

EXTRAORDINARY

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THE

JAMMU & KASHMIR OFFICIAL GAZETTE

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Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF CULTURE

Subject :—Registration of Jammu and Kashmir Academy of Art, Culture and Languages as society—notification of Memorandum of Association and Rules and Regulations thereof.

Reference :—Administrative Council Decision No. 28-04-2021 dated 10-03-2021.

Government Order No. 22 JK(Cul) of 2021

Dated 28-05-2021.

In supersession of SRO-340 dated 14th August, 1963, the Memorandum of Association and Rules and Regulations of Jammu

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2 The J&K Official Gazette, 16th June, 2021/26th Jyai., 1943. [No. 11-a
and Kashmir Academy of Art, Culture and Languages registered as
a society under Societies Registration Act, 1860 vide No. 7376-S.
forming Annexures A & B to this order, are hereby notified for
information.

By order of the Government of Jammu and Kashmir.

(Sd.) SARMAH HAFEEZ, IAS,

Secretary to the Government,
Department of Culture.

MEMORANDUM OF ASSOCIATION OF
JAMMU AND KASHMIR
ACADEMY OF ARTS, CULTURE AND LANGUAGES

1. **Name.**—The name of the Society shall be the “Jammu and Kashmir Academy of Arts, Culture and Languages”.

2. **Area of Operation.**—The Headquarters of the Society shall be at Lal Mandi, Srinagar and Camp Office at Canal Road, Jammu.

3. **Objectives.**—The objectives for which the Society is formed are,—

- (i) to promote cooperation among men of letters, artists, art, literary and cultural associations for holistic development of literature, art and culture in the Union Territory ;
- (ii) to publish and to promote publication of literature on art, culture and allied subjects including monographs, journals, dictionaries, and encyclopedias etc. ;
- (iii) to sponsor and/or organize cultural exchanges, mushairas, symposiums, seminars, lectures, meets, camps, conferences, exhibitions, film shows, music, dance and drama performances, and cultural festivals etc. on regional, all UT or all India basis ;
- (iv) to encourage and/or to arrange translations of literary works from one regional/national language into others and also from non-Indian into regional/national languages and *vice-versa* ;
- (v) to award prizes and distinctions and give recognition to individual writers and artists for outstanding work ;
- (vi) to promote cultural exchanges with Academies in other parts of the country and to establish relations with such organizations in the fields of letters, performing and fine arts ;
- (vii) to encourage and foster the revival of folk literature, art, music, dance, drama, and to assist individuals and/or institutions to engage in such revival or preservation ;

(viii) to give recognition and/or offer financial or technical assistance to approved literary, art, music, dance, drama or cultural institutions and associations ;

(ix) to secure grants, bequests and other donations ; to purchase land, own property of all kinds ; to mortgage, sell or otherwise dispose of the same ; and to deal with any property belonging to or vested in the Society in such manner as the Society may deem fit for the advancement of its objects and functions ; and

(x) to do all such other acts and things whether incidental to powers aforesaid or not as may be required in order to further its objects.

4. Authorities of the Society.—The following shall be the authorities of the Society :—

(i) General Council ;

(ii) Central Committee ;

(iii) Finance Committee ; and

(iv) Any other Committee or Committees which the General Council or the Central Committee may set up for discharging one or more of their functions.

5. Governing Body.—The occupations, addresses and designations of the present members of the Governing Body to whom the management of the Society is entrusted, as required under section 2 of the Societies Registration Act, 1860 are as follows :—

S. No.	Occupation	Address	Designation
1	2	3	4
1.	Hon'ble Lieutenant Governor	Raj Bhawan, J&K	President
2.	Administrative Secretary, Finance Deptt., Government of J&K	Civil Secretariat, J&K	Financial Advisor
3.	Administrative Secretary, School/Higher Education, Government of J&K	Civil Secretariat, J&K	Member

1	2	3	4
4.	Administrative Secretary, Tourism/Culture Department, Government of J&K	Civil Secretariat, J&K	Member
5.	Secretary, J&K Academy of Arts, Culture and Languages	Lal Mandi, Srinagar	Member- Secretary

