

UNIVERSITY OF JAMMU

NOTIFICATION 01 OF 2018

DATE: 26-07-2018.

Subject: UNIVERSITY REGULATIONS

It is notified that the 84th meeting of the University Council held on 10th April, 2018 at Raj Bhavan, Jammu approved the following Regulations:-

- (i) Amendments in the existing 'Rules for the Weeding Out of Damaged and Out of Use Books, 2008' (**Annexure-I**) shall be incorporated in as new Chapter XIV-B, Vol-I of the University Calendar, 2010 (**Resolution No. 84.24**).
- (ii) Adoption of guidelines pertaining to the Jammu University Internal Complaints Committee Against Sexual Harassment (JUICCASH) (**Annexure-II**) shall be incorporated in as new Chapter XXXVII-F, Vol-I of the University Calendar, 2010 (**Resolution No. 84.27**).
- (iii) Adoption of the SRO-484 w.r.t. Death cum Retirement Gratuity for the employees appointed or brought on regular establishment as or after 01.01.2010 (**Annexure-III**), as per the State Govt. SRO 484 dated 29/11/2017 (**Resolution No. 84.31**).
- (iv) Adoption of GFR-2017 (as amended upto date) during financial year 2018-19 onwards in toto for the procurement of Goods and Services (**Annexure-IV**) shall be incorporated in Chapter XXXV, Vol-I of the University Calendar, 2010 (**Resolution No. 84.35**).

No: Coord/84-UC/Reg/4200-4299
Baba Saheb Ambedkar Road,
Jammu (Tawi) - 180 006.

Date: 26-07-2018.

Copy to:

(Dr. Meenakshi Kilam)

REGISTRAR

1. Principal Secretary to Hon'ble Governor (Chancellor of the University), Raj Bhavan, Srinagar.
2. Deputy Secretary/Under Secretary/Private Secretary to Hon'ble Governor (Chancellor of the University), Raj Bhavan, Srinagar.
3. Private Secretary to the Hon'ble Chief Minister (Pro-Chancellor) Chief Minister's Secretariat, Srinagar.
4. Financial Commissioner to Planning and Development Dept., J&K Govt., Civil Secretariat, Srinagar.
5. The Private Secretary to the Hon'ble Education Minister, Higher Education Dept., Civil Secretariat, Srinagar.
6. Principal Secretary to Govt., Higher Education Department, J&K Govt., Civil Secretariat, Srinagar.
7. Principal Secretary to Govt., Finance Dept. (Financial Advisor Universities), Civil Secretariat, Srinagar.
8. All members of the University Council/Syndicate, University of Jammu.
9. Spl. Secretary to Vice-Chancellor, University of Jammu/ Kashmir.
10. Sr. P.A. to Dean Academic Affairs, University of Jammu.
11. Sr. P.A. to Dean Research Studies, University of Jammu.
12. Deans of the Faculties of the University of Jammu.

12-A Sr. P.A. to the Registrar, University of Jammu/Kashmir

13. Dean Students Welfare/Placement Cell, University of Jammu.
14. Sr. P.A. Controller of Examinations, University of Jammu/Kashmir.
15. All Rectors/Directors Campuses, University of Jammu.
16. Coordinator Campuses, University of Jammu.
17. Sr. P.A. to Director, CDC/DLL/DDE/DIQA.
18. Sr. P.A. to Joint Registrar (Finance)
19. Principals of all affiliated Colleges of the University.
20. I/c Librarian, Dhanvantri Library, University of Jammu.
21. All Branch Officers of the Registry.
22. I/c Website to upload Notification on the University website.
23. Guard file.

संलग्नित सूची के अनुसार कार्यवाही की जावे

Proposed Rules for the Weeding Out of Damaged and Out of Use Books, 2017

Rules for the Weeding Out of Damaged and Out of Use Books, 2008*		Rules for the Weeding Out of Damaged and Out of Use Books, 2017	
S.No	Existing	S.No.	AMENDED
		1.	These Rules shall be called the Rules for the Weeding Out of Damaged and Out of Use Books, 2017.
		2.	These Rules shall come into force from the date notified by University of Jammu for the said purpose.
		3.	Applicability: These Rules shall apply to the weeding out of damaged and out of use books in the Dhanvantri Library, its Study Centre, Library of the Research/Teaching Centre established by the University of Jammu and the Library of a Teaching Department in the Main Campus or the offsite campuses of the University of Jammu.
		4.	<p>Definitions: For the purposes of these Rules, the following words/terms shall mean and include:</p> <p>i. Damaged or worn out books: Books which get damaged by long use or are badly worn out, defaced, or otherwise in poor condition.</p> <p>ii. Out of use books: Books which have been used very rarely for the last 15 years and have no potential use.</p> <p>iii. Departmental Library: The Library of a Teaching Department in the Main Campus or in the offsite campuses of the University of Jammu.</p> <p>iv. Dhanvantri Library: The Dhanvantri Library shall also include its Study Centre and the Libraries of the Research/Teaching Centres established in the Main Campus or in the offsite campuses of the University of Jammu.</p> <p>v. Other Library: The 'other Library' shall include a Library other than the Dhanvantri Library or Departmental Library of the University of Jammu.</p>

Annexure - I -

11

1.	For the disposal of books from the Departmental Libraries a Committee consisting of atleast four Faculty members with HOD as Chairman and Senior most Professor as one of the members be constituted to recommend the disposal of books giving the list and the price of books to The Vice Chancellor who shall permit the disposal of books as recommended.	5.	Disposal of Books from Departmental Library: For the disposal of books from the Departmental Libraries in the Main Campus or offsite campuses, a Committee consisting of at least four Faculty members with Head of the concerned Department as Chairman and Senior most Professor as one of the members be constituted to recommend the disposal of damaged and out of use books giving the list and the price of such books. The recommendation of the Committee shall be routed through the University Librarian for submission to the Vice Chancellor for his approval who shall permit the disposal of books as recommended by the Committee. The disposal of such books shall be effected by eliminating from public view their bibliographic records/entries from the Library database (LIBSYS) by deletion or shadowing and also from the Accession Register.
2.	For the disposal of books of Dhanvantri Library a Committee consisting of the Librarian, Senior most Professor of the subject concerned to which pertains and two Deans to be nominated by The Vice Chancellor is constituted which shall recommend the disposal of books giving the list and the price of books to the Vice Chancellor for his approval.	6.	Disposal of Books from Dhanvantri Library: For the disposal of books of Dhanvantri Library, its Study Centre or the Research/Teaching Centres established by the University of Jammu, a Committee consisting of the Librarian, senior most Professor of the subject concerned to which the books to be disposed of pertain and two Deans to be nominated by the Vice Chancellor shall be constituted. The Committee shall recommend the disposal of damaged and out of use books by giving the list and the price of such books to the Vice Chancellor for his approval who shall permit the disposal of books as recommended by the Committee. The disposal of such books shall be effected by eliminating from public view their bibliographic records/entries from the Library database (LIBSYS) by deletion or shadowing and also from the Accession Register.
3.	The disposal of the books should be done through open sale.	7.	Mode of disposal of books: (i) If the damaged or out of use books, a list of which has been prepared for their weeding out, have some potential value, then those books shall be disposed of through open sale. The open sale of those books at nominal rates shall be organised within the premises of concerned Teaching Department in the Main Campus or in the Offsite Campuses or in the Dhanvantri Library of the University of Jammu, its Study Centre or the Research/Teaching Centres established by the University of Jammu, as the case may be. for a period of at least one week.

