

Modified Memorandum of Understanding (MoU)

This modified Memorandum of Understanding (MoU) is entered on this 23rd day of July, 2015 in continuation of Memorandum of Understanding (MoU) entered on 30th day of March, 2015

BETWEEN

Controller General of Patents, Design and Trademarks (CGPDTM), which is under the administrative control of the Department of Industrial Policy & Promotion (DIPP), Ministry of Commerce and Industry, Udyog Bhawan, New Delhi and having its present headquarters at Boudhik Sampada Bhawan, S.M.Road, Antop Hill, Mumbai-400037, [hereinafter called CGPDTM which expression shall where the context so admits includes its representatives, successors affiliates and permitted assignees) on the one part.

AND

National Productivity Council (NPC), which is an autonomous organization under DIPP having its registered office at Utpadakta Bhavan, 5-6, Institutional Area, Lodhi Road, New Delhi - 110003 (hereinafter called NPC which expression shall where the context so admits includes its representatives, successors affiliates and permitted assignees) on the other part.

WITNESSETH

WHEREAS, NPC is a national level organization to promote productivity culture in India. Established by the Ministry of Industry, Government of India in 1958, it is an autonomous, multipartite, non-profit organization with equal representation from employers' & workers' organizations and Government, apart from technical & professional institutions and other interests.

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WHEREAS the NPC teams up with its clients to work out solutions towards accelerating productivity, enhancing competitiveness, increasing profits, augmenting safety and reliability and ensuring better quality. It has vast experience in conduction of the examination for recruitment of technical and scientific officers at Group-A level and imparting training to them.

WHEREAS the Department of Industrial Policy and Promotion, Government of India through the CGPDTM has decided to entrust the responsibility to NPC to recruit Examiners of Patents and Designs through the NPC by way of providing its expertise and other support as agreed to between the parties on the pattern of written examination.

(1) Role and Responsibility of NPC:

- (i) NPC shall advertise the Recruitment Notification for the post of Examiner of Patents & Designs in at least one leading National Newspaper each in English and Hindi language as well as in the Employment News and the Rozgar Samachar. The final copy of the main notification shall be decided in consultation with and after the approval/vetting of CGPDTM.
- (ii) NPC, shall constitute an Examination Core Committee with DG, NPC, CGPDTM, Senior Joint Controller of Patents and Designs and Director/Deputy Secretary, DIPP as Members for effective execution of this MoU and also for considering issues not covered within this MoU.
- (iii) NPC shall organize and conduct written examination and will hand over the final result within 4 months from the signing of this modified MoU to DIPP. In case of any delay, NPC shall request DIPP, giving specific reasons explaining the delay. The decision of the Secretary, DIPP shall be final in this regards.
- (iv) NPC shall be responsible for making available the online system, of submission of application by the candidates, having automatic

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verification checks of all the declared details/particulars of the candidates to ensure that they fulfill the eligibility criteria relating to educational qualification, category/caste certificate, desirable qualification, age, payment of fee and completeness of the application along with the declaration of the candidate. NPC shall ensure through the Online System, that ineligible/incomplete applications may not be accepted by the system. Based on the above online verification, the provisional e-admit card will be generated and sent to the candidates. The physical verification of original documents of candidates in requisite numbers (3 times the number of posts) shall be done by NPC before finalizing the result.

- (v) NPC shall prepare the final selection list along with a waiting list in each discipline/category and communicate to DIPP. However, while preparing the final list, due weightage shall be given to desirable qualifications.
- (vi) A Common Seniority List of the selected candidates under various disciplines will be prepared by normalization procedure by NPC in the manner as approved by CGPDTM.
- (vii) On completion of the selection process, NPC shall return all the applications of successful candidates along with other relevant records/MIS Reports, concerning the recruitment to CGPDTM.
- (viii) NPC shall not be responsible for any request by the candidates for information/representation in connection with the selection process after communication of final list of selected and waitlisted candidates to DIPP. However, NPC shall be responsible for providing the desired information timely to CGPDTM/DIPP as sought under RTI or otherwise, as and when required.
- (ix) NPC shall be responsible for maintaining total confidentiality during the entire process of recruitment till the list of finally selected and

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waitlisted candidates are communicated to DIPP along with all the exam related documents.

