



**NATIONAL INSTITUTE FOR THE EMPOWERMENT OF PERSONS
WITH INTELLECTUAL DISABILITIES (DIVYANGJAN)**
(Formerly known as National Institute for the Mentally Handicapped)
(Department of Empowerment of Persons with Disabilities (Divyangjan)
Ministry of Social Justice & Empowerment, Govt. of India
MANOVIKAS NAGAR, SECUNDERABAD – 500 009
An ISO 9001:2008 Institution



BYE - LAWS FOR ADMINISTRATION AND MANAGEMENT

The Rules and Regulations of the National Institute for the Empowerment of Persons with Intellectual Disabilities (Divyangjan) in Rule 11 state the powers and functions of the Executive Council. The powers and duties of the President of the General Council are given in Rule 5.4. Rule 11.4 states functions of the Director. For the administration and management of the National Institute for the Empowerment of Persons with Intellectual Disabilities (Divyangjan), in exercise of the powers conferred by Rule 15 of the Rules and Regulations of the National Institute for the Empowerment of Persons with Intellectual Disabilities (Divyangjan), the Executive Council of the Institute is pleased to make the following bye-laws: -

1. SHORT TITLE AND COMMENCEMENTS:

- i) These bye-laws may be called the National Institute for the Empowerment of Persons with Intellectual Disabilities (Divyangjan) bye-laws, 1987.
- ii) These bye-laws shall come into force with immediate effect.
- iii) These bye-laws replace the bye-laws adopted by the Institute in the third meeting of the Executive Council held on 16 April, 1985.

2. DEFINITIONS:

In these bye-laws unless there is anything repugnant to the context:

- a) The "Institute" means the National Institute for the Empowerment of Persons with Intellectual Disabilities (Divyangjan);
- b) The "President" means the President of General Council;
- c) The "General Council" means the General Council of the Institute;
- d) The "Chairman" means the Chairman of the Executive Council.
- e) The Executive Council means the Executive Council of the Institute.
- f) The "Member" means a member of General Council/Executive Council;
- 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.

3. COMPOSITION AND FUNCTIONS OF VARIOUS COMMITTEES OF THE INSTITUTE LIKE ACADEMIC COMMITTEE AND PURCHASE COMMITTEES, ETC.

With reference to the powers of the Executive Council vide Rule 11.5 of the Rules and Regulations of the Society, the following committees of specialists/representatives of voluntary of organisations/heads of institutions/social

workers in the field shall be constituted by the Executive Council for technical advice, selection, purchase, etc.

- i) Academic Committee
- ii) Purchase Committee

i) Academic Committee

The convener of this committee will be the Director of the Institute and shall include specialists/representatives of voluntary organizations/heads of institutions/social worker in the field. The composition of this Committee will be as follows: -

- a) Director .. Member-Convener
- b) A maximum of 8 experts in the field

The committee shall have a tenure of two years. This committee will advise in the matter of scientific research and establishing institutional or non-institutional programmes for the education and training of personnel in the field of intellectual disabilities. The committee should meet at least once a year.

ii) Purchase Committee:

The Institute shall constitute purchase committee consisting of Deputy Director (Admin), Deputy Director (Tech.), the heads of the Departments, and the Accounts officer. This Committee will finalize purchases of equipment/instrument/office equipment/furniture as well as other items of stationery, etc., in accordance with the provision made in the budget.

Some of the Functional Committees like Library committee, Canteen Committee, Accommodation Allotment committee will be constituted by the Director as and when necessary.

4. GENERAL SERVICE CONDITIONS OF THE EMPLOYEES:

- i) The Executive Council shall frame the recruitment rules and adopt Government of India's scales of pay or pay scales approved by the Government of India, prescribe academic and professional qualifications, experience, age etc., for various posts sanctioned for the Institute.
- ii) Creation, continuation and confirmation of all the posts in the Institute shall be done by the Executive Council, keeping in view the qualification and experience prescribed by Central Government for similar posts provided that posts carrying the scale of pay in Level 11 and above (equivalent to the scale whose maximum exceeds Rs.4,500, under IV CPC) shall be created, continued and confirmed with the prior approval of the Government of India in consultation with the Ministry of Finance, Department of Expenditure. Further the Executive Council of the Institute would be empowered to create posts below level 11 (VII CPC) subject, however, to observance of the ban orders issued by the Govt. from time to time.

