the amount of the receipt of the University.

32. The books of accounts shall be opened for inspection at any time by the Executive Council and the Finance Committee.

33. The University shall maintain a stock register in which it shall be entered all pieces of furniture and fixtures and other articles owned by the University. The said register shall be maintained upto date by the Accounts Officer/Finance Officer. The Accounts Officer/Finance Officer shall be responsible for their upkeep and accounting.

34. The University shall maintain a Provident Fund account/E.P.F. account of the employees with the Provident Fund Commissioner.

35. The Finance Committee shall report on any matter of expenditure specifically referred to it by the Executive Council.

36. The Finance Committee may present to the Executive Council supplementary demands for grant at any time during the course of a financial year.

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NATIONAL LAW UNIVERSITY OF MEGHALAYA

In pursuance of the provisions of section 114 of National Law University Meghalaya Ordinance, 2022 Act 2007 (Meghalaya Act No 1 2008 as amended by Act 7 of 2009) Executive Council of National Law University, Meghalaya, makes the following regulations relating to:

- i. Purchase of Goods
- ii. Procurement of services
- iii. Outsourcing of services and
- iv. Contract management

1. **Short Title:**

These regulations may be called "The National Law University of Meghalaya, Purchase Regulations".

2. **Application:**

Regulations contained in this chapter are applicable to National Law University of Meghalaya regarding purchase of all kinds of goods, procurement of services, outsourcing of services and contract management etc.

3. **Definitions:**

Competent authority:

Vice-Chancellor or Such authority to whom the power is delegated under these regulations.

Financial year:

Year beginning on 1st April and ending on the 31st March follows.

Goods

Includes all articles, materials, commodities livestock, furniture, fixtures, raw material, spares, instruments, machinery, equipment etc.

Books, publications, periodicals etc., for a library are not covered under the term 'goods'.

4. Fundamental principles of public buying

Every authority delegated with the financial powers of procuring goods in public interest shall have the

responsibility and accountability to bring

(1i) efficiency, economy and relating to public procurement,

(2ii) fair & equitable treatment to suppliers and

(3iii) promotion competition in public procurement. **The procedure to be followed in making public procurement must confirm to the following yardsticks:**

(a)The specifications in terms of quality, type etc., as also quality of goods to be procured, should

be clearly spelt out keeping in view the specific needs of National Law University of, Meghalaya The specification so worked out should meet the basic needs of the Uuniversity. Care should also be taken to avoid purchasing quantities in excess of requirement.

(b)Offers should be invited following a fair, transparent and reasonable procedure.

(c) The procuring authority should be satisfied that the selected offer adequately meets the requirement in all respects.

(d) The procuring authority should satisfy itself that the price of the selected offer is reasonable and consistent with the quality required.

5. PROCEDURE FOR PURCHASE OF GOODS

1. All heads of the departments/ Centres / Units of the University will assess their requirements for the ensuing quarter and send it to the purchase section latest by 7th of the preceding month of the next quarter. Say requisition for the quarter April to June should be sent by 7th March. In urgent cases, purchases may be made even during the intervening period as per requirement.

2. The Purchase officer will prepare a consolidated list and evaluate their approximate value on the basis of last purchases/market rates to assess the total amount likely to be incurred and the procedure followed, before submitting the same to the competent authority for administrative approval.

It should be ensured that purchase proposals /supply orders are not split into small quantities under any circumstances with the objective of circumventing the limit.

Broadly purchase procedure has been classified into 7 categories as follows:

The Central Govt., through administrative instructions, has reserved all items of handspun and hand woven textiles (khadi goods) for exclusive purchase from Khadi Village Industries Commission (KVIC). It has also reserved all items of handloom textiles for exclusive purchase from KVIC-and/ or the notified units of Association of Corporations and Apex Societies of Handloom (AC AS,H The Central Govt., has also reserved some items for purchase from registered Small Scale Industries Units. In view of these instructions National Law University of Meghalaya will make purchases for such resented goods and items from such units except under

unavoidable circumstances to be recorded in writing, with the prior approval of the Vice Chancellor / Competent Authority.

Procurement from a single source may be resorted to in the following circumstances

1. It is in the knowledge of the University that only a particular firm is the manufacturer of the required goods.
2. In a case of emergency, the required goods are necessarily to be purchased from a particular source and the reason for such decision is to be recorded and approval of the Vice Chancellor / Competent Authority obtained.
3. For standardization of machinery or spare parts to be compatible to the existing sets of equipment, the required item is to be purchased only from a selected firm.

