

**LOKOPRIYA GOPINATH BORDOLOI
REGIONAL INSTITUTE OF MENTAL HEALTH
TEZPUR: ASSAM**

CONSTITUTION

**LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF
MENTAL HEALTH, TEZPUR.**

CONSTITUTION

1. The name of the Institution shall be LOKOPRIYA GOPINATH BORDOLOI REGIONAL INSTITUTE OF MENTAL HEALTH, TEZPUR.
2. The Institute is registered under the Societies Registration Act, 1860 (Central Act XXI of 1860). The Institute is located in the Town of TEZPUR.
3. The official year of the Institute shall be from the 1st April to the 31st March of the year.
For the purpose of Section 6 of the Registration of Societies Act, 1860 (Central Act XXI of 1860) the person in whose name the society may sue or be sued shall be the Director of the Institute.
4. **The aims and objectives of the Institute are:**
 - a. To improve the present condition of LGB Regional Institute of Mental Health and bring it at par with NIMHANS, Bangalore.
 - b. Provision of modern treatment facilities in Psychiatry.
 - c. Training of in-service Doctor and the Post Graduate students in Psychiatry.
 - d. Training of Nurse, Psychiatric Social Workers, Psychologist and Occupational Therapists.
 - e. Research in Mental Health with special emphasis on illnesses prevalent in this region.
 - f. Involvement of non-governmental organization to share the task of rehabilitation of the non-criminal mentally ill patients, with the assistance of the Government.

5. Interpretations:

Unless there is anything contrary or repugnant to the context-

- a) "Appointing authority" means an authority vested with the power to make such appointment and exercise consequential powers as laid down under the Constitution of the Institute and the 'bye-laws' there under.
- b) "Beneficiary states" means the States of Arunachal Pradesh, Assam, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura.
- c) The 'Board' means the Board of Governors of the Regional Institute of Mental Health, Tezpur.
- d) "Council" means the Executive Council of the Institute.
- e) "Director" means the Director of the Institute.
- f) "Employee/Employees" means officers and members of the staff of the Institute including those seconded to the Institute from the Governmental or non-governmental bodies or honoraries in visiting capacity.
- g) 'NEC' means the Northeastern Council Secretariat.

- h) 'Institute' means the Lokopriya Gopinath Bordoloi Regional Institute of Mental Health, Tezpur.
- i) 'Year' means the period of twelve calendar months beginning from the 1st day of April and ending on the thirty-first day of March following.

6. Constitution of the Board of Governors:

i.	Union Minister of Health & Family Welfare	Chairman
ii.	Chief Minister of Assam	Vice-Chairman
iii.	Health Minister of Assam	Member
iv.	Health Minister of Arunachal Pradesh	Member
v.	Health Minister of Meghalaya	Member
vi.	Health Minister of Manipur	Member
vii.	Health Minister of Mizoram	Member
viii.	Health Minister of Nagaland	Member
ix.	Health Minister of Sikkim	Member
x.	Health Minister of Tripura	Member
xi.	Secretary, Health & Family Welfare, Govt. of India	Member
xii.	Secretary, Ministry of DONER, Govt. of India	Member
xiii.	Secretary, North Eastern Council, Shillong	Member
xiv.	Director General of Health Services, Govt. of India	Member
xv.	Addl. Secy. & F.A, Ministry of Health & F.W, Govt. of India	Member
xvi.	Vice Chancellor of the Gauhati University	Member
xvii.	President of Indian Nursing Council	Member
xviii.	President, National Board of Examination	Member
xix.	President, Rehabilitation Council	Member
xx.	Director, NIMHANS, Bangalore	Member
xxi.	Two Psychiatrists to be nominated by the Ministry	Member
xxii.	Director, LGB Regional Institute of Mental Health	Member Secretary

7. Additional nominated elected members:

- i. Two expert members nominated by the Govt. of India
- ii. Two members nominated by the President from the field of Social Work
- iii. One representative from the National Human Rights Commission.

Term of office

The term of office of the Chairman and the Members who are nominated to the Board shall be co-terminus with the office they hold.

8. Powers and functions of the Board.

- i. To approve the budget, annual plans and five year plans,
- ii. To make annual reviews of the functioning of the Institute,
- iii. To consider the implications of the policy(s) adopted by the Council.
- iv. To consider and adopt the audited accounts.
- v. The Board will only generally oversee the policy of the Institute and lay down general policy guidelines for the Institute. It shall have no executive powers.
- vi. The Board shall meet at least once a year.
- vii. Four members will be necessary to have quorum.

