

**Bye-laws**

**(Rules and Regulations)**

**STATE BLOOD TRANSFUSION COUNCIL  
MAHARASHTRA STATE**

**RULES & REGULATION**

**PUBLIC HEALTH DEPARTMENT  
GOVERNMENT OF MAHARASHTRA  
(1997)**

**[Updated upto 40<sup>th</sup> GB/ 15.04.2019]**

## **RULES AND REGULATION OF THE STATE BLOOD TRANSFUSION COUNCIL**

### **1. SHORT TITLE:**

- 1.1 These Rules and Regulations shall be called “The Rules and Regulations of the State Blood Transfusion Council” (1997)
- 1.2 These Rules shall come into force with effect from the date of registration of the Society by the Registrar of Societies

### **2. DEFINITIONS:**

- 2.1 In these Rules and Regulations unless the context requires otherwise
  - i) “Act” means Societies Registration Act, 1860
  - ii) “Blood Centre” means a centre as designed in the relevant legislation
  - iii) “Central Government” means the Government of India
  - iv) “Chairman” means the President who shall preside over the meeting of the Governing Body and the Executive Committee
  - v) “Director” means the Director of the State Council
  - vi) “Executive Committee” means the Executive Committee referred to in Rule 6
  - vii) “Governing Body” means the Governing Body of the State Blood Transfusion Council
  - viii) “Member” means the member of the State Council
  - ix) “National Council” means the National Blood Transfusion Council
  - x) “President” means the President of the Governing Body of the State Council;
  - xi) “Rules” means these Rules and Regulations registered along with the Memorandum of Association & as may be amended by State Council from time to time
  - xii) “State Council” means the State Blood Transfusion Council of the State of Maharashtra
  - xiii) “State Government” means the Government of Maharashtra
  - xiv) “Year” means the financial year of the State Government of Maharashtra

### **3. OFFICE:**

Registered office of the State Council shall be situated in the State Capital of Maharashtra and presently to be located at Churchgate, Mumbai

### **4. MEMBERSHIP**

- 4.1 The following shall be member of the State Council either ex-officio being the holder for the time being of certain offices or by personal appointments or election as in these Rules and Regulations prescribed.

- 1) The President of the State Council
- 2) All other members of the Governing Body

- 4.2 Addl. Chief Secretary / Principal Secretary / Secretary, Public Health, Government of Maharashtra shall be the President (Reference of 20<sup>th</sup> GB / 14.09.2011 & GR Public Health Deptt. j k j l s & 2015 \$ i z - d z - 538 \$ v k j k s X ; & 5 dt. 20.09.2016)

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

## **5. AUTHORITIES OF THE STATE COUNCIL**

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

## **6. GOVERNING BODY**

- 6.1 **\*The management of the affairs of the State Council shall be entrusted to the Governing Board which shall consist of not more than 17 members + 1 Special Invitee including President, Ex-officio members and nominated members which will be the “Governing Body of the State Transfusion Council”. The Special Invitee shall not have the voting right.**

The property of the State Council shall be vested in the Governing Body and in any proceedings; civil or criminal may be described as the Property of the Governing Body. In any proceedings, the State Council may sue or be sued in the name of the Director, of or such other member as shall in reference to the matter concerned by appointed by the Governing Body for the occasion.

**(\*amended in 40<sup>th</sup> meeting of the Governing Board held on 15.04.2019)**

- 6.2 The first members of the Governing Body of the State Council shall be those mentioned in Clause 5 of the Memorandum of Association. They shall hold office until a new Governing Body is appointed according to these Rules
- 6.3 The Director of the State Council shall be the Member Secretary of the Governing Body
- 6.4 The Director shall maintain a register of members of the Governing Body which shall show the individual names of ex-officio members, A separate register shall be maintained for other members

## **6.5 TENURE OF NOMINATED MEMBERS**

- 6.5.1 Not with standing anything contained in Sub-rule (2) of this rule, when a person holds his membership to the Governing Body , by reason of the office or appointment he hold his membership to the Governing Body shall cease when he ceases to hold that office or appointment

