

**ARTICLES OF ASSOCIATION
OF
TIBETAN CHILDREN'S EDUCATIONAL & WELFARE FUND
(Under H.P.Society Registration Act, 2006)**

1. Name of the Society:

Tibetan Children's Educational & Welfare Fund

2. Registered Office:

Tibetan Children's Educational & Welfare Fund, Central Tibetan Administration, Gangchen Kyishong, Dharamsala - 176215, Distt Kangra, Himachal Pradesh, India

3. Area of Operation:

The area of operation of the said society shall be in district Kangra

4. Short Title:

These Articles of Association may be called the "RULES" of the Tibetan Children's Educational & Welfare Fund.

5. Definitions:

In these Rules unless the context otherwise requires:

- (i) "Governing Body shall mean the Body which is constituted under Rule 7 of the Articles of Association.
- (ii) "Chairman" means the Chairman of the Governing Body of the Tibetan Children's Educational & Welfare Fund.
- (iii) "Secretary" means the Secretary of the Governing Body of the Tibetan Children's Educational & Welfare Fund.
- (iv) "Officers and Staff" shall mean every office mentioned in Rule 11 and every officer and member of the staff appointed by the Governing Body to any office in the Tibetan Children's Educational & Welfare Fund, or institution under the control of the Tibetan Children's Educational & Welfare Fund.
- (v) "Committee or Sub-Committee" shall mean any Committee set up by the Governing Body to assist the Governing Body in the furtherance of its objects.
- (vi) "Homes" means the homes and other institutions established by the Tibetan Children's Educational & Welfare Fund.
- (vii) Words importing the masculine gender also include the feminine gender.

6. MEMBERSHIP:

A. Types of Member:-

- (i) Ex-Officio Members
- (ii) Nominated Members

B. Admission:- No person shall be admitted to membership of the society except the following:-

- (i) An individual competent to contract under section 11 of Indian Contract Act, 1872 (9 of 1872).
- (ii) Such class or classes of persons or associations of persons as may be specified by the society.

C. Members:- The present governing body members of the Tibetan Children's Educational & Welfare Fund shall be:-

- (i) Kalon, Department of Education, CTA **Chairman, Ex-Officio**
- (ii) Secretary, Department of Education, CTA **Executive Secretary, Ex-Officio**

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| (iii) | Secretary, Department of Home, CTA | Member, Ex-Officio |
| (iv) | Secretary, Department of Finance, CTA | Member, Ex-Officio |
| (v) | Secretary, Department of Health, CTA | Member, Ex-Officio |
| (vi) | Additional Secretary, Department of Education, CTA | Member, Ex-Officio |
| (vii) | Nominated member | |
| (viii) | Nominated member | |

D. The tenure of the members:-

- (i) The ex-officio members of the Governing Body shall remain as long as he holds the post by which the person becomes the member. As soon as the person relinquishes the post he ceases to be the member of the Governing Body and the new incumbent shall become automatically member of the Governing Body.
- (ii) The nominated members shall remain members for 3 years from the date of nomination. But they can be re-nominated for any number of times.

E. Re-admission of the Member:-

Any member either expelled or removed by the Governing Body can be readmitted provided that the member concerned pays all dues up to date of such re-admission and any penalty imposed upon him by the Governing Body. The application for re-admission shall be submitted to the Chairman of the Governing Body who may re-admit member and his decision shall be final subject to the approval of the Governing Body.

F. Register of Member:-

The Tibetan Children's Educational & Welfare Fund shall maintain at its registered office or operating office a register of its members and shall record therein within fifteen days the admission, removal, expulsion, and cessation of its membership. The following particulars may be mentioned therein:-

- (i) Name, Address, Age and Occupation of the member
- (ii) Names of proposer & seconders & date and amount of admission fee paid.
- (iii) The date on which the member has been admitted.
- (iv) The specimen signature of the members.
- (v) The date on which the member has been removed, expelled or ceased to be the member and date of readmission.
- (vi) Any other particulars from time to time may also be included therein as decided by the Governing Body. Provided further that all conditions imposed by the H.P Societies Registration Act, 2006 shall be complied with by the Society.
- (vii) If a member of the society changes his address, he shall notify his new address to the Chairman, who shall there upon enter his new address in the Roll of Members. But if he fails to notify his new address, the address in the Roll of the members shall be deemed to be his address.

