

THE CONSTITUTION OF JAMMU AND KASHMIR ACADEMY OF ART, CULTURE AND LANGUAGES

S. R. O. No. 340 Dated 14th August, 1963 and
Subsequent incorporations/amendments ending May, 1979

Whereas, in accordance with the provisions of section 146 of the Jammu and Kashmir Constitution, it is considered expedient to establish an Academy to foster and coordinate activities in the spheres of letters and languages, visual and plastic arts, music, dance and drama, and of culture generally, in the State of Jammu and Kashmir, and to promote through them all the cultural unity of the State, and of the State with the other States of the Country, it is hereby directed as follows:-

1. Name

A State Academy of Art and Culture, Letters and Languages, Music, Dance and Drama, to be called 'Jammu and Kashmir Academy of Arts, Culture and Languages', shall be established.

2. Headquarters

- i. The Headquarters of the Academy shall be at Srinagar, but the office of the Academy may be partly or wholly moved to Jammu during winter.
- ii. The Academy may, subject to the confirmation of the Government, open its regional or sub offices at any place in the State to cater for the special needs of the various regions.

3. Organisation and Aims and Objects:

a. The Academy shall be an autonomous corporate body; it shall have a perpetual seal; and it may sue and be sued in the name of the Secretary.

It shall have the following powers and functions, namely:-

- (i) to co-ordinate the activities of the district, regional and other organisations within the State in furtherance of its objects;

(ii) to co-operate with similar Union and State Academies and other institutions and associations in the other parts of India for the furtherance of its objects and for the development and enrichment of Indian Culture as a whole;

(iii) to encourage the exchange of ideas and enrichment of techniques between the different regions of the State, between the State and the other States of India, in the fields of activity relating to the objects of the Academy and for this purpose, to sponsor or organise cultural exchanges, mushairas, symposiums, seminars, lectures, meets, camps, conferences, exhibitions, film shows, music, dance and drama performances, and cultural festivals etc. on regional, all-State or all-India basis;

(iv) to promote cooperation among men of letters, artists, art, literary and cultural associations; and to encourage, whenever necessary, the establishment and development of such associations, and cultural centres, including theatre centres, studios, and clubs for the development of literature, art and culture in the State;

(v) (a) to publish, and to promote and assist publication of literature.

(i) in or about the languages mentioned in section 146 and the sixth schedule of the Jammu and Kashmir Constitution, including bibliographies, anthologies, dictionaries, etc.,

(ii) on art, including monographs, journals, art albums, etc.

(iii) on music, dance and drama, particularly of the State, including reference works, hand books of technical terms, etc.; and

b. to edit and publish rare and old manuscripts in Sanskrit, Arabic and Persian, in consultation with an expert; provided that the emphasis in these manuscripts is on the art, culture or literatures of Jammu and Kashmir State;

(vi) to encourage or to arrange and assist translations of literary works or works on art and culture from one of the Jammu and Kashmir State languages into another, from one of other Indian languages into another and also from non-Indian into any State or other Indian languages, and vice versa;

(vii) to award prizes, confer distinctions, grant stipends, allowances or other financial aid and to accord recognition to individual men of letters, artists etc. for high and significant achievements in the fields of art, language, letters, music, dance, drama and

culture generally , or to award stipends, allowances or other financial aid to their dependents in recognition of such achievements;

(viii) to encourage and promote study and research, particularly in the fields of language,literature, music, dance and drama, painting, sculpture and architecture, and applied arts; and, for this purpose, to institute fellowships, stipends and scholarships, and to establish reference and research libraries, museums, galleries of art, including applied arts and crafts, etc.;

(ix) to establish or to encourage the setting up of institutions providing training (i) in the art of theatre, stagecraft and production of plays; (ii) music, painting, sculpture, calligraphy etc., and (iii) to encourage the development of, amateur dramatic activity, children's theatre, the open air theatre and the rural theatre;

(x) to encourage and foster the revival of folk literature, art, music, dance, drama, including the organising of regional surveys and collection of word-hoards, classical and folk songs and tunes etc., and to assist individuals or institutions engage'. In such revival or preservation;

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

(xi) to take steps for construction of memorials and buildings and cultural centres in furtherance of the objects of the Academy;

(xiii) in furtherance of its objects and work, 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 Academy in such manner as the Academy may deem fit for the advancement of its objects and functions;

(xiv) to maintain a fund to which shall be credited

i) All moneys received from the State or Union Government, and

ii) All moneys received in any other manner or from any other sources, and

(xv) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be required in order to further the objects of the Academy.