- (x) NPC may engage the services of Personnel at appropriate level having requisite experience in handling recruitment and examination process, as deemed necessary, for successful and timely completion of this recruitment project and their payments, shall be made under this Project/Assignment head by NPC.
- (xi) NPC may charge a consultancy fee in accordance with its rules & regulations for the execution of the Recruitment Project as provided in tentative Cost of the Project provided at **Annexure-I**.
- (xii) NPC shall maintain and follow the tentative time schedule of all activities as mentioned at **Annexure-II** and all efforts shall be made to avoid any delay except in those circumstances which are beyond their control.

(2) Role and Responsibility of CGPDTM/DIPP:

- (i) CGPDTM shall provide the copy of Recruitment Rules, which are presently applicable, or in force, for the post of Examiners of Patents & Designs.
- (ii) CGPDTM shall indicate the job requirements/work expectations, discipline & category-wise current and backlog vacancy position including vertical & horizontal Reservations including for PWD/ Differently-abled candidates (as per acceptable Categories specified by CGPDTM) for incorporation in the Detailed Employment Notification/advertisement to be published by NPC in Newspapers, as well as in the detailed Employment Notification to be placed on the website for downloading by the candidates.
- (iii) CGPDTM/DIPP shall be responsible for verification of all the antecedents/details/particulars of the selected candidates from the original

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documents to ensure that they fulfill their eligibility criteria relating to educational qualification, category/caste certificate, desirable qualification, age, completeness of the application and other requirements including medical, antecedent, character certificate verification etc. as provided in the Recruitment Rules to the posts before the issue of offer of appointment letter by the CGPDTM/DIPP.

(iv) CGPDTM/DIPP shall complete all the remaining formalities of recruitment after selection as per the provisions of the notification/Government of India instructions.

(v) CGPDTM/DIPP shall be responsible to dispose off any request for information/representation in connection with the selection process after receipt of final list of selected and waitlisted candidates, along with the entire exam material/documents from NPC. However, for any litigation regarding the examination process before or after the declaration of the result, NPC shall be responsible to provide the desired information to CGPDTM/DIPP.

(3) Number of vacancies: The number of vacancy showing the Discipline/field-wise and category wise break-up along with essential & desirable qualification(s) is attached at **Annexure – III**.

(4) Mode/Method of Recruitment: The following mode/method shall be adopted for the recruitment:

(i) An Employment Notification/advertisement shall be published in at least one National leading Newspaper - each in English and Hindi language as well as in the Employment News and the Rozgar Samachar.

(ii) Applications shall be sought only in Online system developed by NPC through website of NPC with linkages provided to the





websites of CGPDTM and Department of Industrial Policy & Promotion (DIPP) in respect of the Notices/Information for the candidates.

- (iii) The applicants shall be given minimum THIRTY DAYS from the date of start of online submission of application.
- (iv) The e-Admission Card/Certificate for registered candidates shall be made available on the website for download/print and no paper Admission Certificate will be dispatched to the candidates, for the examination(s).
- (v) There will be an examination fee of Rs. 200/-. (Rupees Two Hundred only) for candidates belonging to General category and OBC category. For candidates belonging to SC/ST category, PWD/Differently abled (PH) category and women applicants (from all categories) there shall be no fees.
- (vi) **Examination Scheme:** The Recruitment Procedure shall encompass the exam scheme in the following two stages namely;
1) Preliminary Examination of two hours duration; and
2) Main Examination comprising of two papers, with Paper-I being Subject/Discipline opted by the candidate of three hours duration & Paper-II being English Proficiency and Report Writing of one hour duration.
Both the above mentioned examinations shall be conducted in the *English Medium only*.
- (vii) **Preliminary Examination: The Preliminary examination will be a Screening Examination** based on Multiple Choice/Objective type questions and will be of two hours duration and shall have 150 questions with a maximum of 150 marks. All the questions will be compulsory. The paper shall contain the questions on the subjects

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namely: General English (30 marks), Verbal and Non-Verbal Reasoning (30 marks), Quantitative Aptitude (30 marks), General Knowledge and Current Affairs (30 marks) and General Science (30 marks).

