

## **CHAPTER V**

### **BYE-LAWS**



# **BYE-LAW FOR ADMINISTRATION AND MANAGEMENT OF NATIONAL INSTITUTE FOR THE VISUALLY HANDICAPPED, DEHRADUN**

In exercise of the powers conferred by Rule 15 (a) of Rules and Regulations of National Institute for the Visually Handicapped, the Executive council of the Institute is pleased to make the following Bye-Laws:-

## **1. SHORT TITLES & COMMENCEMENTS:**

- (I) These bye-laws may be called the National Institute for the Visually Handicapped Bye-laws 1987.
- (II) These Bye-laws shall come into force with immediate effect from the date these are approved by the Government of India.

## **2. DEFINITIONS:**

- 2.1 In these Bye-laws unless there is anything repugnant to the context,
- a. The 'Institute' means the National Institute for the Visually Handicapped, 116, Rajpur Road, Dehradun.
  - b. The 'President' means the President of General Council of the Institute.
  - c. The 'General Council' means the General Council of the Institute.
  - d. The 'Chairman' means the Chairman of the Executive Council of the Institute.
  - e. The 'Executive Council' means the chairman of the Institute.
  - f. The 'Member' means a Member of General Council/Executive Council of the Institute.
  - g. The 'Director' means the Director of the Institute.
  - h. 'Government' means the Government of India.
  - i. 'Year' means Financial Year from April to March.
  - j. 'Society' means a society registered under Societies Registration Act XXI of 1860.
  - k. 'Fund' means funds of the Institute.
  - l. 'Employee' means a Person serving in the Institute in any Post.
  - m. 'Old Employee' means a person serving in the Institute in any Post before 21.10.1982.
  - n. Words and expressions used here in not defined but defined in the Rules and Regulations of the Institute shall have the meanings respectively assigned to them in the Rules there in.

**3. POWERS AND FUNCTIONS OF GENERAL COUNCIL AND EXECUTIVE COUNCIL:**

The General council and Executive Council shall exercise the powers as are laid down in memorandum of Association and rules & Regulations of the Institute.

**4. POWERS AND FUNCTIONS OF THE DIRECTOR:**

The Director shall be In-charge of the management and administration and shall exercise such powers as are delegated by the Executive Council in respect of the affairs of the Institute and give directives for implementing Rules and Regulations and Bye-laws of the Institute with a view to achieving its aims and objects.

5. The Director as Head of the Institute shall be responsible to organise the Institute on modern scientific lines with focus on education, training and rehabilitation research for visually handicapped. As the Administrative Head of the Institute, he shall assume full responsibility for any other duty assigned by the Institute. He shall exercise financial and administrative powers in accordance with schedule of powers delegated to the Director.

The director may re-delegate certain powers to his subordinate officers as per the delegation of power rules of the Government of India. All such re-delegation should, however, be brought to the notice of the Executive Council.

**6. COMPOSITION AND FUNCTIONS OF VARIOUS COUNCILS & COMMITTEES OF THE INSTITUTE:**

- 6.1 The following Councils & Committees of specialists/representatives of voluntary organizations/heads of Institutions/social workers in the field and Institute's representative shall be constituted by the Executive Council for technical advice, selection, purchase, etc.

6.1.1. The Institute shall constitute an Academic Council to render advice and guidance on programmes of training, research and rehabilitation to be taken up at the Institute. The council shall be headed by the Director and shall consist of 7 other specialists in the field of work for the visually handicapped and representatives from leading organizations of and for the blind. The precise composition of the council shall be decided by the chairman, Executive council on the recommendation of the Director.

6.1.2. The Institute shall constitute book selection committee to help in identifying titles to be taken up for production at the Institute's Central Braille press or for manual transcription into Braille or for recording on Cassettes. The committee shall be headed by the Director and shall consist of 6 other specialists in the field of preparation of books and representatives of leading Institutions for the blind in the country. The exact composition of the committee shall be decided by the chairman, Executive council on the recommendation of the Director.

