

**INFLIBNET Centre, Gandhinagar**  
(An IUC of University Grants Commission)

18<sup>th</sup> July, 2013

**Minutes of the 13<sup>th</sup> Meeting of the INFLIBNET Council**  
**Tuesday, 9<sup>th</sup> July 2013, UGC Main Office, New Delhi**

**Members Present**

**Chairman**

**Dr. H Devraj** Vice-Chairman (In place of Chairman, UGC and President, INFLIBNET Society & Chairman, Governing Council, INFLIBNET Centre)

**Members, Governing Council**

Prof. Rajbir Singh	Director, CEC, New Delhi
Dr. V G Talawar	Former Vice-Chancellor, University of Mysore, Mysore
Dr. Kuncheria Issac	Member Secretary, AICTE (Representing Chairman, AICTE)
Dr. B S Bedi	Head, CSIR-USD (Representing DG, CSIR)
Ms. Indra Kaul	Dy. Director, ICSSR (Representing Chairman, ICSSR)

**Members, Governing Board**

Prof. N Mukunda	Chairman, Governing Board, INFLIBNET Centre
Prof. R K Kale	Vice-Chancellor, Central University of Gujarat, Gandhinagar
Prof. Jai Rup Singh	Vice-Chancellor, Central University of Punjab, Bhatinda
Prof. Ajit Kembhavi	Director, IUCAA, Pune
Dr. Kuncheria Issac	Member Secretary, AICTE
Dr. Jagdish Arora	Director, INFLIBNET & Member Secretary

**Invitees**

Dr. (Mrs.) Renu Batra	Jt. Secretary (IUC), UGC, New Delhi
Dr. Upamanyu Basu	Financial Advisor, UGC, New Delhi
Dr. (Mrs.) S B Gupta	Under Secretary, UGC, New Delhi
Mrs. Gurjeet Kaur	Section Officer, UGC, New Delhi

Director, National Library, Kolkata and Prof. Mohammad Miyan, Vice-Chancellor, Maulana Azad National Urdu University, Hyderabad could not attend the meeting because of prior commitments.

**1. Confirmation of the Minutes of the Meeting of the 12<sup>th</sup> Governing Council held on 28<sup>th</sup> May, 2012 at UGC Main Office, New Delhi**

Minutes of the 12<sup>th</sup> Meeting of the Governing Council held on 28<sup>th</sup> May, 2012 in the UGC Main Office, New Delhi, duly confirmed by the Chairman UGC as President of the INFLIBNET Council were circulated to the members. The Minutes were treated as confirmed since no comments were received from the members.

## 2. Action Taken and Progress Made since Last Meeting of the Governing Council

Dr. Jagdish Arora, Director, INFLIBNET Centre mentioned that the Centre is regularly following-up with the UGC for pending issues mentioned below:

- 2.1. **Filling-up of Vacant Administrative Positions:** Taken-up as separate agenda (see 8.1).
- 2.2. **Filling-up the Position of Senior Administrative Officer vacated by Shri C. K. Shah Sr. Administrative Officer:** Taken-up as separate agenda (see 8.1).
- 2.3. **Restoration of the post of Scientist-F:** It was resolved that while restoration of position once surrendered / downgraded may not be possible, the Centre may request for additional positions during XII Plan Period for consideration of the UGC.
- 2.4. **Up-gradation of the Post of Typists to Assistants:** The Bye-Laws of the Centre provides for the two posts of Assistants under Group C in the pay-scale of Rs. 1200-2040 (4th Pay Commission) which corresponds to Rs. 4000-6000 (5th Pay Commission.). However, before the Bye Laws were approved, the posts of Clerk-cum-Typist were filled-in by the Centre through open advertisement in a lower scale i.e. Rs. 950-1500. Given the fact that the Centre's Bye Laws provides for higher entry level positions, the Governing Board, in its 18<sup>th</sup> Meeting held on 3<sup>rd</sup> December, 2008, had recommended that the existing position of Clerk-cum-Typist may be upgraded to that of Assistant (Rs. 4000-6000 – 5th Pay Commission).

The Chairman, UGC assured the members that UGC will re-examine the above mentioned issues and take them up for consideration at appropriate level.