9. Constitution of the Executive Council:

An Executive Council of the Society shall be constituted to manage the day to day business and affairs of the society as well as the Institute with the following members and functions: -

- | | |
|------------------------------------------------------------------------------------------|------------------|
| i. Secretary, Health & Family Welfare, Govt. of India | Chairman |
| ii. Secretary, Northeastern Council, Shillong | Vice-Chairman |
| iii. Addl. Secy. & F. A, Ministry of Health & F.W, Govt. of India | Member |
| iv. Additional Secretary incharge Mental Health Ministry of Health & F.W, Govt. of India | Member |
| v. Commissioner & Secretary, Health & F. W, Assam | Member |
| vi. Commissioner & Secretary, Health & F. W, Arunachal Pradesh | Member |
| vii. Commissioner & Secretary, Health & F. W, Meghalaya | Member |
| viii. Commissioner & Secretary, Health & F. W, Manipur | Member |
| ix. Commissioner & Secretary, Health & F. W, Mizoram | Member |
| x. Commissioner & Secretary, Health & F. W, Nagaland | Member |
| xi. Commissioner & Secretary, Health & F. W, Tripura | Member |
| xii. Commissioner & Secretary, Health & F. W, Sikkim | Member |
| xiii. Joint Secretary in charge Mental Health, Ministry of Health & F.W, Govt. of India | Member |
| xiv. A Representative of Director General of Health Services, GOI | Member |
| xv. Medical Superintendent, LGBRIMH, Tezpur | Member |
| xvi. Academic Representative, LGBRIMH, Tezpur | Member |
| xvii. Director, LGBRIMH, Tezpur | Member Secretary |

10. Term of Office

The term of office of the Chairman and of the Members who are nominated to the Executive Council shall be co-terminus with the office they hold except the representative of the academic staff who shall be elected for a period of 2 years. 5(five) members will form a quorum.

11. Powers and functions of the Council:

- a) To supervise the Administration and Management of the Institute.
- b) To consider the budget estimates proposed by the Director and to make recommendations to the Board and the Ministry of Health & Family Welfare.
- c) To consider all proposals for new and additional expenditure.
- d) To consider the audited accounts and the Auditor's Report thereon and to present in the Annual meeting of the Board.
- e) To appoint an auditor to audit the accounts of the Institute every year.
- f) To review the finance of the Institute from time to time through periodical control statements and to give advice thereon.
- g) To review the work and progress of the Institute and to hold enquiries into the affairs thereof.
- h) To recommend to the Ministry of Health & Family Welfare to appoint a committee to review the work and progress of the Institute and to hold enquiries into the affairs thereof in the manner as they may be stipulated.
- i) To frame regulations, byelaws, rules and procedure for the conduct of the affairs of the Institute.
- j) To receive subscriptions and donations compatible with the aims and objects of the Institute provided that no subscriptions or donations shall be accepted if they are accompanied by conditions which are inconsistent or in conflict with the objects of the Institute.
- k) To enter into agreements for cooperation with educational Institution having objects wholly or partly similar to those of the Institute in such manner as may be stipulated.
- l) To discuss and take decision on any matters as may be necessary for the efficient administration and management of the Institute.
- m) To recommend the Board of Governors regarding allocation of beds for patients & number of seats for students/ trainees etc. in the Institute and pro rata contribution of each State for recurring expenditure.
- n) The Council shall meet as often as necessary for the conduct of its business with a minimum 2 (two) meetings in a year.
- o) 5 (five) Members will be necessary to form quorum.

12. Chairman of the Council:

Where the Chairman of the Council is not available for presiding over any meeting of the Council, Members present shall elect one amongst themselves, other than the Director, as ad-hoc Chairman to preside over the meeting.

13. Resolution of the Council:

All resolutions of the Council shall be adopted in a meeting duly convened.

Provided that when it is not expedient to convene a meeting immediately and a decision is required to be taken urgently in the interest of the Institute a resolution to this effect may be passed by circulation.

14. Vacancies:

Where a vacancy occurs in the office of a Member of the Council, other than the Director, through death, resignation or for any other reason such vacancy shall be filled by the authority, which appointed such member.