4. The Patron of the Academy:

The Governor of Jammu and Kashmir shall be the Patron of the Academy.

5. Officers of the Academy:

The following shall be the officers of the Academy:-

1. The President,
2. The Vice-President,
3. The Secretary, and
4. The Financial Adviser.

6. President:

(a) The Chief Minister of the Jammu and Kashmir shall be the President of the Academy. He shall,

(b) (i) subject to the provision of article 16 and such policy directives as the General Council or the Central Committee may deem expedient, exercise all necessary administrative and financial powers for the effective functioning of the Academy;

(ii) exercise, in any emergency or when the matter is urgent and cannot be postponed till the next meeting of the Central Committee or the General Council, the powers of the Central Committee or the General Council, as the case may be, provided that the powers so exercised shall be brought to the notice of the Central Committee or the General Council at its next meeting;

(iii) maintain control and supervision over the staff of the Academy;

(iv) exercise all the powers of the appointing authority in respect of the Secretary, the Financial Adviser, and other senior staff not covered by article 8c (v);

(v) in his discretion, call for reports from the Secretary and the Financial Adviser;

(vi) the Chief Minister shall preside over the meetings of the General Council and the Central Committee;

(vii) order the move of the Academy office partly or wholly to Jammu during winter, and;

(viii) issue such instructions as he may consider necessary to the Vice-President and/or to the Secretary for the smooth functioning of the Academy.

7. Vice-President:

(i) The Vice - President shall be elected by the General Council of the Academy preferably from among its non-official members.

(ii) Subject to article 6b (viii), the Vice - President shall, in the absence of the President for whatsoever reason, exercise all the functions and powers of the President.

iii. The President may delegate to the Vice-President such powers with regard to the day to day administration of the Academy as he may deem necessary.

8. Secretary :

a. The Secretary shall be the principal executive officer of the Academy and shall be appointed by the President in consultation with the Government of Jammu and Kashmir. He shall hold office for such period and on such terms and conditions as the President may from time to time determine.

b. The Secretary shall, ex-officio, be the 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.

c. The Secretary shall

(i) be the custodian of the records and such other property of the Academy as the Central Committee may commit to his charge;

(ii) conduct the official correspondence on behalf of the authorities of the Academy;

(iii) issue all notices convening meetings of the authorities of the Academy 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 Academy and of all the committees and Sub-Committees appointed by these authorities;

- (v) exercise all the powers, administrative and financial for the Academy 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 under article 20 b(ii);
- (vii) maintain the accounts of the Academy, and operate upon the bank accounts of the Academy;
- (viii) execute all contracts approved by the Central Committee on behalf of the Academy; and
- (ix) exercise such other powers as may be assigned to him by the President.

9. All orders, instruments, contracts and assurance for and on behalf of the Academy shall be executed and signed by the Secretary or such other officers 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, instruments, contract or assurance, as the case may be.

10. Financial Advisor

(a) The Financial Advisor shall be appointed by the President in consultation with the Government of Jammu and Kashmir on such terms and conditions as he may determine from time to time:

(b) The Financial Advisor shall

i. generally advise the Academy on all matters relating to the management of the properties and investments of the Academy, 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. tender advice on all matters involving financial issues affecting the Academy and, in particular, on those matters which are referred to him by the President, the Secretary, or any of the Authorities of the Academy;

iii. subject to the general supervision and control of the President, be responsible for watching the utilisation of all moneys for the purpose for which they are granted or allotted; and

iv. exercise such others powers and functions as may be assigned to him by the President.

11. Authorities of the Academy :

The following shall be the authorities of the Academy:-

- (i) General Council,
- (ii) Central Committee.
- (iii) Finance Committee, and
- (iv) Such other Committees as may be declared by the Central Committee to be the authorities of the Academy.

