

INDIAN MUSEUM RULES

Published in Part II, Section 3, Sub-Section (ii) of the

GAZETTE OF INDIA

Ministry of Education and Youth Services

New Delhi dated 31st March, 1970

(Read with amendments of 1982 as annexed)

NOTIFICATION

G. S. R. No. 622. In exercise of the powers conferred by Section 15A of the Indian Museum Act, 1910 (10 of 1910) and in consultation with the Trustees of the Indian Museum, Calcutta, and the Central Government hereby makes the following rules namely :—

- (1) These Rules may be called the Indian Museum Rules, 1970.
- (2) They shall come into force at once.

Short title and
commence-
ment

In these rules, unless the context otherwise requires ;

Definitions

- (a) "Act" means the Indian Museum Act, 1910 (10 of 1910) ;
- (b) "Government" means the Central Government ;
- (c) "Museum" means the Indian Museum, Calcutta ;
- (d) "Trustees" means the Trustees of the Indian Museum, Calcutta, as constituted under Sub-section (i) of Section 2 of the Act.

The posts in the Museum shall be classified into the following categories, namely :—

Classification
of posts

- (i) *Class I :*
Posts carrying a pay or scale of pay with a maximum of not less than Rs. 1300/-.
- (ii) *Class II :*
Posts carrying a pay or a scale of pay with a maximum of less than Rs. 1300/- but not less than Rs. 900/-.
- (iii) *Class III :*
Posts carrying a pay or a scale of pay with a maximum of less than Rs. 900/- but not less than Rs. 260/-.
- (iv) *Class IV :*
Posts carrying a pay or a scale of pay with a maximum of less than Rs. 260/-.

With the previous sanction of the Government and subject to such conditions as may be imposed by it, the Trustees may create such posts as may be necessary for the care or maintenance of the Museum and may fix or alter the scales of pay or such posts and may reclassify such posts.

Creation of
of posts

- (1) Recruitment to all posts in the Museum shall be made—
 - (a) by direct recruitment—by advertisement or through the Employment Exchange or both or
 - (b) by promotion ; or
 - (c) by transfer, on loan or otherwise from other Government or semi-Government or Statutory bodies :

Appointment

Provided that a proportion of vacancies may be reserved for the members of the Scheduled Castes and the Scheduled Tribes in accordance with instructions governing special representation or the Scheduled Tribes in Services issued by the Central Government from time to time.

- (2) Appointments to all posts shall be made on the recommendation of the Selection Committee consisting of—
- (a) *in the case of Class I posts :*
 - (i) Chairman, Board of Trustees of the Indian Museum ;
 - (ii) a member nominated by the Trustees from amongst themselves ;
 - (iii) the Director, Indian Museum ;
 - (iv) one expert in the branch of knowledge to which the post pertains ;
 - (b) *in the case of Class II posts :*
 - (i) the Honorary Secretary to the Board of Trustees of the Indian Museum ;
 - (ii) the Director, Indian Museum ;
 - (iii) a member nominated by the Trustees ;
 - (iv) an expert in the branch of knowledge to which the post pertains ;
 - (v) a representative of the Government of India. If so desired by the Government of India ;
 - (c) *in the case of Class III posts :*
 - (i) the Honorary Secretary to the Board of Trustees of the Indian Museum ;
 - (ii) the Director, Indian Museum ;
 - (iii) a person nominated by the Secretary to the Government of India in the Ministry-in-Charge of matters relating to the Indian Museum ;
 - (iv) one expert to be associated as a co-opted member whenever considered necessary ;
 - (v) a member nominated by the Trustees ;
 - (d) *in the case of Class IV posts :*
 - (i) the Director, Indian Museum ;
 - (ii) one senior Officer of the Indian Museum.
- (3) For all posts in the Indian Museum, Central Government shall make recruitment rules setting out the qualifications prescribed for each post, the method of recruitment and in the case of promotion, the persons who shall be eligible for promotion and the percentage of vacancies reserved for recruitment by each of the methods specified in sub-rule (i) ; and all such recruitment rules shall be published in the Gazette of India.
- (4) In regard to posts reserved for departmental promotion, recourse shall be had to direct recruitment or appointment by transfer of an employee from another organisation only if the Trustees certify that none of the candidates eligible for promotion is suitable.
- (5) Recruitment to all posts in the Museum shall be made subject to the production of a medical certificate of physical fitness in accordance with such standards as may be laid down by the Trustees and subject to verification of the character and antecedents

of the persons concerned, except in such cases where the Trustees consider an relaxation necessary.

Every person appointed to a post in the Museum after the commencement of these rules, whether by promotion or by direct recruitment, shall be on probation for a period of one year :

Provided that the Trustees may, in any individual case, extend the period of probation upto a period not exceeding two years.