15. Vacancy or defective appointment not to affect proceeding:

If a vacancy in the office of the Member of the Council occurs, the continuing Members shall act as if no vacancy had occurred. No act or proceedings of the Council shall be deemed to be invalid merely by reason of vacancy in the Council or of a defect in the appointment of a person acting as a Member of the Council or by reason of the fact that an appointing authority has failed to appoint a member.

16. Dispute regarding appointment of a Member of the Council.

In the event of a dispute as to whether any Member of the Council is validly appointed or not, the decision of the Chairman of the Council shall be final.

17. Bye-laws:

- A) The Council may frame bye-laws or issue instructions, from time to time consistent with these rules, for the general administration and management of the Institute and may in particular provide for the following matters.
- i) To conduct of business and the procedure to be followed at the meeting of the Council.
 - ii) The finance and accounts of the Institute.
 - iii) The amount and mode of payment of fees and other charges to be levied, including contributions by the Beneficiary States.
 - iv) Creation of posts and prescription of norms and procedure for recruitment thereto.
 - v) The terms and tenure of appointments, emoluments, allowances, leave, conduct and other conditions of service of officers and employees of the Institute.
 - vi) The duties and functions of the Director and employees of the Institute.
 - vii) Framing of rules relating to discipline, suspension and dismissal of officers and employees of the Institute.

- viii) Course of study, training and research at the Institute including creation of departments.
 - ix) Award of certificates and diplomas.
 - x) Admission of students, trainees and research workers and research fellows to the Institute for any specified period.
 - xi) Execution of contracts and other instruments on behalf of the Institute.
 - xii) Establishment and maintenance of pension, gratuity, provident or other funds for the benefit of the employees of the Institute.
 - xiii) Such other matter as may be necessary for the efficient administration and management of the Institute.
- B) The Council may alter, amend, repeal or substitute any bye-laws as it may think necessary, after obtaining concurrence of the Ministry of Health & Family Welfare of the Government of India.

18. Representation of the Council in the Legal proceedings: -

Unless the Council otherwise decides, and subject to the superintendence of the Council, the Director shall represent the Institute in all legal proceedings whether civil, criminal, revenue or of any other description and shall have to authority to Institute, conduct or defend any suit, complaint or criminal case or any legal proceedings on behalf of the Institute and also to sign and to verify all proceedings, complaints, statements or applications to be filed before any Court, Tribunal, Arbitrator, Board or Authority as the case may be.

19. Officers and employees of the Institute.

The Institute shall consist of the Director and the following categories of employees.

- a) Academic.
- b) Clinical, Scientific and Technical.
- c) Administrative and Accounts.
- d) Auxiliary.

20. Appointment of Director.

- i) The Director of the Institute shall be appointed by the Chairman of the Council by invitation on the recommendation by a Search Committee duly constituted for the purpose by the Council.
- ii) The terms and condition of the appointment and emoluments etc. will be decided by the Council. Director will be in overall charge of the Institute and hold office for a period not exceeding five years at a time.
- iii) He shall, however, be eligible for reappointment for another five years or less at the discretion of the Chairman of the Council with the concurrence of the Council and Ministry of Health & Family Welfare, GOI.

21. Appointment of Officiating Director: -

Notwithstanding anything contained in Rule 20, the Chairman of the Council may appoint a person to officiate as the Director in the absence of the Director for a period not exceeding one year at a time.

22. Procedure of delegation of powers:

The Director of the institute is vested with the financial and administrative powers as delegated to the Head of the Department under the Central Government's Delegation of Financial Powers Rules, GFR and FRSR.

23. Power of Directors to delegate:

The Director may delegate any of his duties, functions, and power to any officer of the Institute.

24. Appointment of Employees:

All appointments of employees for the Institute shall be made by the Director in accordance with the procedures stated in the byelaw of the Institute.

25. Tenure of service:

- i). The superannuation age of faculty staff is 65 years, for non-teaching specialist doctors 62 years for other staff 60 years.
- ii) Specific cases of contract appointments may be made, generally, for a period of three years after following the procedures prescribed in the byelaws for such appointments.