## 3. Presentation of the Minutes of the 25<sup>th</sup> Meeting of the Governing Board held on 13<sup>th</sup> April, 2013 at INFLIBNET Centre, Gandhinagar

The Director briefed the members on the following major decisions taken during the 25<sup>th</sup> Meeting of the Governing Board held on 13<sup>th</sup> April, 2013:

- 3.1. **Proposal to Set-up R & D Unit at INFLIBNET: Incentives to Scientists for Research Projects:** Guidelines proposed for operation of R & D projects and consultancies at the INFLIBNET Centre and incentives proposed for the scientists were approved during 25<sup>th</sup> Meeting of Governing Board.
- 3.2. **Enhancement of Salary of Contractual Staff:** The Governing Board, in its 25<sup>th</sup> Meeting, approved proposal for enhancement of salary for contractual and project staff as well as an annual increment of 10% to both categories of staff working at the Centre.
- 3.3. **Approval of Additional Contractual Staff for Maintenance, Servicing and Cleaning of the New Institute Building:** The Governing Board, in its 25<sup>th</sup> Meeting, approved the proposal for hiring services of the 14 additional contractual staff including sweepers, helpers, caretaker, receptionist and Technical Officer (Engineer) for maintenance and servicing of the New Institute Building.
- 3.4. **Proposal for Allowing Retirement Benefits to the Director, INFLIBNET Centre:** The proposal for allowing Director, INFLIBNET Centre for availing retirement benefit under

the GPF-cum-Pension benefit Scheme of the Centre was considered and approved by the Governing Board. The Governing Board approved incorporation of relevant addition to the existing Clause No. 2.13 on "Retirement benefits". It was noted that Banaras Hindu University and North-Eastern Hill University provides for retirement benefits to their Vice-Chancellors.

- 3.5. **Transfer of Items like Fans and Light Fittings to Gujarat University and Ahmadabad Educational Society while Shifting of Centre to its New Institute Building:** The Governing Board, in its 25<sup>th</sup> Meeting approved writing-off of fans, light fittings and fixtures costing Rs. 3,89,347.00 as well as disposal of these items by handing them over to Gujarat University and Ahmadabad Education Society respectively.
- 3.6. **Additional SOUL Coordinators and Software Developers for SOUL Software:** The Governing Board, in its 25<sup>th</sup> Meeting, considered and approved deployment of four additional SOUL Coordinators and 8 Technical Assistants (2 Technical Assistants for each region) in different regions of India in light of increase in number of SOUL customers. It was noted that the Centre has earned more than Rs.1 crore during the Financial Year 2012-2013 on sale and maintenance of SOUL software. The Board also approved hiring of services of 4 software developers at Project Associate level for development of Web version / cloud version of the SOUL Software initially for a period of 2 years. The remuneration for the Software Developers at Project Associate level as well as for SOUL Coordinators and SOUL Technical Assistants will be borne from the earning from SOUL Software at the rates approved for project staff.
- 3.7. **Purchase of Staff Vehicle under SOUL Support and Maintenance Unit:** The Governing Board, in its 25<sup>th</sup> Meeting, considered the request for purchase of Staff Vehicle under SOUL Support and Maintenance Unit. It was, however, agreed that the INFLIBNET Centre may hire a separate vehicle for SOUL Support and Maintenance Unit. All expenses towards hiring the vehicle would be borne from the revenue generated from sale and maintenance of SOUL Software.
- 3.8. **GPF Rules of the Centre:** In principle approval to the GPF Rules for the Centre based on the Central Government GPF Rules was accorded by the Governing Board.

#### **4. Presentation of the Proceedings of the 26<sup>th</sup> Meeting of the Governing Board held on 9<sup>th</sup> July, 2013 at UGC Main Office, New Delhi**

The Director brief the members on the following major agenda items and decisions taken on them in the 26<sup>th</sup> Meeting of the Governing Board held on 9<sup>th</sup> July, 2013 prior to the 13<sup>th</sup> Meeting of the Governing Council.