6.5.2 Unless their membership of the Governing Body is previously terminated as provided in sub-rules (1) and (3), the tenure of non-official members shall be for two years for the date of their nomination to the Governing Body. Such members after their two years tenure will be eligible for renomination

## **6.6 CESSATION OF MEMBERSHIP**

6.6.1 All members of the Governing Body shall cease to be members if they resign, become of unsound mind, become insolvent or be convicted of a criminal offense involving moral turpitude or removal from the post by virtue of which he was holding the membership

6.6.2 The State Govt. may terminate the membership of any person appointed on the Governing Body for such reasons as incapacity to discharge the duties, irregular in attendance of the meeting of Governing Body, physical inability etc.

## **6.7 RESIGNATION :**

Resignation of membership shall be tendered to the Governing Body in person to its Member Secretary and shall not take effect until it has been accepted on behalf of the Governing Body by the Chairman. Any vacancy in the membership of the Governing Body caused by death or by any of the reasons mentioned in these Sub-rules shall be filled in the same manner as may be decided by Governing Board.

## **6.8 REMUNERATION:**

No member of the Governing Body shall be entitled to any remuneration. The non-officio members of the Governing Body or nay Committee appointed by it shall be paid any the State Council such travelling and daily allowances and Honorarium as may be provided for in the By-law /Sub rules.

## **6.9 PROCEEDINGS OF THE GOVERNING BODY**

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

6.9.2 At the annual meeting of the Governing Body the following business shall be brought forward and disposed of:

- a) Income and expenditure account and the balance sheet for the past year
- b) Annual report of the State Council
- c) Budget for the next year
- d) Proposal for inquiries and research work for the next year.
- e) Appointment of the Executive Committee and the Standing Committees
- f) Other business on the agenda
- g) Other business brought forward with the consent of the President

- 6.9.3 Every notice calling a meeting of the Governing Body shall state the date, time and place at which such meeting will be held and shall be served upon every member of the Governing Body not less than twenty one clear days before the date appointed for the meeting. Such notice shall be under the hand of the member Secretary and shall be accompanied by an agenda of the business to be placed before the meeting provided that accidental omission to give such notice to any member shall not invalidate any resolution passed at such meeting. In the event of any urgent business the President may call the meeting of the Governing Body at clear ten days' notice.
- 6.9.4. The President shall take the Chair at the meetings of the Governing Body. In his absence the Governing Body shall elect one from among the members present as Chairman of the meeting.
- 6.9.5 One third of the members of the Governing Body, including the substitutes nominated under Rule 6.6.9 present in person, shall form a quorum at every meeting of the Governing Body.
- 6.9.6 All disputed question at the meeting of the Governing Body shall be determined by votes.
- 6.9.7 Each member of the Governing Body shall have one vote and in case of any equality of the votes the Chairman shall have casting vote.
- 6.9.8 The Chairman shall have the right to adjourn any meeting from time to time']
- 6.9.9. Should any official member be prevented for any reason whatsoever from attending meeting of the Governing Body the President of the Council shall be at liberty to nominate a substitute to take his place at the meeting of the Governing Body. Such substitute shall have all the right and privileges of a member of Governing Body for the meeting only.
- 6.9.10 Any member desirous of moving any resolution at a meeting of the Governing Body shall give notice thereof in writing to the member Secretary of not less than ten clear days before the day of such meeting.
- 6.9.11 any business which it may become necessary for the Governing Body to perform except such as may be placed before its Annual meeting may be carried out by circulation among all members and any resolution so circulated and approved by a majority of the members signing shall be as effectual and binding as if such resolution has been passed at a meeting of the Governing Body provided that at least one third members of the Governing Body have recorded their views on the resolution provided that in the event of any urgent business the President of the Council may take a decision on behalf of the Governing Body. Such a decision shall be reported to the Governing Body at its next meeting for ratification.