26. Properties and funds vested in the Council:

The properties and funds of the Institute vested in the Council shall consist of: -

- a) recurring and non-recurring grants made by the Ministry of Health & Family Welfare, GOI and Government of Assam.
- b) other grants, donations, and gifts (periodical or otherwise)
- c) the income from the properties and funds vested in the Council and fees, subscriptions, and other annual receipts.
- d) all lands, buildings, machineries, plants, equipment, and instruments (whether laboratory, workshop or otherwise) books and journals, furniture, furnishings, and fixtures belonging to the Institute.

27. Donations etc:

The Council may accept donations, gifts, subscriptions etc for specific purpose provided that conditions, if any, attached thereto are acceptable to the Council and are not contrary to, or, repugnant to the constitution and the Bye-laws of the Institute and all such donations, gifts, subscriptions etc. shall be transferred to and vested in the Council.

28. Budget and Accounts:

a) The Director shall be in charge of the preparation of the annual budget estimates of the institute and shall obtain the approval of the council/Board before forwarding the same to Ministry of Health & Family Welfare, GOI.

The estimates shall give, under various heads, the following information in respect of receipts and expenditure: -

- i) The actual for the preceding year.
- ii) The approved estimates for the current year.
- iii) The revised estimates for the current year.
- iv) The budget estimates for the next year and shall obtain the approval of the Council/Board before forwarding the same to the Ministry of Health & Family Welfare, Govt. of India.

b) Money forming part of the funds of the Institute shall be deposited in nationalized bank/ bank as specified in RBI Act, 1934 (ii of 1934) and /or invested in any trust, securities or investment authorized by Law and approved by the Council. Such account or accounts shall be operated by the Administrative Officer, or such other officers of the Institute as may be authorized by the Director.

29. Audit Report:

The accounts of the Institute for every financial year shall be audited by the professional Chartered Accountant who shall be appointed by the Council, and by such authorities as prescribed by law.

30. Annual Report:

The Council shall submit Annual Report to the Ministry of Health & Family Welfare, Govt. of India.

31. Amendments:

The Council may, wherever necessary, amend the Constitution, bye-laws, rules and regulations of the Institute, after obtaining concurrence of the Ministry of Health & Family Welfare, Govt. of India.

LOKOPRIYA GOPINATH BORDOLOI
REGIONAL INSTITUTE OF MENTAL HEALTH
TEZPUR: : :ASSAM

Bye-laws

(Framed under the Clause 17 of the Constitution of the Institute)

I. Council Meetings and Procedures:

(Under Clause 17(a) (1))

1.1. Meetings:

Meetings of the Council shall be held not less than twice a year. The Chairman, acting on his own initiative or on the request of the Director, may convene a meeting at any time by giving due notice.

1.2. Quorum:

Five Members shall form a quorum for meeting of the Council. Provided where the quorum fall short of the prescribed numbers, the Chairman may adjourn the meeting and reconvene for conducting the business of the day.

1.3. Chairman, of the meeting:

The Chairman of the Council will preside over all the meetings of the Council. In the absence of the Chairman, the Members present shall elect one from amongst themselves to preside over the meeting.

1.4. Minutes:

The Secretary to the Council will prepare in the minutes of the meetings of the Council and obtain approval of the Chairman and send copy of minutes of every such meeting as early as possible to every Member.

1.5. Committees of the Council:

The Council may appoint committees from amongst the employees of the Institute and or from outside and assign to such committee such duties as are found necessary.

1.6. Vacancy:

When a vacancy occurs in the Office of a Member of the Council through death, resignation or for any other cause, the Member Secretary shall initiate appropriate action to get the vacancy filled up by the appropriate authority.

1.7. The Council may also invite any person, including employees of the Institute to participate in the deliberations of the Council specific to issues where views of such invitees would be conducive to the general well-being of the Institute.

II. Finance and Accounts: -

(Under Clause 17(a) (2))

2.1. Accounts:

The Chief Finance & Accounts Officer shall be responsible for proper maintenance of the accounts of the Institute.

2.2. Receipt:

All monies received for or on behalf of the Institute shall be placed in account with the State Bank of India, or any of its subsidiaries or any of the nationalized banks.

2.3. Investments:

All monies of the Institute may be invested on behalf of the Institute securities and other investments authorized by law, if it is in the interest of the Institute to do so with the approval of the Council.

2.4. Sanction of expenditure:

The Director shall have the authority to sanction expenditure within the sanctioned budget/ grant duly approved by the Council and subject to such procedures and directions as may be applicable, from time to time, including consultations with the Chief Accounts Officer-cum-Financial Adviser.

