

SERVICE

BY

LAWS

LALIT KALA AKADEMI
NATIONAL ACADEMY OF ART
RABINDRA BHAVAN
NEW DELHI

SERVICE BYE - LAWS

[These amended Service Bye Laws were approved by the Administrator on 16th January 1999, in exercise of the powers of the General Council, in terms of rules 11.1 of the memorandum of association and rules and regulations of the Lalit Kala Akademi, hereinafter referred to as the Akademi, after incorporating the amendments given in square brackets with superscripts in the bye laws. The superseded provisions in force before the amendments are reproduced in the footnotes in the relevant pages the superscript numbers]¹

CHAPTER 1 - GENERAL

1. Short title and commencement

- (1) These bye-laws may be called the Lalit Kala Akademi (Services) Bye-Laws
- (2) [They were deemed to have come into force on the 7.8.66 save for the amendments approved by the Administrator which shall be deemed to have come into force on 16th January 1992]²

2. Application

1. These bye-laws shall apply to every employee of the Akademi.
2. Notwithstanding anything contained in clause (1), the [Chairman may, by agreement with any employee eg an employee designated as Honorary Secretary or Honorary Director,]³ make such special provisions regarding his condition of services as it considers necessary and thereupon these bye-laws shall not apply to such employee to the extent to which special provisions are inconsistent therewith.

3. Interpretation

In these bye-laws, unless the context otherwise requires:-

: The paragraph above chapter 1 introduced by the amendments on 16th January 1999

: Before amendment on 16th January, 1999 bye-law 1(2) was reading as follows

“They shall be deemed have come into force on 7.8.66”

: Word within square brackets in bye law 2(2) replaces the words “Executive Board may be agreement with any employee

- (a) "Appointing Authority", relation to any post under the Akademi, means the authority competent to make appointments to that post under bye-law 6.
- (b) "Borrowed employee" means an employee of other authority whose services are obtained by the Akademi on loan;
- (c) "Controlling Authority" means:-
- (i) The Secretary in relation to the posts in the Grades II to VI, in Groups A to D specified in the first schedule, and
- (ii) The Chairman, in relation to the posts in Grade [of Group A, Specified in the first schedule.]⁴
- (d) "Employee" means a person serving the Akademi in any post specified in the first Schedule;
- (e) "Foreign service" means service for which an employee receives, with the approval of the Controlling Authority, his pay from any source other than the funds of the Akademi;
- (f) "Pay" means the pay admissible on the relevant date and includes special pay and personal pay, but shall not include any allowances, fee or honorarium;
- (g) "Sanctioning Authority" means:-
[the Government General Council, Executive Board, Chairman or Secretary]⁵
as the case may be, in the relevant context in these bye laws and in case of doubt the Chairman.
- (h) "Schedule" means a Schedule to these bye-laws;
- [(I) "Selection Committee" means:-

in relation to the posts in the first Schedule, the Selection Committees or Departmental Promotion Committees referred to in the Recruitment Rules prescribed for the posts.]⁶

* Before the amendment on 16th January, 1999 clause (c) of bye law 3 was reading as following:

- c) "Controlling Authority" means:-
- (i) in relation to the posts in the Grade II to VI specified in the first schedule, the secretary.
- (ii) in relation to the post of Secretary, the Executive Board.

Word within square brackets [] in bye law 3(g) replaces the words "in relation to all the posts specification in the first schedule, the Executive Board.

"Before amendment on 16th January, 1999 clause (1) of bye law 3(1) was reading as follows.

- (1) "Selection Committee" means:-

CHAPTER II CREATION AND GRADATION OF POSTS

4. Grades and Categories of posts

- (1) The posts under the Akademi shall be in the groups and the grades under categories specified in the First Schedule.
- (2) Subject to approval of the Central Government the Executive Board may direct:-
 - (i) the creation of any new grade or category of posts.
 - (ii) the abolition of any grade or category of posts; or
 - (iii) the transfer of any post from one category to another, and thereupon the First Schedule shall stand amended in accordance with such directions⁷.

5. Number and Duties of posts

Subject to approval of Central Government⁸ the Executive Board shall

- (i) determine the number of posts in any category,
- (ii) create or abolish any post in that category;
- (iii) determine whether any post created in that category shall be temporary or permanent;
- (iv) specify the period for which a temporary post is created.

[The Controlling Authority for any post shall have power to determine the duties of the posts specified in the First Schedule, which duties may be changed from time to time through office orders issued by the Controlling Authority. The Controlling Authority may also reallocate any duty from a post in one grade to a post in another grade, depending on the change in value attaching to that duty, or in

-
- (i) in relation to a post in Grade IV to VI, a committee consisting of the Secretary or his nominee, and any other specified by the Secretary or his nominee:
 - (ii) in relation to a post in Grade]] and]]], a Committee consisting of the Secretary and two or more other persons nominated by the Executive Board or by the Chairman or Vice Chairman of the Akademi:
 - (iii) in relation to the post Secretary, the Executive Board,

Before amendment on 16th January 1999, bye law 4 was reading as follows:

Grades and Categories of posts

- (i) The posts under the Akademi shall be in the grade under categories specified in the first Schedule
- (ii) The Executive Board may direct:-
 - (i) the creation of any new grade or category of posts:
 - (ii) the abolition of any grade or category of posts: or
 - (iii) the transfer of any category or post from one grade to another: and thereupon the first schedule shall stand amended in accordance with such directors

The portion in square brackets in first sentence of Bye Law 5 added by amendment on 16th January 1999

pursuance of the discharge of the responsibility entrusted to the Controlling Authority or the priority accorded to the connected objectives of the Akademi. The Controlling Authority may adopt any of the alternative names given for some of the posts specified in the First Schedule. Designation of incumbents in specified posts shall contain the name of the post together with additional words, if words, if any eg a person holding one of the specified posts of Assistants may be designated as Assistant (Sales) or designated by one of the specified alternative names for the post eg Gallery Assistant']⁹

CHAPTER III - RECRUITMENT

6. [Appointing Authority:

Appointment to a post under the Akademi shall be made:-

- (i) in the case of a post in Grades I to III in Groups A and B, by the Chairman.
- (ii) in the case of a post in Grades IV to VI in Groups C and D, by the Secretary.