G. Rights and Duties of the Members:-

All and every member of the society shall:-

- (i) Have one vote in every meeting of the General Body.
- (ii) Be entitled to participate in the meetings, functions and gatherings of the Society.
- (iii) Inspect the books of account containing minutes of proceedings of general meeting the register of members of society on any working day by giving reasonable notice but shall have no right to take extracts/notes of the same.
- (iv) Be bound by the rules and regulations, bye-laws, instructions, directions and policy guideline which may be framed from time to time.
- (v) Remain loyal to the Society and its Governing Body and the General Body

- (vi) Have right to take part in the election of the members of the Governing Body of the Society.

H. Cessation of Membership:-

- (a) A member ceases to be a member of the society, if he/she:-
 - (i) dies or become unsound mind, or declared as bankrupt.
 - (ii) is convicted by any court of law for any offence involving dishonesty or moral turpitude.
 - (iii) willingly resigns from the membership (by a letter of resignation addressed to Chairman). Or
 - (iv) fails to attend three consecutive meetings of the general body of the society without leave of absence.
- (v) A member can be expelled from the membership of the society by the Chairman on the advice of governing body subject to the subsequent approval of its general body for carrying out activities prejudicial to the interest of the society or harm/defame the reputation of the society after affording him/her opportunity of being heard.
- (vi) A member who has not paid full subscription or prescribed shall have no right to vote in the Governing Body/General Body of the society till such subscription are paid in full.

7. THE LIABILITY OF MEMBERS TO FINE AND FORFEITURES UNDER CERTAIN CIRCUMSTANCES:

Any member of the registered society, who steal, purloin, embezzle any money or other properties, or willfully and maliciously destroy or injure any property of the Society, or forge any deed, bond, security for money receipts or otherwise, or other instruments, whereby the funds of the Society may be exposed to loss or indulge in any unlawful activity shall be subjected to the same prosecution as any other person who is not the Member of Society and shall be punished under the Indian Penal Code and also shall be liable to indemnify the Society to the extent of loss sustained by it and other liabilities and persecutions as laid down under the provision of **Section 25** of the H.P. Societies Registration Act, 2006.

Whenever any bye-laws duly made in accordance with the provisions of regulations made thereunder of the Society, any pecuniary penalty is imposed for the breach of any regulations or by-laws of the Society, such penalty, when accrued, may be recovered in any Court of law having proper jurisdiction which is situated where the defendant resides or where the office of the Society is situated, as the Governing Body thereof shall deem fit and expedient and as per provisions laid down under **Section 26** of the H.P. Societies Registration Act, 2006.

8. MEETINGS OF THE SOCIETY:

A. Governing Body Meeting:-

- (i) The meeting of the governing body shall be presided over by the Chairman and in his absence, by the Vice-Chairman. In the absence of both, by a member chosen by the members present at the meeting to preside for the occasion.
- (ii) The meetings of the Governing Body of the society shall be held at least once a year. The society shall at least send 15 days notice for such meeting to its members along with agenda notes.
- (iii) Any business which may be necessary for the Governing Body to perform may be carried out by circulation amongst all its members and any resolution so circulated and approved by a majority of the members signing shall be as effectual and binding, as if such resolution had been passed at a meeting of the Governing Body, provided that at least two third members of the Governing Body have recorded their views on the resolution.

- (iv) All the decision of the governing body shall be taken unanimously or by majority. In case a decision could not be taken by consensus, voting may be taken place among the present except the presiding member. In the event of equal votes, the Chairman or the presiding member shall have the casting vote. Any eminent person/expert can invited to the meeting to assist Governing Body by the Chairman but he shall have no voting right.
- (v) The meeting of the Governing Body can be called at any time by the Chairman or Secretary and on request signed by at least one third members of the Governing Body.
- (vi) The Chairman, however, may call an emergency meeting, at any time in case of emergency situation in the interest of the society duly informing all members of the Governing Body.

B. General Body Meeting:-

The meetings of the General Body shall be held at at least once in a financial year in accordance with the provision of Himachal Pradesh Societies Registration Act. 2006. The meeting of General Body shall be convened by the Secretary of the Society on the directions of the Governing Body and of the Chairman. A general meeting shall also be convened if the requisition for such meeting signed by not less than 2/3 of the total members is received by the Governing Body. If on the requisition receipt, the Governing Body fails within the reasonable time to convened the general meeting signature to the requisition may refer this matter to the Chairman who may if he thinks fit, the summon of the general meeting. The Chairman, may on his own motion, at time, summon a general meeting of the Society.

At least fortnight's notice, specifying the date, place, time and agenda of the general meeting, shall be given to all members. The notice of the general meeting may be given in one or more of the modes:

1. Affixing a copy of the notice at the Society's Office or at some conspicuous place in the area of operation.
2. By post.