In such cases proprietary article certificate in the following form is to be provided by the indenter before procuring the goods from a single source:

a. The indented goods are manufactured only by M/s

b. No other make or model is acceptable for the following reasons:-

a).....

b)

Signature of Indenter

(c)Purchase of Goods directly under rate Contract:

The Central Purchase Organization (DGS&D) concludes item wise rate contracts with eligible and Capable suppliers for goods and items of standard types, which are identified as common use. DGS&D furnish and updates all the relevant details of the rate contract on its website. Such registered are prima facie eligible for consideration for procurement. The prices to be paid for such goods shall not exceed those stipulated in the rate contract and the other salient terms and conditions of the purchase should be in line with those specified in the rate contract.

National Law University, Meghalaya may utilize these lists as and when necessary and project its indent to such registered dealers.

Registration of suppliers by the University.

National Law University, Meghalaya may also register suppliers of goods which are specifically required by the University.

The suppliers may be registered for a fixed period (between 6 months to 3 years) depending upon the nature of goods. At the end of this period, registered supplier(s) willing to continue with registration for renewal of registration are to apply afresh for renewal of registration. New supplier(s), may also be considered for registration at any time, provided they fulfill all the required conditions.

Credentials manufacturing capacity, quality control system, past performance, after sales service, financial background etc., of the suppliers) should be carefully verified before registration/renewal.

Performance and conduct of every registered supplier is to be watched- The registered supplier(s) are liable to be removed from the list of registered suppliers, if they fail to abide by the terms and conditions of the registration or fail to supply the goods on time or supply sub-standard goods or make any false declaration to the University or for any ground which in the opinion of the University, is not in public interest.

(d) Purchase of goods up to the value of Rs 25000

Purchase of goods up to the value of Rs 25000 (Twenty Five thousand only) on each occasion may be made without inviting quotations or bids on the basis of a certificate to be recorded in the following format:

“I am personally satisfied that these goods purchased are of the requisite quality and specification and have been purchased from a reliable supplier at a reasonable price”.

(e) Purchase of goods costing more than Rs. 25000 and upto Rs 500000 (Five Lakhs)

Purchase of goods costing above Rs. 25000 (Twenty Five thousand only) and up to Rs. 500000 (Five lakhs only) on each occasion may be made on the recommendation of a duly constituted Local Purchase Committee consisting of three members of an appropriate level. The committee will survey the market to ascertain the reasonableness of rate, quality and specification and identify the appropriate supplier. The Committee will obtain a minimum three quotations from the vendors dealing in the goods. Before recommending placement, of the purchase order, the members of the committee will jointly record a certificate as under:

“certified that we the members of the purchase committee are jointly and individually satisfied that the goods recommended for purchase are of the requisite specification and quality, priced at the prevailing market rate and the supplier recommended is reliable and competent to supply the goods in question”

(f) Purchase of goods costing more than Rs. 500000 (Five Lakhs) but less than Rs. 2500000 (Twenty Five lakhs).

When estimated value of the goods to be procured is more than 5.00 lakhs but less than 25.00 lakhs limited tender enquiry is to be floated by sending bidding documents directly by speed post / registered posts / courier / email to the firms which are born on the list of registered suppliers of National Law University Meghalaya or DGS & D. Further Web based publicity should also be given for limited tenders. The number of supplier firms in Limited Tender Enquiry should be more than three.

Besides the University should initiate steps towards switching over to e-procurement process in National Law University, Meghalaya.

(g) Purchase of goods costing Rs. 2500000 (Twenty Five lakhs) and above

Subject to exceptions, invitation of tenders by advertisement should be used for procurement of goods of estimated value Rs 25.00 lakhs and above. Advertisement in such cases should be given the at least in two (one each English and Hindi) national dailies having wide circulation.

When it is felt that the goods of the required quality, specification etc may not be available in the country and it is necessary to also look the suitable competitive offers from abroad, University may send copies of the tender notice to the Indian embassies abroad as well as to the foreign embassies in India.