7. Appointments to the posts referred to in the first schedule shall be made by the Appointing Authority in accordance with the Recruitment Rules prescribed for the posts.

8. Without prejudice to these service bye laws the general conditions of service contained in Chapter 3 of the Fundamental Rules and connected rules and orders applicable to the employees of the Central Government will apply mutatis mutandis to the employees of the Akademi including borrowed employees on deputation.]¹⁰

"The paragraph in square brackets in bye law 5 replaces the sentence, which was reading as follows before the amendment on 16th January 1999:

"The Secretary shall have the power, subject to the superintendence of the Executive Board, to determine the duties of any post specified in the First Schedule".

"In Chapter III before amendment on 16th January 1999 bye laws 6 to 8 were reading as follows:

6. Appointing Authority:

Appointing to a post under the Akademi shall be made:-

- (i) in the case of a posts in Grade IV, by the Secretary:
- (ii) in the case of a posts in Grade I to III by the Executive Board; on the recommendation of the selection Committee constituted under bye-laws 3(1) (i), (ii), (iii)

7. Methods of Recruitment:

(1) Recruitment to a post under the Akademi may be made:-

- (i) by promotion
- (ii) by direct recruitment, or
- (iii) by appointment of a borrowed employee.

(2) The Appointing Authority shall lay down the method or methods by which vacancies shall be filled.

9. Appointment and Recruitment

- (a) Selection for appointment to any post by direct recruitment in accordance with the recruitment rules shall be made on the recommendation of a selection committee, from amongst candidates.
- (i) applying in response to any newspaper advertisement; or
 - (ii) recommended by the Employment Exchange against requisition from Akademi or
 - (iii) who are in employment in the Akademi on daily wages including those who have been given temporary status and who have been in continuous employment in the Akademi on daily wages for three years as on 8th January 1999.

While making the appointment, however endeavours will be made to obtain scheduled castes and scheduled tribes candidates so as to ensure that the representation for scheduled castes and scheduled tribes and other revised categories is attained in the number of employees of the Akademi as per directions or orders of the Government applicable to the Akademi.

- (b) Selection for appointment to any post by transfer promotion, transfer on deputation or direct recruitment shall be made as per prescribed recruitment rules and shall be based on written tests or aptitude tests or interviews or confidential reports and connected personal records or any one or more of such methods, as decided by the Appointing Authority, at the time of each selection. The selection for promotion and transfer on deputation shall be made by the selection committee. For internal transfers selection shall be made by the selection committee where the recruitment rules require it and otherwise by the appointing authority.

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- (3) Notwithstanding that a vacancy is proposed to be filled by direct recruitment, the vacancy may be filled by promotion if an employee eligible for promotion in accordance with bye-law 8 is considered to be more suitable than the candidates for direct recruitment.

8. Recruitment by promotion

- 1 Appointment to a post in any grade by promotion shall be made, whether in a substantive or officiating capacity:-
 - (i) from amongst employees serving in post in the next lower grades or
 - (ii) from amongst employees of outstanding ability and merit serving in the next lower grade but one.
- 2 Every appointment by promotion shall be by selection on the basis of merit, with due regard to seniority and on the recommendations of a Selection Committee. Where merit is adjudged the same seniority will determine the promotion. Provided that every appointment to Grade I to III shall be made solely on the basis of merit.

10 & 11 Bye laws 10 & 11 deleted]¹¹

12. Fitness

No person shall be appointed []¹² to any post by direct recruitment unless:-

- (i) he is declared medically fit by the medical authority approved by the [Chairman]¹³ and
- (ii) the Appointing Authority is satisfied that he possesses good character and antecedents.

Chapter IV - Tenure

13. Probation

- (1) Every person appointment to a post under the Akademi after the commencement of these bye-laws whether by promotion or by direct recruitment shall be on probation in such post [for the period indicated in the Recruitment Rules for the post]¹⁴

Provided that the Appointing Authority may, in any individual case extend the period of probation.

- (2) Where a person appointed to a post under the Akademi on probation is during his period of probation, found unsuitable for holding that post, or has not completed his period of probation satisfactorily, the Appointing Authority may:-
 - (i) in the case of a person appointed by promotion revert him to the post held by him immediately before such appointment.

¹¹ In Chapter III before amendment on 16th January 1999 bye laws 9 to 11 were reading as follows:

9. Director Recruitment

Appointment to any post by direct recruitment for all the grades may be made on the recommendations of a Selection Committee from amongst candidates:

- (i) applying in response to any advertisement: or
- (ii) recommended by the Employment Exchange on requisition: or
- (iii) registered for a period not exceeding one year in the register, to be maintained by the Akademi for the purpose.

- (2) While making the appointments however, endeavours will be made to obtain scheduled castes and schedules tribes candidates so as to ensure that the prescribed representation of 21.2/3% (16.2/3% for scheduled castes and 5% for scheduled tribes) is attained in the services of the Akademi.

10. Appointment of borrowed employee

A borrowed employee may be appointed to any post with the approval of a Selection Committee on such terms and conditions as the sanctioning Authority may deem proper

11. Qualification

The qualification for appointment to any post shall be such as may be determined by the sanctioning Authority.