meurave

-2-

Dev

	<p>4. The reference books and primary sources shall be retained for long term consultation. The rare books and manuscript shall be preserved</p> <p>5. For the disposal of books, the following is also ordered :-</p> <p>(a) 15 year old Text books/ subject books of which the Library has subsequent editions and which have not been issued or consulted in the last 3 years.</p> <p>(b) The books which are torn out or damaged by the white ants and cannot be retrieved.</p> <p>(c) Books which are not referred to in the last 10 years and not of much use to the readers</p>	<p>(ii) (a) If the damaged or out of use books, which are to be weeded out, can be of some use to other Libraries, then such books should be donated to them.</p> <p>(b) A detailed list of such damaged or out of use books should be sent to all interested libraries within the territorial jurisdiction of the University of Jammu and if any library shows interest in using books so listed, then the same shall be donated to them for their use.</p> <p>(c) If no response to the list of damaged or out of use books, which has been displayed or communicated, comes within a period of two months then it shall be presumed that no library is interested in the use of those books.</p> <p>(iii) If the concerned Teaching Department in the Main Campus or in the Offsite Campuses of the University of Jammu or Dhanvantri Library is not able to dispose of the damaged or worn out books through open sale or by donation, then those books may be disposed of as scrap on the rates fixed to the scrap dealers/agencies approved by the University of Jammu.</p> <p>(iv) If the condition of the damaged or worn out books, which are required to be weeded out, is such that those books cannot be put up for open sale or recycled through scrap dealer/agency, then the same may be destroyed by burning or by tossing them into trash after removing their hard/soft cover and tearing some of pages.</p> <p>8. Disposal of reference books: The reference books or primary sources of information shall be retained by the library for long term consultation by the users subject to the following conditions:</p> <p>(i) The reference books which are quite out of date and the latest editions of which are available in the market, may be weeded out after 15 years.</p> <p>(ii) The reference books which are used very rarely and have no potential use for the users thereof may be weeded out after 15 years.</p> <p>(iii) The reference books which are badly worn out, defaced, or otherwise in a very poor condition should be replaced with new copies, if the users still use them, or</p>
--	--	--

	<p>(d) The subject books which have become irrelevant due to changing concepts and is atleast 10 year old</p> <p>(e) 10 year old journals/ conference proceeding.</p>	<p>discarded, if the users no more use such books.</p> <p>(iv) The duplicate or multiple copies of the directories, the guide books, the yearbooks, etc., shall be weeded out.</p> <p>(v) Reference books other than those in English, Hindi, Punjabi, Dogri, or Kashmiri, which have no academic or research value, shall be weeded out.</p> <p>(vi) If the online editions of reference materials, like, Encyclopaedia, Directories, Year books, etc., are available, then the hard copies of their previous editions shall be progressively weeded out from Dhanvantri Library, its Study Centre or the Departmental Libraries in the Main Campus or Offsite Campuses of the University of Jammu.</p> <p>(vii) The rare books and manuscripts shall be preserved by the Library.</p> <p>9. Disposal of text or subject books: For the disposal of text or subject books, the following procedure shall be followed:</p> <p>(i) 15 year old text books or subject books of which the Library has subsequent editions and which have not been issued or consulted in the last 3 years shall be weeded out.</p> <p>(ii) The text books or subject books which are torn out or damaged by the white ants and cannot be retrieved, shall be weeded out. But if the demand for such books exists and those books are still useful to the readers, then replacement copies of the same may be ordered.</p> <p>(iii) The text books or subject books which have not been consulted or referred to during the last 10 years and are not of much use to the readers, shall be weeded out.</p> <p>(iv) The text books or subject books which have become irrelevant due to changing concepts of knowledge and are at least 10 years old shall be weeded out.</p> <p>(v) The journals, or published conference proceedings, which are more than 10 years old, shall be weeded out.</p> <p>10. Steps to be taken before the disposal of books:</p> <p>(i) All weeded out Books/Journals before</p>
--	---	--

1. *manuwa* - 4.

		<p>their final discarding shall be stamped with 'Discarded' or 'Withdrawn' or 'Weeded Out' stamp of Dhanvantri Library.</p> <p>(ii) All the Call Number labels on the books shall be covered with tape or crossed if the books are to be put up for open sale.</p> <p>(iii) It shall be ensured that all tags are removed from the books before weeding them out.</p> <p>(iv) A copy of the list of weeded out books shall be sent to the Acquisition Section of Dhanvantri Library for eliminating from public view their bibliographic records/entries from the Library database (LIBSYS) by deletion or shadowing and also from the Accession Register.</p> <p>(v) A copy of the list of weeded out books shall also be sent to the Libraries receiving the weeded out books in donation from Dhanvantri Library or the Departmental Libraries in the Main Campus or in Offsite Campuses of the University of Jammu.</p> <p>(vi) A copy of the list of weeded out books shall be sent to Dhanvantri Library or Departmental Libraries in the Main Campus or in the Offsite Campuses of the University of Jammu to make necessary entries in the write off register.</p> <p>11. Repeal: The existing University Order No. Estb./08/2477-2576, dated 25.04.2008 issued in pursuance of University Council Resolution No. 67.40, dated 25.02.2008 dealing with damaged and out of use books of Dhanvantri Library shall stand repealed by The Rules for the Weeding Out of Damaged and Out of Use Books, 2017.</p>
--	--	--

*Issued vide University Order No. Estb./08/2477-2576, dated 25.04.2008 in pursuance of University Council Resolution No. 67.40 held on 25.02.2008.

Muraw

UNIVERSITY OF JAMMU JAMMU

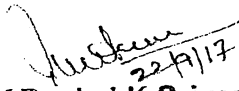


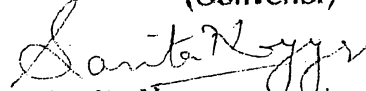
Jammu University Policy against Sexual Harassment

Jammu University Internal Complaints Committee Against Sexual Harassment (JUICCASH)

2017

Committee Members


22/9/17
Prof Pankaj K Srivastava
(Convener)


22/9/17
Dr Savita Nayyar


22/09/17
Prof Renu Nanda


22/09/17
Dr Rainoo Bhai


22/9
Dr Sanjay Gupta

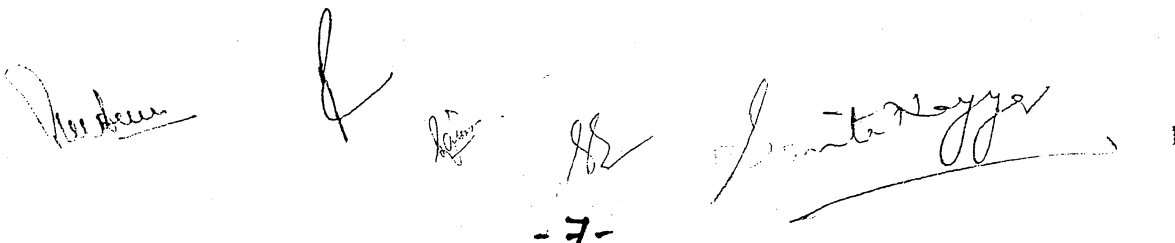
INTRODUCTION

University of Jammu constituted a Committee against Sexual Harassment-CASH (Vide Notification No. Estab/09/19492-591 dated 24.12.2009), following the guidelines on the prevention and deterrence of Sexual Harassment at the workplace laid down by the Hon'ble Supreme Court of India, in its ruling on the Writ Petition (Criminal) Vishaka vs. State of Rajasthan on 13 August 1997. The rules and regulations of the CASH were approved by the Council, University of Jammu vide Council Resolution no. 68.68 Dated 27.03.2009.

In pursuance to the Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act, 2013 and University Grants Commission (Prevention, prohibition and redressal of sexual harassment of women employees and students in higher educational institutions) Regulations, 2015, the earlier Jammu University Policy on Sexual Harassment and Rules and Regulations of the Committee Against Sexual Harassment (CASH) are hereby modified in compliance with the provisions of the said Act and UGC Regulation -2015. Further the Jammu University Committee Against Sexual Harassment shall now be called as the Jammu University Internal Complaints Committee Against Sexual Harassment. The Regulations for the same shall be called as the JU Internal Complaints Committee Against Sexual Harassment (Prevention, Prohibition and Redressal) Regulations.

University of Jammu is committed to ensure safe working and study spaces for women and to facilitate conducive work environments that respect women's right to equality of status and opportunity. All the employees of the University (Teaching/ Officers/Non- Teaching/ Non-Gazetted) including those who are in temporary or short term positions, Research Scholars (including the Project staff), students and the visitors to the University are subject to this Policy. Anyone violating this Policy is liable to disciplinary action.

University of Jammu follows the Zero-Tolerance policy towards the sexual harassment and deals all the complaints of sexual harassment very seriously and promptly. The University respects and maintains the confidentiality and privacy of individuals complaining or accused of sexual harassment to the extent reasonably possible. The false, malicious and misleading complaints shall be liable for disciplinary action as per the provisions of these Regulations.



JAMMU UNIVERSITY INTERNAL COMPLAINTS COMMITTEE AGAINST SEXUAL HARASSMENT (PREVENTION, PROHIBITION AND REDRESSAL) REGULATION

1. Short title, extent and commencement -

- (1) These regulations may be called Jammu University Internal Complaints Committee against Sexual Harassment (Prevention, Prohibition and Redressal) Regulations 2017.
- (2) These shall apply to all the campuses (Main and Offsite Campuses) and Constituent Colleges of the University of Jammu, Jammu.
- (3) These shall come into force on the date of their approval and notification from the competent bodies.