Purchase through limited Tender Enquiry may be adopted even where the estimated value of the procurement is more than Rupees Twenty five lakhs in the following circumstances,

- a. The competent authority in the University certifies that the demand is urgent and additional expenditure involved by not procuring through advertised tender enquiry is justified in view of urgency. The nature and reasons why the procurement could not be anticipated should be put on records.
- b. There are sufficient reasons, to be recorded in writing by the competent authority, indicating that it will not be in public interest to procure the goods through advertised tender enquiry.

- c. The sources of supply are definitely known and possibility of fresh source(s) beyond those being tapped is remote.

Ordinarily, the minimum time to be allowed for submission of bids should be three weeks from the date of publication of the tender notice or availability of the bidding document for sale, whichever is later. Where the University contemplates obtaining bids from abroad, the minimum period should be kept as four weeks for both domestic and foreign bidders.

Buy Back Offer

Sometimes, it may be felt to replace an existing old item(s) with a new and better version, the same may be traded with the approval of Vice Chancellor. For this purpose, a suitable clause is to be incorporated in the bidding document so that the prospective and interested bidders formulate their bids accordingly. Depending upon the value and conditions of old items to be traded the time as well as the mode of handing over the old item to the successful bidder should be decided and relevant details in this regard suitably incorporated in the bidding document. Further, suitable provision should also be kept in the bidding document to enable the university either to trade or not to trade the item while purchasing the new one.

Two bid system

For purchase of high value articles etc., bids may be obtained in two parts as under:

- a. Technical bid consisting of all technical details as specified in the bid document along with commercial terms and condition ; and
- b. Financial bid indicating item-wise price for the items mentioned in technical bid.

The technical bid and the financial bid should be sealed by the bidder in separate covers duly super scribed and both these sealed covers are to be put in a bigger cover which should also be sealed and duly super scribed. The technical bids are to be opened at the first instance and evaluated by a competent committee as per pre-determined parameters as specified in the bid document. At the second stage, financial bids of only the technically acceptable offers should be opened for further evaluation and ranking before awarding contract.

Late bids:

In the case of advertised tender enquiry or limited tender enquiry, late received bids should not be considered. The responsibility of timely submission of the bid lies with the bidder.

Bid security

To safeguard against a bidder's withdrawing or altering its bid during the bid validity period in the case of advertised or limited tender enquiry, bid security (Also known as Earnest Money) is to be obtained from the bidder except those who are registered with the Central Purchase Organization, National Small Industries Corporation etc. The bidders should be asked to furnish bid security along with their bids. Amount of bid security should ordinarily range between two percent to five percent of

the estimated value of the goods to be procured. The bid security may be accepted in the form of account payee demand draft Fixed Deposits Receipts, Banker's Cheques or Bank Guarantee from any of the commercial banks in an acceptable form, safeguarding the purchaser's interest in all respects. The bid security should normally remain valid for a period of forty-five days beyond the final bid validity period.

The securities of the unsuccessful bidders should be returned to them at the earliest and latest on or before the 30th day after the award of the contract.

Performance Security

To ensure the performance of the contract, performance security is to be ***obtained from the successful bidder*** awarded the contract. Performance security is to be obtained from every successful bidder irrespective of its registration status etc. Performance security should be an amount of Five to Ten *percent of the* value of the contract. Performance security may be furnished in the form of an account payee Demand Draft, Fixed Deposit Receipt from a commercial bank, Bank Guarantee from commercial bank in an acceptable form ***safeguarding the purchasers interest*** in all respects.

Performance Security should remain valid for a period of sixty days beyond the date of completion of all contractual obligations of the supplies including warranty obligations.

Performance Security will not be insisted on purchases upto Rs.5.00 lacs depending upon the nature of contract/purchase.

Bid security should be refunded to the successful bidder on receipt of performance security.

Advance payment to supplier

Ordinarily payment for services rendered or supplies made should be released only after the services have been rendered or supplies made. However, it may become necessary to make advance payment in the following types of cases:-

i. Advance payment demanded by firms holding maintenance contract for servicing of Air- conditioners, computers, other costly equipment etc.

ii. Advance payment demanded by firms against fabrication contracts, turnkey contracts etc.

Such advance payments should not exceed the following limits:

i. Thirty percent of the contract value to the private firms;

ii. Forty percent of the contract value to a State or Central Govt., Agency or a public Sector Undertaking;

iii. In case of maintenance contract, the amount should not exceed the amount payable for six months under the contract.