## **6.10 POWERS OF THE GOVERNING BODY**

- 6.10.1 The Governing Body will have full control of the affairs of the State Council and will have authority to do exercise and perform all the powers, acts and deed of the State Council consistent with the aims and objects of the Council'

- 6.10.2 The Governing Body shall have full powers in the matter of expenditure from the funds of the State Council, save in the matter of pay and allowance and concessions to Govt. Servants on Foreign Service.
- 6.10.3 The Governing Body shall have full power to make such bye-laws as they shall think essential for the regulation of the business of the State Council and in particular with reference to the keeping accounts, the preparation and sanction of budget estimates, the sanctioning of expenditure, entering into contracts, the control and investment of funds of the State Council and the sale or alienation of such investment and any other purpose that may be necessary.
- 6.10.4 The Governing Body may accept the management and administration of any endowment or trust fund or any subscription or donation provided that the same is unaccompanied by any condition inconsistent with or in conflict with the nature and objects for which the State Council is established.
- 6.10.5 The Governing Body shall review the progress and performance of Committees constituted by it and constituent units established under different disciplines and give such policy directives as it may deem fit to the concerned committees and constituent units of the State Council
- 6.10.6 The Governing Body shall be empowered to pay the charges and expenses preliminary and incidental to the establishment and registration.
- 6.10.7 The Governing Body shall have full power to purchase or otherwise acquire any property at such price and generally on such terms and conditions as it thinks fit.
- 6.10.8 The Governing Body shall have full power to institute, conduct, defend, compound, compromise or abandon any legal proceedings by or against the State Council or otherwise relating to the affairs of the State Council
- 6.10.9 The Governing Body shall have full power to invest and deal with the funds and money of the State Council upon such securities and in such manner as they think fit and from time to time to vary and realize such investments.
- 6.10.10 The Governing Body shall have power to enter into all such negotiations and contracts and rescind and vary all such contracts and execute and do all such acts, deeds and things as it may consider expedient in relation to any of the matters aforesaid or otherwise for the purpose of the State Council
- 6.10.11 The Governing Body may by resolution delegate to the Executive Committee and Director of State Council such of its powers for the conduct of business as the Governing Body may deem fit.
- 6.10.12 The Governing Body may by resolution appoint standing or ad-hoc committee consisting of members of the Governing Body or co-opt other experts not being members of the Governing Body for carrying out its objects.
- 6.10.13 Financial Powers: Please see Annexure- A

## **7. EXECUTIVE COMMITTEE**

7.1 The Governing Body will constitute and Executive committee which will be responsible for acting for and doing all deeds on behalf of the Governing Body and for taking all decisions and exercising all the powers vested in the Governing Body under Rule 6.10 except those which may specifically be excluded to the exercised by the Executive Committee.

7.2 The composition of the Executive Committee shall be as follows:

1.	President of the State Council	Chairman
2.	The Secretary, Public Health Dept. Govt. of Maharashtra	Member
3.	Representative of Finance Dept. Govt. of Maharashtra	Member
4.	Commissioner / Food & Drugs Administration	Member
5.	Experts in Blood Transfusion Medicine from Major Medical & Health institution of the State & Blood Banking	Member
6.	Representative from Red Cross Society	Member
7.	Director, State Council	Member Secretary

7.3 The terms of office of the non-official Members of the Executive Committee will be two years. The non-official members, who will be members of the Governing Body, will be eligible for re-nomination.

7.4 The minutes of the Executive Committee meetings will be placed before the Governing Body at its next meeting

7.5 In absence of the President, The Executive Committee shall elect one from among the Members present as Chairman of the meeting

7.6 The Standing Committee constituted by the Governing Body shall submit their reports to the Executive Committee who shall be empowered to take decision on their recommendations,.