:- This first square bracket [] in bye-law 12 contained the word "substantively" which has been deleted

:- The word "Chairman" in the second square bracket [] in bye-law 12 replaces the words "Executive Borad"

¹⁴ Words within square brackets [] in bye law 13(1) replace the words "for a period of one year"

- (ii) in the case of person appointed by direct recruitment, terminate his services under the Akademi without notice
- (3) Every person appointed to a permanent post under the Akademi by promotion or by direct recruitment shall, on satisfactorily completing his period of probation, be eligible for [confirmation in]¹⁵ that post.

14. Temporary and Permanent Service

- (i) An employee shall be a temporary employee of the Akademi until he is [confirmed in]¹⁶ a permanent post under the Akademi.
- (ii) An employee [confirmed in a]¹⁷ permanent post under the Akademi shall be a permanent employee of the Akademi.

15. [Confirmation]¹⁸

No employee shall be [confirmed in]¹⁹ any post unless:-

- (i) Such post is permanent and nobody else has been [confirmed in]²⁰ it, and
- (ii) the service of the employee under the Akademi is approved by the Appointing Authority

16. Termination of Service

(1) The service of a temporary employee may be terminated by the Appointing Authority without assigning reasons:-

- (i) during the period of probation [or extended period of probation as the case may be]²¹ following the first appointment , at any time without notice; and
- (ii) after such period of probation , at any time by a notice of one month in writing given by the Appointment Authority to the employee or at any time without notice on payment of one month's pay and allowances.

(2) Without prejudice to the Provisions of clause (1), the service of a temporary employee shall terminate:-

- (i) if his appointment is made for a specified period. on the expiry of such period; or

¹⁵ Words within square brackets [] in bye-law 13(3) replace the words "substantive appointment to"

¹⁶ Words within square brackets [] in bye-law 14(i), replace the words "appointed substantively to"

¹⁷ Words within square brackets [] in bye-law 14(ii), replace the words "appointed substantively to any"

¹⁸ Words within square brackets [] in bye-law 15, replace the words "Substantive Appointment"

¹⁹ Words within square brackets [] in bye-law 15, replace the words "appointment substantively to"

²⁰ Words within square brackets [] in bye-law 15, replace the words "substantively appointment to"

²¹ Words within square brackets [] in bye-law 16(1) (i) added by amendment on 16th January 1999

- (ii) if his appointment is made against a temporary post, on the abolition of the post or on the expiry of the period for which the post is created
- (3) The service of a permanent employee may be terminated by a notice of three months or on payment of pay and allowances for such period as the notice falls short of three months or without notice on payment of three months pay and allowances, if the post [in which he is confirmed]²² is abolished.
- (4) An employee who is given notice of terminated of service under clause (3) may be granted during the period of notice such earned leave as may be admissible to him and where the leave so admissible and granted [extends beyond the notice period]²³ his service shall terminate on the expiry of such leave.
- (5) Notwithstanding anything contained in clauses (1), (2), (3) and (4) above the services of an employee whether permanent or temporary may be terminated without any notice or pay in lieu thereof as a result of disciplinary proceedings against him.

17. Retirement

An employee shall retire from the service of the Akademi:-

- (i) on his attaining the age of [Sixty years according to the conditions laid down by the Government of India for superannuation age of staff and subject to the provision of bye-law 16]²⁴ or
- (ii) On his being declared medically unfit for service by the medical authority approved by the [Chairman]²⁵ in this regard, or
- (iii) on []²⁶ compulsory retirement

18. Resignation

- (i) An employee may be notice of one month in writing addressed to the Appointing Authority resign from the service of the Akademi.
- (ii) The Appointing Authority may, if it deems proper in any Special circumstances, permit an employee to resign from the service of the Akademi by notice of less than a month.

²² Words within square brackets [] in bye-law 16(3) replace the which he is substantively appointed"

²³ Words within square brackets [] in bye-law 16(4) replace the words "is more than three months"

²⁴ Words within square brackets [] in bye-law 17(i) replace the words "fifty eight years according to the conditions laid down by the Government of India for superannuation age of staff and subject to the provision of bye law 16 unless his services are extended by the Executive Board."

²⁵ Words within square brackets [] in bye-law 17 (ii) replaces the words "Executive Board"

²⁶ Square brackets in bye law 17 (iii) contained the words "the imposition of penalty of which have been deleted.

CHAPTER V-PAY

19. Scales of pay

The scales of pay for the posts under the Akademi shall be as specified in the first schedule.

20. [Without prejudice to these Service bye laws. the general principles and procedures underlying the provisions with regard to fixation of initial pay and drawal of pay of all kinds (including special pay, personal pay/allowance, honorarium and fee) contained in the Fundamental Rules, and Other Connected Rules orders (including orders on seniority and promotion) and rules and orders on Combination of appointments, Deputation our of India, Joining time. Foreign Service, Service under Local Funds and employment during leave applicable to the employees of the Central Government, will apply mutatis mutandis to the employees of the Akademi subject to approval of the Government of India.

21. Special pay and Personal Pay, Honorarium, Fee and Compensation

The Chairman may with the concurrence of the Financial Advisor of the Akademi sanction no an employee, in any special circumstances, such special pay, personal pay, honorarium, fee as per extant Government instructions or conveyance compensation and on such conditions as it may deem fit.

22. Rule 22 deleted]²⁷

²² In Chapter V before amendment on 16th January 1999 bye-laws 20 to 22 were reading as follows:

20. Initial pay and increments

In the matter of fixation of pay on initial appointment or promotion or appointment to another post and regulation of increments, the employees of the Akademi shall be governed by same rules as are applicable to Central Government servant of Corresponding categories.