**Termination
of Service**

- (1) The services of temporary employees may be terminated by the Trustees without assigning any reason—
 - (i) during the period of probation following the first appointment, at any time without notice ; and
 - (ii) after such period of probation, at any time by giving him notice of not less than one month in writing or at any time without notice on payment of one month's pay or where such notice falls short of one month, by paying the salary for the period by which it falls short of one month.
- (2) Without prejudice to the provisions or sub-rule (1), the services of temporary employees may be terminated by the Trustees—
 - (i) if his appointment is made for a specified period, or
 - (ii) if his appointment is made against a temporary post, on the abolition of the post or on the expiry of the period for which the post is created.
- (3) The service of a permanent employee may, if the post to which he is substantively appointed is abolished, be terminated by the Trustees by giving him notice of not less than three months in writing or on payment of pay for such period as the notice falls short of three months or without notice on payment of three month's pay.
- (4) An employee who is given notice of termination of service under sub-rule (1) or sub-rule (3) may be granted during the period of notice such earned leave as may be admissible to him and where leave is so granted, his service shall be terminated on the expiry of the period of notice or of leave, whichever is later.
- (5) A Permanent employee may, by giving notice of not less than three months to the Trustees, resign from the services of the Board.

Retirement

- (1) (a) Except as otherwise provided in this rule, every employee of the Museum other than a Class IV employee shall retire on the day he attains the age of fifty-eight years.
 - (b) An employee to whom clause (a) applies may be granted extension of service after he attains the age of fifty-eight years with the sanction of the Trustees if such extension is in the public interest and the grounds therefore are recorded in writing :

Provided that no extension under this clause shall be granted beyond sixty years and such an extension shall not be granted for any period exceeding one year at a time.
- (2) Notwithstanding anything contained in this rule, the Trustees may, if they are of the opinion that it is in the public interest so to do retire an employee to whom clause (a) of sub-rule (1) applies after he has attained the age of fifty-five years by giving him notice of not less than three months in writing.

(3) Any employee to whom clause (a) of sub-rule (1) applies may by giving notice of not less than three months in writing to the Trustees, retire from service after he has attained the age of fifty-five years.

(4) Every Class IV employee shall retire on the day he attains the age of sixty years.

Re-employ-
ment

Where the Trustees are of the opinion that it is necessary in the public interest, or in the interest of the Museum, so to do, they may, subject to such terms and conditions as they may determine, re-employ a person who has retired by virtue of the provisions of rule 8 :

Provided that any person so re-employed shall cease to hold the post to which he has been appointed on his attaining the age of sixty-two years.

Suspension
& Penalties

(1) (a) The Trustees may place an employee under suspension—

(i) where a disciplinary proceeding against him is contemplated or is pending ; or

(ii) where a case against him in respect of any criminal offence is under investigation or trial.

(b) An employee who is detained in custody, whether on a criminal charge or otherwise for a period exceeding forty-eight hours, shall be deemed to have been suspended with effect from the date of his detention, by an order of the Trustees and shall remain under suspension until further orders.

(c) An order of suspension made or deemed to be under this rule may at any time be revoked by the Trustees.

(2) The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on an employee—

(i) ensure ;

(ii) withholding of increments or promotion ;

(iii) recovery from pay of the whole or part of any pecuniary loss caused to the Museum by negligence or breach of the rules or bye-laws of the Museum or directions of superior authorities ;

(iv) reduction to a lower post or a lower time-scale or to a lower-stage in a time-scale ;

(v) compulsory retirement ; and

(vi) dismissal from service.

(3) No order imposing any penalty on an employee shall be passed, except after—

(a) the employee is informed in writing of the proposal to take action against him and the allegations on which such action is proposed to be taken and is given an opportunity to make any representation he may wish to make ; and

(b) such representation, if any, is taken into consideration by the Trustees.

(4) (a) Where an order of suspension if made of a disciplinary proceeding is commenced against a borrowed employee, the lending authority shall forthwith be informed of the circumstances leading to the order of suspension or as the case may be, the commencement of the disciplinary proceeding ;

(b) In the light of the finding in the disciplinary proceeding taken against such an employee—

- (i) if the Trustees are of the opinion that any of the penalties specified in clauses (iv) to (vi) of sub-rule (2) should be imposed on him, they shall replace him service at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it may deem necessary ;
- (ii) if the Trustees are of the opinion that any other penalty should be imposed on him, they may after consultation with the lending authority, pass such orders on the case as they may deem necessary :

Provided that, in the event of a difference of opinion between the lending authority and the Trustees the services of the employee shall be replaced at the disposal of the lending authority.