2. Definitions -

In these regulations, unless the context otherwise requires:-

- (a) "aggrieved woman" means in relation to work place, a woman of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;
- (b) "Act" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013);
- (c) "campus" means the location or the land on which University of Jammu (including off site Campuses and Constituent Colleges) and its related institutional facilities like administration, examination, libraries, laboratories, lecture halls, residences, seminar/examination halls, toilets, student centres, hostels, dining halls, stadiums, parking areas, parks-like settings and other amenities like health centres, canteens, Bank counters etc., are situated; and also includes extended campus and covers within its scope places visited as an employee or as a student of the University including transportation provided for the purpose of commuting to and from the institution, the locations outside the institution on field trips, internships, study tours, excursions, short-term placements, place used for camps, cultural festivals, sports meets and such other activities where a person is participating in the capacity of an employee or a student of the University of Jammu;
- (d) "covered individuals" are persons who have engaged in protected activity such as filing a sexual harassment complaint, or who are closely associated with an individual who has engaged in protected activity and such person can be an employee or a fellow student or guardian of the complainant;

- 8 -

(e) "employee" means a person as defined in the Act and also includes, for the purposes of these Regulations persons employed on Ad-hoc/ contractual/ temporary/guest faculty, trainee, apprentice (or called by any other name), interns, volunteers, teaching assistants, research assistants, whether employed or not, including those involved in field studies, projects, short-visits and camps;

(f) "Executive Authority" means the Vice Chancellor of the University of Jammu,;

(g) "Internal Complaints Committee (ICC)" means Jammu University Internal Complaints Committee Against Sexual Harassment (JUICCASH) constituted under these regulations.

(h) "protected activity" includes reasonable opposition to a practice believed to violate sexual harassment laws on behalf of oneself or others such as participation in sexual harassment proceedings, cooperating with an internal investigation or alleged sexual harassment practices or acting as a witness in an investigation by an outside agency or in litigation;

(i) "Sexual harassment" includes

i. any one or more of the following unwelcome acts or behaviour (whether directly or by implication), namely:-

(a) physical contact and advances; or

(b) a demand or request for sexual favours; or

(c) making sexually coloured remarks; or

(d) showing pornography; or

(e) any unwelcome physical, verbal or non verbal conduct of sexual nature;

ii. any one (or more than one or all) of the following circumstances, if it occurs or is present in relation to or connected with any behaviour that has explicit or implicit sexual overtures:-

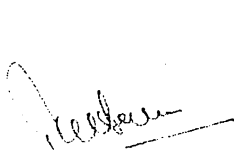
(a) implied or explicit promise of preferential treatment as quid pro quo for sexual favours;

(b) implied or explicit threat of detrimental treatment in the conduct of work;

(c) implied or explicit threat about the present or future status of the person concerned;

(d) creating an intimidating, offensive or hostile working/ learning environment;

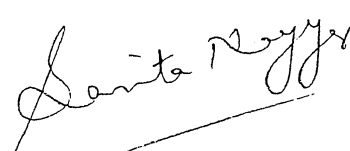
(e) humiliating treatment likely to affect the health, safety, dignity or physical integrity of the person concerned.











- (j) "student" means a person duly admitted and pursuing a programme of study either through regular mode or distance mode, including short-term training programmes in the University of Jammu;

Provided that a student who is in the process of taking admission in the University campus, although not yet admitted, shall be treated, for the purposes of these regulations, as a student of the University, where any incident of sexual harassment takes place against such student;

Provided that a student who is a participant in any of the activities in the University other than the university where such student is enrolled shall be treated, for the purpose of these regulations, as a student of that University where any incident of sexual harassment takes place against such student;

- (k) "Third Party Harassment" refers to a situation where sexual harassment occurs as a result of an act or omission by any third party or outsider, who is not an employee or a student of the University, but a visitor to the University in some other capacity or for some other purpose or reason;

- (l) "University " means University of Jammu, Jammu.

- (m) "victimisation" means any unfavourable treatment meted out to a person with an implicit or explicit intention to obtain sexual favour;

- (n) "Workplace" means the campuses of the University including:-

(a) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the University;

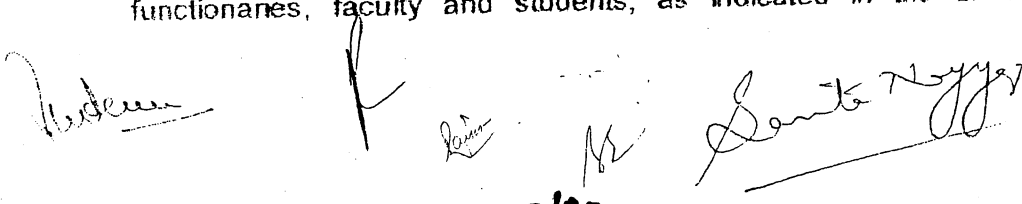
(b) any cultural or sports institute, stadium, cultural or sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereof in the University;

(c) any place visited by the employee or student arising out of or during the course of employment or study including transportation provided by the University for undertaking such journey for working/study in the University.

3. Duties of the University -

The University shall:-

- (a) publicly notify the provisions against sexual harassment and ensure their wide dissemination;
- (b) organise training programmes or as the case may be, workshops for the officers, functionaries, faculty and students, as indicated in the SAKSHAM Report



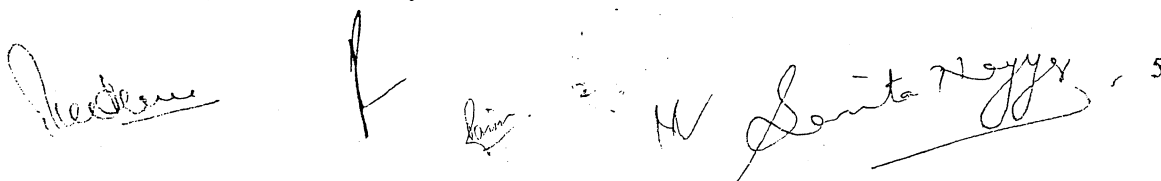
(Measures for ensuring the safety of women and programmes for gender sensitization on campuses) of the University Grants Commission, to sensitize them and ensure knowledge and awareness of the rights, entitlements and responsibilities enshrined in the Act and under these regulations;

- (c) act decisively against all gender based violence perpetrated against employees and students of all sexes;
- (d) publicly commit itself to a zero tolerance policy towards sexual harassment;
- (e) reinforce its commitment to creating its campus free from discrimination, harassment, retaliation or sexual assault at all levels;
- (f) include in its prospectus and display prominently at conspicuous places or Notice Boards-
 - i. definition of sexual harassment,
 - ii. mechanism and redressal of complaints pertaining to sexual harassment,
 - iii. contact details of members of Internal Complaints committee, complaints procedure;
- (g) organise regular orientation or training programmes for the members of the ICC to deal with complaints, steer the process of settlement or conciliation, etc, with sensitivity;
- (h) be responsible to bring those guilty of sexual harassment against its employees and students to book and initiate all proceedings as required by law;
- (i) treat sexual harassment as a misconduct under service rules and initiate action for misconduct if the perpetrator is an employee;
- (j) treat sexual harassment as a violation of the disciplinary rules (leading up to rustication and expulsion) if the perpetrator is a student;
- (k) ensure compliance with the provisions of these regulations, including appointment of ICC, within a period of sixty days from the date of publication of these regulations;
- (l) monitor the timely submission of reports by the ICC;
- (m) prepare an annual status report with details on the number of cases filed and their disposal and submit the same to the University Grants Commission.

4. Composition of Internal Complaints Committee (ICC)-

- (1) Executive Authority shall constitute an Internal Complaints Committee (ICC) with an inbuilt mechanism for gender sensitization against sexual harassment. The ICC shall have the following composition:-

- (a) a Presiding Officer who shall be a woman faculty member employed at a senior level (not below a Professor) in the University nominated by the Executive Authority;



- (b) two faculty members and two non-teaching employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge, nominated by the Executive Authority;
- (c) three students, if the matter involves students, who shall be enrolled at the undergraduate, postgraduate, and research scholar levels respectively, elected through transparent democratic procedure;
- (d) one member from amongst non-governmental organisations committed to the cause of women or a person familiar with the issues relating to sexual harassment having at least five years of experience, nominated by the Executive Authority.