- 4.1. **Deduction of TDS from subscription Amount Paid to the Publishers: Show Cause Notice Issued by the Income Tax Department, International Taxation Wing, Ahmadabad: Approval of Reply to the Show Cause Notice:** Dr. Arora briefed the members about show-cause notice issued by the International Taxation Wing of the Income Tax Department and opinion of renowned Shri D.P. Mittal, senior advocate and taxation expert obtained by the INFLIBNET Centre. The members considered the opinion expressed by Sh. D P Mittal who categorically maintained that subscription e-books and e-journals cannot be treated as royalty. Members noted that the INFLIBNET Centre, through, UGC-INFONET Digital Library Consortium and NLIST programme, subscribes

to e-journals and e-books through 29 publishers. These publishers have their headquarters in one of the five countries namely USA, UK, Germany, the Netherlands and Thailand, all the five countries are signatory to the Double Taxation Avoidance Agreement (DTAA) with India. Subscription to e-journals and e-books is not considered as royalty under the treaty. Since international treaty prevails upon domestic law in case of conflict, the sale of journals and books would be treated as business income of foreign publishers and would not be taxable in India especially in absence of business connection or permanent establishment in India. Sh. Mittal also opined that retrospective operations cannot be implemented in case of substantive provision. It can only be implemented in case of procedural provisions.

Members also noted that there are five other Govt.-funded Consortium and none of them have deducted TDS from the remittances made by them to the foreign publishers for subscription to e-journals. Dr. Arora also mentioned that the INFLIBNET Centre did not deduct TDS on payments made to the foreign publishers for subscription to e-resources on the advice of taxation experts in Ahmadabad as well as auditors of the Centre. Members also noted that the Centre, on the basis of recommendation made by the National Steering Committee of the UGC-INFONET Digital Library Consortium, in its 7<sup>th</sup> Meeting held on 24<sup>th</sup> June, 2013 is in the process of obtaining opinion of one more taxation consultants of international repute, i.e. either KPMG or Ernst and Young. It was agreed that the Centre may also obtain expert advice on applicability of service tax on subscription to e-journals and e-books.

After detailed discussions and deliberations, the Committee authorized Prof. Ajit Kembhavi, Chairman, NSC and Prof. N. Mukunda to approve submission of reply to the taxation authority based on two opinions.

- 4.2. **Approval of Rates of Negotiations for Subscription to E-resources for the UGC-Infonet Digital Library Consortium for the Years 2013-2017:** The rates negotiated by the Negotiation Committee of the UGC-Infonet Digital Library Consortium for the years 2013-2017 were approved by the Governing Board based on the recommendations of the National Steering Committee in its Meeting held on 24<sup>th</sup> June, 2013. The members noted that the annual increase in rates of subscription were restricted to 2 to 5% in most of the cases.
- 4.3. **Approval of Additional Contractual Staff for Administrative Works:** The Governing Board approved two additional administrative staff for making Assets Register, an observations made by the Comptroller of Auditor General in its last Audit.
- 4.4. **Continuation of Contractual Positions of Project Officers Sanctioned during XI Plan Period:** The Governing Board recommended that the INFLIBNET Centre may be allowed to continue to appoint four project officers sanctioned during the XI Plan Period. However, it was recommended that specific approval of the UGC may be obtained in this regard.
- 4.5. **Approval of the Minutes of the Meeting of the 19<sup>th</sup> Meeting of the Building Committee held on 17<sup>th</sup> April, 2013 at INFLIBNET Centre, Gandhinagar:** The Governing Board opined that the Minutes of the Building Committee should first be taken to the Finance Committee to consider financial implications and once the Finance Committee recommend the Minutes of the Building Committee, it may be placed before the Governing Board for approval.

- 4.6. **Extension of the Term of Account Consultant:** The Governing Board approved extension of services of Account Consultant for a year on monthly payment of ₹45,000/-.
- 4.7. **Enhancement of the Remuneration of the PS to the Director:** The Governing Board approved revision in remuneration payable to the P.S. to Director from ₹32,000/- to ₹37,000/- per month. The Committee felt that the position should be available to the INFLIBNET Centre on permanent basis rather than on contract.
5. **Presentation of Audited Annual Accounts of the Centre for the Financial year 2011-2012**

The Audited Annual Accounts of the Centre for the Financial Year 2011-2012 was approved by the Governing Council.

6. **Presentation of Annual Report of the INFLIBNET Centre from 1st April, 2011 to 31st March, 2012**

The Annual Report of the Centre for the Financial Year 2011-2012, placed before the Committee, was approved by the Council.