While making any advance payment as above, adequate safeguards in the form of bank guarantee should be obtained from the firm. The Vice-Chancellor, in exceptional cases, may relax these conditions.

Part payment to suppliers

Depending upon the terms of delivery incorporated in a contract, part payment to the supplier may be released after it dispatches the goods from its premises in terms of the contract.

The Vice-Chancellor shall have the power of deviation from the above Provisions for the reasons to be recorded in writing, in the interest of the University.

PROCUREMENT OF SERVICES

This chapter contains the fundamental principles applicable to National Law University Meghalaya regarding engagement of engagement of service provider(s).

IDENTIFICATION OF SERVICES REQUIRED TO BE PERFORMED BY SERVICE PROVIDER(S)

University may hire external firms, consultancy firms or consultants for a specified job.

Engagement of service provider(s) may be resorted to only in situations requiring high quality services for which University does not have requisite expertise.

PREPARATION OF SCOPE OF REQUIRED SERVICE

Objectives and scope of the assignment should be prepared in simple and concise language.

The eligibility and pre-qualifications criteria to be met by the consultancy firm/ service providers should also be clearly identified.

ESTIMATING REASONABLE EXPENDITURE

While proposing engagement of consultancy firm(s)/ service providers) reasonable estimate by ascertaining the prevalent market conditions and consulting other Organizations engaged in similar activities may be assessed.

IDENTIFICATION OF SOURCES

Where the estimated cost involved is up to Rupees Twenty Five lakhs, preparation of a list of potential consultancy firm/ service providers may be done on the basis of formal or informal enquiries from other organizations involved in similar activities.

Where the estimated cost of the service is above Rupees Twenty Five lakhs, In addition to above, an enquiry for seeking "Expression of Interest" from consultancy firm/ service providers should be published in at least two dailies (one each in English and Hindi) and the University's website. The website address should also be given in the advertisement. Enquiry for seeking Expression of interest should include in brief, the broad scope of service, inputs to be provided by the University, eligibility and the pre-qualification criteria to be met by the consultancy firm(s)/ service provider(s), past experience in similar work or service.

The consultancy firm(s)/ service provider(s) may also be asked to send their comments on the objectives and scope of the service projected in the enquiry. Adequate time should be allowed for

getting responses from interested consultancy firm(s)/ service provider(s). However, this will also be ensured that basic Regulations contained in the chapter are not contravened.

SHORT LISTING OF CONSULTANCY FIRM(S)/ SERVICE PROVIDERS

On the basis of responses received from the interested parties as per instructions above consultancy firm(s)/ service provider(s) meeting the requirements should be short listed for further consideration. However, the number of short listed consultancy firm/ service providers should not be less than three.

PREPATION OF TERM OF RFFERENCE(TOR)

The TOR should include:

- i. Precise statement of objectives
- ii. Outline of the tasks to be carried out,

- iii. Schedule for completion of tasks;
- iv. The support or inputs to be provided by the University to facilitate the consultancy.
- v. The final outputs that will be required of the consultant.

PREPARATION AND ISSUE OF REQUEST FOR PROPOSAL (RFP)

RFP is the document to be used for obtaining offers from the consultancy firm(s)/ service provider(s) for the required work/service. It is to be issued to the short listed consultancy firm(s)/ service provider(s) to seek their technical and financial proposals. RFP should contain:

- i. A letter of invitation
- ii. Information to consultancy firm(s)/ service provider(s) regarding the procedure for submission of proposal
- iii. Term of reference
- iv. Eligibility and pre-qualification criteria in case the same has not been ascertained through enquiry for Expression of Interest
- v. List of key positions whose CV and experience would be evaluated
- vi. Bid evaluation criteria and selection procedure
- vii. Standard formats for technical and financial proposals
- viii. Proposed contract terms
- ix. Procedure proposed to be followed for mid-term review of the progress of the work and review of the final draft report.

Other procedure i.e. receipt and opening of proposals, late bids, evaluation of technical bids, evaluation of financial bids may be followed as laid down in the chapter PURCHASE OF GOODS.

CONSULTANCY BY NOMINATION:

Under some special circumstances, the University may select a particular consultancy firm/ service provider, where adequate justification is available for such single source, selection in the context of the overall interest of the University. However, full justification for single source selection should be recorded in the file.