7.7 Meeting of the Executive Committee shall be held as often as necessary as but not less than once in a month

7.8 Meetings of the Executive Committee shall be convened by the Member Secretary by giving clear seven days notice in writing along with the Agenda specifying the business to transacted, the date, time and venue of the meeting

7.9 The Chairman may convene special meetings of the Executive Committee by giving clear seven days' notice in writing along the Agenda specifying the business to be transacted along the date, time and venue of the meeting

### **7.10 POWERS AND FUNCTIONS OF THE EXECUTIVE COMMITTEE**

7.10.1 Subject to general control and conditions of the Governing Body, the Executive Committee shall be responsible for the management and administration of the

affairs of the State Council in accordance with the rules and bye-laws made there under for the furtherance of the objects and shall exercise all powers of the Governing Body,. Except which may specifically be excluded or modified to the exercised by the Executive Committee, including the powers.

- i) To carry out the broad policies and object of the State Council as set out in the Memorandum of Association or in accordance with such directives as the State Government may issue to the State Council
- ii) To sanction expenditure for carrying out the administration of the State Council in accordance with the budget estimates approved by the Governing Body of the State Council
- iii) To create such posts as are necessary to administer the State Council and recruit and appoint staff except that for which the prior approval of the State Government shall be required.
- iv) The Executive Committee may delegate such powers as it considers appropriate to the Director or other officers of the State Council/
- v) The Executive Committee may make bye-laws for the service conditions of the staff, provided that the Executive Committee may, with the approval of the Governing Body, adopt State Government Rules and /or Regulations regarding service conditions of the staff with or without modifications as may be considered necessary, The bye-laws so framed by the Executive Committee shall be subject to the approval of the Governing Body.
- vi) Notwithstanding anything contained in Sub-rule 6.10.1(v), the Executive Committee shall make bye-laws under the aforesaid sub-rules in respect the matters for which the power to adopt rules and/or regulations have not been exercised within twenty four months of the registration of society.

## **8. POWERS AND FUNTCTIONS OF THE PRESIDENT:**

- 8.1 The President shall have the power to call for and preside over all meetings of the Governing Body and the Executive Committee.
- 8.2 The President shall have the authority to review periodically the work and progress of the State Council and to order inquiries into the affairs of the State Council and to pass orders on the recommendations of the reviewing or inquiry Committee.
- 8.3 Nothing in theses Rules shall prevent the President from exercising any or all the powers of the Governing Body in case of emergencies in furtherance of the objects of the State Council and the action taken by te President on such occasion shall be reported to the Governing Body subsequently for ratification.
- 8.4 Financial Powers: Please see Annexure- A



## **9. POWERS AND FUNCTIONS OF THE DIRECTOR:**

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

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

- j) The Director may, subject to such restrictions as he may think fit to impose, authorize the Heads of the Projects to exercise such of the powers conferred upon him under the Bye-laws
- k) The Drawing and disbursing officer or any other officer of group A or B authorized by the Director on his behalf shall have the power to sanction an expenditure of a miscellaneous or contingent nature up to the limit to be specified in each case, under the Bye-laws

**Financial Powers: Please see Annexure- A**

**9.2 FINANCIAL POWERS TO ASST. DIRECTOR**

Please see Annexure- A

**10. STANDING COMMITTEES OF THE STATE BLOOD TRANSFUSION COUNCIL**

10.1 The Governing Body will set up the following two Standing Sub-committees, or such number of committees which may be deemed expedient in the conduct of its objects

- 1) Standing Committee (Finance & Admin)
- 2) Standing Committee (Technical)

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

10.3 the Standing Committee will submit their reports to the Executive Committee who shall decide on their recommendations.

**11. FUNDS:**

The funds for the State Council shall be provided by the Union of India as well as the State Govt. Union Territory Administration. The State Council shall also be empowered to collect funds in shape of contributions, from trade, industry & individuals

**12. ACCOUNTS AND AUDIT:**

- a) The State Council shall cause regular accounts to be kept of all its money and properties in respects of the affairs of the State Council
- b) The accounts of the State Council shall be audited annually by the auditors appointed by the State Government and any expenditure incurred in connection with such audit shall be payable by the State Council to the auditors.