There will be a negative marking @ 33% for each wrong answer. The marks obtained in the Preliminary Examination by the candidates who are declared qualified for appearing in the main examination will not be reckoned for determining the final order of merit for selection, since it is only a screening examination for the Main examination.

- (viii) **Main Examination:** This examination shall be the compulsory examination for determining the selection on Merit and it shall consist of Paper – I which shall be in the concerned specific discipline/subject and will be reckoned for ascertaining the merit. The Paper – II will be a qualifying examination only. The answer booklets of Paper-I shall be evaluated for only those candidates who will qualify in Paper-II.

Paper – I shall be of three hours duration of 300 marks and shall comprise appropriate number of descriptive questions based on the subject/discipline of study and shall be separate for each applicable discipline of Engineering and Science. The Merit shall be prepared on the basis of the scores achieved by the candidates in this paper, only.

Paper – II: It will be an English Proficiency Question Paper. This paper shall be of 1 hour duration and shall have a maximum of 100 marks. This test is designed to test the English Writing, Power of Expression & Report Writing Skills/Ability of the candidates. This paper will be qualifying in nature and will comprise Questions based on Comprehension, Short Essay, Usage & Vocabulary, Precis and Report Writing. The minimum qualifying marks for the

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Paper-II shall 25%. The marks of this paper shall not be accounted for ascertaining the merit, since it is a qualifying examination only.

- (ix) Evaluation of preliminary examination shall be through Optical Mark Reader (OMR) Scanner systems/Automatic through software system method and the main examination through descriptive/written mode, prepared by the respective subject/discipline experts and to be evaluated by the respective subject/discipline experts.
- (x) The short listing of candidates to appear in the main examination will be based on the results arrived at on the basis of cut-off/Merit of Preliminary exam. The results shall be prepared after application of due consideration to the applicable horizontal & vertical reservations. The cut off marks applicable for the identified disciplines and the Un-Reserved & Reserved Categories shall be decided by the Examination Core Committee.
- (xi) The number of candidates to be admitted to appear in the Main examination, after qualifying in the Preliminary Examination, shall be about ten times the total number of vacancies. Any change in the standard/numbers shall be approved by the Examination Core Committee.
- (xii) Final Subject-wise/category-wise merit-list/result will be declared on the basis of marks obtained by the candidate in the Paper – I of the Main Examination and including/adding the points awarded towards fulfilling the desirable qualification criteria by the candidates, as identified and allotted by CGPDTM and communicated to NPC.

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(xiii) **Result Processing/Merit Preparation:**

- a) Government of India rules regarding reservation shall be followed in preparing the final discipline-wise result.
- b) NPC shall also maintain a consolidated wait list of candidates from amongst each discipline and Category in the order of merit below the last recommended candidates under each category. The wait list so maintained shall be treated as confidential till the selection process is completed by NPC and will be valid only for one year from the date of being handed over to DIPP.
- c) The number of candidates placed in the wait list in each category will be equal to the number of selected candidates in each category.

(5) **Duration of the Recruitment Project:**

- (a) The duration of the Recruitment Consultancy project will be 4 months from the signing of this modified MoU.
- (b) The time so agreed upon for implementation of Project may be extended for a further period, if required, with mutual consultation between NPC and DIPP. The tentative time frame of scheduled activities under the project is presented at **Annexure-II**.