- 6.1.3. The Institute shall constitute a technology research committee to ensure proper harnessing of appropriate technologies for promoting educational requirements of the visually handicapped. The committee shall also aid and advice on various aspects of production of aids and appliances and books at the Institute. The committee shall be headed by the Director and shall consist of 6 other technological experts and representatives from voluntary organizations of the blind. The precise composition of the committee shall be decided by the chairman on the recommendation of the Director
- 6.1.4. The Institute shall constitute a purchase committee consisting Dy. Director (A ), Deputy Director(T), the heads of Departments and the Accounts Officer. This committee will finalise purchases of equipment/instruments/ office equipments/furniture as well as other items of stationery etc involving an expenditure in excess of Rs.5000 in accordance with the provisions made in the budget.
- 6.2. The tenure of each of the above committee/councils shall be two years.
- 6.3. Each of these committees shall meet at least once every year, except purchase committee which shall meet more often as per requirement.
- 6.4. These committees shall regulate their own procedure.
- 6.5. Some other functional committees like canteen committee, accommodation allotment committee, mess committee, hostel management committee, etc. will be constituted by the Director as & when necessary.

## **7. GENERAL SERVICE CONDITIONS OF THE EMPLOYEES:**

- 7.1 The Executive council shall frame the recruitment rules and adopt Govt. of India scales of pay or pay scales approved by Govt. of India, prescribed academic and professional qualifications, experience, age, etc. for various posts to be sanctioned for the Institute. The Executive Council shall also suitably amend recruitment rules for existing posts, wherever required.
- 7.2 Proposals relating to the emolument structure i.e. adoption of pay scales, allowances and revision there of all posts in the Institute would need the prior approval of the Government.
- 7.3 Creation, continuation and conversion of temporary posts into permanent posts in the Institute shall be done by the Executive council subject to observance of the ban orders issued by the Government from time to time except the posts the maximum of scale of pay of which exceeds Rs. 4500(Revised) will be created with the prior approval of the Government in consultation with the Ministry of Finance, Department of Expenditure.
- 7.3 (a) The reservation of posts for SC/ST/EX-servicemen/Disable etc. will be as per Govt. of India Rules. The Institute will prepare necessary rosters for implementation.
- 7.4 (b) Unless otherwise distinctly provided, the whole time of an employee of the Institute shall be at the disposal of the Institute and he may be employed in any manner

required by the competent authority of the Institute without claims for additional remuneration.

- 7.5** The posts in the service of the Institute shall be either a “ Permanent Post” that is a post carrying a definite rate of pay sanctioned without any limit of time or a “Temporary Post” that is a post carrying a definite rate of pay sanctioned for a limited time.
- 7.6** The medical facilities under the medical Attendance Rules as applicable to the Central Government employees shall be made available to the employees of the Institute.
- 7.7** An employee of the Institute shall be eligible for admission to the Institute General Provident fund scheme on completion of one year service or such period as may be prescribed for the purpose by the Govt. of India from time to time.
- 7.8** The employee shall be eligible to Travelling Allowance/Daily Allowance and leave Travel concession and Leave as admissible to him according to the central government rules.
- 7.9** The Institute will provide Insurance facilities to the employees under the Group Insurance Scheme of the L.I.C., India.
- 7.10. Procedures to be followed for Selection and Appointment of staff of the Institute:**
- 7.10.1** For all posts in the pay scale of Rs. 2000-3500 and above, advertisement should be issued in 4 leading dailies from Bombay, Calcutta, New Delhi and Madras giving time of at least 15 days after the appearance of the notice in newspapers for submission of applications. The advertisement notice should be circulated also among organisations likely to recommend suitable candidates for the posts in the above categories.
- 7.10.2** On receipt of the applications, the Director shall scrutinise them and fix a meeting of the selection committee in consultation with the chairman of the selection committee for selection of candidates.
- 7.10.3** All the applications, so scrutinised should be put up before the selection committee. The selection committee may make selection on the basis on the applications and other relevant records. In case it is considered necessary the selection committee may also call candidates for interview. It is not necessary that all candidates who have applied should be called for interview. The Director may make a short list of all the applications on the criteria approved by the chairman of the selection committee. Only short listed suitable candidates would be invited for interview.
- 7.10.4.** The proceedings of the selection committee should be put to the appointing authority for approval and there-after offer of appointment should be issued to the candidates giving 4 weeks time for joining. However joining time may be relaxed at the discretion of the Director. The matter should be reported in the Executive council meeting held immediately after the selection are made appointments are offered.