- (5) An employee may appeal against an order of suspension or an order imposing upon him any of the penalties specified in sub-rule (2) to the authority specified in this behalf in the Schedule annexed to these rules.
- (6) No appeal referred under these rules shall be entertained unless such appeal is preferred within a period of forty-five days from the date of which a copy of the order appealed against is delivered to the appellant :

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

The whole time of an employee of the Museum shall be at the disposal of the Trustees and he may be employed in any manner required by the Trustees without claim for additional remuneration.

Whole-time
employment

- (1) Every person holding a post in the Museum immediately before the commencement of these rules shall, on such commencement, be deemed to have been appointed under the provisions of these rules to the corresponding post and shall draw the pay drawn by him immediately before such commencement—

Provisions
for opinion

Provided that such person shall have the option either to select the service conditions as laid down in these rules or to retain the service conditions applicable to him immediately before such commencement, subject, however, to the condition that such option shall be exercised within three months from the date of commencement of these rules.

- (2) The option once exercised under the provision to sub-rule (1) shall be final and shall be recorded in the Service Book maintained under rule 14 of the employee concerned.

- (1) The Trustees shall maintain a Service Book and a Character Roll in respect of each employee, in such form and setting out such particulars as may be prescribed by them :

Service
Books &
Character
Rolls

Provided that the form of Service Book shall be determined in consultation with the Accountant-General, West Bengal.

- (2) The entries in the Service Book of an employee shall be made by the Trustees or caused to be made by the Trustees by such authority as may be specified by them in this behalf.
- (3) The entries in the Character Roll of an employee shall be made by the authority to whom such employee is immediately subordinate and shall be countersigned by the next higher authority with his remarks.

Provided that—

- (i) where the authority to which an employee is immediately subordinate is the Trustees, the entries in the Character Roll of the employee shall be made by the Chairman of the Trustees and no countersignature shall be necessary ; and
- (ii) where such next higher authority is the Trustees, the Character Roll shall be countersigned by the Chairman of the Trustees.

Power to relax

Notwithstanding anything contained in these rules, the Government may, on its own motion or on the recommendations of the Trustees, relax any of the provisions of these rules if it is satisfied that it is necessary so to do in the interest of the Museum or in the public interest or in order to relieve any employee of the Museum from any hardship of financial loss arising from the operation of such provision.

Interpretation

Where any question arises as to whether any authority of the Museum is superior to any other authority or as to the interpretation or application of any of the provisions of these rules, the question shall be referred to the Government for decision.

Delegation of powers

The Trustees may by order in writing, delegate any of their powers under these rules to the officer-in-charge of the Museum or at any other officer in their employment, subject to such conditions as they may specify and any function performed or act done or deemed to have been performed or done by such officer in the exercise of powers so delegated to him shall be deemed to have been done in the exercise of powers of the Trustees.

Fund of the Trustees

- (1) The Trustees shall maintain a Fund to which shall be credited—
 - (a) all moneys paid by the Government ;
 - (b) all fees and other charges levied by the Trustees ;
 - (c) all moneys received by the Trustees by way of grant, gift, donation, benefaction, bequest, subscription, contribution or transfer ;
 - (d) all other moneys received by the Trustees in any other manner or from any other source.
- (2) The Trustees may expend such sums as they think fit for performing their functions under the Act and these rules and such sums shall be treated as expenditure payable out of the Fund.
- (3) A sum of money not exceeding such amount as may be determined by the Trustees may be kept in current account with any Scheduled Bank as defined in Section 2 of the Reserve Bank of India Act, 1934 (2 of 1934) or any other Bank approved by the Government in this behalf, but any money in excess of that sum shall be deposited in the Reserve Bank of India or invested in such manner as may be approved by the Trustees.

Accounts

- (1) The Trustees shall ordinarily cause—
 - (i) to prepare bills for all items of expenditure ;
 - (ii) to compile the monthly and annual accounts ;
 - (iii) to maintain all accounts and to do all other matters pertaining thereto.
- (2) Accounts shall be maintained in a separate register in the prescribed form in respect of each of the following items—
 - (i) cash ;
 - (ii) subscriptions ;