Every member of the General Body shall have one vote. No other person shall be allowed, unless otherwise provided in this bye-laws, all questions shall be decided by majority of votes of the members present. When the votes are equal the Chairman of the general body shall have the casting vote. All business discussed or decided at a general meeting shall be recorded in a proceedings book which shall be signed by the members present in the meeting.

C. Convening Special Meeting:-

A special meeting of the General Body shall be convened by the Secretary of the Governing Body with the prior approval of the Chairman and on the receipt of the requisition made by at least one-fifth of the members of the Society or whenever the Chairman/Governing Body thinks it fit. The requisition should reach the Secretary at least 30 days before the date of the meeting and the Secretary, after approval from the Chairman/Governing Body shall include them in the Agenda of the meeting. The Chairman/Governing Body, however, may call a special meeting of General Body at as short of notice as deem necessary by him.

D. Recording of proceedings of meeting:-

The proceeding of every meeting of the Governing Body will be duly recorded by the Secretary in a book under the signatures of Chairman and Secretary of the Society.

E. Quorum and Notice of meetings:-

- (i) The quorum for the General Body meeting shall be at least two third of its total

number of members.

- (ii) The quorum for the Governing Body meeting shall be at least two third.
- (iii) The society shall at least send 15 days notice for such meetings to its members along with agenda notes. Every notice shall state the date, time and place at which the meeting will be held and shall be under the signature of the Chairman or the Secretary. In the event of emergency the meeting can be called with two days notice for which the reason of calling such meeting should be specified in the letter. A meeting may be called by serving notice through regular mail, e-mail, fax or any other mode of communication available. Such minutes of the meetings shall be communicated to all the Members within 30 days of the said meetings.

If at the hour fixed for a general meeting the quorum is not forthcoming, the Chairman of the meeting shall, if the members have been called on the requisition of the members adjourn it and no further general meeting is convened otherwise than the requisition, the Chairman shall postpone the meeting to the further date. A fresh notice of the subsequent general meeting shall give to all members. The business at the subsequent general meeting may be transacted with number of member present. The Chairman in his absence, the Vice-Chairman shall preside over meetings of the General Body. When both of them are absent, the members present shall select a Chairman for the meeting.

9. THE MANNER OF MAKING, ALTERING AND RESCINDING REGULATIONS:

No, proposal for the amendment in the memorandum of Association or regulations thereto shall be done, if such provisions have not been approved by a majority of three-fifth Members present in the general meeting called specially for such purpose and as per provisions laid down under Section-9 of the H.P. Societies Registration Act, 2006.

10. MANAGEMENT OF THE SOCIETY:

A. General Body:-

The General Body of the society shall consist of all type of members and the meeting of such body shall be held once in a year. Unless otherwise provided in these bye-laws the ultimate authority in all matters relating to the administration of the Society shall yet in the General Body. The following business shall be transacted in the annual General Meeting of the Society and decisions shall be taken by majority of votes:-

- (i) To receive, consider and adopt the annual report of the Governing Body on the working and affairs of the society in the preceding financial year; and
- (ii) The consideration of the Annual Audited Accounts for the proceeding financial year along with the Audit Report thereon: and
- (iii) The election, suspension and removal of the elected members of the Governing Body; and
- (iv) To appoint auditors and fix their remuneration; and
- (v) Amendment of bye-laws; and
- (vi) Expulsion of members: and
- (vii) To consider any other business with permission of the Chairman including consideration of Annual Budget, Constitution and appointment of standing sub-committees approval of any excess in expenditure over the sanctioned budget of the year, consideration of the schemes, policies and annual plan prepared

by the Governing Body for the ensuing year and amendments in the constitution of the society.

B. Governing Body:-

- (i) The society shall elect a Governing Body consisting of at least three members, by resolution passed by a majority of the members present and entitled to vote at an annual General Body meeting of the society held in accordance with its bye-laws and provisions of Himachal Pradesh Societies Registration Act, 2006.
- (ii) The General Body of the society may increase the number of Governing Body members as per requirement from time to time and as specified in these byelaws.
- (iii) The term of the Governing Body or its members so elected shall be three years.
- (iv) Initially the constitution of the Governing Body shall be as under:-
 - a) Chairman
 - b) Vice-Chairman
 - c) Secretary
- (v) The Governing Body shall be vested with the management of the society and shall exercise such powers and perform such functions as may be imposed or conferred by these bye-laws or the Himachal Pradesh Societies Registration Act, 2006.
- (vi) The Society shall function notwithstanding any vacancy in its Governing Body or in any of the Committee, Sub-committee or Local Advisory Committee appointed under these rules and notwithstanding any defect in the appointment or nomination of any of their members; and no act or proceeding of the Society and its bodies shall be invalid merely by reason of the existence of any vacancy or any defect in the appointment or nomination of any of their members.
- (vii) The members of the Governing Body shall be eligible for re-election.