## **7.11 Constitution of Selection Committee and DPC**

**7.11.1** For all posts corresponding to group 'A' posts Chairman, Executive Council..... Chairman 2 Experts in the field..... to be nominated by the Chairman, Executive council.....members Director of the Institute..... Member Secretary.

**7.11.1** For the purpose of selecting the experts, a panel of 5 names will be approved by the Executive council at the beginning of each year in each field.

**7.11.2** For all others posts corresponding to groups B, C& D Director of the Institute..... Chairman Deputy Director (Technical) of the Institute..... Member. One outside expert to be nominated by the Director..... Member. Deputy Director (Administration) of the institute.....Member Secretary.

**7.11.3** The Selection Committee for the posts of Director and Deputy Director shall be constituted by the President, General Council.

**7.12.** The candidates selected will be on probation for a period of two years, extendable for another year. Failure to complete the extended period satisfactorily shall result in the termination of services. In case of satisfactory completion of the probation period, the employee can be confirmed on the basis of existing Govt. of India rules.

**7.13.** The services of a temporary employee shall be liable to termination at any time by giving one month's notice from either side.

**7.14.** An employee may be appointed on contract for a limited period maximum of which may be five years.

**7.15** Extension of services or re-employment after retirement shall be regulated by Govt. of India rules.

## **7.16 Age of retirement**

**7.16. a)** Except as otherwise provided, every employee of the Institute will retire from services on the afternoon of the last date of the month in which he attains the age of 58 years.

**7.16. b)** An Institute's servant belonging class IV(Group D) will retire from service on the afternoon of the last date of the month in which he attains the age of 60 years.

**7.16. c)** The teaching staff of the Institute who are appointed w.e.f.1.4.89 shall retire on the afternoon of the last date of the month in which he/she attains the age of 58 years. However, in case of the existing teaching staff, they will retire from service on the afternoon of the last date of the month, in which he/she attains the age of 60 years.

**7.17** No employee will be granted permission for private employment or private practices.

**7.18** The holidays, vacations and working hours as admissible to Central Govt. employees, will be granted mutatis mutandis, to the employees of the Institute in general.

**7.19 Deputation**

- 7.19. a)** A Government Servant or an employee of a similar autonomous organisation may be taken on deputation on standard terms and conditions as are applicable in central Government.
- 7.19. b)** An employee of the institute may go over on deputation to another similar organisation/Government on the terms and conditions mutually acceptable between the Institute and the borrowing organisation. It shall be the liability of the foreign employer to pay Foreign Service contributions as stipulated.
- 7.19. c)** Chairman, Executive Council will be the competent authority for deciding the cases on deputation of Institute's employees.
- 7.20.** The Central Civil Service (Conduct) Rules and also the Classification, Control and Appeal Rules of the Government of India will mutatis matandis is apply to the employee of the Institute.
- 7.21.** A service book of each employee whose pay and allowances are drawn by the Head of Institute on establishment bills, shall be maintained by the Administration Branch. The Audit of accounts in respect of pay and allowances, shall, off course be watched by the Accounts Officer, who shall also watch the recovery of contribution in the case of an employee deputed on Foreign Service.
- 7.22. a.** The appointing authority in respect of Group 'A' posts will be the chairman Executive Council and same in respect of posts Group 'B', 'C' and 'D' shall be the Director.
- 7.22. b.** However appointment to the post of Director and such other posts as carry an initial monthly pay of Rs. 1600 (pre-revised) or above, shall be made with the approval of Govt. of India.
- 7.23** Grant of study leave etc. will be regulated by Govt. of India Rules on the subject.
- 7.24.** In the matter of various kinds of leave, the employees of the Institute shall be governed by the Leave Rules of the Central Govt.