12. General Council :

(a.) The General Council shall consist of the following:-

- (i) The President;
- (ii) The Minister incharge of Education or, if there is a Minister for Cultural Affairs,

the Minister for Cultural Affairs, (If the Chief Minister is the Education Minister in that case the Minister of State or the Deputy Minister incharge of Education will be a member);

- (iii) The Secretary;
- (iv) The Financial Adviser;
- (v) Six persons nominated by the Government of Jammu and Kashmir of whom one shall be from the Department of Information and one from the Department of Education;

(vi) One person to represent each of the following languages and arts :-

- a. Urdu.
- b. Hindi.
- c. Kashmiri.
- d. Dogri.
- e. Punjabi.
- f. Ladakhi.

g. Such other language or languages as may be specified in this behalf by the Academy; and

(h) Painting and Plastic Arts.

(i) Hindustani Music,

(j) Soofiana Kalam.

(k) Dance.

(l) Kashmiri Folk Music, (m) Dogri Folk Music, (n) Ladakhi Music, and

(o) Drama.

Provided that such representatives shall be nominated by the Central Committee who shall in so doing take into account the persons recommended by the literary ,art and cultural associations or organisations in the field of music, dance and drama etc. recognised by the Academy for the purpose, as provided in the rules made therefor.

vii) Two representatives each of the Boards of Studies of Jammu and Kashmir Universities for Dogri and Kashmiri; and

One representative each of the Boards of Studies of Jammu and Kashmir Universities for:-

- a. Music and other fine arts;
- b. Urdu, Hindi and Punjabi;
- c. Any other languages of the State which are recognised by the Academy for this purpose and for which such Boards of Studies exist in the University;

Nominated by the Central Committee from among the persons recommended by the University as provided in the rules made therefor;

viii. Two representatives from the Special Constituency constituted of persons who have been awarded:-

- a. the All India Sahitya Akademi Award, the Lalit Kala Akademi award, or Sangeet Natak Akademi Award;
- b. Robes of Honour from the State Academy; and
- c. Other distinctions, such as prizes from the Institutions or Akademies of other States recognised for the purpose by the State Academy:-

Nominated by the Central Committee as provided in the rules made therefor;

(ix) Not more than four persons selected in their individual capacity by the General Council; provided that the representation is assured of (a) one person with an adequate knowledge of Music (b) one person with an adequate knowledge of painting and Plastic art (c) one person with an adequate knowledge of Dance; and (d) one person with an adequate knowledge of Drama;

(x) The Representative in the State Legislative Council representing Culture and Languages.

Provided that, at the initial constitution of the General Council, the Jammu and Kashmir Government shall have the power to constitute the General Council in accordance with conditions of this article so far as these conditions can be fulfilled; but nothing done by the General Council shall be invalid on the ground that these conditions have not been fulfilled .

(b) All members of the General Council mentioned in articles 12, (v), (vi), (vii),(viii), and (ix) shall continue to be such members for a period of five years and shall be eligible for reappointment, provided that the Jammu and Kashmir Government may by order provide that the first General Council constituted under article 12 of this constitution 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 elect a Vice-President from among its members;
- (ii) to elect members of the Central Committee as provided under article 15 (vi);
- (iii) to elect members of the General Council in accordance with article 12 (ix);
- (iv) to elect one member to the Finance Committee under rule 18 (iii);
- (v) to consider important literary, cultural and arts organizations in the State for recognition on the basis of the recommendations of the Central Committee for the purpose of receiving assistance from the Academy;
- (vi) to consider and approve programmes and specific projects proposed by the Central Committee;
- (vii) to frame its regulations, byelaws and rules of procedure;
- (viii) To appoint auditors in consultation with the Government of Jammu and Kashmir;
- (ix) to approve the annual budget of the Academy drawn up by the Central Committee;
- (x) to elect, on the recommendations of the Central Committee;

a. Fellows of the Academy, and

b. Associate Fellows of the Academy;

Provided that the number of Fellows under (a) above shall at no time exceed ten, and of Associate Fellows, under (b) above shall not exceed twenty; and

(xi) subject to the provisions of these rules, to do all other such acts as may be required for the maintenance of the organisation and performance of" the functions of the Academy.

14. Meetings of the General Council :

(a) 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 or the Central Committee, either

on its own initiative or at the request of not less than two thirds of the total number of members of the General Council.

(b) One third of the total members of the General Council shall constitute the quorum at any meeting.