- iii) The reservation of posts for SC/ST/Ex-servicemen/handicapped persons, etc. will be as per Government of India rules. The institute will prepare necessary rosters for implementation.
- iv) **Employees be whole time servants:**
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.
- v) **Permanent and temporary posts:**
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.
- vi) **Medical facilities:**
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.
- vii) **Pension and G.P.F.:**
The employee of the Institute shall be eligible to pensionary benefits and General Provident Fund, and Gratuity as per the Central Government Rules. On completion of one year of service, the employee will be eligible for admission to the Institute's General Provident Fund Scheme. The employees joined on or after 01.01.2004 are covered under New Pension Scheme.
- viii) **TA.D.A & L.T.C:**
The employees shall be eligible to Traveling allowance / daily allowance and leave travel concession and leave as admissible to them according to the Central Government Rules.
- ix) **Insurance:**
The Institute will provide insurance facilities to the employees under the Group Insurance Scheme of the Life Insurance Corporation of India.
- x) **Procedures to be followed for selection and appointment of staff of the Institute:**
a) The appointment of the Director shall be made as per Rule 11.2 of the Rules and Regulations of the Institute.
b) For all technical posts in the pay scale of level 6 and above (VII CPC), advertisement should be issued in four leading dailies from Navi Mumbai, Kolkata, New Delhi and Chennai giving time of atleast 15 days after the appearance of the notice in newspapers for submission of applications. The notice should also be circulated among organisations likely to recommend suitable candidates for the posts in the above categories.

- c) On receipt of the applications, the Director shall scrutinize them and fix a meeting of the selection committee in consultation with the Chairman of the selection committee for selection of candidates.
- d) All the applications, so scrutinized should be put up before the selection committee. The selection committee may make selection on the basis of the applications and other relevant records. In case it is considered necessary, the selection committee may also call candidates for interview/written test. It is not necessary that all candidates who have applied should be called for interview/written test. 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 will be invited for interview/written test.
- e) The proceedings of the selection committee should be put up to the appointing authority for approval and thereafter the offer of appointment should be issued to the candidates giving four 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 selections are made and appointments are offered.

xi) Constitution of selection committee and DPC:

- a) For all posts corresponding to Group 'A' posts:

Chairman, Executive Council ...	Chairman
Two experts in the field to be nominated by the Chairman, Executive Council	... Members
Director of the Institute	... Member-Secretary

For the purpose of selecting the experts, a panel of five names will be approved by the Executive Council at the beginning of each year in each field.

- b) For all other posts corresponding to Groups B, C & D:

Director of the Institute	... Chairman
Deputy Director (Technical) or Senior officer of the Institute	... Member
One outside expert to be nominated by the Director	... Member
Deputy Director (Administration) of the Institute	... Member-Secretary

- c) The selection committee for the posts of Director and Deputy Director shall be constituted by the President, General Council.

xii) Probation:

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 termination of services. In case of satisfactory completion of the probation period, the employee can be confirmed on the basis of existing Government of India rules.

- xiii)** The services of a temporary employee shall be liable to termination at any time by giving one month's notice from either side.
- xiv)** An employee may be appointed on contract for a limited period, maximum of which may be five years. Extension of service or re-employment after retirement shall be regulated by Government of India rules.
- xv)** **Age of retirement:**
The age of retirement shall be 60 years for all employees of the Institute.
- xvi)** **Private employment:**
No employee will be granted permission for private employment or private practice.
- xvii)** **Holidays and working hours:**
The holidays, vacations and working hours as admissible to Central Government servant, will be granted mutatis mutandis, to the employees of the Institute in general.
- xviii)** **Deputation:**
A Government servant or an employee of a similar autonomous organization may be taken on deputation on standard terms and conditions as are applicable in Central Government.
- xix)** An employee of the Institute may go over on deputation to another similar organization/Government on the terms and conditions mutually acceptable between the Institute and the borrowing organization. It shall be the liability of the foreign employer to pay foreign service contributions as stipulated.
- xx)** All cases of sending an employee to another similar organization/Government should be approved by the Chairman of the Executive Council.
- xxi)** The Central Civil Service (Conduct) Rules and also the Classification, Control and Appeal Rules of the Government of India will, mutatis mutandis, apply to the employee of the Institute.
- xxii)** **Maintenance of record of service:**
A service book of each employee whose pay and allowances are drawn by the head of the institute on establishment bills, shall be maintained by the administration branch. The audit of accounts in respect of pay and allowances shall of 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.
- xxiii)** The appointing authority in respect of Group 'A' posts will be the Executive Council, and the same in respect of posts under Group B, C and D shall be the Director.
However, appointments to the posts carrying the scale of pay in level 11 and above, (equivalent to the scale whose maximum exceeds Rs.4,500, under IV CPC) as mentioned in para 4 (ii) shall be made with the prior approval of Government of India.
- xxiv)** Grant of study leave etc. will be regulated by Government of India Rules on the subject.