6. **Desirous persons.**—We the undersigned are desirous of forming a Society namely the Jammu and Kashmir Academy of Arts, Culture and Languages under the Societies Registration Act, 1860 in pursuance to this Memorandum of Association of the Society :—

S. Occupation Address Designation
No.

1.	Hon'ble Lieutenant Governor	Raj Bhawan, J&K	President
2.	Administrative Secretary, Finance Deptt., Government of J&K	Civil Secretariat, J&K	Financial Advisor
3.	Administrative Secretary, School Education Department, Government of J&K	Civil Secretariat, J&K	Member
4.	Administrative Secretary, Higher Education Department, Government of J&K	Civil Secretariat, J&K	Member
5.	Administrative Secretary, Tourism Department, Government of J&K	Civil Secretariat, J&K	Member
6.	Administrative Secretary, Culture Department, Government of J&K	Civil Secretariat, J&K	Member
7.	Secretary, J&K Academy of Arts, Culture and Languages	Lal Mandi, Srinagar	Member- Secretary

Place : _____

Date : _____

RULES AND REGULATIONS OF
JAMMU AND KASHMIR
ACADEMY OF ARTS, CULTURE AND LANGUAGES

1. **Title.**—These Rules and Regulations may be called the Rules and Regulations of the Jammu and Kashmir Academy of Arts, Culture and Languages.

2. **Definitions.**—In these Rules and Regulations, also known as the “Rules” of the Society, the following words and expressions shall have the following meaning unless repugnant to the subject or context :—

- (a) ‘Act’ means the Societies Registration Act, 1860 ;
- (b) ‘Central Committee’ means the Executive Board/Governing Body of the Society ;
- (c) ‘Finance Committee’ means the Finance Committee of the Society ;
- (d) ‘Financial Advisor’ means the Financial Advisor of the Society ;
- (e) ‘General Council’ means the General Council of the Society ;
- (f) ‘Government’ means the Government of Jammu and Kashmir ;
- (g) ‘President’ means the President of the Society ;
- (h) ‘Member-Secretary’ means the Secretary of the Society ;
- (i) ‘Society’ means the Jammu and Kashmir Academy of Arts, Culture and Languages ;
- (j) Words and expressions used in these rules and not defined herein but defined in the Act shall have the same meaning as assigned to them in the Act.

3. **Officers of the Society.**—The following shall be the officers of the Society :—

- (i) President ;

(ii) Secretary ; and

(iii) Financial Adviser.

4. **President.**—The Lieutenant Governor of the Union Territory of Jammu and Kashmir shall be the President of the Society.

5. **Powers and functions.**—In order to ensure efficient administration of the Society, the President shall, *inter alia*, have the following powers and functions ; namely :—

- (i) to exercise all necessary administrative and financial powers in respect of the Society ;
- (ii) maintain control and supervision over the staff of the Society ;
- (iii) exercise all the powers of the appointing authority in respect of gazetted and non-gazetted staff ;
- (iv) call for reports from the Secretary and the Financial Adviser as per his discretion ;
- (v) preside over the meetings of the General Council and the Central Committee ;
- (vi) issue such instructions as he may consider necessary to the Secretary for the smooth functioning of the Society ;
- (vii) take decisions on behalf of the General Council or the Central Committee when circumstances so warrant subject to ratification by the respective authority at its next meeting ; and
- (viii) to set up Advisory Committees, on the recommendation of Secretary, for the purpose of facilitating various purposes of the Society.

6. **Secretary.**—(1) The Secretary shall be the Principal Executive Officer of the Society and he shall be appointed by the President on such terms and conditions as the Committee may from time to time determine :

Provided that the President may appoint any UT Civil Service Officer as Secretary of the Society till such time a regular Secretary is appointed by him as per the procedure laid down in sub-rule (1) above.