15. Central Committee :

(a) The Central Committee, which shall be the Executive Board and the Governing Body of the Academy, shall consist of the following members:-

(i) The President,

(ii) The Vice-President,

(iii) The Secretary,

(iv) The Financial Adviser,

(v) Three members nominated by the Government of Jammu and Kashmir from among their nominees on the General Council under article 12 (v),

(vi) Two members to be elected by the General Council and

(vii) Four members to be co-opted by the Central Committee from among the members of the General Council selected under article 12 clauses (vi), (vii), (viii). (ix), and (x)-

Provided that, at the initial constitution of the Central Committee after the coming into force of this Constitution of the Academy, the Jammu and Kashmir Government shall have the powers to constitute the Central Committee in accordance with the conditions of this article so far as these conditions can be fulfilled but no action taken by the Central Committee shall be invalid because the conditions have not been fulfilled.

(b) All members of the Central Committee mentioned in article 15 (v), (vi) and (vii) shall continue to be such members for a period of five years and shall be eligible for reappointment; provided that the Jammu and Kashmir Government may by order provide that the first Central Committee constituted under article 15 of this Constitution shall continue for a shorter term with effect from such date as may be specified in the order.

16. Powers and Functions :

The Central Committee shall have the following powers and functions, namely:-

- (i) to exercise the executive authority of the Academy in all matters of finance, administration and organization, subject to the policy directives of the General Council;
- (ii) to be responsible for the supervision and control of the work of the Academy and its officers;
- iii. to consider and prepare programmes of the Academy and specific projects for the consideration and approval of the General Council;
- (iv) to draw up the annual budget of the Academy, subject to the total financial limits prescribed by the Finance Committee, to be submitted for the approval of the General Council;
- (v) to approve the annual report and the accounts of the Academy for the consideration of the General Council;
- (vi) to consider and recommend to the General Council names of writers, poets, research scholars, artists, musicians, etc., for election as Fellows and Associate Fellows of the Academy;
- (vii) to create such posts as it may consider necessary for carrying on the work of the Academy and to prescribe the terms and conditions of appointment for these posts;
- (viii) to incur all expenditure subject to the provision in the approved budget;
- (ix) subject to the budgetary limit and the policy directive of the General Council, to grant financial assistance to organisations, institutions and individuals in furtherance of the objects of the Academy;
- (x) to elect one representative on the Finance Committee under article 18 (iv);
- (xi) to set up Advisory Sub-Committees for
 - a. Regional Languages of the State as a whole or for each one of them individual
ly,

- b. Urdu,
- c. Hindi,
- d. Painting and Plastic Arts,
- e. Classical Music,
- f. Folk Music,
- g. Dance and Drama; and

(xii) 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 the articles of this Constitution and for carrying out the purposes of this Constitution.

17. Meetings of the Central Committee :

a. The Central Committee shall meet at least twice a year, alternately at Srinagar and at Jammu; but a meeting of the Central Committee may be called at any other time by the President at a place and on a date to be fixed by him.

b. Five members of the Committee shall form the quorum for any meeting of the Central Committee.

18. Finance Committee :

(a) The Finance Committee shall consist of the following five members:-

(i) The Financial Adviser;

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

(iii) One member to be elected by the General Council from among its members;

(iv) one member to be elected by the Central Committee from among its members; and

(v) The Secretary of the Academy (Secretary).

(b) The Finance Committee shall elect one of its members, other than the Secretary, to be its Chairman.

19. Functions of the Finance Committee :

a. The Finance Committee shall consider the budget estimates of the Academy, make recommendations thereon to the Central Committee, and prescribe the limit for total expenditure within a financial year.

b. The Finance Committee shall also consider and advise the Academy on any matter or matters referred to it by the President or the Secretary of the Academy.

20. Advisory Sub-Committees :

(a) (i) An Advisory Sub-Committee, which may be set up under article 16(xi), shall not consist of more than five members;

(ii) it shall have the power to co-opt, if necessary, not more than two members; and

(iii) it shall be in office during the pleasure of the appointing authority.

(b) The Advisory Sub-Committees shall have the following functions and powers, namely, to recommend to the Central Committee:-

(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 Academy;

(iii) remuneration to be paid to the reviewers, writers, poets, artists, etc., for the work done and services rendered by them;

(iv) paintings, rare and old manuscripts, musical instruments and art objects, etc., for purchase by the Academy and the price thereof; and

(v) the institution of various prizes and awards;

Provided that where powers have been expressly or by implication, delegated to the President or to the Secretary by the General Council or the Central Committee, it shall not be necessary for the Advisory Sub-Committees to tender advice or to make recommendations.