C. Disqualification for governing body:-

A person shall be disqualified for being a member of the Governing Body on the date of elections, if he/she:-

- (i) is disqualified for such appointment by an order of a court or Registrar for causing loss to the society or retaining property or for any other reasons detrimental to the interest of society; or
- (ii) is in arrears of prescribed subscription fee and a period of 45 days is over after delivering notice to such members to such effect.
- (iii) has been convicted of a cognizable offence and sentenced to a term exceeding three months; or
- (iv) has incurred any of the disqualifications as may be prescribed by the General Body.

D. Powers and functions of the governing body:-

- (i) The Governing body shall generally carry out the objects of the Society as set forth in the Memorandum of Association.
- (ii) The Governing Body shall have the management of all the affairs and funds and properties of the Society and shall have authority to exercise all the powers of the Society.
- (iii) The Governing Body shall have power to frame rules and regulations for the society within the scope of the Memorandum of Association subject to the subsequent approval of the General Body.
- (iv) The Governing Body shall have power to sanction of budget estimates,

sanction of expenditure, making and execution of contracts, the investment of funds of the society and the sale or alteration of such investment and accounts and audit.

- (v) Subject to these rules and regulations, the Governing Body shall have the power to approve all categories of officers and staff for conducting the affairs of the society to fix amount of their remuneration, subject to budget provisions and to define their duties.
- (vi) The Governing Body shall have full power and authority to do all acts, things and deeds which may be necessary or expedient for the promotion of the objectives of the Society, and without prejudice to the generality of the foregoing provisions may provide for all or any of the following matters. The Governing Body can render the memorandum and articles of association by passing resolution.
- (vii) The Governing body will act as the Official Trustees and Guardian in all cases involving the acceptance of funds in trust for specific or general purposes, or for guardianship of minors and their estates, if any.
- (viii) The Governing Body shall have the power to enter into agreement with the Government of India, State Governments and other public or private organizations or individuals for furtherance of its objectives, for implementation of its programs and for securing and accepting endowments, grant-in-aid, donations, or gifts shall not be inconsistent or in conflict with the objectives of the Society or with the provision of these rules.
- (ix) The Governing Body may delegate to the Chairman or the Director or any of its members and/or other officer of the society such administrative and financial powers and impose such duties as it deems proper and also prescribe limitations within which these powers and duties are to be exercised or discharged.
- (x) To admit new members and to remove or expel existing members subject to approval of General Body.
- (xi) To raise funds as per provisions of its bye-laws and Himachal Pradesh Societies Registration Act, 2006.
- (xii) To invest funds for furtherance of the objectives of the society.
- (xiii) To appoint salaried or non-salaried officers for the conduct of working of the society in accordance with the rules framed by society for the purpose and to define their duties.
- (xiv) To institute, defend or compromise legal proceedings etc. subject to approval of General Body.
- (xv) To dispose-off applications of membership.
- (xvi) To maintain true accounts of money received and expended, and accounts of the assets and liabilities.
- (xvii) To prepare for submissions to the annual general meeting:
 - a) Balance Sheet
 - b) Receipt and disbursement statement.
 - c) Details of movable and immovable property acquired by the society.
 - d) Details of money received and source thereof and money expended and the object or purposes for which sums/money are expended.
 - e) Prepare annual budget and annual report of the society for approval.
 - f) Amendment of bye-laws if any and annual work programme for approval.
- (xviii) To prepare statements of accounts required at audit and place them before the auditors.

- (xix) To prepare and submit all statements and returns required by Registrar in such form as required.
- (xx) To maintain register of members up to date.
- (xxi) To facilitate inspection of books and audit of accounts of the society by those entitled to inspect/audit them.
- (xxii) To convene annual general meeting in due times.
- (xxii) , To examine and take prompt action in cases of all arrears and defaults of the society.
- (xxiv) In general to carry out the management of the society in accordance with its byelaws.