(2) The Secretary shall be the *ex officio* Secretary and Member-Secretary of the General Council, Central Committee, and the Finance Committee; and, unless otherwise specified, he shall be the Chairman of the other Committees or Sub-Committees which may be set up by the General Council or the Central Committee, as the case may be.

7. Tenure of appointment.—The tenure of appointment of the Secretary shall be for a period of 02 years extendable by 01 year in case of outstanding performance.

8. Powers and functions.—The Secretary shall have the following powers and functions namely :—

- (i) be the custodian of the records and such other property of the Society as the Central Committee may commit to his charge ;
- (ii) conduct the official correspondence on behalf of the authorities of the Society ;
- (iii) issue all notices convening meetings of the authorities of the Society and of all Committees or Sub-Committees appointed by any of these authorities ;
- (iv) keep the minutes of all meetings of the Authorities of the Society and of all the Committees and Sub-Committees appointed by these authorities ;
- (v) exercise all the powers, administrative and financial for the Society as are vested in the Major Head of Department of the Jammu and Kashmir Government ;
- (vi) select a reviewer or reviewers from the panel recommended by an Advisory Committee ;
- (vii) maintain and supervise the accounts of the Society to be operated upon by the Accounts Officer of the Society ;
- (viii) execute all contracts on behalf of the Society ;
- (ix) exercise such other powers as may be assigned to him by the President ;
- (x) order move of the Society as per requirement and/or as per Government directives ;

(xi) All orders, instruments, contracts and assurances for and on behalf of the Society shall be executed and signed by the Secretary or such other officer as may be specially empowered in that behalf by the President; and such execution and signature shall be deemed to be the proper authentication or execution of such order, instrument, contract or assurance, as the case may be ;

(xii) The President may delegate some additional powers to the Secretary, as he deems fit, for smooth functioning of the Society.

9. Financial Advisor.—The Finance Secretary of the Government of Jammu and Kashmir shall be the Financial Advisor of the Society.

10. Duties and functions.—The Financial Advisor shall have the following powers and functions namely :—

- (i) advise the Society on all matters relating to the management of the properties and investments of the Society, preparation of the annual estimates and statements of accounts and expenditure of funds for the purposes for which they have been granted or allotted ;
- (ii) to examine and scrutinize the budget of the Society prepared by the Secretary ;
- (iii) to consider all proposals for new expenditure ;
- (iv) to consider the audit report of the Society ;
- (v) to tender advice on all matters involving financial issues affecting the Society and, in particular, on those matters which are referred to him by the President, the Secretary, or any of the Authorities of the Society through Secretary, as the case may be.

11. Authorities of the Society.—The following shall be the authorities of the Society :—

- (i) General Council ;
- (ii) Central Committee ;
- (iii) Finance Committee ; and

(iv) Any other Committee or Committees which the General Council or the Central Committee may set up for discharging one or more of their functions.

12. General Council.—(1) The General Council shall consist of the following ; namely :—

- (i) President ;
- (ii) Minister or Advisor incharge of Culture Department ;
- (iii) Chief Secretary ;
- (iv) Principal Secretary to the Hon'ble Lieutenant Governor ;
- (v) Administrative Secretary, Finance Department ;
- (vi) Administrative Secretary, School Education Department ;
- (vii) Administrative Secretary, Higher Education Department ;
- (viii) Administrative Secretary, Tourism Department ;
- (ix) Administrative Secretary, Culture Department ;
- (x) Administrative Secretary, Information Department ;
- (xi) Administrative Secretary, Youth Services and Sports Department ;
- (xii) Administrative Secretary, Department of Law, Justice and Parliamentary Affairs ;
- (xiii) Secretary ;
- (xiv) Financial Adviser ;
- (xv) Seven persons nominated by the Central Committee from the following fields of whom four persons shall be from the field of literature and three from the fields of performing and fine Arts :—
 - a. Kashmiri ;
 - b. Dogri ;
 - c. Hindi ;

- d. Urdu ;
- e. Punjabi ;
- f. Pahari ;
- g. Gojri ;
- h. Painting and Plastic Arts ;
- i. Hindustani Music ;
- j. Sufiana Kalam ;
- k. Dance ;
- l. Kashmiri Folk Music ;
- m. Dogri Folk Music ;
- n. Drama ;
- o. Films and allied genre.