2.5. Payments:

Payments by and on behalf of the Institute exceeding Rs. 100/- shall ordinarily be made by cheque. All cheques above Rs. 5,000/- shall be jointly signed by two officials authorized to sign cheques.

2.6. Endorsement:

All bills for payment shall have an endorsement for payment signed by an authorized officer to whom the power has been delegated by the Director.

2.7. Imprest:

An imprest amount of Rs. 8,000/- may be kept by the Administrative Officer for cash payment.

2.8. Budget Estimates:

The budget estimates of the Institute shall be finalized by the Director who shall get them approved by the Council/ Board according to the time schedule given by the Ministry of Health & Family Welfare, Govt. of India. These will be shown under the following heads.

- a) *The actuals (receipts and expenditure, deficit/ surplus) of the preceding year.*
- b) *The budget estimates (receipts and expenditure) for the current year.*
- c) *The actuals (receipts and expenditure) upto the end of August or any month in the current year prescribed by the Ministry of Health & Family Welfare, Govt. of India.*
- d) *The revised estimates (receipts & expenditure) for the current year.*
- e) *The budget estimates (receipts & expenditure) for the ensuing year.*

2.9. Sanction of expenditure:

All expenditures shall be approved and sanctioned by the Director within the approved budget. He may delegate this power to the extent necessary to other employees of the Institute.

III. Admission fees and charges:

(Under Clause 17(a) (3))

3.1. The Director and employees of the Institute so authorized by the Director shall have the authority to issue standing order regarding:

- a) The procedure for admission and training of students/ fellows:
- b) Charges and fees for any other service provided by the Institute.

3.2. The standing orders and procedures in regard to fees charges and cases involving policy matters shall be placed before the Council for its ratification. In all other cases such standing orders shall be placed before the Council for information.

IV. Creation of Posts and Procedure for Recruitment and Promotion:

(Under Clause 17(a) (4))

4.1. The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act, Secretary, Ministry of Health & Family Welfare may decide the creation of posts upto Group "B". For creation of posts beyond Group "B" approval of the Secretary (Expenditure), Government of India may be obtained. In case any exemption is thought necessary, it may be necessary to seek separate orders from the Secretary (Expenditure), Government of India.

4.2. Classification of posts:

All posts of the Institute shall be classified into the following categories:

- a) Academic.
- b) Clinical, Scientific & Technical.
- c) Administrative and Accounts.
- d) Auxiliary.

4.3. Recruitment & Promotion:

Appointments to the posts created in accordance with Bye-Law 4.1 above shall be made by the Director in accordance with the procedure prescribed below:

- 4.3.1. Detailed procedures and norms for recruitment to different posts shall be laid down by the Director and approved by the Council. Appointments to all posts shall be made on the recommendations of the Committees duly constituted for the purpose by the Council.

4.4. Honorary appointments:

The Council may, on the recommendations of the Director, create honorary posts and determine the honorarium and other service conditions applicable to such posts.

4.5. Visiting Appointments:

Appointments of visiting Scientists/ Professors/ Lecturers may be made by the Director in accordance with the scheme, if any approved in this behalf. Such a scheme shall, inter alia, stipulate the terms and conditions including payment of allowances/ honorariums or any other payments.

4.6. Disputes between the Institute and the Central Government:

If in or in connection with the exercise of its powers and discharge of its functions by the Institute under this Act, any disputes arises between the Institute and the Central Government, the decision of the Central Government on such dispute shall be final.

V. Terms and Tenure of appointments, emoluments, allowances and other conditions of service of the Officers and employees of the Institute.

(Under Clause 17(a) (5))

Establishment and maintenance of Pension, Gratuity, employees or for the purpose of the Institute.

(Under Clause 17(a) (12))

5.1 Physical Fitness:

Each employee shall produce a certificate of physical fitness from a medical officer nominated by the Director or other authorized officer before appointment and may at any time be required to submit to such medical examination as the Director may decide, during the course of his/her service.

5.2 Probations:

5.2.1 Served as otherwise expressly provided, each employee on appointment shall be put on probation for a period of one year. Provided that the appointing authority may, for reasons to be recorded in writing, extend the period of probation by a period not exceeding one year.

5.2.2 During the period of probation, the service of an employee may be terminated by the appointing authority without assigning any reason, or, without notice unless otherwise provided in the letter of appointment.