11. OFFICERS OF THE SOCIETY:

A. Chairman:-

- (i) To preside over the periodical/quarterly meetings of the Governing Body/General Body of society and to exercise general supervision over the activities of the Society and to regulate the proceedings of the meeting to set-out the aims and objects of the Society and shall also permits for discussion, if necessary, any other subject items moved before him by the Members.
- (ii) He shall be treated as the "Head of Society" and shall decide any matter by casting his decisive vote in case of tie. The Chairman shall convene Meeting of the Society in the event of resignation, insolvency or insanity of any Officer/Bearer/Member within the period of a week of all or 2/3rd Members of the Society along with all other Executives of the Society shall also be invited for the Meeting.
- (iii) He shall give necessary directions and instructions to the Secretary and Treasurer for the proper and smooth working, management, supervision and administration of the society.
- (iv) He may authorized for the expenditure for social benefits/activities and the expenditure so incurred should be got approved by the Society at its next meeting and the receipt of such expenditure must be present in the meeting for the record of society.
- (v) He shall keep copies of all official records and documents related to the members of the society and the copies of all other important records and documents of the society.
- (vi) If, in the opinion of the Chairman, any emergency has arisen which require immediate action, he can take such action as he deems fit and necessary, and inform the same to the members of the Governing Body and get it ratified in the next meeting in due course.

B. Vice chairman:-

He shall preside over all the meetings in absence of the Chairman and shall exercise all such powers and perform duties as conferred upon the Chairman by these byelaws.

C. Secretary:-

- (i) The Secretary shall be overall in-charge of entire administrative records of the society and carry out the all correspondence of the Society.
- (ii) He/she shall administer the affairs of the Society in consultation with the Chairman.
- (iii) He/she shall convene and arrange the all-periodical and other meetings of the society in consultation with the Chairman.
- (iv) He/she shall prepare and present the Annual Report together with audited

statements of the Accounts of the Society before the General Body meeting of the Society.

- (v) He/she shall maintain a register containing the names and addresses of the all Members of the Society, issue notice of the meeting in consultation with Chairman and record the minutes of the meeting. He will be responsible for assigning the work of all activities of the Society and shall conduct correspondence on the behalf of the society.
- (vi) He/she has authority to incur expenditure in accordance with the regulation of the Society, such expenditure should be reported in the next meeting of the Society for its approval.
- (vii) To submit a report pertaining to the working of Society for the preceding year at the annual General Meeting and execute contracts on behalf of the Society as and when authorized to do so by the Governing Body.
- (viii) To keep and maintain all records (excluding cash transactions and accounts) and perform all correspondence on the behalf of Society.

D. Treasurer:-

The treasurer shall be over all in-charge of the cash transactions and accounts of the society.

- (i) He/she shall be responsible for the proper maintenance of the Accounts of the Society i.e. prepare and finalize the Annual Statements of accounts at the end of every financial year and submit it in the annual General Body meeting of the society after its approval from the society and duly audited (along with the Auditor's report and comments thereof, if any).
- (ii) To keep and update the accounts of the Society on regular basis pertaining all transitions of money received and paid; and he shall responsible for the proper maintenance of the accounts of the society and for this purpose he shall record all the receipts/payments of income and expenditure regularly in the cash book and shall place it before the Governing Body of the society in its next meeting.
- (iii) Shall deal with the Bank(s) and all financial institutions according to the directions of the Governing Body of the society.
- (iv) Shall be responsible for making all collections, receipts of cash/cheque from members of society as subscription/registration fees, fines penalties and other payments and receipts of any other financial and non-financial assistance from the Center or State Government/N.G.O./National or International Agencies/Bank/Company and any other legal entity or individual and issue receipts thereof on the behalf of the society.
- (v) The Treasurer may keep cash in hand as prescribed by the Governing Body of the society and deposit the remaining or surplus amount in the bank.

E. Coordinator:-

He/she shall be responsible to organize the functions, seminars and other programmes as per guidelines of the Governing Body/General Body.

12. THE APPOINTMENT AND REMOVAL OF STAFF OF THE SOCIETY:

All persons who are paid out of funds of the society, regular, or part time/contractual/target based or any other salaried persons shall be the employees of the Society. Such rules, instructions, and guidelines as are issued by the Society or Governing Body, may appoint such administrative, technical or any kind of staff as is required to run the office or offices or other establishments run under or by the Society and to fix such term and conditions of service including pay, allowances benefits etc. as

is determined either by regulations, instructions, guidelines or other appropriate way as well the classification, control, conduct and appeal mechanism of the employees from time to time. Provided that the normal age of superannuation of the staff is fifty eight years but Chairman, in the interest of the Society, and with the approval of General Body, may grant extension in service to deserving employees, from time to time, as consider necessary and appropriate by her/him. No extension shall be granted to any employee beyond the age of 60 years. Provided further that the Chairman may delegate his/her all or specific powers to such officers of the Society, for the control of the administration of the staff, as deems fit. The competence for removal of staff and officers shall vest in the Governing Body after affording adequate opportunity of being heard, on the following grounds if he/she is found guilty:-

- (i) For misconduct, violation of the Rules and Regulations and misappropriation/embezzlement of funds/properties of the society
- (ii) On conviction for a cognizable offence and sentenced to a term exceeding 3 months.
- (iii) For in-discipline and breach of trust etc.