21. Special pay any personal Pay Honorarium and Fee

The Executive Board may sanction to an employee, in any special circumstances, such special pay, personal pay honorarium of fee on such condition as it may deem fit

21. Drawal of Pay

- 1 An employee shall be entitled to the pay of the post to which he is appointment from the date on which he assures charge of the post.
- 2 Pay in respect of any month shall become payable on the first working day of the following month unless the first six days of the month following are holidays in which case pay may be paid on the last working day of the month.
- 3 An employee resigning from the service of the Akademi without the notice prescribed by bye-law 18 shall not unless the Controlling Authority directs otherwise, be allowed to draw pay due but not drawn.
Provided that the pay so not allowed to be drawn shall not exceed the pay for one month

CHAPTER VI - ALLOWANCES

23. [without prejudice to these Service bye laws, the general principles underlying the provisions relating to allowances and additions to pay contained in the Fundamental Rules, Staff Car Rules, Uniform Rules, and Other Connected Rules and Orders governing additions to Pay, including

Dearness Allowance,
City Compensatory Allowance,
House Rent Allowance,
Leave Travel Concession,
Travelling and Daily allowances,
Overtime Allowance

application to the employees of the Central Government will apply mutatis mutandis to the employees of the Akademi subject to approval of the Government of India.

24. Bye law 24 deleted.]²⁸

²⁸In chapter VI Bye laws 23 and 24 were reading as follows before the amendment on 16th January 1999:

23 Kinds of Allowances

The following allowances shall be admissible to an employee in accordance with the provisions of this Chapter:-

- (1) Dearness Allowance:
- (2) City Compensatory Allowance:
- (3) House Rent Allowance:
- (4) Leave Travel Concession
- (5) Travelling and Daily Allowance and
- (6) Over Time Allowance

The allowances at (1) an to (6) above shall be drawn at such rates and subject to such conditions as may be laid down by the Government of India for its employees.

Travelling and Daily allowances to employees proceeding on tour shall be regulated by the provision of second schedule.

24 Drawal of Allowances

- (1) Dearness Allowance City Compensatory Allowance and House Rent Allowance admissible to an employee for any month shall be payable with his pay:
- (2) Leave Travel Concession shall be paid in accordance with the orders issued by the Government of India from time to time.
- (3) Travelling Allowance and Daily Allowance shall ordinarily be payable on the return of the employee to his headquarters.
Provided that the Secretary may sanction payment in advance of such sum as he deems fit towards such allowance.
- (4) An employee resigning from the service of the Akademi without the notice prescribed by bye-law 18 shall not unless the Controlling Authority directs otherwise, be allowed to draw the allowance due but not drawn.
Provided that the allowances so not allowed to be drawn shall not exceed the allowances for one month

CHAPTER VII - FACILITIES

25. [Without prejudice to these Service bye laws, the general principles underlying the provisions contained in the Medical Attendance Rules, relevant medical certificates etc. applicable to the employees of the Central Government will apply mutatis mutandis to the employees of the Akademi subject to approval of the Government of India.]²⁹

CHAPTER VIII - LEAVE

26. [Without prejudice to these Service bye laws, the Leave Rules, and Other Connected Rules and Orders applicable to the employees of the Central Government and governing the following kinds of leave and also holidays (including restricted holidays), right to leave, combination and conversion of leave, employment during leave, return to duty, medical certificates connected with leave, overstay of leave, lapse of leave, procedure for grant of leave and leave salary will apply mutatis mutandis to the employees of the Akademi subject to the approval of the Government of India.

Earned Leave,
 Half Pay Leave,
 Commuted Leave,
 Leave Not Due,
 Extraordinary Leave,
 Quarantine Leave,
 Maternity Leave & Paternity Leave
 Study Leave,
 Casual Leave

27. to 35 Bye laws 27 to 35 deleted]³⁶

²⁹In chapter VII Bye-law 25 was reading as follows before the amendment on 16th January 1999

25 Medical Facilities

An employee shall be entitled to such medical facilities as may from time to time be determined by the Executive Board.

³⁰Bye-law 26 to 35 were reading as follows before the amendment on 16th January 1999

26 The following kinds of leave shall be admissible to the employees of the Akademi

1. Earned Leave
2. Half Pay Leave
3. Commuted Leave
4. Leave Not Due
5. Extra-Ordinary Leave
6. Quarantine Leave
7. Maternity Leave
8. Study Leave
9. Casual Leave