**8. BYE-LAWS RELATING TO MAINTENANCE OF ACCOUNTS AND AUDIT OF ACCOUNTS ETC.**

- 8.1.** The Executive Council may authorise Vigilance commission of Govt. of India to exercise jurisdiction over the affairs of the Institute.
- 8.2.** The Director shall exercise financial powers as per the schedule of powers delegated by the Executive Council. The Director may further re-delegate powers to subordinate officers and bring such re-delegation to the notice of Executive Council.
- 8.3.** The Ministry is required to submit the Budget Estimates, plan as well as Non-Plan, to the planning Commission/Ministry of finance in October. The ministry would, therefore, expect these estimates to be submitted by 30th Sept. therefore the Institute should prepare the budget and submit it to the Chairman of the Executive Council



by September 15<sup>th</sup> and to the Executive Council by September 30<sup>th</sup>. Later these will be put up to the General Body at its Annual meeting for approval. The observations of the General Body if any, on the budget proposals will be communicated to the Ministry of Welfare. The estimate will be revised if the Ministry of Welfare do not agree to the allotment asked for. The Budget should contain the following details.

- 8.3. a The Institute shall give the plan & Non-plan estimates separately.
- 8.3. b It shall give Capital and Revenue Estimates.
- 8.3. c The Institute shall give previous years expenditure, current years budget and the next year's estimates in the budget.
- 8.3. d The budget should show a break-up of the various activities of the Institute and the allocation of funds proposed for each activity; in addition, it will show a general head indicating Salaries and Allowances, Contributions to Leave Salary, Provident fund etc. Expenditure on fixtures and furniture, office equipments, etc., expenditure on posts & telegraphs, telephones expenditure on rent, taxes, electricity, water charges, etc. and other contingencies like vehicle maintenance. In each activity area it should contain requirements of funds for capital equipments, consumable stores and non-consumable stores, stipend, etc.

The budget estimates should be accompanied by write-up giving following particulars:

- i) Requirements of funds for current Programmes.
- ii) Requirements of funds for new Programmes.
- iii) Physical targets achieved during the previous year, proposed to be achieved in current year, and in the next year.
- iv) The comparison of the past performance with the current performance, reasons for short-fall in achievements, if any ultimate action taken or proposed to be taken.
- v) The funds of the Institute shall consist of:
  - (a) Grant made by Govt. of India or State Govt.
  - (b) Donation and contributions from other sources.
  - (c) Other income and receipts.
- vi) The schemes which have not been administratively approved by the competent Authority shall not be included in the budget estimates.
- vii) For any new scheme, likely to be introduced for development of original scheme, which has not been included in the estimates for that year, a proposal

with financial implication be made to the Executive Council for financing it by means of supplementary grant or by re-appropriation within sanctioned estimates.

- viii) The grants received from Govt. of India and /or from any other source shall be entered into the relevant register which will show the expenditure on specific heads and specified items.
- ix) The funds of the institute shall be deposited into a nationalised bank as per the resolution passed by the Executive council of the institute.
- x) The proper books of accounts will be maintained by the institute to show receipt and its source; as well as expenditure and sanction accorded therefore.
- xi) The accounting year of the institute shall be from the first of April to the thirty first of March of the following year.
- xii) At the close of the financial year a balance sheet covering assets and liabilities with due considerations of receipts and expenditure will be prepared.
- xiii) The Balance sheet indicating assets and liabilities receipt and expenditure etc. should be prepared and submitted to the executive council.
- xiv) The institute would make available the books of accounts register vouchers and other documents and papers together with one copy of final sanctioned budget to the Auditor who will also have the right to inspect the office of the institute or any work under construction.
- xv) The audited statement of accounts of the previous year shall be submitted to Govt. within eight months after the close of financial year. If the submission is delayed beyond stipulated period the reasons be communicated to Executive council and the Govt.
- xvi) The Director of the institute shall have the power to appropriate and/or re-appropriate for valid reasons the funds from one primary or secondary unit to another and to have the same ratified by the Executive council in its next meeting.
- xvii) The funds of the institute may be invested in short term fixed deposits to yield better return if feasible after keeping sufficient balance at the disposal of the institute.
- xviii) In exercise of the powers delegated by the executive council the director shall sign and execute all agreements contracts, transfer deeds deed of conveyance and other documents in connection with the affairs of the institute with due consultation and advice of the legal adviser appointed/engaged by the institute.