5.3 Tenure:

Save as otherwise expressly provided, each employee of the Institute shall after successful completion of the probationary period be confirmed in his/her appointment if it has been made against a permanent post.

5.4 Emoluments:

5.4.1. The Council shall fix the scales of pay and allowances for the employees of the Institute, from time to time in conformity with the pay scale in force at that time.

5.4.2. Each employee shall be paid the salary for the post as long as he/she is in the service of the Institute and satisfactorily carried out his duties.

5.4.3. Each employee will earn periodical increment for the post he/she holds, unless such increment is specifically withheld by way of punishment under the orders of competent authority in accordance with the procedures prescribed for the purpose.

5.4.4. Power to grant higher initial pay on initial appointment:

The Director shall have the power subject to such directions as the Council may give to grant higher initial appointment to an employee on the basis of recommendations made by the Selection Committee.

5.4.5. **Seniority:**

The *inter se* seniority shall be determined cadre / grade-wise on the date on which these regulations come into force:

- a) The *inter se* seniority of the members of the Academic staff shall be determined with reference to regular appointment to the teaching post of the Institute.
- b) The *inter se* seniority of the employees other than the academic staff shall be determined with reference to the regular appointment to a post under the Institute. However, in case of the employees who were in service on 11.02.99 continuous previous government service in the grade on regular basis may also be taken into consideration in determining seniority provided that the *inter se* seniority of such employees among themselves shall not be disturbed.
- c) A member of a service, class category or grade shall retain seniority in such service or grade as determined by sub-rule (i) or (ii) as the case may be notwithstanding any delay in the completion of his/her probation or his/her appointment as a member of such service, class, category or grade.
- d) Where a member of any service, class, category or grade is reduced to a lower service, class, category or grade as a measure or punishment, he/she shall be placed at the top of lower service, class, category or grade unless the authority ordering such reduction directs that he/she shall rank in such lower service, class, category or grade next below any specific member thereof.

5.5. Obedience to rules and regulations:

- 5.5.1. During the period of his/her service every employee shall observe, obey and abide by the constitution of the Institute and the Byelaws. Regulations made from time to time by the Council and all Standing Orders passed by the Director and other competent authorities.
- 5.5.2. Each employee shall perform to the best of his/her ability all the duties pertaining to his/her post and shall carry out any directions given to him/her by the competent authorities.

5.6. Whole time Service:

- 5.6.1. No employee shall, except with the previous sanction of the Director, engage directly or indirectly in any trade or business or undertake any other employment or without the permission of Council undertake outside work.

Provided that an employee may with the knowledge of the Director undertake honorary work of a social or charitable nature or occasional work of literary, artistic or scientific character subject to the condition that his official duties do not thereby suffer, but he shall not under take and shall discontinue such work if so directed.

- 5.6.2. No employee shall except with previous sanction take part in the registration promotion or management of any bank or other

companies registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force.

Provided that an employee may take part in the registration promotion or management of a Cooperative Society registered under the Cooperative Societies Act, 1912 (II of 1912) or any other law for the time being in force, or literary scientific or charitable society registered under the Societies Registration Act, 1860 (XXI of 1860) or any other corresponding law in force under intimation to the Institute.

5.6.3. An employee shall not, without the permission of the competent authority, absent himself/herself from duty.

5.6.4. Members of the Staff are liable to be entrusted with the urgent work in the interest of Institute outside the usual working hours or on Sundays or holidays. For work on Sundays and other holidays, compensatory holidays or over-time allowance, if admissible, will be allowed.

5.7. Election and Nominations:

No employee shall take part in politics or offer for election or accept nomination by any local body. Provided that for election as a member of a Board of Studies or any other authority in any University, an employee may offer himself with the knowledge of the Director.

5.8. Leave:

Leave shall be granted in accordance with the regulation framed by the Council from time to time, subject to the exigencies arising out of the affairs of the Institute where leave may be refused.

5.9. Provident Fund:

5.9.1. During the continuance of his/her service an employee shall contribute to the Provident fund in accordance with the Provident Fund regulations of the Institute in force from time to time.

5.9.2. Other Funds:

The Director, with the approval of the Council, may from time to time establish and maintain other funds for the welfare of and assistance to the employees of the Institute.