2. Atleast one-half of the total members of the ICC shall be women.

3. Persons in senior administrative positions in the University, such as Vice-Chancellor, Pro Vice-Chancellor, Rectors, Directors, Registrar, Controller of Examination, Deans, Head of Departments, Provost Hostels etc., shall not be members of ICC in order to ensure autonomy of their functioning.

4. The term of office of the members of the ICC shall be for a period of three years. Executive Authority shall change one-third of the members of the ICC every year.

5. The Member from the non-governmental organization shall be paid such fees or allowances for holding the proceedings of the Internal Complaints Committee, by the Executive Authority as may be prescribed.

6. Where the Presiding Officer or any member of the Internal Complaints Committee:

- (a) contravenes the provisions of Regulation 12 of these regulations; or
- (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her; or
- (c) he/she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
- (d) has so abused his/her position as to render his/her continuance in office prejudicial to the public interest,

such Presiding Officer or member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this Regulation.

5. Responsibilities of Internal Complaints Committee (ICC) –

The Internal Complaints Committee shall

- (a) provide mechanisms of dispute redressal and dialogue to anticipate and address issues through just and fair conciliation without undermining complainant's rights,

[Signature]

[Signature]

[Signature]

- 12 -

[Signature]

[Signature]

and minimize the need for purely punitive approaches that lead to further resentment, alienation or violence;

- (b) protect the safety of the complainant by not divulging the person's identity, and provide the mandatory relief by way of sanctioned leave or relaxation of attendance requirement or transfer to another department or supervisor as required during the pendency of the complaint, or also provide for the transfer of the respondent;
- (c) ensure that victims or witnesses are not victimised or discriminated against while dealing with complaints of sexual harassment; and
- (d) ensure prohibition of retaliation or adverse action against a covered individual because the employee or the student is engaged in protected activity.
- (e) provide assistance if an employee or a student chooses to file a complaint with the police;

6. The process for making complaint and conducting inquiry –

The ICC shall comply with the procedure prescribed in these Regulations for making a complaint and inquiring into the complaint in the time bound manner. The University shall provide all necessary facilities to the ICC to conduct the inquiry expeditiously and with required privacy.

7. Process of making complaint of sexual harassment –

- I. An aggrieved person is required to submit a written complaint to the ICC within three months from the date of the incident and in case of series of incidents within a period of three months from the date of the last incident.

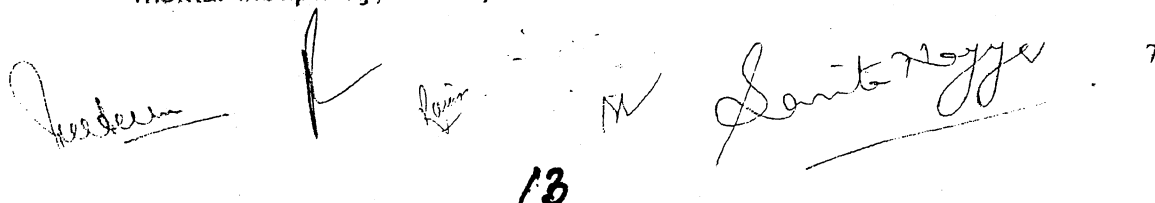
Provided that where such complaint cannot be made in writing, the Presiding Officer or any member of the Internal Complaints Committee shall render all reasonable assistance to the person for making the complaint in writing;

Provided further that the ICC may for the reasons to be recorded in writing extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the person from filing a complaint within the said period.

- II. Where the aggrieved person is unable to make a complaint on account of following disabilities, the other persons may make a complaint-

- i. where the aggrieved person is unable to make a complaint on account of physical incapacity, a complaint may be filed by relative or friend or co-worker or an officer of the National Commission of Women or State Commission of Women or any person who has knowledge of the incident with the written consent of the aggrieved person;

- ii. where the aggrieved person is unable to make a complaint on account of mental incapacity, a complaint may be filed by relative or friend or special

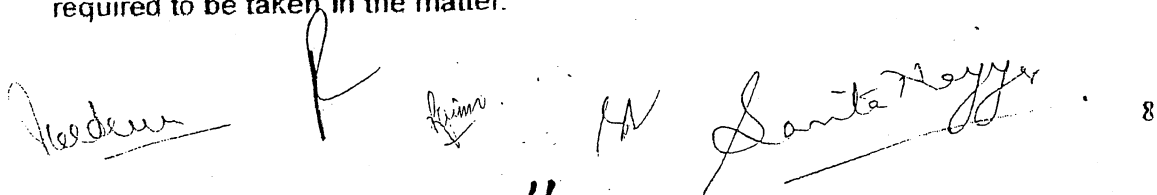


educator or a qualified psychiatric or psychologist or the guardian or authority under whose care the aggrieved person is receiving treatment or care or any person who has knowledge of incident jointly with any of the aforesaid person;

- iii. where the aggrieved person is for any other reason is unable to make a complaint, a complaint may be filed by any person who has knowledge of incident with the written consent of the aggrieved person;
- iv. where the aggrieved person is dead, a complaint may be filed by any person who has knowledge of incident, with the written consent of the legal heir of the aggrieved person.

8. Process of conducting Inquiry-

- 1) At the time of filing the complaint, the complainant shall submit seven copies of the complaint to the ICC alongwith supporting documents and the names and addresses of the witnesses.
- 2) The ICC shall, upon receipt of the complaint, send one copy of the complaint to the respondent within a period of seven working days of such receipt.
- 3) Upon receipt of the copy of the complaint, the respondent shall file his or her reply to the complaint along with the list of documents, and names and addresses of witnesses within a period of ten working days.
- 4) The ICC shall make inquiry in to the complaint in accordance with the principles of natural justice.
- 5) The ICC shall have the right to terminate the inquiry proceedings or give an ex-party decision, if the complainant or the respondent fails, without sufficient cause to present herself/himself for three consecutive hearings convened by the Presiding Officer provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
- 6) The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Complaints Committee.
- 7) In conducting the inquiry, a minimum of 50% of the Members of the Complaints Committee including the Presiding Officer shall be present.
- 8) The inquiry has to be completed within a period of ninety days from the date of the receipt of the complaint. The inquiry report, with recommendations, if any, has to be submitted within ten working days from the date of completion of the inquiry to the Executive Authority of the University. Copy of the findings or recommendations shall also be served on both parties to the complaint.
- 9) Where the ICC, arrived at a conclusion that the allegations against the respondent has not been proved, it shall recommend to the executive authority that no action is required to be taken in the matter.



- 14 -

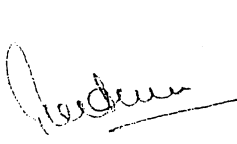

8

- 10) The Executive Authority of the University shall act on the recommendations of the committee within a period of thirty working days from the date of receipt of the inquiry report, unless an appeal against the findings is filed within that time by either party.
- 11) an appeal against the findings or /recommendations of the ICC may be filed by either party before the Executive Authority of the University within a period of thirty working days from the date on which such findings or recommendations are served on the parties.
- 12) if the Executive Authority of the University decides not to act as per the recommendations of the ICC, then it shall record written reasons for the same to be conveyed to ICC and both the parties to the proceedings. If on the other hand the Executive Authority decides to act as per the recommendations of the ICC, then a show cause notice, answerable within ten working days, shall be served on the party against whom action is decided to be taken. The Executive Authority of the University shall proceed only after considering the reply or hearing the aggrieved person.
- 13) The aggrieved party may seek conciliation in order to settle the matter. No monetary settlement should be made as a basis of conciliation. The University shall facilitate a conciliation process through ICC, once it is sought by the parties. The resolution of the conflict to the full satisfaction of the aggrieved party, wherever possible, is preferred.
- 14) The identities and addresses of the aggrieved party, the respondent and the witnesses shall not be made public or kept in the public domain, especially during the process of the inquiry, by all the parties concerned.
- 15) The aggrieved party, respondent, witnesses or any other person shall not make public any facts revealing the identity of any covered individual or put any evidence relating to the inquiry in public domain especially during the pendency of the inquiry.

9. Interim redressal-

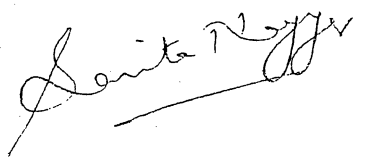
The University may during the pendency of the inquiry -

- (a) transfer the complainant or the respondent to another section or department to minimise the risks involved in contact or interaction, if such a recommendation is made by the ICC;
- (b) grant leave to the aggrieved with full protection of status and benefits for a period up to three months in addition to entitled leave under the University norms;
- (c) restrain the respondent from reporting on or evaluating the work or performance or tests or examinations or supervising the academic/research work of the complainant;







9

- (d) ensure that respondent is warned to keep a distance from the aggrieved person and wherever necessary, if there is a definite threat, restrain the respondent's entry into the campus;
- (e) take strict measures to provide a conducive environment of safety and protection to the complainant against retaliation and victimisation as a consequence of making a complaint of sexual harassment.