- xix) No contract shall be made by the subordinate authority which has not been directed or authorized by competent Authority.
- xx) The Director shall sue or be sued in all matters of dispute arising out of any contract.
- xxi) The Director shall have powers to dispose of serviceable and obsolete articles.
- xxii) The Director shall keep watch over expenditure and accord sanction to the payments, not exceeding the grants sanctioned. he will be assisted by officers authorized in this behalf.
- xxiii) The funds will be drawn from the Bank by cheque to meet the expenditure.
- xxiv) The cheque books will remain in the personal custody of the Director or any other officer as may be authorized by the Director on his behalf.
- xxv) The Director will be assisted in respect of receipt and expenditure by the Accounts Officer who shall maintain proforma accounts and submit all claims in respect of pay and allowances traveling allowances etc. and contingent bills in the prescribed forms which will be counter signed by the Director or by the officer authorized in his behalf before those are passed for payment by means of demand drafts/cheques or cash as the case may be, The Accounts officer will apply a check of a nature of pre audit to all payment from the funds of the institute.
- xxvi) The director shall have power to hire accommodation for office/hostel premises with the approval of the Executive council, whenever necessary at rates not exceeding those prescribed by the Government for similar purpose and or in the absence of such prescribed rates with the approval of the Government as laid down in the entry 16 of Annexure to schedule V of the Delegation of the Financial Powers Rules, 1978. In the matter of construction work of Institute own building the Director will be assisted by the Institute's Civil Engineer who will supervise the work on the site and report progress from time to time.
- xxvii) The balance sheet and the audit accounts together with annual report shall be submitted to the General Council for consideration.
- xxviii) The results of the Audit together with Auditor's Report shall be communicated to the Ministry of Welfare, New Delhi.

## **MAINTENANCE OF REGISTER**

### **The following books and registers will be maintained**

1. Register of Grants.
2. Funds shall be kept in banks authorized by the Executive Council, all money to be drawn by cheques as authorized by the Executive Council
3. Register of assests shall be maintained
4. Register of outstanding dues recoverable from parties other than employees of the institute shall be maintained
5. Register of loans and advances given to employees with recovery position
6. Register of rents
7. Register of fees recovered
8. Register of cheque books
9. Register of Receipt books.
10. Register of sanctioned post with authority of sanction
11. General Provident fund Accounts, ledger and balance sheets;
12. Service books
13. Register of selection Committees proceedings Academic Committee proceedings etc.
14. Register of library books.
15. Acquaintance rolls and register of periodical increments.
16. Cash books and imprest cash book
17. Bank reconciliation register if possible to be maintained with the cash books.
18. Bill control Register
19. Ledger for control of expenditure.
20. TA/DA Register
21. Pay bill Register
22. Contingent Bill Register
23. Foul Account Register
24. Stamp Account Register
25. T.A Bill Register
26. Stock Register
27. Stationery Register
28. Miscellaneous Expenditure Register
29. Note : Under the overall supervision of Director, the Officers of the Institute shall maintain proper accounts in the relevant registers and forms as mentioned above, with detailed instructions for maintenance of these registers.

**10. FINANCIAL POWERS OF AUTONOMOUS BODIES RESTRICTION REGARDING**

- 10.1** Proposal relating to the emoluments structure i.e. adoption of pay-scales, allowance and revision thereof and creation of posts of a specified pay level would be sent to the Govt. of India to decide the matter in consultation with the Ministry of Finance, Department of Expenditure.
- 10.2** A representative of the Ministry of Finance/Integrated Finance/Division of the Ministry concerned should be nominated to the Executive council of the autonomous organisation i.e. National Institute for the Visually Handicapped.
- 10.3** In the event of disagreement between representatives of the Ministry of finance and the chairman of the Governing Body of the Autonomous organisation i.e NIVH, Dehradun, on the financial matter beyond the delegated powers of the Ministry/ Deptt. of the Govt. of India, the matter shall be referred to the Minister of the Administrative Ministry concerned and the Finance Minister for a decision.
- 11** Any alteration in the bye-laws or addition there-to, shall require prior approval of the General council of the Institute.
- 12** F.R, S.R, G.F.R and instruction issued by Govt of India from time to time will be followed unless otherwise stated specifically in these bye-laws.
- 13** If any doubt arises about the interpretation of these bye-laws, the matter would be referred to Govt of India Whose decision there-on shall be final.