27. **Earned Leave**
 An employee shall earn 1 days leave for every 11 days of duty provided that in respect of an employee not in permanent employment, for the first year of service the earned leave admissible shall 1/22nd of the period spent on duty
 Earned Leave shall not be accumulated by an employee for more than 180 days
 Earned Leave shall not ranted for more than 120 days at a time
28. **Half Pay Leave**
 (a) an employee shall be eligible for half pay leave at the rate of 20 days for each completed year of service.
 Half pay leave may be granted to an employee on medical Certificate or on private affairs.
29. **Commuted Leave**
 Commuted leave not exceeding half the amount of half pay leave due may be granted to an employee on medical certificate only subject to the following conditions.
 (i) Commuted leave during the entire service shall be limited to a maximum of 240days.
 (ii) When such commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due.
 (iii) The total duration of earned leave and commuted leave taken in conjunction shall not exceed 240 days
 Provided that no commuted leave may be granted under this rule unless the authorities competent to sanction leave on the expiry of the leave.
30. **Leave Not Due**
 Same in the case of leave preparatory to retirement leave not due may be granted to an employee on permanent employ for a period not exceeding 360 days during his entire service. Out of which not more than 90 days at a time and 180 days in all, may be otherwise than on medical certificate. Such leave will be debited against the half pay leave, the employee may earn subsequently, Leave not due shall be granted only if the authority competent to sanction leave is satisfied that there is a authority competent to sanction leave is satisfied that there is a reasonable prospect of the employee returning to duty on the expiry of leave and it should be limited to the half pay leave he is likely to earn thereafter.
31. **Extra Ordinary Leave**
 Extra Ordinary Leave without pay may be granted to an employee in special circumstances.
 (i) when no other leave by rule is admissible.
 (ii) when other leave is admissible but the employee concerned applied in writing for the grant of extra ordinary leave.
 The authority which has power to sanction leave may grant extra ordinary leave is in clause (1) above in combination, with or in continuation of any leave that is admissible and may commute retrospectively periods of absence without leave into extra ordinary leave. Grant of Extra Ordinary Leave shall be subject to the maximum limits laid down for Central Government servants.
32. **Quarantine Leave**
 An employee may on production of quarantine certificate from a medical or a public health officer be granted quarantine leave for such period, not exceeding 30 days as may in each case be necessary.
33. **Maternity Leave**
 Maternity leave may be granted on full pay to female employees in service of the Akademi for a period which may extend to the end of 3 months from the date of its commencement or to the end of 6 weeks from the date of confinement whatever be earlier Maternity leave may be combined with leave of any other kind, but any leave applied or in continuation of the former may be granted only if the request be supported by a medical certificate.

36. Leave cannot be claimed as a right

Discretion is reserved to the authority empowered to grant leave to revise or revoke leave at any time according to the exigencies of the service. An employee on leave is liable to be recalled from leave of the exigencies of service so require.

37. Combination and Conversion of Leave

- (i) Subject to the other provisions of this chapter, any kind of leave other than casual leave may be granted in combination with or in continuation of any other kind of leave.
- (ii) the Controlling Authority may permit an employee to convert any kind of leave other than casual leave to any other kind of leave admissible to him.

38. Other Employment During leave

- (1) An employee on leave shall not take any service or accept any employment
- (2) An employee on leave preparatory to retirement shall not take any service or accept any employment without the previous permission of the sanctioning Authority.

39. Return to Duty

An employee on leave on medical certificate shall not return to duty unless he produces a certificate of fitness from an authorised medical officer.

Note:- For the purpose of authorized medical officer, a certificate from the officer in charge of the C.G.H.S dispensary to which he is attached for treatment will be acceptable. In case, however, of those employees who are not governed by the C.G.H.S scheme a certificate from a Registered Medical Practitioner will be acceptable.

40. Medical Certificates

- (i) Every application for leave on medical certificate from an employee shall be accompanied by a medical certificate given by the Medical Attendant/Registered Medical Practitioner, defining as clearly as possible, the nature and probable duration of illness.

34. Study Leave

An employee may be granted study leave for such period and on such terms as the Executive Board may determine to enable him to undergo within or outside India, a special course of study or instruction.

35. Casual Leave

An employee may be granted casual leave of not more than 12 days in a calendar year. The maximum casual leave at any one time which can be granted is 8 days. It cannot be combined with any other kind of leave

- (ii) The authority, competent to sanction leave may, at its discretion, secure a second medical opinion by requesting any medical officer to have the applicant medically examined should it decide to do so, fees for such examination will be payable by the Akademi.

Note: The mere possession of a medical certificate should not constitute a claim to any leave not admissible to the employee under the terms of his contract or of these rules to which he is subject.

41. Over Stayal after expiry of leave

An employee who remains absent on the expiry of his leave shall not, unless the controlling authority otherwise directs, be entitled to any pay and allowances for the period of such absence and shall be deemed to have resigned from the service of the Akademi if the period of such absence exceeds 30 days, the date of resignation taking effect from the date of absence.

42. [Bye law 42 deleted]³¹

43. Procedure for grant of leave

- (i) An employee shall before proceeding on leave, make an application in writing and also state his address while on leave and shall keep the office informed of his subsequent change in address.
- (ii) An applications for leave other than study leave shall be considered and disposed of by the Controlling Authority, provided that the Controlling Authority may delegate its power to any subordinate authority.
- (iii) An Application for study leave shall be considered and disposed of by the [Chairman]³².
- (iv) Akademi shall maintain a leave account in respect of every employee in his/her service book.

44. Leave Salary

In the matter of leave salary the employee of the Akademi shall be governed by the same rules as are applicable to the Central Government Servants of comparable categories.

³⁴ Bye law 42 was reading as follows before the amendment on 16th January 1999.

42. Lapse of Leave

Leave at the credit of an employee shall lapse on the date of his compulsory retirement:

Provided that where an employee if an sufficient time before the date of his retirement under sub clause.

(1) of bye-law 17 applied for leave preparatory is retirement and the leave or any portion thereof has been refuse in the interest of the Akademi, he may be granted after that date the amount of leave so refused not exceeding the period of earned leave due on such date.

³⁷ Word within square bracket [] in by law 43 replaces the words "Executive Board"

CHAPTER IX - RETIREMENT & OTHER BENEFITS

45.

- (i) [Without prejudice to these Service bye laws, the Central Civil Services Pension Rules, Fundamental Rules, General Provident Fund Rules, and Other Connected Rules and Orders applicable to the employees of the Central Government, governing General Provident Fund benefits, Pension, Gratuity and other retirement benefits will apply mutatis mutandis to the employees of the Akademi subject to the approval of the Government of India.
- (ii) The group insurance scheme for the employees of the Akademi approved by the Executive board shall also apply subject to approval of the Government.]³⁵

CHAPTER - GENERAL CONDITIONS OF SERVICE

46 Whole time employment

- (1) The whole time of an employee shall be at the disposal of the Akademi and he may be employed by the Akademi for the performance of such duties as may be assigned to him.
- (2) Without prejudice to the generality of clause (1) -
 - (i) an employee may be required to undergo a course of study or instruction within or outside India;
 - (ii) an employee may be required to serve the Akademi at any place and in any post not lower than the post to which he is substantively appointed; and
 - (iii) an employee may be transferred to foreign service or sent on deputation, whether within or outside India.