(6) **Cost of the project including applicable Service Tax:**

The estimated cost of the project is Rs. 4.56 crores + Service Tax as applicable (attached at Annexure-I). The amount of examination fee received from the candidates shall be refunded by NPC to CGPDTM. Any further escalation in the above mentioned estimated costing owing to the increase in the scope of work shall be payable by DIPP, as detailed in the footnotes to Annexure I.

The escalations in cost could be owing to the reasons beyond the control of NPC, CGPDTM & DIPP, viz. either due to increase in number of Applicants which shall have a direct impact on the Exam Centres & the associated management activities,

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Printing Jobs, increased requirement of manpower allocation, etc., as indicated in the footnotes of Annexure-I.

(7) Payment:

- (i) CGPDTM has paid in advance to NPC, 75% of the agreed amount by Demand Draft in favour of NPC, New Delhi after signing of the MoU dated 30th March, 2015.
- (ii) Balance payment of 25% of the agreed amount shall be paid after successful completion of the project with satisfactory performance as envisaged, immediately in favour of NPC, New Delhi on the submission of the utilization certificate of the above 75% amount. Submission of the final expenditure statement relating to expenditure and utilization certificate shall be submitted within three months from the date of completion of the activities under the project.
- (iii) NPC shall refund the unutilized excess amount of money, if any, to CGPDTM on successful completion of the project. Similarly, additional amount if required under the compelling circumstances, if any, may be sought from CGPDTM/DIPP for the successful completion of the project.

(8) Secrecy of Work

- i. Since the conduct of examination for the recruitment of the posts require confidentiality and secrecy of the highest order, the following activities shall be treated as confidential:
 - a) Question Paper setting & printing (for Preliminary and for Mains Examinations);
 - b) Printing and Scanning of OMR Sheets for Preliminary Examination;
 - c) Evaluation of Answer sheets for Mains Examination;

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- d) Merit List preparation (for Preliminary and for Mains Examinations);
 - e) Preparation and Printing of Attendance Sheet; and
 - f) TA, DA, boarding and lodging expenses of experts and NPC personnel taking up such activity.
- ii. Similar to the activities undertaken by the secret or confidential section at different institutions e.g. UPSC/IIT etc. conducting such examinations, the budget allocations and expenditures for above activities shall be made under the head as "Consultancy Services for CGPDTM" by NPC. The budget under this particular head shall be outside the scope of routine concurrent audit and shall be put up to the DG, NPC and Finance Committee of NPC for post audit.
- iii. Submission of Administrative Approval & Expenditure Sanction (AA&ES) for the activities must be confidential and given by appropriate authority in NPC.
- iv. A separate bank account may be opened by NPC in any nationalized bank with the funds provided by CGPDTM. A Committee of officers should be framed by NPC to deal with all the activities related to conduction of this examination. The Committee will be solely responsible for selection of paper setter, printer and evaluator for answer sheets on individual or through single window agency basis.

(9) Penalty:

CGPDTM/DIPP shall deduct 1% of total cost of the project from consultancy fees in case of any undue delay in the conducting of examination and final declaration of results by NPC beyond two months of the stipulated date as given in the timeline in **Annexure-II** of the MoU @ 1% per month upto a maximum of 10% of total cost of the project.

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(10) Liability:

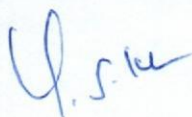
- (a) The liability, if any, for NPC arising out of or in connection with consultancy services shall be subject to a ceiling of the unspent amount remaining from the amount received by NPC from CGPDTM/DIPP towards the cost of the Recruitment Consultancy Project.
- (b) Any point not covered under this MoU or that arising subsequently will be taken care of through mutual letters or discussion through meeting between NPC and CGPDTM/DIPP or their representatives.

(11) Force Majeure:

The parties as mentioned above, shall ensure due compliance with the terms of this MoU. However, no party shall be liable for any claim for any loss or damage whatsoever arising out of failure to carry out the terms of the MoU to the extent that such a failure is due to force majeure events such as fire, rebellion, mutiny, civil commotion, riots, strike, lockout, forces of nature, accident, Act of God or any other reason beyond the control of the concerned party. The parties however shall take all reasonable measures to minimize the consequences of any event of force majeure.