- c) The auditors appointed by the State Government in connection with the audit of the accounts of the State Council shall have the same rights privileges and authority in connection with such audit as the Auditor General of the State has in connection with the Audit of Government accounts and in particular shall have the right to demand the production of books, accounts connected vouchers and other necessary documents and papers.
- d) The report of such audit shall be communicated by the auditor to the State Council which shall submit a copy of the Audit Report along with its observation to the State Government. The Auditor shall also forward a copy of the report of the State Government

**13. BANK ACCOUNT:**

The account of the State Council shall be opened in the State Bank of India or in any the nationalized banks approved by the Governing Body. All funds shall be paid into the State Council's account with the appointed banks and shall not be withdrawn except by a cheque, bill, note or other negotiable instruments signed by the Director of the State Council or jointly by two officers of the State Council as may be authorized by the Director of The State Council from time to time. The subordinate units of the State Council may also be permitted by the Director in his discretion to open bank accounts in the State Bank of India or any other Nationalized banks or the post office saving bank. The account will be operated by the officer in charges / Project Officer or as may be decided by the Director in any particular case. The accounts of the receipts and expenditure shall be maintained by the Director in the prescribed form

**14. MISCELLANEOUS PROVISIONS:**

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

**14.4 AMENDMENT:**

- 14.4.1 A notice may be served upon any member of the State Council either personally or by sending it through the post in an envelope addressed to such member at his address entered in the roll of membership

- 14.4.2 The power of making bye-laws to regulate the duties of the Director shall be vested in the Governing Body who shall at their discretion be entitled to amend and later any such bye-laws from time to time
- 14.4.3 The State Council, the Governing Body and the Executive Committee shall function notwithstanding that there may be no authority entitled to nominate a person on the State Council/Governing Body/Executive Committee or other vacancy in the said council/Body due to any reason and no act or proceedings of such council/body shall be invalidated merely by reason of the happening of any of the above events or of any defects in the appointment of any members of the Council / body
- 14.4.4 No proposition for altering or amending the objects an purpose for which the State Council is established or for amalgamating the State Council with any other Association or Society shall be taken into consideration as contemplated by provision of the Societies Registration Act XXI of 11860 without the previous approval of the State Government.
- 14.4.5 Once in every year, on or before the annual meeting of the Society a list shall be filed with the Registrar of societies of the names, addresses and occupation so the members of the Governing Body then entrusted with the management of the affairs of the Society.
- 14.4.6 Any number, not less than three-fifth of the members of the Society, any determine that it shall be dissolved or at the time then agreed upon and all necessary steps shall be taken for the disposal and settlement of the property of the Society, its claims and liabilities according to the Rules of the Society applicable thereto, if any and if not then as the Governing Body shall fins expedient provided that in the event of any dispute arising among the said Governing Body or the members of the Society the adjustment of its affaires shall be referred to the State Government and the State Government shall make such order in the matter as it shall deem requisite.
- Provided that the Society shall not be dissolved unless three-fifth of the members shall have expressed wish for such dissolution by their votes delivered in person or by proxy at a general body meeting convened for the purpose.
- Provided that the Society shall not be dissolved with the consent of he State Government/
- 14.5 Upon the dissolution of the Society registered under his Act there shall remain after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed among the members of the said Society or any of them but shall be reverted to the State Government for such propose as they deem fit.
- 14.6 For the proposed of this Act a member of a society shall be person who having been admitted therein according to the rules and regulations thereof shall be signed the rill of list of members thereof and shall not have resigned in accordance with such rules and regulation.
- 14.7 All provisions of the Societies Registration Act XXI of 1860 as extended to the State of Maharashtra will apply to this Society

14.8 The Rules and Regulation of the State Council save and except the last rules and regulation, may be altered at any time by the Governing Body by a resolution passed by a two their majority of the members present in person at any meeting of the Governing Body which shall have been duly convened for the purpose.

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