MONITORING THE CONTRACT

Continuous monitoring of the performance of the consultancy firm(s)/ service provider(s) should be done so that it may be judged if the output of the consultancy firm(s)/ service provider(s) is in line with the University's objectives.

OUTSOURCING OF SERVICES

University may outsource certain services in the interest of economy and efficiency and it may prescribe detailed instructions and procedures for the purpose without, contravening the following basic guidelines:

IDENTIFICATION OF LIKELY CONTRACTORS

University should prepare a list of likely and potential contractors on the basis of formal or informal enquiries from the other organizations, scrutiny of yellow pages and trade journals, web sites etc.

PREPARATION OF TENDER ENQUIRY

University may prepare a tender enquiry containing, inter alia:-

- i. The details of the work or services to be performed by the contractor
- ii. The facilities and the inputs which will be provided to the contractor by the University
- iii. Eligibility and qualification criteria to be met by the contractor performing the required work/service.
- iv. The statutory and contractual obligations to be complied with by the contractor.
- v. If needed, the University may invite expression of interest

INVITATION OF BIDS

For estimated value of the work of services upto Rupees Twenty lakhs or less, the University should scrutinize the preliminary list of likely contractors as identified as per details above, decide the prima facie eligible and capable contractors and issue limited tender enquiry to them asking for their offers by a specified date and time etc. The number of contractors so identified for issuing limited tender enquiry should not be less than six.

For estimated value of the work of service above Twenty lakhs, University should issue advertised tender enquiry asking for the offers by a specified date and time etc., in at least two national newspapers (one each English and Hindi) and website of the University. The University may call "Expression of Interest" from contractors by advertised tender enquiry. The Enquiry for seeking Expression of interest should include in brief, the broad scope of service, eligibility and the pre-qualification criteria to be met by the contractor, past experience in similar work or service etc. On the basis of responses received from the interested parties the contractors/firms meeting the requirements should be short listed. The shortlisted firms may be asked to submit tenders for the Service to be outsourced. However, the number of short listed consultancy firm/ service providers should not be less than three.

LATE BIDS

Late bids i.e. bids received after the specified date and time of receipt should not be considered. It will be the entire responsibility of bidder to submit the bid within the prescribed time.

EVALUATION OF BIDS RECEIVED

University should evaluate, segregate, rank the responsive bids and select the successful bidder for the placement of contract.

OUTSOURCING BY CHOICE

Should it become necessary, in an exceptional situation to outsource a job to a specifically chosen contractor, the competent authority may do so. In such cases the detailed justification, the circumstances leading to the outsourcing by choice and also the special interest or purpose it shall serve shall form integral part of the proposal.

MONITORING THE CONTRACT

The University should be involved throughout in the conduct of the contract and continuously monitor the performance of the contractor.

MAINTENANCE CONTRACT

Depending on the cost and nature of the goods purchased, the University may enter into maintenance contract(s) of suitable period either with the supplier of the goods or with any other competent firm, not necessarily the supplier of the subject goods. Such maintenance contracts are especially needed for sophisticated and costly

equipment(s) and machinery. It may however be kept in mind that the equipment or machinery is maintained free of charges by the supplier during its warranty period or such other extended periods as the contract terms may provide and the paid maintenance should commence only thereafter.

GENERAL PRINCIPLES FOR CONTRACT

The following general principles should be observed while entering into contracts:

- i. The terms of contract must be precise, definite and without any ambiguities. The terms should not involve an uncertain or indefinite liability, except in the case of a cost plus contract or where there is a price variation clause in the contract.
- ii. Standard forms of contracts should be adopted wherever possible with such modifications as are considered necessary in respect of individual contracts. The modifications should be carried out only after obtaining financial and legal advice.
- iii. In cases where standard forms of contracts are not used, legal and financial advice should be taken in drafting the clauses in the contract.
- iv. No work of any kind should be commenced without proper execution of an agreement
- v. Contract document, where necessary should be executed within 21 days of the issue of acceptance. Non fulfillment of this condition of execution a contract by the contractor would constitute sufficient ground for annulment of the award and forfeiture of Earnest money Deposit.
- vi. Where contracts include supply of equipment, goods etc., imported (Subject to customs duty and foreign exchange fluctuations) and or locally manufactured (Subject to excise duty and other duties and taxes), the percentage and element of duties and taxes included in the price should be specifically stated, along with the selling rate of foreign exchange element taken into account in the calculation of the price of the imported items. The mode of calculation of variation in duties and taxes and foreign exchange

rate and the documents to be produced in support of claims for such variations, should also be stipulated in the contract.