(12) Amendments:

No amendment or modification of this MoU shall be valid unless the same is made in writing by both the parties or their authorized representatives/Core Committee and especially stating the same to be an amendment of this MoU. The modifications/changes shall be effective from the date on which they are made/executed unless otherwise agreed to.





(13) Termination:

This MoU may be terminated by either of the parties forthwith if the other party commits breach of any of the terms hereof and has failed to rectify such breach within thirty days of the notice in this behalf having been served on it by the other party.

(14) Resolution of Dispute:

In the event of any dispute or difference arising out of or in respect of this MoU or any terms thereof or of compensation payable thereof of any breach of conditions whatsoever in connection with it, the same shall be settled by the DG, NPC and the Secretary, DIPP.

In witness whereof the parties have signed this MoU on the 23rd day of July, 2015 at New Delhi.

For and on behalf of
CGPDTM

Signature :

Name :

Designation :

Seal:

Witness:

- Sunderjit Singh*
1. EXAMINER OF PATENTS & DESIGNS
OFFICE OF CGPDTM.
2.

For and on behalf of
NPC

Signature :

Name :

Designation :

Seal:

Witness:

1. UMASHANKAR PRASAD
DIRECTOR (HRM), NPC
2.

COSTING OF RECRUITMENT PROJECT
Budget

Sr. No.	Items in DIPP 2015	Budget Proposed (in crore)
A. Direct Expenses		
1	Notification in Employment News & National Newspapers & Website	0.30
2	i) Handling of applications by the Computer Agency. ii) Question Paper setting & Evaluation of papers (Science and Engineering Streams), Honorarium Per sitting for required no. of days, TA, Boarding & Lodging for the Experts for all disciplines for Preliminary Exam and Main Exam (15 disciplines x two separate Examinations) iii) Coolie & contingency charges iv) Coordinators Meet v) Booking of Air/Rail Tickets for IO/AIO	0.75
3	i. Printing of question paper and answer sheets. ii. Despatch of instructions Booklets for Invigilators and Coordinators iii. Preparation & printing of QPs/OMRs & dispatch iv. Bank Service charges	0.60
4	All India (Centre-wise) one day conduct of Preliminary Examinations	1.89
5.	All India (Centre-wise) one day conduct of Main Examinations	
B. NPC Charges		
6.	i. Administrative Charges including Consumables, Overhead, Equipment usage, contingencies and Service Tax etc.	0.20
	ii. Professional Charges	0.82
	Total of A + B (1-6)	4.56
C.	Service Tax on A + B above@14%	0.64
	Grand Total	5.20

Kindly refer the below mentioned Footnotes (1-4):

Footnote 1: The above cost estimates earlier agreed between CSIR and CGPDTM/DIPP for holding recruitment of Patent Examiners was in six (6) disciplines and process for selection to only 150 Posts of Examiners during the year 2010-11.

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Footnote 2: CGPDTM/DIPP has entrusted NPC to take up this Recruitment Project on the same cost but with enhanced disciplines (i.e.15 nos.) and enhanced number of Vacancy Posts (i.e. 459 nos.)

Footnote 3: The above cost estimates are applicable for handling approx. one Lakh Candidates in Offline examination mode, i.e. OMR based Preliminary Exam & approx. 6000 candidates for Main Exam.

Footnote 4: In case of any escalation due to increase in the number of applicants over one Lakh,, NPC shall charge an additional amount from CGPDTM/DIPP @ 10% of NPC Charges (as mentioned under item B in the table above) for every 10000 candidates or part thereof.

Footnote 5: The expenses under various heads of items no A and C (as per table above) shall be charged to DIPP on actual basis.