13. ELECTION:

- (i) The General Body shall elect the office bearers of the Governing Body in its Annual General Meeting once in every three years.
- (ii) The General Body shall elect the following office bearers who shall constitute the Governing Body.
 - 1. Chairman
 - 2. Vice-Chairman
 - 3. Secretary

If the meeting of the General Body is not held to elect the office bearers, the Office Bearers, earlier elected, shall continue till such time the election are duly held. Every member, including founder member nominees of the Society, Shall have one vote at the meeting to elect the office bearers except honorary, nominated and associate members who have no right to vote.

- (iii) Every member desiring to be elected as the office bearers shall make an application to the Secretary in writing and in the prescribed Performa. The candidature of the candidate shall be proposed by at least two founders, life of ordinary members of the society, who have eligibility to caste, vote in General Body.
- (iv) The Secretary shall scrutinize the application as per eligibility of the member and if the applicant found eligible the same will be notified as candidate for the post he/she is contesting after consultation with the Chairman.
- (v) The election will be held by simple majority and in case of equality of the votes, the Chairman shall have additional casting vote.
- (vi) The result of the election will be declared in the meeting by the Chairman.
- (vii) The schedule of the election shall be notified by the Secretary with the approval of the Chairman.
- (viii) All application for candidature for office bearers of the General Body shall be made within 10 days of the schedule of election notified by the Secretary and candidate may withdrawal his candidature within 7 days after the scrutiny of names and it's Notification by the Secretary.
- (ix) The election to elect office bearers shall be thereafter held in the annual

- meeting of the Society called every three years.
- (x) No member shall be allowed to vote, who is in arrears of the Society dues or who has been expelled, suspended or removed from the membership of the Society or debarred to cast vote elsewhere under these regulations.
 - (xi) The election may be held either through secret ballot or by voice vote in the meeting of the Society.
 - (xii) The Chairman of the Governing Body may appoint a Returning officer for the conduct of the election. On appointment such Returning officer shall carry out the election process of election.
 - (xiii) The result of the election shall be announced by the returning officer so appointed by Chairman.
 - (xiv) All election documents shall be preserved for six months by the Secretary.
 - (xv) The office bearers of the Governing Body so elected shall also be the office bearers of the General Body.
 - (xvi) If an account of any ineligibility or proven misbehavior or misconduct, 3/4th members, present in the annual general meeting of the Society pass resolution for the removal of the Chairman or the Secretary or any office bearer such Chairman or the Secretary or office bearer shall stand removed from their respective office with immediate effect.
 - (xvii) The decision of Chairman, as to the procedure of the Society, the Annual General Meeting and the election meeting shall be final unless attended by 3/4th members present in that meeting.
 - (xviii) All proceeding shall be duly recorded and signed by the Chairman and Secretary.

14. THE FUNCTIONS, POWERS AND DUTIES OF THE CHAIRMAN:

The functions, powers and duties of the Chairman are as follow:-

- (i) The Chairman of the Society shall be the Chairman of the Governing Body, who shall act the Chief executive Officer of the Society and will be assisted by Governing Body and such staff appointed for the purpose to discharge his administrative and financial functions.
- (ii) The Governing Body by resolution may delegate to the chairman all or any of its powers for the conduct of business as it may deem fit, provided that the action taken by Chairman under the powers delegated under this Rule shall be confirmed by circulation or at the next meeting of the Governing Body.
- (iii) The Chairman may, in writing, delegate such of his powers as may be necessary, to the Director/Member Secretary or to any other officer of the society.
- (iv) Subject to the regulation and the general control and supervision of the General Body and the Governing Body, the entire executive, administrative and financial authority to manage the affairs of the Society shall vest in the Chairman.
- (v) To preside at all the meetings of the General Body and the Governing Body and of all other committees and sub-committees of which she/he is a member, to take votes, to declare the result of voting, to determine the order in which the several proposal should be laid before General Body/Governing Body and generally to supervise the conduct of business.
- (vi) To countersign cheques issued by the Secretary/Treasurer or other authorized officers of the Society.
- (vii) The Control, Supervise, Advise and direct all establishment belonging to the Society and Departments under the control of the Society.
- (viii) To carry out day- to-day administration and all affairs of the Society.