vii. Departmental issue of material should be avoided as far as possible.

viii. Provision should be made in the contract regarding minimum number of visits the contractor will make on site in addition to the emergency calls, for which a minimum specific time should be prescribed.

ix. A clear provision as to who (Contractor or University) will keep the old replaced parts should be included in the contract.

x. Payment should be made as per terms and conditions of the contract.

xi. All contracts shall contain a provision for recovery of liquidated damages for defaults on the part of contractor.

xii. All contracts should reserve the right of University to reject goods which do not conform to the specifications.

xiii. Normally no extension of the contract should be granted except where events constituting force majeure. Extension of contract, if necessary, may be allowed through formal amendments to the contract duly signed by parties to the contract.

xiv. Implementation of the contract should be strictly monitored and notices issued promptly whenever a breach of provisions occurs.

xv. Whenever disputes arise during implementation of a contract, decision of the Vice Chancellor shall be final.

xvi. Where ever these Regulations are silent, The Vice-Chancellor shall be competent to pass orders.

**"NATIONAL LAW UNIVERSITY, Meghalaya, RECEIPT AND PAYMENT
REGULATIONS" 2022**

SHORT TITLE These regulations may be called "NATIONAL LAW UNIVERSITY, Meghalaya, RECEIPT AND PAYMENT REGULATIONS"

APPLICATION

These shall apply to all transactions pertaining to "National Law University, Meghalaya".

DEFINITIONS

- a. **ACCREDITED BANK:** means United Commercial Bank, Sector 10 Dwarka New Meghalaya / HDFC Bank, Sector-11, Dwarka or any other bank authorized by the Executive Council/Vice Chancellor to transact business of National Law University Meghalaya.
- b. **COMPETENT AUTHORITY:** means Vice Chancellor or any other authority to which the relevant power may be delegated by the Vice Chancellor.
- c. **DEPARTMENTAL OFFICER:** means an officer of the University authorized to handle University money.

RECEIPT OF UNIVERSITY REVENUE/DUES ETC AND ACCOUNTING THEREOF

All revenue, dues or other moneys received on behalf of University by the authorized officer shall be duly acknowledged by issue of proper numbered receipt.

MODES OF PAYMENT

Unless specifically authorized to receive amounts in cash, payment may be realized by demand drafts or cheques or postal orders or in such other form also.

In case the money is received in cash, a formal receipt be issued and entered in the cash book.

In case the dues are received in the shape of demand drafts or cheques or any other mode, university receipt shall be subject to the clearance/realization of cheque or demand draft.

In some cases, issue of receipt may not be necessary i.e.

- a. *Sale of prospectus*
- b. *Sale of tender forms*
- c. *Sale of journal or any other priced document etc.*

- d. *When money is not realized in cash but by recovery from a payment made on a bill.*
- e. *When the amount has directly been deposited in bank by the tenderer.*

ISSUE OF DUPLICATE COPIES OF RECEIPTS

No officer of the University may issue duplicate copies of the receipts granted for money received on the plea that the originals have been lost. If necessity arises for such a document, a certificate may be given that on a specified day a certain sum on a certain account was received from a certain person.

MAINTAINENCE OF CASH BOOK

The cash book should be bound in convenient volumes and their pages machine numbered. Before bringing a Cash Book into use, the Head of Office or an authorized officer should count the number of the pages and record a certificate of count on the first page of the Cash Book.

The cash book should be closed regularly and completely checked. The head of office should verify the totaling of the Cash Book or have this done by some responsible subordinate officer other than the writer of the Cash Book.

CASH CHEST

Cash and other valuables held in safe custody, on behalf of University, should be kept in an adequately strong cash chest or almirah preferably embodied in a wall. The cash chest/almirah should be secured by two locks of different patterns so that the keys of one do not fit into the other. The keys of such locks should be kept in different person's custody so that the chest will not be accessible to unauthorized persons. Chest should not be opened unless both the custodians of the two locks are present for the purpose.

Duplicate keys thereof should be placed in separate sealed covers and lodged with different officers of higher rank.

A duplicate key register should be maintained indicating the authorities with whom they are lodged. Once a year, in April the keys must be sent for examination and returned under fresh sealed covers to the respective officer/bank and a note kept in the register that they have been inspected and found intact and genuine.