10. Punishment and compensation-

- (1) If the respondent is an employee, he/she shall be punished in accordance with the service rules of the University, if found guilty of sexual harassment. The act of sexual harassment shall be treated as misconduct under the service rules.
- (2) Where the respondent is a student, depending upon the severity of the act, the University may:
 - i) withhold privileges of the student such as access to the library, auditorium, hostel, transportation, scholarships, allowances, and identity card;
 - ii) suspend or restrict entry into the campus for a specific period;
 - iii) expel and strike off name from the rolls of the institution, including denial of readmission, if the act so warrants;
 - iv) award reformatory punishments.
- (3) The University may issue direction for payment of the sums recommended by the ICC and accepted by the Executive Authority, which shall be recovered from the respondent. In case of employees, such sums shall be deducted from the wages or salary of the employee; in case of scholars or students, such sums shall be deducted from the scholarship or fine imposed as the case may be.

The sums payable shall be determined on the basis of:-

- a) mental trauma, pain, suffering and distress caused to the aggrieved person;
- b) the loss in the career opportunity due to the incident of sexual harassment;
- c) medical expenses incurred by the victim for physical or psychiatric treatment;
- d) the income and financial status of the respondent;
- e) feasibility of such payment in lump sum or in instalments.

11. Action against frivolous complaint -

To ensure that the provisions for the protection of employees and students from sexual harassment do not get misused, provisions against false or malicious complaints have to be made and publicised by the University.

[Handwritten signatures and initials]

-16-

If the ICC concludes that the allegations made were false, malicious or the complaint was made knowing it to be false, or forged or misleading information has been provided during the inquiry, it may recommend to the executive authority that the complainant be punished as per the provisions of sub-regulation 1 and 3 of Regulation 10, if the complainant happens to be an employee; and as per sub-regulation 2 and 3 of Regulation 10, if the complainant happens to be a student.

Provided, the mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant.

Provided further that the malicious intent on the part of the complainant shall be established after an inquiry, in accordance with the procedure prescribed, before any action is recommended.

12. Prohibition of publication or making known contents of complaint and Inquiry Proceedings –

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and address of the aggrieved person, respondents and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaint Committee and the action taken by the employer under the provisions of the Act shall not be published, communicated or made known to the public, press and media in any manner.

Provided that information may be disseminated regarding the justice secured to any victim of the sexual harassment under these regulations without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved person and witnesses.

However if any person entrusted with the duty to handle or deal with the complaint, inquiry or recommendations, reveals such information, such person shall be liable to a penalty of Rs. Five thousand.

13. Supportive measures-

- (1) The rules, regulations or any such other instrument by which ICC shall function, have to be updated and revised from time-to-time.
- (2) The Executive Authority of the University must extend full support to see that the recommendations of the ICC are implemented in a timely manner. All possible institutional resources must be provided to the ICC, including office and building infrastructure (computers, photocopiers, audio-video, equipment, etc.) staff (typists, counselling and legal services) as well as a sufficient allocation of financial resources.

[Handwritten signatures and initials]
-17- 11

- (3) Executive authority must ensure the safety of the Vulnerable groups that are particularly prone to harassment. Vulnerability can be socially compounded by region, class, caste, sexual orientation, minority identity and by being differently abled.
- (4) Since research students and doctoral candidates are particularly vulnerable the University must ensure that the guidelines for ethics for Research Supervision are put in place.
- (5) The University must conduct a regular and half yearly review of the efficacy and implementation of the anti-sexual harassment policy.
- (6) The Human Resource Development Centre (HRDC) must incorporate session on gender in their orientation and refresher courses. This should be across disciplines, and preferably mainstreamed using the UGC SAKSHAM Report which provides indicative modules in this regard.
- (7) Counselling services must be institutionalised in the University and must have well trained full-time counsellors.
- (8) Adequate lighting should be maintained as a necessary aspect of infrastructure and maintenance.
- (9) Adequate and well trained security including a good proportion or balance of women security staff should be maintained.
- (10) Adequate health facilities must be provided by the University which include gender sensitive doctors, nurses and gynaecologist.
- (11) Hostel Wardens, Provosts, Principals, Vice Chancellors, Legal Officers and other functionaries must be brought within the domain of accountability through amendments in the rules or Ordinance wherever necessary.

1. Prof Pankaj K Srivastava

2. Prof Renu Nanda

3. Dr Sanjay Gupta

4. Dr Savita Nayyar

5. Dr Rainoo Bhai

Dated : September 22nd, 2017

ANNEPORE-TII to Res.No.8431

Registrar / JRF
30/11/17

Vice-Chancellor
University of Jammu
No 3428-29
Date 4-12-17



GOVERNMENT OF JAMMU AND KASHMIR
FINANCE DEPARTMENT
Civil Secretariat, Srinagar/Jammu

Notification,

Jammu, the 19th November, 2017.

SRO 484 :- In exercise of the powers conferred by proviso to section 124 of the Constitution of Jammu and Kashmir, the Governor is pleased to direct that the following shall be inserted as proviso below Rule 3-A of J&K Family Pension-cum-Gratuity Rules, 1964 schedule XV of J&K CSR Vol. II; namely:-

"Provided that Government employees/ family members of such Government employees as have been appointed or brought on regular establishment on or after 01.01.2010, on their retirement/death in harness shall be paid Death Cum Retirement Gratuity as per Rule 240-BB of the Jammu and Kashmir Civil Service Regulation. This shall be deemed to have been incorporated in the rules w.e.f 01.01.2010, the date of commencement of Defined Contributory New Pension Scheme (NPS)"

By order of the Government of Jammu and Kashmir,

Sd/-

(Navin K. Choudhary), IAS,
Principal Secretary to Government,
Finance Department.

No:-A/96(2004)-II-448

Dated 11.2017

Copy to the:-

1. Advocate General J&K High Court Srinagar/Jammu.
2. All Financial Commissioners.
3. Principal Accountant General, J&K Srinagar/Jammu.
4. All Principal Secretaries to Government.
5. Principal Secretary to Hon'ble Chief Minister.
6. Principal Secretary to Hon'ble Governor.
7. Chief Electoral Officer, J&K Jammu.
8. All Commissioner / Secretaries to Government.
9. Principal Resident Commissioner, 5-Prihvi Raj Road New, Delhi.
10. Divisional Commissioner Kashmir/Jammu.
11. Commissioner of Vigilance, J&K Srinagar/Jammu.
12. Principal Secretary to Chief Justice J&K High Court Srinagar/Jammu.

6/12/17
4/12/17
Asst H. Rep (Estab)
c/12
Registrar

UNIVERSITY OF JAMMU

CHAPTER XXXV

**"REGULATIONS RELATING TO PROCUREMENT OF GOODS & SERVICES AND
MANAGEMENT OF STORES IN THE UNIVERSITY"**

INTRODUCTORY

1. With the ever expanding activities of the University, considerable annual expenditure is being incurred by the various departments of the University on stores, which has necessitated to exercise utmost economy and efficiency in their procurement and utilization.

The following guidelines are, therefore, being laid down to enable the University employees entrusted with the function of procurement and accountal of stores to be followed.

GOODS AND SERVICES

Goods are tangible products for sale and possession that can be moved from one place to another.

Service is an intangible system that is not stored and does not result in ownership.

2. The term "goods and services" includes all articles, material, commodities, live stock, general furniture/laboratory furniture, fixtures, raw materials, spares, instruments, machineries, equipments, industrial plant, chemicals, solvents, gases, glassware, stationery, liveries, and any other item meant for Research & Development, both standard and non standard

It also includes Annual Maintenance Contracts (AMC) of goods and equipments purchased or otherwise acquired for the use of Institute, custom clearance & cargo handling & consolidation services, exporting of goods for warranty replacements/repairs/upgradation, Specific Scientific & Technical Services viz, Professional consultant services, Computer & Network management, Software & Web design Development services, Special Storage, Communication facilities, outsourcing activities relating to Infrastructure, housekeeping, security, horticulture, empanelment of media agency including graphic designer, cartoonist, etc, but excludes books, publications, periodicals etc. purchased for a library, or any other item that is included in the definition from time to time.