Explanation :—For the purpose of clause (xv), the nominees shall be eminent persons from their respective field/s and shall be nominated by the Central Committee from the panel of names recommended by any of the Society recognised private literary/artistic organisation/s, as the case may be.

(xvi) One representative each of the Boards of Studies of Jammu and Kashmir, Universities for Dogri and Kashmiri languages and shall be nominated by the Central Committee from the panel of names recommended by the respective University/Institution through the Administrative Secretary, Higher Education ;

(xvii) One representative each of the Boards of Studies of Jammu and Kashmir Universities for Music and other fine arts who shall be nominated by the Central Committee from the panel of names recommended by the respective University/Institution ;

(xviii) Two representatives from the Special Constituency constituted of persons who have been awarded the All India Sahitya Akademi Award, the Lalit Kala Akademi award, or Sangeet Natak Akademi Award to be nominated by the Central Committee from the panel of names recommended by the respective National Akademi. These names to be decided by Committee of Editors set up by the Member-Secretary.

(2) All members of the General Council shall continue to be such members for a period of five years :

Provided that the Government may by order provide that the General Council constituted under these rules shall continue for a shorter term with effect from such date as may be specified in the order.

13. Powers and Functions of the General Council.—The General Council shall have the following powers and functions namely :—

- (i) to nominate members of the Central Committee as provided under rule 16 (vi) ;
- (ii) to nominate one member to the Finance Committee under rule 20 (iii) ;
- (iii) to consider and approve programmes and specific projects proposed by the Central Committee ;
- (iv) to frame its regulations, bye-laws and rules of procedure ;
- (v) subject to the provisions of these rules, to do all other such acts as may be required for the maintenance of the organization and performance of the functions of the Society.

14. Meetings.—The General Council shall ordinarily meet once a year, alternately at Srinagar and at Jammu, at a place and date to be fixed by the President. A special meeting may, however, be called at any other time by the President either on its own motion or at the request of not less than one-third of the total number of members of the General Council.

15. Quorum.—One-third of the total members of the General Council shall constitute the quorum for any meeting of the General Council.

16. Central Committee.—(1) The Central Committee, which shall be the Executive Board and the Governing Body of the Society, shall consist of the following members namely :—

- (i) President ;
- (ii) Chief Secretary ;
- (iii) Secretary ;
- (iv) Financial Adviser ;
- (v) Four Government nominees comprising (a) Administrative Secretary, Education (b) Administrative Secretary, Culture ; and (c) Head, Faculty of Music and Fine Arts of the respective Universities of Kashmir/Jammu ;
- (vi) Two members to be nominated by the General Council ; and
- (vii) Four members to be co-opted by the Central Committee from among the members of the General Council nominated under rule 12 clauses (xv), (xvi), (xvii) and (xviii) :

Provided that, at the initial constitution of the Central Committee, the Government shall have the powers to constitute the first Central Committee in accordance with the conditions of these rules, so far as these conditions can be fulfilled but no action taken by the Central Committee shall be invalid merely because of non-fulfillment of certain conditions or defect in the constitution of the committee.

(2) All members of the Central Committee shall continue to be such members for a period of five years :

Provided that the Government may by order provide that the Central Committee constituted under this rule shall continue for a shorter term with effect from such date as may be specified in the order.