³⁵ Bye law 45 was reading as follows before the amendment on 16th January 1999

45. Contributory Provident Fund

An employee other than a borrowed employee shall be entitled to the benefits of the Contributory Provident Fund of the Akademi subject to and in accordance with the provisions of the C.P Fund Rules of the Akademi.

CHAPTER XI - CONDUCT

47 General

1. Every employee shall at all time maintain absolute integrity and devotion to duty.
2. Every employee shall abide by and comply with the rules and regulations and all other rules of the Akademi and all orders and directions of his superior authorities in the Akademi.
3. Every employee shall extend utmost courtesy and attention to all persons with whom he has to deal with in the course of his duties.
4. Every employee shall Endeavour to promote the interests of the Akademi and shall not act in any manner prejudicial thereto.
5. No employee shall act contrary to the objectives of the Akademi. All persons will act in a manner as will be conducive to development of art. The promotion of the objectives of the Akademi shall be given priority over personal needs, to the extent of time and energy reasonably expected to be given to the affairs of the Akademi by an employee.
6. No employee shall engage in any act of corruption or nepotism or promote the cause of oneself or one's relative while engaging in activities on behalf of the Akademi.
7. Without permission of his controlling authority no employee shall allow any recognition, honour employment or other tangible or intangible benefit to be given to him or his relative nor agree to publication of his work or that of his relative or publication about him or his relative by the Akademi. He shall report the matter to the Secretary of the Akademi as soon as he comes to know that he is likely to become a party directly or indirectly to any decision resulting in him or his relative getting aforesaid benefit or honour without permission.
8. Every employee shall abide by the Constitution, and rules and regulations of the Akademi and he shall respect all legal and ethical and moral decisions of the General Council. Executive Board, Finance Committee and Standing Committees, Chairman or Administrator, as the case may be, Vice Chairman, Financial Advisor and Secretary of the Akademi and other superiors of the employee in the Akademi.

9. No employee shall engage in drunken or other socially unacceptable behaviour and in any case shall not be under the influence of alcohol or drugs in the premises of the Akademi
 10. Every employee shall maintain utmost integrity and act fairly and justly in all activities connected with the Akademi and not engage in morally unacceptable behaviour or any behaviour as will bring down the good image of the Akademi.
 11. Every employee shall make payment to the Akademi of all dues to the Akademi outstanding against him or demanded from him, within the time required to be paid and in any case within a month of the demand being received from the Akademi.
 12. Every employee shall abide by the directions of the Election Officer and cooperate in the proper conduct of the elections in the Akademi.
 13. No employee shall accept any fee, honorarium, scholarship or fellowship for any work done by him for anybody other than the Akademi without approval of the Controlling Authority.
 14. Any action by an employee which is contrary to the above rules, will constitute a misconduct and the employee shall be liable to disciplinary action under the rules.
- 47.A Without prejudice to these service bye laws the moral and ethical code of conduct and principles underlying the provisions of Central Civil Services (Conduct) Rules 1964, and Central Civil Services (Recognition of Service Association) Rules 1993, as amended by the Central Government from time to time, and connected other rules and orders, as applicable to the employees of the Central Government, will apply mutatis mutandis to the employees of the Akademi.]³⁴

³⁴Bye law 47 was reading as follows before its amendment and addition of bye law 47A on 16th January 1999:

47. **General**

1. Every employee shall at all time maintain absolute integrity and devotion to duty
2. Every employee shall abide by and comply with the rules and bye-laws of the Akademi and all orders and directions of his superior authorities.
3. Every employee shall extend utmost courtesy and attention to all persons with whom he has to deal in the course of his duties.
4. Every employee shall Endeavour to promote the interests of the Akademi and shall not act in any manner prejudicial thereto.

CHAPTER XII - DISCIPLINE

48 Suspension

1. The appointing authority or any other authority superior thereto may place an employee under suspension -
 - (a) where a disciplinary proceeding against him is contemplated or is pending, or
 - (b) where a case against him in respect of any criminal offence is under investigation or trial.
2. An employee who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty eight hours shall be deemed to have been suspended with effect from the date of his detention, by an order of the Appointing Authority and shall remain under suspension until further orders.
3. An order or suspension made or deemed to have been made under this bye-law may at any time be revoked by the authority which made or is deemed to have made it or by any superior authority.

49 Penalties

An following penalties may for good and sufficient reasons and as hereinafter provided, be imposed on an employee:-

- (i) Censure;
- (ii) withholding of promotions;
- (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Akademi by negligence or breach of the rules or regulations or bye-laws of the Akademi or orders or directions of superior authorities;
- (iii) (a) reduction to a lower stage in the time scale of pay for a period not exceeding 3 years. without cumulative effect and not adversely affecting his pension;
- (iv) withholding of increments of pay;
- (v) reduction to a lower stage in the time scale of pay for a stated period, with or without stoppage of increments and with or without cumulative effect;
- (vi) reduction to a lower time scale of pay, grade or post for a specified period with orders on seniority and pay after the specified period;
- (vii) compulsory retirement;
- (viii) dismissal from service; and
- (ix) withholding of pension or gratuity or both either in full or in part, or withdrawing a pension in full or in part, or recovery from retirement gratuity or pension of any pecuniary loss caused to the Akademi, if in any disciplinary proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service including service rendered upon reemployment after retirement; provided that where a part of pension is

withheld or withdraw the amount of such pension shall not be reduced below the amount of rupees three hundred and seventy five per month. Provided that in every case in which the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or fore bearing to do any official act is established, any of the penalties mentioned in clause (vii) to (ix) shall be imposed.