DIVISION OF STORES

3. The purchase of stores and machinery will be divided into two categories viz.
- i) Articles of standard pattern/design commonly available in the market or which can be manufactured locally according to given design and specifications.
 - ii) Articles of proprietary, special or unusual character.
 - iii) It also includes dead Stock such as plant and machinery, instruments, furniture and equipment, fixtures, live stock (if any) and also the 'engineering stores'.

4. PROCEDURE

4.1 Government e-Market place (GeM).

DGS&D or any other agency authorized by the Government will host an online Government e-Marketplace (GeM) for common use Goods and Services. DGS&D will ensure adequate publicity including periodic advertisement of the items to be procured through GeM for the prospective suppliers. The Procurement of Goods and Services by University or Departments will be mandatory for Goods or Services available on GeM. The credentials of suppliers on GeM shall be certified by DGS&D. The procuring authorities' will certify the reasonability of rates. The GeM portal shall be utilized by the Government buyers for direct on-line purchases as under :-

- (i) Up to Rs.50,000/- through any of the available suppliers on the GeM, meeting the requisite quality, specification and delivery period.
- (ii) Above Rs.50,000/- and up to Rs.30,00,000/- through the GeM Seller having lowest price amongst the available sellers, of at least three different manufacturers, on GeM, meeting the requisite quality, specification and delivery period. The tools for online bidding and online reverse auction available on GeM can be used by the Buyer if decided by the competent authority.
- (iii) Above Rs.30,00,000/- through the supplier having lowest price meeting the requisite quality, specification and delivery period after mandatorily obtaining bids, using online bidding or reverse auction tool provided on GeM.
- (iv) The invitation for the online ebidding/reverse auction will be available to all the existing Sellers or other Sellers registered on the portal and who have offered their goods/services under the particular product/service category, as per terms and conditions of GeM.

- (v) The above mentioned monetary ceiling is applicable only for purchases made through GeM. For purchases, if any, outside GeM, relevant GFR Rules shall apply.
- (vi) The University/Departments shall work out their procurement requirements of Goods and Services on either "OPEX" model or "CAPEX" model as per their requirement/ suitability at the time of preparation of Budget Estimates (BE) and shall project their Annual Procurement Plan of goods and services on GeM portal within 30 days of Budget approval.
- (vii) The Government Buyers may ascertain the reasonableness of prices before placement of order using the Business Analytics (BA) tools available on GeM including the Last Purchase Price on GeM, Department's own Last Purchase Price etc.
- (viii) A demand for goods shall not be divided into small quantities to make piecemeal purchases to avoid procurement through L-1 Buying / bidding / reverse auction on GeM or the necessity of obtaining the sanction of higher authorities required with reference to the estimated value of the total demand.

4.2 PROCEDURE FOR PURCHASES OF GOODS

For procurement of article category (i) above, the following procedures shall be adopted:-

4.2.1 Purchase of goods without quotations

Purchase of goods without quotation Purchase of goods upto the value of Rs. 25,000 (Rupees twenty five thousand) only on each occasion may be made without inviting quotations or bids on the basis of a certificate to be recorded by the competent authority 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."

4.2.2 Purchase of goods by Purchase Committee

Purchase of goods by Purchase Committee. Purchase of goods costing above Rs. 25,000 (Rupees twenty five thousand only) and upto Rs.2,50,000/- (Rupees two lakh and fifty thousand only) on each occasion may be made on the recommendations of a duly constituted Local Purchase Committee consisting of three members of an appropriate level as decided by the Head of the Department. The committee will survey the market to ascertain the reasonableness of rate, quality and specifications and identify the appropriate supplier. Before recommending placement of the

purchase order, the members of the committee will jointly record a certificate as under.

"Certified that we _____ 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, and it is not debarred by the Govt./University.

4.2.3 Purchase of goods directly under rate contract

In case a Department directly procures Central Purchase Organisation (e.g. DGS&D) rate contracted goods from suppliers, 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. The Department shall make its own arrangement for inspection and testing of such goods where ever required.

4.2.4 Purchase of goods through bids

Purchase of goods by obtaining bids. Except in cases covered under Rule 4.1.1, 4.1.2, 4.1.3, Departments shall procure goods by following the standard method of obtaining bids in :

- (i) Advertised Tender Enquiry
- (ii) Limited Tender Enquiry
- (iii) Two-Stage Bidding
- (iv) Single Tender Enquiry

4.2.5 E-Publishing

- (i) It is mandatory for all the departments / campuses / centers of the University to publish their tender enquiries, corrigenda thereon and details of bid awards on the Central Public Procurement Portal (CPPP).
- (ii) Individual cases where confidentiality is required, for reasons of national security, would be exempted from the mandatory e-publishing requirement. The decision to exempt any case on the said grounds should be approved by the Vice-Chancellor with the concurrence of the concerned B&F Section. Statistical information on the number of cases in which exemption was granted and the value of the concerned contract should be intimated on a Quarterly basis to the Budget and Finance Section.
- (iii) The above instructions apply to all Tender Enquiries, Requests for Proposals, Requests for Expressions of Interest, Notice for pre Qualification/ Registration or

any other notice inviting bids or proposals in any form whether they are advertised, issued to limited number of parties or to a single party.

- (iv) In the case of procurements made through DGS&D Rate Contracts or through any other Central Procurement Organizations (CPOs) only award details need to be published.
- (v) These instructions would not apply to procurements made in terms of provisions of Rules 154 (Purchase of goods without quotations) or 155 (Purchase of goods by purchase committee) of General Financial Rules.

4.2.6 E-Procurement

- (i) It is mandatory for all the departments / campuses / centres to receive all bids through e-procurement portals in respect of all procurements.
- (ii) University departments which do not have a large volume of procurement or carry out procurements required only for day-to-day running of offices and also have not initiated e-procurement through any other solution provided so far may use e-procurement solution developed by NIC. Other Departments may either use e-procurement solution developed by NIC or engage any other service provider following due process.
- (iii) These instructions will not apply to procurements made by Departments through DGS&D Rate Contracts.
- (iv) In individual case where national security and strategic considerations demands confidentiality, the University may exempt such cases from e-procurement after seeking approval of concerned Budget and Finance Section and with concurrence of Joint Registrar (Finance).
- (v) In case of tenders floated by Indian Missions Abroad, Competent Authority to decide the tender may exempt such case from e - procurement.

4.2.7 Advertised tender enquiry

- (I) Subject to exceptions incorporated under rule 4.1.1, 4.1.2, 4.1.6 & 4.1.7, invitation to tenders by advertisement should be used for procurement of goods of estimated value of Rs. 25 lakhs (Rupees Twenty Five Lakh) and above. Advertisement in such cases should be given on University website. An department having its own website should also publish all its advertised tender enquiries on the website.
- (II) The Department should also post the complete bidding document in its website and on University website to enable prospective bidders to make use of the document by downloading from the web site.

- (III) The advertisements for invitation of tenders should give the complete web address from where the bidding documents can be downloaded.
- (IV) In order to promote wider participation and ease of bidding, no cost of tender document may be charged for the tender documents downloaded by the bidders. (iv) Where the Department feels that the goods of the required quality, specifications etc., may not be available in the country and it is necessary to also look for suitable competitive offers from abroad, the Department may send copies of the tender notice to the Indian Embassies abroad as well as to the foreign Embassies in India. The selection of the embassies will depend on the possibility of availability of the required goods in such countries.
- (V) 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 Department also contemplates obtaining bids from abroad, the minimum period should be kept as four weeks for both domestic and foreign bidders.

4.2.8 Limited tender enquiry

- (i) This method may be adopted when estimated value of the goods to be procured is up to Rupees Twenty five Lakhs. Copies of the bidding document should be sent directly by speed post/registered post/courier/ email to firms which are borne on the list of registered suppliers for the goods in question. The number of supplier firms in Limited Tender Enquiry should be more than three. Further, Web based publicity should be given for limited tenders. Efforts should be made to identify a higher number of approved suppliers to obtain more responsive bids on competitive basis.
- (ii) 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 Department certifies that the demand is urgent and any additional expenditure involved by not procuring through advertised tender enquiry is justified in view of urgency. The University Department should also put on record the nature of the urgency and reasons why the procurement could not be anticipated.
 - (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.

- (iv) Sufficient time should be allowed for submission of bids in Limited Tender Enquiry cases.