17. Powers and Functions of the Central Committee.—
The Central Committee shall have the following powers and functions namely :—

- (i) to exercise the executive authority of the Society in all matters of finance, administration and organization ;

- (ii) to consider and approve programmes and specific projects of the Society ;
- (iii) to create such posts as it may consider necessary for carrying out the work of the Society and to prescribe the terms and conditions of appointment for these posts ;
- (iv) subject to the budgetary limit, to grant financial assistance to organizations, institutions and individuals in furtherance of the objects of the Society ;
- (v) to nominate one representative on the Finance Committee under rule 20 (iv) ;
- (vi) The Central Committee may by resolution appoint sub-committees for such purposes and with such powers as the Committee may think fit with power to co-opt provided that in cases of emergency, the President shall have the power to appoint such sub-committees ;
- (vii) to make rules and bye-laws for the regulation of the procedure of the meetings of the Central Committee, the Finance Committee, and any other Committees or Sub-Committees, appointed in accordance with these rules and regulations and for carrying out the purposes of these rules and regulations ; and
- (viii) to institute various prizes and awards.

18. **Meetings.**—The Central Committee shall meet at least twice a year, alternately at Srinagar and at Jammu, however in certain circumstances, a special meeting of the Central Committee may be convened at any other time by the President at a place and on a date as directed by him.

19. **Quorum.**—One-third of the total members of the Central Committee shall form the quorum for any meeting of the Central Committee.

20. **Finance Committee.**—(1) The Finance Committee shall consist of the following five members namely :—

- (i) Financial Adviser ;
- (ii) One nominee of the Government of Jammu and Kashmir not necessarily from among the members of the General Council ;

- (iii) One representative of the General Council of the Society ;
- (iv) One nominee of the Central Committee from among its members ; and
- (v) The Secretary of the Society, who shall be the Member Secretary of the Finance Committee.

(2) The Financial Adviser shall be the Chairman of the Finance Committee.

21. Powers and functions of the Finance Committee.—The Finance Committee shall have the following powers and functions namely :—

- (i) The Finance Committee shall consider the budget estimates of the Society, make recommendations thereon to the Central Committee, and prescribe the limit for total expenditure to be incurred within a financial year ;
- (ii) The Finance Committee shall also consider and advise the Society on any matter or matters referred to it by the President or the Secretary of the Society, as the case may be ;
- (iii) The Finance Committee shall consider Society's proposals for creation and/or upgradation of various posts subject to budgetary provisions.

22. Advisory Sub-Committees.—(1) The Sub-Committee shall consist of not more than 5 members who shall be nominated by the Secretary.

(2) One-third of the total members of an Advisory Sub-Committee shall form the quorum for any meeting.

(3) The Sub-Committee shall submit its recommendations to the Secretary for approval.

23. Powers and functions.—The Advisory Sub-Committee shall have the following powers and functions namely to recommend to the Secretary :—

- (i) programmes of work relating to the purposes for which the Advisory Committee has been set up ;

- (ii) panels of reviewers to examine and review books, manuscripts etc., submitted for publication or grant of subsidy by the Society ;
- (iii) remuneration to be paid to the reviewers, writers, poets, artists, etc., for the work done and services rendered by them, and ;
- (iv) paintings, rare and old manuscripts, musical instruments and art objects, etc., for purchase by the Society and the price thereof.

24. Cessation, Removal and Termination of Membership.—

(1) A member of the General Council or of the Central Committee, as the case may be, shall cease to be member if he dies or becomes of unsound mind or is adjudged insolvent or is convicted of a criminal offence involving moral turpitude, or accepts a full-time appointment on the staff of the Society, or fails to attend three consecutive meetings of the General Council or of the Central Committee, as the case may be, without leave of the President.

(2) If any member or any authority of the Society acts in contravention of the objects of the Society or persistently does anything in any manner detrimental to the interests of the Society or is guilty of misconduct, he shall be liable for removal from the membership by a special resolution passed by two-thirds of the members of the Central Committee present and voting. In exceptional circumstances, the President shall be competent to exercise this power, which shall consequently be ratified by the Central Committee in its next meeting.

(3) Where a member of the General Council or of the Central Committee, as the case may be, has been appointed or nominated by reason of the office he holds, his membership shall terminate when he ceases to hold that office.

25. Casual Vacancies and proceedings not to abate by reason of defect.—(1) A casual vacancy in any of the authorities of the Society, shall be filled either by appointment or nomination, as the case may be, by the respective authority entitled to make such appointment or nomination ; and the term and office of a member so appointed or nominated shall continue only for the remainder of the term of the member in whose place he has been appointed or nominated.