5.10. Retirement Benefits:

The Council may formulate as it may deem necessary, regulations regarding retirement benefits such as gratuity, pension, etc. subject

to the approval of the Ministry of Health and Family Welfare, GOI, where necessary.

5.11. Termination of Service:

- 5.11.1. The appointing authority may terminate the services of any employee in accordance with the procedure laid down for the purpose. Provided that the services of an employee shall be terminated only after giving due notice as specified in the letter of appointment. Provided further that the appointing authority may terminate the services of an employee by giving him/her a shorter notice than that specified in the appointment letter on payment to him/her a sum equivalent to the salary and allowances for the period by which such notice falls short of the specified period.
- 5.11.2. Likewise, the employee shall be required to give notice of his/her intention to leave the service of the Institute in accordance with the terms of his /her appointment, subject to the condition that in no case the total period of notice shall be more than three months.

Provided further that the appointing authority may accept a shorter period of notice.

5.12. Travelling and Daily Allowances:

- 5.12.1. The Council may prescribe, from time to time, the rates of travelling and daily allowances and Leave Travel Concession admissible to the employees of the Institute as per Central Government rules.

5.13. Medical Attendance Relief.

The Medical Attendance Rules of the Govt. of India will be applicable to the Institute's employees.

5.14. Immediate Relief.

- i) Eligibility: If an employee dies while in service, his family will be eligible for immediate monetary relief as per Government of India rules applicable.

“Note: The term “emoluments” will, mean pay as defined in F.R.9(21) and also includes Dearness Allowance.

- ii) **Amount of Relief.**
As per GOI rules only.

iii) **Undertaking:**

A separate undertaking should be obtained from each person for whom the payment of advance is made that he or she agrees to amount of advance being recovered from any amounts due in respect of the deceased employee and payable to the family.

iv) **Adjustment of Advance:**

The advance shall be adjustable against the arrear of pay and allowances including leave salary, gratuity, balance in the contributory provident fund or any other payment due in respect of the deceased employee and becoming payable to the family. The adjustment of advance should be made as soon as possible but should not be delayed beyond the period of six months reckoning from the date of payment of advance.

5.15. Deputations:

5.15.1. An employee may be deputed to attend conferences and congress or to participate in seminars or symposia in India in accordance with the prescribed norms and procedures.

5.15.2. An employee so deputed in India shall be eligible for traveling and daily allowance according to the rate admissible to him/her.

Provided that in the event of any other agency providing the expenses or part thereof the expenses payable by the Institute shall be reduced to that extent.

5.15.3. The Council may frame rules for deputation of the employees of the Institute outside of India for attending international meetings, conferences, Congresses, seminars, etc. or for grant of study leave.

5.15.4. The traveling and other expenses of the employees deputed outside India shall be regulated in such manner as may be prescribed by the Council.

5.15.5. The treatment of the period spent on such deputation both in India and outside shall be regulated as per rules referred to in bye-laws (5.13.3.)

VI. Duties and Functions of the Director and other Officers and Employees of the Institute:

(Under Clause 17(a) (6))

6.1. Director:

6.1.1. It shall be the duty of the Director to carry out the work of the Institute in accordance with the Constitution and Bye-laws and also to act under the general direction and control of the Council.

6.1.2. Save as otherwise expressly provided in the Constitution and these Bye-laws, the Director shall have all the powers necessary for the exercise of general supervision and control of the work of the Institute and for proper and efficient management of the Institute.

6.1.3. In an emergency, the Director shall have the authority to take any suitable action and report to the Chairman immediately and later on to the Council.

6.1.4. All employees of the Institute and all other persons working at the Institute including those employed on research projects, or schemes financed by other agencies, whether receiving salaries from the Institute or direct from such agencies, shall be under the general directions and control of the Director.

6.1.5. Standing orders:

Subject to the rules and Bye-laws, the Director may issue from time to time, with the knowledge of the Council, standing orders for the guidance of the employees on any matter connected with the work of the Institute. Such standing orders may, inter alia, lay down the procedures to be followed and specify the powers delegated and duties assigned to the employees.

6.1.6. Annual Report:

The Director shall submit an annual report of the working of the Institute to the Council as soon as possible after the close of the year.

6.2. Administrative Officer:

Administrative Officer shall perform such duties and exercise such powers as may be delegated to him by the Director.