7. **Status of Construction of Institutional Building including Academic, Administrative and Residential Blocks**

Director informed the members that the Academic and Administrative blocks of the building including Auditorium, Lecture Rooms, Laboratories and Administrative Offices are complete except for snag list that is being attended to. The Residential Block of the building that includes Guest Houses, Staff Quarters and Directors' Residence would be completed by 30<sup>th</sup> July 2013. The Governing Council approved release of Rs. 5.07 crores approved by the Governing Board in its 25<sup>th</sup> Meeting held on 13<sup>th</sup> April, 2013.

8. **Restoration of Position of Sr. Administrative Officer (Accounts) and Request for Permission to fill-in Vacant Administrative Positions**

8.1 **Restoration of Position of Sr. Administrative Officer:** After detailed discussions and deliberations, members opined that it is essential for the Centre to have at least three officers, one each to look after the activities of Personnel and Administration, Finance & Accounts and Purchase & Stores. However, it was agreed that while it would not be possible to restore the position of Sr. Administrative Officer that was given to Shri C K Shah in his personal capacity, the INFLIBNET Centre may, however, request for additional position during XII Plan Period for consideration of the UGC.

8.2 **Permission to fill-in Vacant Administrative Positions:** The Committee noted that the vacant administrative positions that are sanctioned to the INFLIBNET Centre were not filled-in on instructions of the UGC. It was resolved that the INFLIBNET Centre may send a revised proposal giving justifications for filling-in these positions at this stage.

## 9. Proposal for Allowing Retirement Benefits to the Director, INFLIBNET Centre

Members noted that the proposal for allowing Director, INFLIBNET Centre to avail the retirement benefit under the GPF-cum-Pension benefit Scheme of the Centre was considered and approved by the Governing Board in its 25<sup>th</sup> Meeting held on 13<sup>th</sup> April, 2013 at INFLIBNET Centre, Gandhinagar. The Governing Board approved incorporation of the following addition to the Clause No. 2.13 on "Retirement benefits" at Point 5:

*"Director of the INFLIBNET Centre may be allowed to avail the retirement benefit under the GPF-cum-Pension benefit Scheme of the Centre if he/she has not attained the age of superannuation prior to his / her appointment as Director and was holding a pensionable post under the Central Government, a Central Govt.-Autonomous Body, a State Government or a State Govt.-Autonomous Body, subject to the conditions that he / she sever his / her connection with the previous organisation (through technical resignation) and joins the post of Director in the Centre and his / her previous employer agrees to share the liability for the period of service he / she rendered in the previous organisation. If the Director opts to join the GPF-cum-Pension Scheme of the Centre, he / she shall be entitled to the benefit of pension as past service with the services as Director up to the normal age of superannuation for the purpose of pension provided by the Centre. He / she will receive the pension / contributory provident fund liability from the previous organizations. The period of service rendered by him / her in the Centre beyond the normal age of superannuation shall not qualify for the purpose of pensionary benefits".*

Members also noted that Banaras Hindu University and North-Eastern Hill University provides for retirement benefits to their Vice-Chancellors in cases mentioned above.

The members were informed that Dr. Jagdish Arora was re-appointed as Director of INFLIBNET Centre on 31.08.2012 for a period of 5 years or up to the age of 65 years whichever is earlier. The IIT Delhi, his previous employer, gave him the lien for the first term of 5 years i.e. from 30.08.2007 to 30.08.2012. However, IIT Delhi denied extending his lien beyond 5 years. Dr. Arora has tendered his technical resignation from IIT Delhi. As such, the benefit of above mentioned addition incorporated in the Bye-Laws would be applicable to Dr. Jagdish Arora. Members also noted that Shri Promod Kumar, former Director of INFLIBNET Centre and Shri S M Salgar, Scientist-G are also drawing pensionary benefits from the INFLIBNET Centre.

After discussions and deliberations, it was resolved that the matter may be deferred for detailed discussions and deliberations in the next meeting of the Council. Meanwhile, INFLIBNET Centre may refer the matter to UGC for seeking their opinion.

The Meeting ended with a vote of thanks to the Chair.



**Prof. N. Mukunda**  
Chairman, Governing Board



**(Jagdish Arora)**  
Director, INFLIBNET Centre

**Chairman, UGC**