(2) No act or proceeding of the council shall be deemed to be invalid by reason merely of the existence of any vacancy in, or any defect in the constitution of the council.

(3) The authorities of the Society shall function notwithstanding any vacancy therein, and all acts done in any meetings of the General Council, the Central Committee, or in a Committee or Sub-Committee, by any person acting as a member thereof shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of the General Council, the Central Committee, or any such Committee, Sub-Committee, or person, or that any of them was disqualified, be as valid as if the Council, the Central Committee, or every such Committee, Sub-Committee or person, as the case may be, had been duly appointed and as if every such person was qualified to be a member of the Council, the Central Committee or any Committee or Sub-Committee as the case may be.

26. **Audit.**—The accounts of the Society shall be audited by Independent Statutory Auditors, who shall be specifically appointed for the purpose and the same shall be submitted to the Financial Advisor.

27. **Miscellaneous.**—(1) In regard to all matters governing the service conditions, conduct and discipline of the employees of the Society, the provisions of the J&K Civil Service Regulations, J&K Employees (Conduct) rules, J&K Civil Services (Classification, Control and Appeal) Rules and other rules and orders applicable to the UT Civil Services in general shall apply. However, in matters not specifically covered under the UT civil service rules/regulations, the corresponding central civil service rule/regulation shall apply.

(2) If in the working of the Society or the implementation of these Rules, any doubt, dispute or difficulty arises regarding the interpretation of any rule, regulation or bye-law made thereunder, or any matter arising out of or relating to such interpretation of any matter not provided for in these rules, the same shall be referred to the President, whose decision thereon shall be final and binding.

(3) The same persons shall not be repeated as members of the various Committees for more than two consecutive terms; unless they are the nominees of the Government.

(4) The term of appointment of all the authorities of the Society shall be five calendar years commencing from the date appointed for the first meeting of the Central Committee and the expiration of the said period of five calendar years shall operate as dissolution of the authorities. During the interim period following the dissolution of the old authorities and the constitution of new ones, the President shall have the power to take all decisions for and on behalf of the authorities, when circumstances so warrant, subject to ratification by the respective authority at its next meeting.

28. Sue and be sued.—The Society may sue or be sued in the name of Secretary, J&K Academy of Arts, Culture and Languages.

29. Staff of the Academy.—(1) The Academy shall be provided staff for its smooth functioning.

(2) The number of posts, qualification for holding such posts and method of recruitment of staff of the Academy shall be such as may be prescribed by the Government from time to time.

30. Savings.—(1) All the assets and liabilities including books, films, periodicals, furniture, accounts, etc., of the Academy of Arts, Culture and Languages already established by the Government vide Notification SRO No. 340, dated 14th August, 1963, shall be deemed to be the assets and liabilities of the Society established under these rules.

(2) The Society shall be deemed to have been entrusted with the functions of the Corporate Body as provided vide Notification SRO No. 340, dated the 14th August, 1963 issued by the General Administration Department, Government of J&K with effect from the date it is registered under the Societies Registration Act, 1860.

(3) The officials and members of the staff of the Academy/Society already appointed by the Jammu and Kashmir Academy of Arts, Culture and Languages from time to time shall be deemed to have been appointed to their respective posts, on the same terms and conditions as they were originally appointed from time to time and shall be entitled to such benefits/ service conditions, if any, to which they would have been entitled.

31. Amendment.—The rules of the Society shall not be altered except by a resolution passed by a two-thirds majority of the members present at a meeting of the Central Committee convened for the purpose.

32. **Right of the Government.**—Notwithstanding anything contained in any of the above clauses of Memorandum of Association/General Rules and Regulations, the Government may, issue such directives, as it may deem fit, in regard to the financial matters, conduct of business and the functioning of the Society and in like manner may issue such directives. The Society shall give immediate effect to the directives so issued.