(c) The functions of the Board of Editors existing at the time of the coming into force of the Constitution shall be taken over by the Advisory Sub-Committees for the respective languages.

(d)(i) The Advisory Sub-Committees shall, unless otherwise specified by the Central Committee, elect their own Chairman for each meeting from among the members present in that meeting provided that the Secretary, whenever present, shall act as the Chairman.

(ii) The officers-in-charge of the various subjects in the Academy to be nominated by the Secretary in his discretion, shall act as the Secretaries of the Advisory Sub-Committees; and

(iii) Three members of an Advisory Sub-Committee shall form the quorum for any meeting.

21. Where a member of the General Council or of the Central Committee has been appointed or nominated by reason of the office he holds, his membership shall terminate when he ceases to hold that office.

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

Provided that the President may exempt any member on the staff of the Academy from the bar relating to the full-time appointment referred to herein.

23. (i) A member of the Academy may resign his membership by a letter addressed to the Secretary and his resignation shall take effect from the date it is accepted by the President.

(ii) The Secretary may resign his office by a letter addressed to the President, and his resignation shall take effect from the date it is accepted by the President.

24. A casual vacancy in any of the authorities of the Academy mentioned in article 11, 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

25 The authorities of the Academy mentioned in article 11 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 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. Each member of the various authorities of the Academy under article 11, and of the Advisory Sub-Committees and other Committees formed by them under articles 16 (xi), including the person presiding over the meeting, shall have one vote; but in case of equality of votes on any question to be determined, the person presiding shall, in addition, have and exercise a casting vote; and all decisions shall be by a majority of votes. The rulings of the person presiding on any point of order and decision as to the results of the voting shall be final and conclusive

27. Where the President is of the opinion that any business which it may be necessary for the General Council and/or the Central Committee to transact, may be carried out by circulation among its members, he may order that a resolution embodying this business be circulated among the members of the General Council or the Central Committee, as the case be. A resolution so circulated and approved by the President shall be effectual and binding as if such a resolution had been passed by a meeting of the General Council or the Central Committee.

28. Audit and Accounts

I. The Academy shall cause regular accounts to be kept of all its money and properties in respect of the affairs of the Academy in such form as may be prescribed in consultation with the Audit Officer.

ii. The accounts of the Academy shall be audited by the Comptroller and Auditor General of or any other person appointed by him in this behalf at such intervals as may be prescribed by him.

iii. The Comptroller and Auditor General or any other person appointed by him in connection with the audit of the accounts of the Academy shall have the same rights and privileges and authority in connection with such audit as Comptroller and Auditor General has in connection with the audit of the Government accounts and in particular shall have the right to demand the production of book accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Academy.

iv. The account as certified by the Auditor together with the audit report thereon shall be forwarded to the State Government and the Government shall cause the same to be laid before the Legislature.

29. The Secretary, Officers, and Members of the staff, already appointed before the commencement of the Constitution shall be deemed to have been appointed to their respective posts by the competent authority under this Constitution.

29 –A In regard to all matters governing the service conditions, conduct and discipline of the employees of the Academy, whether they were appointed when it was a Government Department or thereafter, the provisions of the Jammu and Kashmir Civil Service Regulations, the Jammu and Kashmir Government Employees (Conduct) rules, 1971, the Jammu and Kashmir Civil Service (Classification, Control and Appeal) Rules, 1956 and other rules and orders applicable to the State Civil Services in general shall apply.

30. If in the working of the Academy or the implementation of these Articles any doubt, dispute or difficulty arises regarding the interpretation of any Article or rule, regulation or byelaw made thereunder, or any matter arising out of or relating to such interpretation of any matter not provided for in this Constitution, the same shall be referred to the President whose decision thereon shall be final and conclusive.

31. If any member or any authority of the Academy acts in contravention of the objects of the Academy or persistently does anything in any manner detrimental to the interests of the Academy 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.

32. All the assets and liabilities including books, films, periodicals, furniture, accounts, etc., of the Academy of Arts, Culture and Languages already established by the Sadar-

i-Riyasat under order No. 4-SR/58 dated 7th July 1958, shall be deemed to be the assets and liabilities of the Academy established under this Constitution.

33. Same persons shall not be repeated as members of the various Committees for more than two consecutive terms; unless of course they are the nominees of the Government

34. The term of appointment of all the authorities of the Academy 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.