5. BYE-LAWS FOR THE MAINTENANCE OF ACCOUNTS AND AUDIT OF ACCOUNTS, ETC:

- i) The Executive Council may authorize Vigilance Commission of Government of India to exercise jurisdiction over the affairs of the Institute.
- ii) The Director shall exercise financial power as per the schedule of powers delegated by the Executive Council. The Director may further redelegate powers to subordinate officers except the powers for a) creation of posts, b) write off of losses, and C) appointment, termination of appointment.
- iii) As per Rule 5.1 of the Rules and Regulations of the National Institute for the Empowerment of Persons with Intellectual Disabilities (Divyangjan), the budgetary proposals have to be submitted for consideration of the General Council. Therefore, the institute shall prepare the budget for the following year and submit the same to the Chairman of the Executive Council by 15 September, and to the Executive Council by 30 September for its consideration, prior to its submission to the General Council.
The budget should contain the following details:
 - a) The Institute shall give the plan and non-plan estimates separately.
 - b) It shall give Capital and Revenue estimates separately.
 - c) The Institute shall give previous year expenditure, current years' budget and the next year's estimates in the budget.
 - 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 post and 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.
- iv) The budget estimates should be accompanied by write-up giving following particulars:
 - a) Requirements of funds for current programmes
 - b) Requirements of funds for new programmes,
 - c) Physical targets achieved during the previous years, proposed to be achieved in current year, and in the next year.
 - d) The comparison of the past performance with the current performance, reasons for shortfall, and achievements if any, ultimately action taken or proposed to be taken.
- v) The funds of the Institute shall consist of:
 - a) Grants made by Government of India or State Government.
 - b) Donation and contribution 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 Government 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 nationalized 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 therefor.
- 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 audit of the accounts of the Institute will have to be done every year by the comptroller and Auditor General of India and his report to be submitted to Parliament before 31 December of the succeeding year along with Annual Report. Therefore, the C.A.G shall be requested every year in time to audit the accounts of the Institute and to submit a report by 31 October. Simultaneously, if required, internal audit may be done by a Chartered Accountant as per the discretion of the Executive Council.

The Balance Sheet indicating assets and liabilities, receipts and expenditure etc., should be prepared and submitted to the Executive Council.

- xiv) The Institute would make available the books of accounts, registers, 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.
- xv) The audited statement of accounts of the previous year shall be submitted to Government 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 Government.
- 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 advisor appointed 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 unserviceable and obsolete articles.
- xxii) The Director shall keep a 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 personnel 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, travelling allowances etc. and contingent bills in the prescribed forms which will be counter-signed by the Director or by the Officer authorized on his behalf, before these are passed for payment by means of demand draft/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 this Institute.
- xxvi) The Director shall have powers to acquire hired 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 purposes and / or in the absence of such prescribed rates with the approval of the Government as laid down in entry 16 of Annexure to Schedule V of the Delegation of Financial Powers Rules, 1978. In the matter of construction work of Institute's own building, the Director will be assisted by the Institute Engineer who will supervise the work on the site and report progress from time to time.
- xxvii) The Balance Sheet and the audited accounts together with the annual report shall be submitted to General Council for consideration.
- xxviii) The results of the audit together with the auditors' report shall be communicated to the Ministry of Social Justice & Empowerment, New Delhi.

6. MAITENANCE OF REGISTERS:

The following books and registers will be maintained:

- i) Register of grants
- ii) Funds shall be kept in banks authorized by the Executive Council. All money to be drawn by cheques as authorized by the Executive Council.
- iii) Register of assets shall be maintained.
- iv) Register of outstanding dues recoverable from parties other than employees of the institute shall be maintained.
- v) Register of loans and advances given to employees with recovery position.
- vi) Register of rents
- vii) Register of fees recovered
- viii) Register of cheque books.
- ix) Register of receipt books.
- x) Register of sanctioned post with authority of sanction.
- xi) General Provident Fund account, Ledger and Balance sheets.
- xii) Service books

- xiii) Register of selection committees' proceedings, Academic Committee proceedings, etc.,
- xiv) Register of library books,
- xv) Acquittance rolls and register of periodical increments,
- xvi) Cash books and Imprest cash books,
- xvii) Bank reconciliation register (If possible to be maintained with cash book),
- xviii) In the event of disagreement between representatives of the Ministry of Finance and the Chairman of the Executive Council of the National Institute for the Empowerment of Persons with Intellectual Disabilities (Divyangjan), Secunderabad on the financial matter beyond the delegated powers of the Ministry/Department of the Government of India, the matter shall be referred to the Minister of the Administrative Ministry concerned and the Finance Minister for a decision.

7. LEAVE:

In the matter of various kinds of leave, the employees of the Institute shall be governed by the Leave rules of the Central Government.

- 8. Any alteration in the bye-laws or addition to, shall require prior approval of the General Council of the National Institute for the Empowerment of Persons with Intellectual Disabilities (Divyangjan), and Government of India.
- 9. F.R., S.R., G.F.R., and Instructions issued by Government of India from time to time will be followed unless otherwise stated specifically in these bye-laws.
- 10. If any doubt arises, about the interpretation of these bye-laws the matter will be referred to Government of India whose decision shall be final.