4.2.9 Single Tender Enquiry

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

- (i) It is in the knowledge of the user department that only a particular firm is the manufacturer of the required goods
- (ii) 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 competent authority obtained.
- (iii) For standardisation of machinery or spare parts to be compatible to the existing sets of equipment (on the advice of a competent technical expert and approved by the competent authority), the required item is to be purchased only from a selected firm

Note : Proprietary Article Certificate in the following form is to be provided by the University/Department before procuring the goods from a single source under the provision of sub Rule 4.1.7 (i) & (ii) as applicable.

- (i) The indented goods are manufactured by M/s.....
- (ii) No other make or model is acceptable for the following reasons :

.....

- (iii) Concurrence of finance wing to the proposal vide:
- (iv) Approval of the competent authority vide:

(Signature with date and designation of the indenting officer)

4.2.10 Two bid system

Two bid system (simultaneous receipt of separate technical and financial bids) : For purchasing high value plant, machinery etc. of a complex and technical nature, bids may be obtained in two parts as under :

- (i) Technical bid consisting of all technical details along with commercial terms and conditions; and

- (ii) Financial bid indicating item-wise price for the items mentioned in the 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 by the purchasing University Department at the first instance and evaluated by a competent committee or authority. At the second stage financial bids of only these technically acceptable offers should be opened after intimating them the date and time of opening the financial bid for further evaluation and ranking before awarding the contract.

4.2.11 Late bids

In the case of advertised tender enquiry or limited tender enquiry, late bids (i.e. bids received after the specified date and time for receipt of bids) should not be considered.

4.2.12 Contents of bidding document

All the terms, conditions, stipulations and information to be incorporated in the bidding document are to be shown in the following headings:-

- a. Instruction to bidders.
- b. Conditions of contract.
- c. Schedule of requirements.
- d. Specifications and allied technical details.
- e. Price schedule (to be utilized by the bidders for quoting their prices)
- f. Contract form
- g. Other standard forms, if any, to be utilized by the purchaser and bidders.
- h. Warranty and post warranty maintenance, and
- i. Commercial conditions.

4.2.13 Bid Security

- (i) 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 bidders. The SSI units, Public sector Undertakings shall also furnish earnest money for the amount as specified in the latest Central/State Government orders amended from time to time.

- (ii) Bid securities of the unsuccessful bidders should be returned to them at the earliest after expiry of the final bid validity and latest on or before the 30th day after the award of the contract.
- (iii) In place of a Bid security, the University Departments may require Bidders to sign a Bid securing declaration accepting that if they withdraw or modify their Bids during the period of validity, or if they are awarded the contract and they fail to sign the contract, or to submit a performance security before the deadline defined in the request for bids document, they will be suspended for the period of time specified in the request for bids document from being eligible to submit Bids for contracts with the entity that invited the Bids.

4.2.14 Advance payment to supplier

Ordinarily, payments 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 payments for example in the following types of cases :-

- (i) Advance payment demanded by firms holding maintenance contracts for servicing of Air-conditioners, computers, other costly equipment, etc.
- (ii) Advance payment demanded by firms against fabrication contracts, turn-key contracts etc. Such advance payments should not exceed the following limits :
 - (a) Thirty per cent. of the contract value to private firms;
 - (b) Forty per cent. of the contract value to a State or Central Government agency or a Public Sector Undertaking; or
 - (c) in case of maintenance contract, the amount should not exceed the amount payable for six months under the contract.

4.2.15 Part Payment to Suppliers

Depending on 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.

4.3 PROCUREMENT OF SERVICES

4.3.1.

The University / Departments may hire external professionals, consultancy firms or consultants (referred to as consultant hereinafter) for a specific job, which is well defined in terms of content and time frame for its completion.

4.3.2

This chapter contains the fundamental principles applicable to all University Departments regarding engagement of consultant(s). Detailed instructions to this effect may be issued by the University. However, the University Departments shall ensure that they do not contravene the basic rules contained in this chapter.

4.3.3

Identification of Services required to be performed by Consultants: Engagement of consultants may be resorted to in situations requiring high quality services for which the concerned University Department does not have requisite expertise. Approval of the competent authority should be obtained before engaging consultant(s).

4.3.4 Preparation of scope of the required Consultant(s):

The University / Departments should prepare in simple and concise language the requirement, objectives and the scope of the assignment. The eligibility and prequalification criteria to be met by the consultants should also be clearly identified at this stage.

4.3.5 Estimating reasonable expenditure :

The University / Departments proposing to engage consultant(s) should estimate reasonable expenditure for the same by ascertaining the prevalent market conditions and consulting other organisations engaged in similar activities.

4.3.6 Identification of likely sources :

- (i) Where the estimated cost of the consulting service is up to Rupees twenty-five lakhs, preparation of a long list of potential consultants may be done on the basis of formal or informal enquiries from other University / Departments or Organisations involved in similar activities,
- (ii) Where the estimated cost of the consulting services is above Rupees twenty-five lakhs, in addition to (i) above, an enquiry for seeking 'Expression of Interest' from consultants should be published in at least one National Daily. The University Website addressed should also be given in the advertisement. Enquiry for seeking

Expression of Interest should include in brief, the broad scope of work or service, inputs to be provided by the University Department, eligibility and the pre-qualification criteria to be met by the consultant(s) and consultant's past experience in similar work or service. The consultants may also be asked to send their comments on the objectives and scope of the work or service projected in the enquiry. Adequate time should be allowed for getting responses from interested consultants.

4.3.7 Short listing of consultants :

On the basis of responses received from the interested parties as per Rule 4.2.6 above, consultants meeting the requirements should be short listed for further consideration. The number of short listed consultants should not be less than three.

4.3.8. Preparation of Terms of Reference (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 / Department to facilitate the consultancy.
- (v) The final outputs that will be required of the Consultant.

4.3.9. Preparation and Issue of Request for Proposal (RFP): RFP is the document to be used by the University / Departments for obtaining offers from the consultants for the required service. The RFP should be issued to the shortlisted consultants to seek their technical and financial proposals. The RFP should contain :

- (i) A letter of Invitation
- (ii) Information to Consultants regarding the procedure for submission of proposal.
- (iii) Terms of Reference (TOR).
- (iv) Eligibility and pre-qualification criteria in case the same has not been ascertained through Enquiry for Expression of Interest.
- (v) List of key position whose CV and experience would be evaluated.
- (vi) Bid evaluation criteria and selection procedure.
- (vii) Standard formats for technical and financial proposal.
- (viii) Proposed contract terms.
- (ix) Procedure proposed to be followed for midterm review of the progress of the work and review of the final draft report.

4.3.10 Receipt and opening of proposals:

Proposals should ordinarily be asked for from consultants in 'Two bid' system with technical and financial bids sealed separately. The bidder should put these two sealed envelopes in a bigger envelope duly sealed and submit the same to the University / Departments by the specified date and time at the specified place. On receipt, the technical proposals should be opened first by the University / Departments at the specified date, time and place.

4.3.11

Late bids i.e. bids received after the specified date and time of receipt should not be considered.

4.3.12 Evaluation of Technical Bids:

Technical bids should be analysed and evaluated by a Consultancy Evaluation Committee to be constituted by the University. The CEC shall record in detail the reasons for acceptance or rejection of the technical proposals analysed and evaluated by it.

4.3.13 Evaluation of Financial Bids of the technically qualified bidders:

The University / Departments shall open the financial bids of only those bidders who have been declared technically qualified by the Consultancy Evaluation Committee as per Rule 4.2.12 above for further analysis or evaluation and ranking and selecting the successful bidder for placement of the consultancy contract.

4.3.14 Consultancy by nomination:

The selection by direct negotiation/nomination, on the lines of Single Tender mode of procurement of goods, is considered appropriate only under exceptional circumstance such as:

- (i) tasks that represent a natural continuation of previous work carried out by the firm;
- (ii) in case of an emergency situation, situations arising after natural disasters, situations where timely completion of the assignment is of utmost importance; and
- (iii) Situations where execution of the assignment may involve use of proprietary techniques or only one consultant has requisite expertise.
- (iv) Under some special circumstances, it may become necessary to select a particular consultant where adequate justification is available for such single-source selection in the context of the overall interest of the Ministry or Department. Full justification for single source selection should be recorded in the file and approval of the competent authority obtained before resorting to such single-source selection.

- (v) It shall ensure fairness and equity, and shall have a procedure in place to ensure that the prices are reasonable and consistent with market rates for tasks of a similar nature; and the required consultancy services are not split into smaller sized procurement.