DEPOSIT OF RECEIPT IN BANK

All money received on account of revenue or receipts or dues of the University shall without undue delay, be deposited in full into the Bank for inclusion in university Account.

DIRECT DEPOSIT OF MONEY IN BANK BY STUDENTS

Money due to the University may also be deposited directly in the Bank by the students in accordance with the procedure notified by the University.

WITHDRAWAL FROM

ACCOUNT GENERAL

PRINCIPALS:

The term withdrawal with its cognate expression refers to the withdrawal of funds from the account for disbursement of on behalf of University.

Save as otherwise provided, no cheque shall be drawn until it is intended to be issued soon after.

An authorized officer functioning under the scheme of the University may withdraw money for such purposes as may be prescribed by the university by general order.

The cheque drawing officer shall obtain sufficient information as to the nature of every payment he is making unless there are specific orders of competent authority against disclosure of the nature or any individual claim.

If it is found, at any stage that money have been incorrectly withdrawn and that a certain sum should be recovered in respect of any bill passed, he shall effect the recovery without delay and without regard to any correspondence.

PRESENTATION OF CLAIM

No money can be withdrawn from the account except by presentation of bill in support of relevant claim for the purpose.

A bill is a statement of claims containing specification of the nature and amount of the claim, either in gross or by items. The bill so preferred is presented to the paying authority for payment. The bill becomes a voucher when it is receipted and stamped "PAID".

MODES OF CLAIMS

A. PERSONAL CLAIMS OF EMPLOYEES -

i. SALARY

Due date of payment:

Pay and allowances shall be due for payment on the last working day of the month to which they relate. However, the pay and allowances for the month of March shall be paid on the first working day of April

Pay and allowances will include Basic pay, grade pay, Transport allowance, House rent allowance (If admissible) and any other fixed allowance payable to employee on monthly basis.

Deductions as applicable i.e. Fund , License fee, Income tax (if applicable) and any other deductions levied by the University or to be recovered on the instructions

received from Audit / Court may invariably be made . For the purpose of this rule, "WORKING DAY "shall be deemed to be a day on which the University and the bank are open so that withdrawal of moneys and disbursement thereof become practicable on the same day.

ii. FIRST PAYMENT OF PAY AND ALLOWANCES

When salary of any employee is to be drawn for the first time in the University, status of his/her employment i.e. regular/ad-hoc / contract basis or daily basis etc., should be mentioned against

his/her name. Any other specific condition governing the conditions of service should also clearly be indicated.

iii. ARREAR BILLS

Arrears of pay, fixed allowances etc should not be drawn in the ordinary monthly bill, but in a separate bill. The amount claimed for each month in the bill should be entered separately with quotation on the number and date etc of the monthly bill from which the charge was omitted. A note of the same shall invariably be made in the office copies of the relevant bill also, to avoid the risk of the arrears being claimed once again.

iv. MTSCCELLANIOTIS BILLS OF EMPLOYEES

Payment of other personal claims i.e. Overtime allowance, Honorarium, travelling allowance, medical charges etc of the employees should be drawn separately on the prescribed forms.

v. DISBURSEMENT OF PAY & ALLOWANCES ETC:

The paying officer is personally responsible for the amount drawn on a bill until he has paid to the person entitled to receive it and has obtained a legal quittance.

vi. LAST PAYMENT OF PAY AND ALLOWANCES

Normally, the last payment of pay and allowances in respect of an employee who quits service of the University may be made only after ensuring from relevant records that there are no demands outstanding against the employee. However, in cases where security for an amount considered by the competent authority be adequate to cover the aforesaid demand, is taken from such employee, the last payment of pay and allowances be made.

vii. ARREARS PAYABLE AFTER DEATH

Pay and allowances can be drawn for the day of employee's death; the hour at which death takes place has no effect on the claim. Day for the purpose of this rule should mean a calendar day beginning and ending at midnight. Life time arrears of all kinds claimed on behalf of a deceased employee may be paid without the production of usual legal authority, provided the competent authority is otherwise satisfied about the right of the claimant. In cases where the gross amount of the claim exceeds Rs 10000(Ten Thousand only) payment will be made on the execution of an indemnity Bond, with two sureties and if the amount is less than ten thousand, competent authority may accept only one surety.