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed,

49A. Without prejudice to these service bye laws the general principles underlying the provisions of Fundamental Rules. Central Civil Services (Classification, Control and Appeal) Rules 1965, as amended by the Central Government from time to time and the principles underlying the connected orders and procedures for disciplinary action and imposing penalties applicable to the employees of the Central Government will apply mutatis to the employees of the Akademi.

50 Authority competent to impose a penalty

The appointing Authority or any other authority referred to in the bye-law 6 which may be superior to the Appointing Authority may impose on an employee any of the penalties in bye-laws 49, save that the penalty in bye law 49 (ix) shall be imposed only by the Chairman.]³⁵

51 Procedure for imposing penalties

No order imposing any penalty on an employee shall be passed except after:-

- (a) the employee is informed in writing of the proposal to take action against him and of the allegations on which it is proposal to be taken and is given an opportunity to make any representation he may wish to make; and

³⁵ Bye laws 49 & 50 were reading as follows before their amendment and addition of bye law 49A on 16th January 1999;

49. Penalties

The following penalties may for good and sufficient reasons and as hereinafter provided, be imposed on an employee:-

- (i) censure:
- (ii) withholding of increments or promotions:
- (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Akademi be negligence or breach of the rules or regulations or bye-laws of the Akademi or orders or directions of superior authorities.
- (iv) reduction to a lower grade or post or to a lower stage in a time scale.
- (v) compulsory retirement: and
- (vi) dismissal from service.

50. Authority competent to impose a penalty

The appointing Authority or any other authority referred to in the bye-law 6 which may be superior to the Appointing Authority may impose on an employee any of the penalties in bye-laws 49.

- (b) such representation, if any is taken into consideration by the authority imposing the penalty

52 Special provision regarding borrowed employees

- (1) where an order of suspension is made or a disciplinary proceeding is commenced against a borrowed employee, the lending authority shall forthwith be informed of the circumstances leading to the order of suspension or commencement of the disciplinary proceeding, as the case may be
- (2) In the light of the findings in the disciplinary proceeding taken against such employee:-
- (i) if the authority imposing the penalty is of the opinion that any of the penalties specified in clauses [(v) to (ix)]³⁶ of the bye-law 49 should be imposed on him; it shall replace his service at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary; and
- (ii) if the authority imposing the penalty is of the opinion that any other penalty should be imposed on him it may, after consultation with the lending authority, pass such orders on the case as it deems necessary;

Provided that in the event of a difference of opinion between the lending authority and the authority imposing the penalty, the services of the employee shall be replaced at the disposal of the lending authority.

EXPLANATION

In the bye-law, the expression 'lending Authority' means the authority which has placed the services of the borrowed employee at the disposal of the Akademi.

CHAPTER XII - APPEALS & REVIEW

53 [Appellate authorities]

Subject to the provisions of the memorandum of association and rules and regulations of the Akademi and Appeal shall lie from any original order made in exercise of the power vested in him;-

- (i) by the Secretary to the Chairman.

³⁶ Words within square brackets [] in bye law 52(2) replaces the words "(iv) to (vi)"

- (ii) by the Chairman, to the Government of India;
- (iii) by the other officers or authorities of the Akademi referred to in the aforesaid Memorandum or Association and rules and regulations, to the Chairman

54 Period of limitation for appeals

Subject to the provisions of the memorandum of association and rules and regulations of the Akademi, no appeal shall be entertained unless it is submitted within a period of three months from the date on which the order appealed against is communicated to the person concerned.

Provided that the appellate authority may entertain the appeal after the expiry of the said period if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.]³⁷

55 From contents and submission of appeals

- 1 Every person submitting an appeal shall do so separately and in his own name.
- 2 The appeal shall be addressed to the appellate authority, shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.
- 3 Every appeal shall be submitted to the Secretary who shall, unless he is himself the appellate authority, transmit it to the appellate authority.

56 Consideration of appeals]

The appellate authority shall consider every appeal in such manner as it deems fit and pass such orders as it deems proper in the circumstances of the case;

Provided that no order imposing as enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty.

³⁷Bye laws 53 and 54 were reading as follows before their amendment on 16th January 1999:

53. Appellate authorities

An Appeal shall lie from any original order made:-

- (i) by the Secretary to the Executive Board
- (ii) by the Finance Committee to the Executive Board

54. Period of limitation for appeals

No appeal shall be entertained unless it is submitted within a period of three months from the date on which the order appealed against is communicated to the person concerned

Provided that the appellate authority may entertain the appeal after the expiry of the said period if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

57 Review

[Subject to the provisions of the memorandum of association and rules and regulations of the Akademi, the Chairman may, on his own motion or otherwise, review any order made by him or an authority subordinate to him and pass such orders as he deems fit in the circumstances of the case;

Provided that no order imposing an enhanced penalty shall be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty]³⁸

58 Order on re-instatement

Where an employee who has been dismissed or suspended, is reinstated the authority reinstating him shall make an order specifying:-

- (i) whether the employee may draw for the period of his absence from duty [all or any pay and allowance admissible to persons on duty]³⁹.
- (ii) whether such period may be treated as duty for all or any purposes.