- (ix) To appoint temporarily one or more of the life members of the Society to act for him, or to delegate all or any functions performed by him to such person(s). The Chairman may co-opt Secretary, Executive members to function for the Society and determine their status and terms of reference.
- (x) To take upon herself/himself the duties of the absentees.
- (xi) To grant such scholarship awards, honours and commendation as she/ he is empowered to do by the condition of the award.
- (xii) To suspend or to fine, take suitable action against any member/officer of the staff of the Society as prescribed from time to time, being appointing authority of the Society.
- (xiii) To perform such other functions duties as may, from time to time, be entrusted to him by the Society/Governing Body.
- (xiv) To sanction all expenditure within the budget or as per delegation by the Governing Body not covered by the sanctioned budget.
- (xv) The Chairman may, in consultation with the Secretary and in the anticipation of the approval of the Governing Body, incur/sanction all or any such expenditure in case of urgency or otherwise, not covered by the sanctioned budget.
- (xvi) In case of office bearers leaving the station or otherwise being unable to attend to his/ her work. The Chairman will make necessary arrangements for the performance of his/her duties, till the return of the office-bearer or till the next meeting of the Governing Body.
- (xvii) In addition to powers mentioned above, the Governing Body, may be rules, guidelines, instructions etc. delegate additional powers to the Chairman, who may make such further delegation, if considered necessary, to any office bearer/Head of the department or and officer, as deem necessary by him/her.
- (xviii) The decision of the Chairman or any question relating to the conduct of business at any meeting shall be final unless it is dissented from by 3/4th of the members present at the meeting. But votes shall not be taken on any such question by the Chairman unless a prior requisition is made in writing by at least five members present for such voting.

15. COMMITTEES:

A. Finance Committee:- The Governing Body of the Society shall constitute a Finance committee consisting of at least three members and shall have the following functions and responsibilities.

- (i) To research and analysis and recommend to the Governing Body for mobilizing resources and raising funds.
- (ii) To manage for proper investment and keeping the fund in the most profitable and appropriate manner.
- (iii) To scrutinize the accounts and budget estimate of the society and make recommendation to the Governing Body.
- (iv) To consider and make recommendation to the Governing Body on proposals for new expenditure on account of major work and purchases which shall be referred to the Finance Committee for opinion before the Governing Body considers them.
- (v) To scrutinize re-appropriation statements and audit notes and make recommendations thereon to the Governing Body.
- (vi) To review the finance of the Society from time to time and have concurrent

- audit conducted wherever necessary and;
- (vii) To give advice and make recommendations to the Governing Body on any other financial questions affecting the affairs of the Society.

B. Committee, Sub-committee and Local Advisory Committee:-

- (i) The Governing Body will have the power to create for any other special purposes permanent or temporary Committees and lay down their terms of reference, powers and regulations governing their working and also nominate their chairman.
- (ii) If necessary, each committee will have the power to appoint sub-committees and fix the terms of reference and working rules for such sub-committees.
- (iii) For the various schools and institutions of the Society, at the time considered appropriate by the Governing Body, may appoint one or more Local Advisory Committees responsible for the general supervision of the administration and institutions within the framework of these rules, and according to the regulations and directions of the Governing Body.

16. FUNDS:

The Chairman/Governing Body shall have full power of supervision and control over the receipts and expenditures, and entire funds of the Society shall be used solely and only for the purpose of the aims and objects of the society. The funds of the society will consist of the following:

- (i) Grants made by the Government of India, State Governments, International Aid Organizations, Individuals, Organizations, Institutions, Agencies, Companies etc., in accordance with the relevant law for the furtherance of the objects of the Society;
- (ii) Contributions, donations, Gifts, membership fee/ subscription fee etc., from other sources;
- (iii) Income from the assets of the society;
- (iv) Raising loan from the banks;
- (v) Receipts by the society shall be decided by the Governing Body from time to time. All funds and receipts from any sources what-so-ever shall be paid into the Society Bank Accounts and shall not be withdrawn except through a cheque jointly signed by the Chairman/Vice-Chairman/Secretary and such other officer of the Society, as may be authorized by the Governing Body.
- (vi) Any Committee, Sub-Committee, Local Advisory Committee, Special body or office appointed or instituted by the Governing Body can be given the power to keep its funds in its own Bank account and distribute them through cheques signed according to the regulations governing the working of the said Committee, provided the Rule 14 about passing all receipts through bank account remains inviolate.