B. PAYMENT OF NON EMPLOYEES

When a person who is not the employee of the University claims payment for work done, service rendered or articles supplied, such claims shall be submitted through the officer under whose immediate order the service was done or the articles supplied. The payment may be made, after completing all the formalities, by any recognized mode of payment i.e. by cheque as far as possible or by bank draft. After obtaining an acknowledgement and certificate to the effect that the payment has been made to the proper person, the voucher may be kept on records

NOTE:

This may please be ensured that TDS where applicable in terms of the provisions of Income Tax Rules are deducted properly.

PROCEDURE OF REMITTANCES OF RECOVERIES MADE

After the disbursement of payment to the concerned employees etc, recoveries made from the bills are also required to be deposited in such a way that all the remittances are credited in their respective heads.

Some payments like TDS, FUND etc. are to be deposited through prescribed challans in authorized branch of particular banks whereas some (like recovered on the direction of court, Registrar Co-op Societies etc) are required to be remitted to the concerned authority. There may also be sort of recoveries like license fee, advances etc which are to be adjusted in the books of University as well as personal ledgers of the employees.

In cases where some expenditure is involved, amount should be remitted after deducting such expenditure. However, a note may be sent indicating the detail of expenditure.

C. PAYMENT OF CONTINGENT CHARGES:

The term contingent charges used in this section means and include all incidental and other expenses (including on stores) which are incurred for the management of an office

Payment can be made for contingent expenditure out of permanent advances or imprest which may be permitted to hold in the University subject to recoupment on presentation of contingent bill. Claims up to a certain limit to be decided by the Vice Chancellor, may be disbursed out of permanent advance.

All charges actually incurred and paid out of permanent advance may be drawn at once. Charges relating to different nature may not be included in one bill. NOTE: While preparing recoupment bill, this may please be ensured that all the relevant documents/ certificates are attached along with the bill.

NOTE: While preparing recoupment bill, this may please be ensured that all the relevant documents / certificates are attached along with the will.

D. PAYMENT FOR PURCHASE OF STORES

The term stores in this section indicate all articles and material required for the public service and coming into an office's possession for various purposes.

SOURCE OF PURCHASE AND MODE OF PAYMENT

1. Purchase in India other than DGS&D

As a general rule payment for supplies is not permissible unless stores have been received and surveyed. However, payments prior to verification of quality and quantity of the material may be permitted in exceptional cases only, provided that adequate safeguards exist to secure the University against all losses.

2. Purchase through DGS&D

The procedure relating to payment for stores purchased through the Director General Supplies and Disposal may be regulated by special orders of Government of India in this behalf from time to time.

3. Purchase outside India through the Indian supply Mission.

Payments for all purchases ordered through the India Supply Mission at London or Washington will be arranged by the High Commission of India London or Indian Embassy, Washington, as the case may be the debits being passed on to India for adjustment.

4. Purchase direct from firms etc., abroad

In regard to articles obtained by placing direct orders on firms outside India, payment shall be arranged in accordance with the following:

- i. The officer who has placed the order, after following the usual procedure shall as soon as all the checks necessary in connection with the receipt, inspection and verification of articles have been applied, forward the firm's bill in original to the paying officer. Particular care must be taken to ensure that no double payment is authorized in respect of the claim.
- ii. Wherever, the supply order involves heavy payments, with a specific payment schedule clause therein usually a letter of credit is opened in favour of foreign supplier through the accredited bank. Special care should be taken to ensure that the requisite documents are promptly passed on by the bank to the University.
- iii.

E. MISCELLANEOUS PAYMENTS

Refund of revenue

Refund of revenue can be made only on demand and on the receipt of the person entitled to receive such refunds after production of proper authority.

The bill for drawls should be accompanied by a statement showing the names of the refundees, the amount refundable in each case and the number and date of the challan through which the money was originally credited.

Every refund shall be noted against the original documents in which the money received are entered.

REFUND OF FEE

If the amount of fee originally received from a candidate is to be refunded, a proposal for the amount to be refunded duly supported by the documents crediting the money to the competent authority will be submitted for approval. If the amount were deposited in the bank in lump sum or by the candidate directly, statement

showing the names of the candidates demanding refunds, the amount to be refunded to each, the number and date of the challan in which the money was originally deposited and the amount already refunded , if any, shall accompany the proposal.