VII. Discipline, suspension and dismissal of the Officers & employees of the Institute:

(Under Clause 17(a) (7))

7.1. Punishment:

7.1.1. The appointing authority, which appoints an employee of the Institute may discharge, dismiss or otherwise punish him/her for any misconduct or for breach of the terms and conditions of his/her appointment.

7.1.2. The appointing authority shall also have the power to place under suspension an employee and fix the rates of subsistence allowance during the period of his/her suspension in the following cases:

- a) Where a disciplinary proceeding against the employee concerned is contemplated or is pending or.
- b) Where a case against him/her in respect of any criminal offence is under investigation or inquiry or trial.

7.2. Procedure for punishment:

7.2.1. No order shall be passed under the foregoing byelaws except in accordance with the following procedures:

- a) The appointing authority shall apprise the concerned employee of the position and shall call for his/her explanation in writing in relation thereto.
- b) If such explanation is not found satisfactory by the appointing authority, specific charges shall be framed against the employee concerned and he/she shall be given a notice to show cause why any of the punishments (which should be mentioned in the notice) shall not be imposed on him/her.
- c) In light of the reply rendered by an employee reply to the show cause notice, the action to be taken on the punishment to be imposed on the employee shall be decided by the appointing authority.

7.2.2. For the purpose of conducting an enquiry or calling for an explanation, the appointing authority shall have the power to nominate any other officer of the Institute to assist him.

7.2.3. The requirements of any clauses (a), (b) and (c) in bye-laws 7.2.1. above may be waived if (i) the facts on the basis of which action is to be taken, have been established in a Court of Law, or (ii) the employee has absconded or (iii) for any reason it is impracticable to communicate with him/her. The reasons for such waiving shall be recorded in writing.

7.3. Appeals and Review:

7.3.1. An employee against whom an order of punishment is passed shall have the right to make a representation to the next higher authority than the authority which has passed the order of punishment, by way of an appeal against the order for consideration.

Note: In the case of an order passed by the Council the appeal also shall lie with it.

- 7.3.2. Such representation shall be concise, polite, and respectful in language and complete in all respects, specifying the relief desired, it shall be addressed by designation to the next higher authority than the authority which has passed the order of punishment and shall be sent through the proper channel and not direct.
- 7.3.3. The appellate authority shall consider the representation (in the case of the Council, the Council itself) and pass an appropriate order on it.
- 7.3.4. In the case of full or partial exoneration of charges against an employee, such orders shall specify the amount of pay and allowances to be paid to the employee, if suspended during the period of enquiry on consideration of the representation.
- 7.3.5. No further appeal shall lie against the orders by the Council as in Bye-laws 7.3.3.
- 7.3.6. The Council may *suomoto* revise any order of punishment passed by the appointing authority and after obtaining the views of the Director on its findings of the review, pass an appropriate order on it.

VIII. Courses of study, specialized training and research at the Institute admission of students, trainers and research workers to the Institute award of certificates and diplomas:

[Under Clause 17(a)(3)(9)(10)]

- 8.1. The Director shall have the power to institute courses of study and facilities for specialized training and research at the Institute on the scheme having been approved by the Council.
 - 8.1.1. The Council may Institute studentship and fellowships on fixed monthly stipends at the institute and prescribe the terms and conditions subject to which such studentships/fellowships shall be awarded.
 - 8.1.2. The Director or the employee authorized by him shall have the authority-
 - i) To admit every year post graduate students, trainees and research workers in any branch of studies for training in which the Institute can provide specialized facilities.
 - ii) To prescribe the tenure and conditions of work of the students, trainees, research workers and

- iii) To prescribe from time to time fee payable by such students, trainees and research workers and in suitable cases to waive such fees or part thereof.

8.1.3. The senior most teacher within a Department including the constituent units shall act as the Head of the Department and exercise such powers as may be delegated by the Council, provided that if in a department the senior most teacher is of a rank below than that of an Associate Professor, the Director, shall act as the Head of the Department.

IX. Execution of Contracts and other Instruments on behalf of the Institute:

(Under Clause 17(a) (ii)]

9.1. All contracts by or on behalf of the Institute shall be executed by the Director and such other officers of the Institute as may be authorized by or on behalf of the Institute shall be executed by the Director and such other Officers.

Note: Changes as approved by EC / BOG are implemented as per instruction of ministry vide letter dated 12.06.2024 and draft of the amended version has been submitted to ministry for further action at their end.