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TENTATIVE TIMELINES/SCHEDULE OF ACTIVITIES

S. No.	MAJOR ACTIVITY	PROPOSED DATES BY NPC
1)	Advertisement Design, Brief & Detailed Employment Notification for Publication in Newspapers & placement on NPC/CGPDTM/DIPP website	25 th July, 2015
2)	Design, Application Development & Web hosting of Online Application & Start Date of online application forms	25 th July, 2015
3)	Closing date of online application forms	24 th August, 2015
4)	Issue of online e-admit cards download/Print for Preliminary Examination	5 th September 2015
5)	Offline mode OMR based Preliminary Exam conduction Date	20 th September, 2015
6)	Preliminary Exam Result Declaration	10 th October, 2015 (Tentative)
7)	Issue of Admit Cards for Main Examination	12 th October, 2015 (Tentative)
8)	Descriptive Written Main Exam conduction Date	18 th October, 2015 (Tentative)
9)	Evaluation of Main Exam Papers and call letters for Verification of Certificates	8 th November, 2015 (Tentative)
10)	Verification of Certificates	15 th November, 2015 (Tentative)
11)	Main Exam Result compilation & Declaration	25 th November, 2015 (Tentative)

Note: The above datelines are estimated for the Offline Examination Mode, i.e. OMR based preliminary exam and Descriptive written Main exam. In case of an online exam requirement, the above datelines shall be revised and applicable new datelines shall be arrived at through mutual discussion between CGPDTM (DIPP) & NPC.

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**DISCIPLINE & CATEGORY WISE VACANCY DISTRIBUTION,
ESSENTIAL & DESIRABLE QUALIFICATIONS
FOR THE POST OF EXAMINER-PATENTS & DESIGNS**

DISTRIBUTION OF VACANCIES OF EXAMINER OF PATENTS AND DESIGNS AS PER
RESERVATION RULES

Backlog vacancies: Distribution of 49 posts subject and category wise

Sl. No.	Subject	SC	ST	OBC	TOTAL
01	Chemistry	2	1	6	9
02	Polymer Science	0	0	0	0
03	Biochemistry	1	0	1	2
04	Biotechnology	0	1	0	1
05	Food	0	0	2	2
06	Micro Biology	1	2	4	7
07	Bio-medical Engineering	0	0	1	1
08	Computer Science / Information Technology	0	2	1	3
09	Physics	0	0	2	2
10	Electrical Engineering	1	1	1	3
11	Electronics & Communication	1	0	2	3
12	Civil Engineering	0	0	1	1
13	Mechanical Engineering	2	2	9	13
14	Metallurgy	0	1	0	1
15	Textile	0	0	1	1
	Total	8	10	31	49

Regular Vacancies: Distribution of 410 posts subject and category wise

Sl. No.	Subject	SC	ST	OBC	UR	TOTAL
		10	5	17	32	64
01	Chemistry	2	1	4	8	15
02	Polymer Science	0	0	0	0	0
03	Biochemistry	2	1	4	7	14
04	Biotechnology	1	0	1	2	4
05	Food	0	0	1	1	2
06	Micro Biology	2	1	4	7	14
07	Bio-medical Engineering	2	1	4	7	14
08	Computer Science / Information Technology	7	4	13	25	49
09	Physics	5	3	9	15	32
10	Electrical Engineering	8	4	15	28	55
11	Electronics & Communication	2	1	3	5	11
12	Civil Engineering	19	10	34	63	126
13	Mechanical Engineering	1	0	1	3	5
14	Metallurgy	1	0	1	3	5
15	Textile					
	Total	62	31	111	206	410

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Desirable qualifications	(i) Research experience – Min. 3 years. (ii) Degree in Law of a recognized University or equivalent (iii) Certificate (Minimum six months)/Diploma from a recognized University/Institute in a foreign language like German, French, Russian, Spanish.
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जी. एस. कृष्णन / G. S. Krishnan
सचिव और निदेशक / Secretary & Director
राष्ट्रीय उत्पादकता परिषद / National Productivity Council
लोदी रोड, नई दिल्ली / Lodi Road, New Delhi-110003

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