- (iii) maintenance grant of the Central Govt.;
 - (iv) grant of the Central Government for development of the Museum;
 - (v) grants from State Governments ;
 - (vi) contributions from other sources ;
 - (vii) other receipts, such as sales of publications ;
 - (viii) pay of officers and establishment ;
 - (ix) travelling and other allowances ;
 - (x) bills ;
 - (xi) other charges, such as contingencies, leave-salaries and pensions ;
 - (xii) General Provident Fund accounts of employees ;
 - (xiii) security and other capital investments ;
 - (xiv) stock of all collections vested in the Trustees ;
 - (xv) stock of cheque books ;
 - (xvi) stock of receipt books ;
 - (xvii) stock of furniture and office equipment ;
 - (xviii) stock of stationery ;
 - (xix) stock of publications ;
 - (xx) library accession register ;
 - (xxi) miscellaneous stocks ;
 - (xxii) other forms prescribed from time to time by the Trustees or the Government.
- (3) (a) The accounts of the transactions for each month shall be compiled or caused to be compiled by the Trustees in a monthly abstract of receipts and payments under the prescribed heads of accounts.
- (b) The monthly abstract shall show the figure for the current month as well as progressive totals to the end of the month.
- (c) the monthly abstract shall be submitted monthly to the Trustees or such authority as may be designated by them in this behalf for review.
- (4) (a) The Trustees shall conduct or cause to be conducted by persons working directly under them a check of the nature of pre-audit to all payments from the Trust Fund and shall maintain a book in which shall be entered all observations and objections which might be raised against all items of expenditure.
- (b) Such book shall be submitted to the Trustees or the authorities designated by them in this behalf who shall record their orders against all items of expenditure under objection ; and
- (c) Payment on such items shall be made only if the orders so recorded permit such payments.
- (5) As soon as practicable after the accounts for an year are closed, but not later than the end of June, the Trustees shall cause to be compiled annual accounts for the preceding year, of the Trust Fund showing—
- (i) receipts and payment ;
 - (ii) income and expenditure ; and
 - (iii) balance sheet.

Custody and administration of collections not belonging to the Trustees

- (1) The Trustees shall not accept any object as gift or on loan unless they are satisfied that the object is worthy of display in the Museum.
- (2) The Trustees shall not accept any object as gift or on loan, the maintenance of which entails expenditure, except with the previous permissions of the Government.
- (3) At the time of acceptance of any object on loan for display in the Museum or of a gift, the Trustees shall maintain a record in writing as to the nature and condition of the object so received.
- (4) The right of reproduction, copying or making replicas of any object in the collections referred to in section 14 of the Act shall, so long as the collections remain in the Museum, vest in the Trustees.
- (5) The Trustees, may, subject to such reservations as they made deem fit, display objects in the collections of the Museum.
- (6) The Trustees shall not be responsible for any damage done to such collection in the normal course or due to some unforeseen happening (like fire, war and floods), and no claim for damages or compensation shall lie against the Trustees for such damage.

Transfer of possession of property

Where in the pursuance of the powers conferred on the Trustees by Section 7 of the Act, it is proposed to deliver possession of any duplicate of an article contained in any collection vested in them, by way of presentation to any other Museum or by way of sale or exchange to any other person, it shall be necessary to obtain the consent in writing of the Trustees for such delivery of possession :

Provided that no such consent shall be given except by a resolution passed by a majority of not less than two thirds of the Trustees present and voting at a meeting at which three-fourths of the total number of Trustees are present.

(F. 2-1/61-C.3(CAI 5)

Sd/- A. S. Talwar
Under Secretary

ANNEXURE

THE SCHEDULE

Designation of post and/or Class	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in sub-rule 2)		Appellate Authority
		Authority	Penalty	
Class—I	Trustees	Trustees	All	President of India
Class—II	Chairman	Chairman	All	Trustees
Class—III	Honorary Secretary	Honorary Secretary	All	Chairman
Class—IV	Honorary Secretary	Director	All	Honorary Secretary

(AMENDMENTS)

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GAZETTE OF INDIA

Ministry of Education & Culture
(Department of Culture)

New Delhi, dated the 1982

NOTIFICATION

G.S.R. No. 622. In exercise of the powers conferred by Section 15A of the Indian Museum Act, 1910 (10 of 1910) and in consultation with the Trustees of the Indian Museum, Calcutta, the Central Government hereby makes the following rules further to amend the Indian Museum Rules, 1970 namely :—

1. (1) These Rules may be called the Indian Museum (Amendment) Rules, 1982.
- (2) They shall come into force on the date of their publication in the Official Gazette.

In the Indian Museum Rules, 1970—

2. (1) in sub-rule (2) of rule 5—
 - (i) in clause (b)—
 - (a) item (i) shall be omitted ;
 - (b) in item (iii), for the words "a member", the words "two members" shall be substituted ;
 - (ii) in clause (c)—
 - (a) item (i) shall be omitted ;
 - (b) in item (v), for the words "a member", the words "two members" shall be substituted.
- (2) in the Schedule—
 - (i) against the entries relating to "Class III", for the words "Honorary Secretary" at both the places where they occur the word "Director" shall be substituted ;
 - (ii) against the entries relating to "Class IV"—
 - (a) under the heading "Appointing Authority" for the words "Honorary Secretary", the word "Director" shall be substituted.
 - (b) under the heading "Appellate Authority" for the words, "Honorary Secretary", the word "Chairman" shall be substituted.

No. F. 12-7/81-C.H. 5

(T. N. Bajpai)
Under Secretary