58A. [Without prejudice to these service bye laws the general principles underlying the provisions of Central Civil Services (Classification, Control and Appeal) Rules 1965, as amended by the Central Government from time to time and principles contained in connected orders and procedures for Appeals and Review, applicable to the employees of the Central Government will apply mutandis to the employees of the Akademi.]⁴⁰

Chapter XIV - Miscellaneous

59 Special provision for existing employees

Every person holding a post under the Akademi at the commencement of these bye-laws shall, on such commencement, be deemed to have been appointed under the provisions of these bye-laws to the corresponding post in the First Schedule to be specified wherever necessary by the Secretary, and shall draw the pay drawn by him immediately before such commencement.

³⁸ Bye law 57 was reading as follows before its amendment on 16th January 1999:

57. Review

The Executive Board may on its own motion or otherwise, review any order made by any authority and pass such orders as it deems fit in the circumstances of the case.

Provided that no order imposing an enhanced penalty shall be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty.

³⁹ Word with in square brackets [] in bye law 58 replaces the word "any pay and allowances in addition to the pay and allowance admissible under bye-laws 20 and 23."

⁴⁰ Bye Law 58A inserted by the amendment on 16th January 1999.

60 Authentication

All orders and decisions [under the bye laws shall be authenticated by the signature of the Secretary or in his absence by such other authority as may be specified by the Chairman]⁴¹ in this behalf.

61 Holidays

The Akademi shall observe such holidays as are observed by the Secretariat of the Government of India located in Delhi and such other holidays as may be determined by the [Chairman]⁴²

62 Service Books and Character Rolls

- 1 The Akademi shall maintain Service Book and a Character Roll of each employee in such form and setting out such particulars as is maintained in respected in respect of a corresponding employee of the Central Government.
- 2 The entries in the Service Book of an employee shall be made by the Controlling Authority or by such other authority as may be specified by the Controlling Authority.
- 3 The entries in the Annual Confidential Report on the work and conduct of an employee shall be made by the authority to whom such employee is immediately subordinate and shall be countersigned by the Controlling Authority with his remarks. The report will also be signed with his remarks, if any, and in token of his acceptance of the report by the Chairman of the Akademi, who will order the communication of adverse remarks, if any, to the officer reported upon.

63 Residuary conditions of Service

- (i) On any matter relating to the conditions of service of employees of the Akademi, for which no provision is made in these bye-laws, the provisions in the rules and orders applicable to corresponding employees of the Central Government shall apply mutatis mutandis to the employees of the Akademi, with the approval given and change, if any, made by the Chairman in consultation with the Financial Advisor of the Akademi appointed by the Government, pending amendment to these bye laws by the General Council, so as to provide for such conditions of services.

⁴¹Word within square bracket [] in bye law 60 replaces the word "of the Executive Board and of the Finance Committee shall be authenticated by the signature of the Secretary or by such other authority as may be specified by the Executive Board"

⁴⁵ Word within square bracket [] in bye law 61 replaced the words "Executive Board"

- (ii) All employees of the Akademi are liable for transfer in the public interest to any of the offices of the Akademi in India. However, employees in posts below the level of Grade IV are liable to be transferred to another station only in exceptional circumstances in the public interest.

64 Power to relax

Notwithstanding anything contained in these bye-laws, the Chairman in consultation with the Financial Advisor of the Akademi appointed by the Central Government may, in the case of any class of employees or class of cases, relax any of the provisions of these bye-laws in order to relieve them of any undue hardship arising from the operation of such provisions, or in the interest of the Akademi.

65 Removal of doubts

- (a) Where a doubt arises as to whether any authority of the Akademi is superior to any other authority or in the interpretation or application or any of the provisions of these bye-laws to any employee of the Akademi, the decision of the Chairman taken in consultation with the Financial Advisor of the Akademi appointed by the Central Government shall be final.
- (b) Where a doubt arises in the interpretation or application of any of the provisions of these bye-laws to any employee of the Akademi where rules or orders of the Central Government become applicable, mutatis mutandis to employees of the Akademi under the rule making power of the General Council, the reference to President of India will be taken to refer to the Chairman of the Akademi and the reference to any advisory body independent of the Government will be taken to refer to the Financial Advisor of the Akademi appointed by the government of India. In all such cases the decision of the Chairman taken in consultation with the Financial of Advisor of the Akademi shall be final.

⁴⁶ Bye Laws 62 to 65 were reading as follows before the amendment on 16th January 1999
62. Service Books and Character Rolls

- 1 The Akademi shall maintain a Service Book and a Character Roll of each employee in such form and setting out such particulars may be presented by the Executive Board.

- (c) When the Akademi is under the management of the Government of India and an Administrator has been appointed by the Government to manage the Akademi, the term Chairman in these bye laws and relevant recruitment rules and other rules prescribed by the General Council shall be taken to refer to the Administrator of the Akademi and the term Financial Advisor shall be taken to refer to the officer of the Central Government appointed by that Government to exercise the powers of the Finance Committee.]⁴³

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- 2 The entries in the Service Book of an employee shall be made by the Controlling Authority or by such other authority as may be specified by the Controlling Authority.
- 3 The entries in the character roll of an employee shall be made by the authority to whom such employee is immediately subordinate and shall be countersigned by the Controlling Authority with his remarks.

63. **Residuary condition of Service**

Any matter relating to the conditions of service of an employee for which no provision is made in these bye-laws shall be determined by the Secretary in consultation with the Finance Committee or Executive Board, as may be necessary.

64. **Power to relax**

Notwithstanding anything contained in these bye-laws, the Executive Board may, in the case of any employee relax any of the provisions of these bye-laws to relieve him of any undue hardship arising from the operation of such provisions, or in the interest of the Akademi.

65. **Removal of Doubts**

Where a doubt as to whether any authority of the Akademi is superior to any other authority or as to the interpretation or application of any of the provisions of these bye-laws, the decision of the Executive Board thereon shall be final.