17. BANKING OPERATIONS:

The society shall open its saving account in some nationalized or cooperative bank and such bank account shall be operated under the joint signatures of any of the two the following:

- (i) Chairman/Vice-Chairman
- (ii) Secretary
- (iii) Treasurer

18. ACCOUNTS AND AUDIT:

- (i) The society shall maintain proper accounts including the balance sheet in such

form as is prescribed by law. Financial year will be from 1st April to 31, March every year and accounts will be closed on 31st March every year.

- (ii) The governing body shall appoint the auditors to audit the accounts of Society for tenure of three years as terms and conditions mutually agreed and the appointment may be terminated before the ending of the tenure if the audit work is found unsatisfactory. An auditor appointed by the Chairman/Governing Body shall audit the accounts of the Society and subordinate offices at least once in a year.
- (iii) The accounts of the society shall be audit annually and the cost of the audit will be charged on the society.
- (iv) The accounts of the Society as certified by the Auditors, together with the audit report thereon, shall be forwarded to all the members of the society, and copies thereof may be sent to the Government or such other persons as the Governing Body may decide.
- (v) Chartered Accountant appointed by the Chairman and approved by General Body meeting will do auditing of accounts. The report shall be submitted to the Register Cooperative Societies within a period of 15 days of the audit.

19. GENERAL RULE:

- (i) An annual report on the work done by the Society during the year shall be prepared by the society for general information. A draft of the Annual report and the audited yearly accounts of the Society shall be placed by the Secretary before the Governing Body at its annual meeting for its consideration and approval.
- (ii) A member of the society is entitled to remuneration or living allowance or honorarium from the society if he is a full time worker for the society.
- (iii) All members of the Governing Body or Committee or Sub-Committee or Local Advisory or any other body or office constituted by the Governing Body will be reimbursed of their travelling and daily expenses in respect of the journeys undertaken to the meetings or to do any other business of the Society as may be provided in the regulations to be made in this behalf by the Governing Body.
- (iv) Members of the Governing Body shall be chargeable only for such properties, money funds, securities or any other as they shall respectively actually receive and shall be answerable and accountable only for their own acts and defaults and not for those who any other member of the Governing Body nor for any banker, broker, agent or person in whose hands the society's money, securities, or other properties may be deposited or come, nor for any insufficiency or deficiency of any funds, assets or securities nor for any other loss unless the same has happened through their own dishonesty or willful default.

20. MATTERS TO BE PROVIDED BY BYE-LAWS:

Society shall, deliver a copy of its by-laws, to each member of the Society at the time of admission and as per provision laid down in Section 17 of the H.P. Societies Registration Act, 2006. All the account books shall be maintained by the society as per requirement of the Act.

21. PROPERTY:

The property, moveable or immovable, belonging to the society shall be deemed to be vested in the General Body by their proper title. No immovable property shall be acquired or transferred by way of sale, gift or otherwise without the previous approval of General

Body and such information shall be passed on and got recorded with the registrar within a period of 15 days

22. DISSOLUTION:

The 3/5th members of the society may by a special resolution determine that it shall be dissolved of and thereupon, with prior intimation to the Registrar of Societies, H.P. it shall be dissolved at the time specified in the resolution. The society dissolved under section-44 of the H.P. Societies Registration Act, 2006 shall file a report to the effect of disposal of property to the registrar and any property what so ever remaining after satisfaction of all its debts and liabilities shall be given to government to be utilized in the event of cancellation of the registration. If on the dissolution of the society there shall remain, after satisfaction of its debts and liabilities any property whatsoever not impressed with any trust agreed to between the Society and the Donor or Donors, the same shall not be paid or distributed among the members of the Society or any of them, but shall be given to some other, one or several institutions working for the same or similar charitable objective to be determined by the Governing Body. All the movable and immovable assets of society or its institutions or centers shall vest in the State Govt. to the extent of assistance, grant, aid or donation may have received from central or State Govt.

23. LEGAL PROCEEDINGS:

The society may sue or be sued in the name of Chairman or the Secretary as the case may be and determined and appointed by the Governing Body. The Society will sue and be sued in the name of the Secretary who is also the Member Secretary of the Governing Body.

24. APPLICATION OF ACT:

All the provision of the Himachal Pradesh societies Registration Act, 2006 shall be applicable to the society.

It is certified that this is the true copy of the Rules & Regulations of "**THE TIBETAN CHILDREN'S EDUCATIONAL & WELFARE FUND**" which have been adopted by all the promoter members and is in safe custody of the Secretary of the society.