4.3.15 Monitoring the Contract:

The University / Departments should be involved throughout in the conduct of consultancy, preferably by taking a task force approach and continuously monitoring the performance of the consultant(s) so that the output of the consultancy is in line with the University / Department's objectives.

OUTSOURCING OF SERVICES

4.3.16 Procurement of Non-consulting Services.

The University or Departments may procure certain non-consulting services in the interest of economy and efficiency and it may prescribe detailed instructions and procedures for this purpose without, however, contravening the following basic guidelines.

4.3.17 Identification of likely contractors:

The University or Department should prepare a list of likely and potential contractors on the basis of formal or informal enquiries from other Universities or Departments and Organizations involved in similar activities, scrutiny of 'Yellow pages', and trade journals, if available, web site etc.

4.3.18 Preparation of Tender enquiry: University or Department should prepare a tender enquiry containing, inter alia:

- (i) The details of the work or service to be performed by the contractor;
- (ii) The facilities and the inputs which will be provided to the contractor by the Ministry or Department;
- (iii) Eligibility and qualification criteria to be met by the contractor for performing the required work/service; and
- (iv) The statutory and contractual obligations to be complied with by the contractor.

4.3.19 Invitation of Bids:

- (i) For estimated value of the non-consulting service up to Rupees ten lakhs or less: The University or Departments should scrutinize the preliminary list of likely contractors as identified as per Rule 4.2.17 above decided 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. as per standard practice. The number of the

contractors so identified for issuing limited tender enquiry should be more than three.

- (ii) For estimated value of the non-consulting service above Rs.10 lakhs. The University or Departments should issue advertisement Tender enquiry asking for the officers by the specified date and time etc. in atleast one popular largely circulated National News Paper and in Website of the University / Department.

4.3.20 Late Bids :

Late bids i.e. bids received after the specified date and time of receipt, should not be considered.

4.3.21 Evaluation of Bids Received :

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

4.3.22. Procurement of Non-consulting services by nomination.

Should it become necessary, in an exceptional situation to procure a non-consulting service from a specifically chosen contractor, the Competent Authority in the University or Department may do so in consultation with the Financial Adviser. In such cases the detailed justification, the circumstances leading to such procurement by choice and the special interest or purpose it shall serve, shall form an integral part of the proposal.

4.3.23 Monitoring the Contract:

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

INVITATION OF TENDERS/QUOTATIONS

5.1 Tenders may not be invited for purchase to be made from:-

- a) Kashmir Govt. Arts Emporium
- b) National textile Corporation of India
- c) All Central/State Govt. Undertakings
- d) Licensed items
- e) Government Stationery Depot
- f) Autonomous Bodies established by the Government
- g) Any other agency approved by the Vice-Chancellor in consultation with the Financial Adviser.
- h) Articles imported by the Departments concerned from other countries directly or through the Sole agents of foreign firms in the country.

5.2 The following points shall be kept in view while inviting tenders/quotations:-

- i) The tender notice shall always be sent under Certificate of posting or through a messenger against a proper receipt which should be maintained in record.
- ii) The place of delivery should invariably be specified in the notice calling for tenders/quotations.
- iii) In the notice calling for quotations/tenders, the date and time by which they will be required to be received should be clearly specified. Tenders/quotations received after the specified time should not normally be considered.
- iv) The tenders/quotations should be invited sufficiently ahead of the actual date of receipt except in emergent cases to enable tenderers to quote rates after due consideration.
- v) The articles required should be fully described giving designs and specifications wherever necessary or samples kept to ensure fair competition.
- vi) In the case of purchases by open tender/quotations of engineering stores, furniture, equipment exceeding Rs.5000/- earnest money in cash/Bank Draft should invariable be demanded, which should amount to 5% to 10% of the estimated cost of stores. In the event of failure to comply with the supply order, the earnest money should stand forfeited or utilized to meet expenditure by purchasing from other sources. The earnest money should be refunded after three months from the date of satisfactory completion of the supply. In the case of defective supply received or defects noticed within a specified period (say three months) the suppliers should be required to repair/replace the materials, furniture, equipment etc. at their cost failing which the material may be repaired/purchased from another agency and the difference in cost, if any, adjusted from the earnest money.

Note: The condition of furnishing call deposit may be relaxed by the Vice-Chancellor on the recommendations of Purchase Committee in genuine cases where he feels satisfied that the supplier shall not back out.

- vii) In the notice calling for quotations/tenders it should be specifically stated that the accepting officer has the right to accept the rates of some or all the articles required as considered necessary by him. For this purpose contractors/supplies shall be careful in quoting "the rates for each article quite independent of the rates for other articles. The tenders/quotations received should be serially numbered by the opening officer who should also indicate the last tender/quotation as final under his initials.
- viii) The quotations/tenders should be opened by the concerned Purchase Committee who will also sign on the tenders and comparative statement.

- ix) Comparative Statement of tenders should be made out and signed by the manufacturers should be specified therein. The purchase Committee should record on the comparative statement of tenders the rates accepted which will be specified in the supply order. The Comparative Statement of tenders alongwith the rejected tenders should be kept on record for audit purposes.
- x) The alterations/over-writings in the tenders/quotation under the initials of the officers opening them.
- xi) If response to any invitation to tender/quotations indicates that owing to inadequate publicity or any other reasons, favorable rates have not been received or no satisfactory tender is response to invitation of tenders, fresh tenders/.quotations will be invited and measures taken to bring the invitation to tender to the notice of all possible tenders.
- xii) Where the other conditions are equal normally lowest rates will be accepted. If for any reasons, the lowest rates are considered to be unsuitable or unreasonable or the quality of material to be purchased is found to be inferior, as ascertained by the Purchase Committee the purchase may be effected at the rates other than the lowest with the permission of the Vice-Chancellor but reasons therefore must be recorded on the comparative statement of tenders.
- xiii) While accepting tenders the competent authority shall take into consideration the financial status of the tenderer and his capacity to carry out the contract or order.
- xiv) After the purchase rate has been determined, a written supply order shall invariably be issued indicating the requirements of the various articles, rates accepted, time by which supply is required to be completed and other conditions connected with the purchase. The original supply order should be sent in support of the bill after the purchase has been completed. For this purpose, two copies of the supply order should be sent to the supplier.
- xv) In the case of articles frequently required throughout the year viz. stationery etc; efforts should be made for entering into a running contract for a year or such smaller period as may be considered necessary to avoid calling for tenders / quotations every now and then.
- xvi) As far as possible it should be ensured that the requirements of various kinds of stores required in each department are foreseen sufficiently in advance with a view to ensure economical purchase by following normal rules of making the purchase and thus avoiding the necessity of making emergency purchases which comparatively cost more.
- xvii) Articles which are likely to depreciate or deteriorate during storage should not be purchased long in advance to more than what are actually required.
- xviii) As far as may be considered feasible for purchase of such equipment or articles which are usually purchased by the institutions or Department of the

State Government which may be in close touch with the market, their assistance in procurement of such stores may also be obtained.

5.3 GENERAL INSTRUCTIONS

- a. The officer in charge of Purchase & Procurement shall convene meeting of the Purchase Committee within 4 weeks from the date of receipt of indent or as and when necessary.
- b. The Purchase Committee shall approve the tendered rates of the firms in different items required and orders for the items approved by the aforesaid Committee shall be placed with these firms by University as and when necessary.
- c. If the purchase of any item, the rate which has not already been approved by the Committee should become necessary in exceptional circumstances and when time does not permit the convening of a meeting of the Purchase Committee, the purchase of the item shall be approved by the Competent Authority and the same be placed before the next meeting of the Purchase Committee.
- d. In the event of a change in the rates already approved by the Purchase Committee and when time does not permit the convening of a meeting of the Purchase Committee, the purchase at the revised rates shall be approved by the Competent Authority and the same shall be placed before the next meeting of the Purchase Committee.
- e. The Purchase Committee may appoint a Sub Committee consisting of at least three members for market survey and technical evaluation, as and when required.

- 5.4** Notwithstanding anything contained in these Regulations the Vice-Chancellor may constitute Special Purchase Committees for purchase of such articles/equipment the procurement of which is urgently required to be made in the interest of the University Work/Administration.

5.5 Transparency, Competition, Fairness and Elimination of arbitrariness in the procurement process:-

All conditions stipulated under Rule 160 of General Financial Rules, 2005 of Government of India issued by the Department of Expenditure, Ministry of Finance shall be applicable.

Anything not covered in the above rules will be governed by GFR Rules 2017 issued by the Department of Expenditure, Ministry of Finance.