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Memorandum of Association

Of

Bihar Rural Development Society (BRDS)

1. **Name of the Society**

The name of the Society shall be "Bihar Rural Development Society" [BRDS] (here-in-after referred to as the "The Society"). The Government of Bihar sponsors the society.

2. **Location and Registered Office of the Society**

The society shall have its head office at Patna, Bihar and may establish one or more branches anywhere in the state and out side the state, if required. The registered office of the society is presently located at Rural Development Department, Old Secretariat, Patna.

3. **Area of Operation**

The area of operation of the society will extend throughout India.

4. **Objectives and Functions**

- (i) To undertake , aid and promote development activities including projects, action research , training , capacity building, consulting and innovations in the field of rural development encompassing (but not limited to) related sectors of rural enterprise and livelihood promotion, rural employment , natural resources management , rural skill enhancement and other poverty alleviation and rural resource (including human resource) development initiatives.
- (ii) To be a nodal agency for implementation of NREGA in Bihar including the custody and maintenance of State Employment Guarantee Fund

for
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ग्रामीण विकास विभाग

(सुनील कुमार सिंह)

Bihar Rural Development Services Society

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- (iii) To serve as an expert agency for effective implementation of NREGS, Bihar.
- (iv) To empower rural poor through the process of a rights-based law and to foster conditions for inclusive growth ranging from basic wage security and recharging rural economy to a transformative empowerment process of democracy.
- (v) To function as Resource Center for Rural Development Department in Policy analysis and Policy development – including development of operational guidelines and preparation of policy change proposals for the consideration of Government of Bihar and Government of India.
- (vi) To act as HR Manager and provide services related to developing and operationalising the HR Policy covering placement, training, handling contracts of all contractual employees of Rural Development Department.
- (vii) For the purposes of the Society hire staff including sourcing and provision of human resources to other agencies working in partnership with the Society to promote the objects of the Society.
- (viii) To Provide Capacity Building and Institution Building (CB&IB) support covering setting up and strengthening the DIRD's, BIRD's systems for managing these institutions, develop capacity building plans and monitor their implementation, foster collaborations with NGO/CSO for anchoring these institutions, provide need based CB inputs at regular intervals
- (ix) To serve as a knowledge centre for rural development department in the state along with other similar institutions and contribute to the development and dissemination of practical know-how in the rural development field through diverse IEC measures
- (x) To promote greater impact on rural lives, livelihoods and assets through convergence and dovetailing of ideas and resources between various projects, programs, institutions and various department of the State, Centre as well as private, academic, institutions, NGOs, CBOs and CSOs.
- (xi) To raise funds by way of grants, budgetary allocations, donations & investments, utilize and manage funds in accordance with the approved norms of granting agency and / or of the General Body of the Society.
- (xii) To invest, manage and dispose off the funds of, or money entrusted to, the Society upon such securities or in such manner as may be determined by the General Body from time to time.

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- (xiii) To purchase, take on lease, accept as a gift or otherwise acquire, any land or building, any movable / immovable property - wherever situated in India which may be necessary or convenient for the Society.
- (xiv) To construct or alter any building which may be necessary for the Society.
- (xv) To sell, lease, exchange and otherwise transfer all or any portion of the properties of the Society.
- (xvi) To do all other such things as the Society may consider necessary, incidental or conducive to the attainment of the above objects.

5. First members of the Executive Committee

The names, addresses, occupations and designations of the First Members of the Executive Committee of the Society to whom by the rules and regulations of the society, the management of the affairs of the Society is entrusted as required under section 2 of the Societies Registration Act, 1860 (No. XXI of 1860) are as follows.

Sl.No.	Designation	Status in the Executive Committee
1	Principal Secretary / Secretary, Rural Development Department	President
2	Employment Guarantee Commissioner	Chief Executive Officer
3	Principal Secretary / Secretary, Department of Finance	Member
4	Principal Secretary / Secretary, Department of Personnel & Administrative Reforms	Member
5	Principal Secretary / Secretary, Department of Agriculture	Member
6	Principal Secretary / Secretary, Department of Labour	Member
7	Principal Secretary / Secretary, Department of Water Resources	Member
8	Principal Secretary / Secretary, Department of Minor Irrigation	Member
9	Principal Secretary / Secretary, Department of Forest and Environment	Member
10	Principal Secretary / Secretary, Department of Panchayati Raj	Member

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11	Director, Fisheries	Member
12	Principal Secretary / Secretary, Department of Rural Works	Member
13	Director, ICDS	Member
14	CEO, Bihar Rural Livelihoods Promotion Society	Member
15	Principal Secretary / Secretary, of SC/ST Welfare	Member
16	State Project Director, Bihar Education Project	Member
17	Director, Social Forestry Department of Rural Dev.	Member
18	Representative of the BIPARD	Member

6. No portion of the income and property of the Society shall be paid or transferred, directly or indirectly by way of dividends, bonus or otherwise howsoever by way of profit to the persons who at any time are or have been members of the Society or the any of them or to any persons claiming through them or any of them, provided that nothing herein contained shall prevent the payment in good faith of remuneration of any member thereof or other persons in return for any service rendered to the Society.
7. If, on the winding up or dissolution of the Society, there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever the same shall not be paid to, or distributed among the members of the Society or any of them but shall be dealt with in such manner as the General body may determine.

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First members of the Executive Committee

The names, addresses, occupations and designations of the First Members of the Executive Committee of the Society to whom by the rules and regulations of the society, the management of the affairs of the Society is entrusted as required under section 2 of the Societies Registration Act, 1860 (No. XXI of 1860) are as follows.

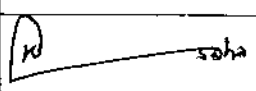
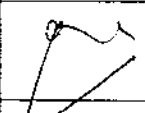
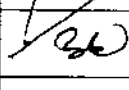
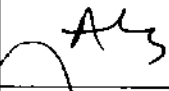
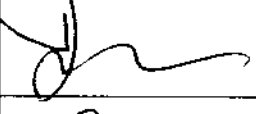
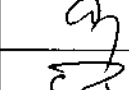
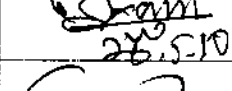
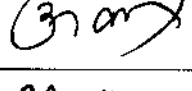
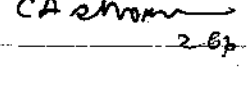
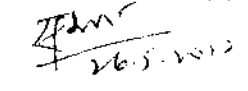
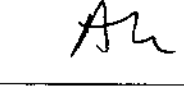
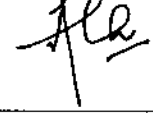
Sl. No.	Designation	Status in the Executive Committee	Occupation
1	Principal Secretary / Secretary, Rural Development Department	President	Service
2	Employment Guarantee Commissioner	Chief Executive Officer	Service
3	Principal Secretary / Secretary, Department of Finance	Member	Service
4	Principal Secretary / Secretary, Department of Personnel & Administrative Reforms	Member	Service
5	Principal Secretary / Secretary, Department of Agriculture	Member	Service
6	Principal Secretary / Secretary, Department of Labour	Member	Service
7	Principal Secretary / Secretary, Department of Water Resources	Member	Service
8	Principal Secretary / Secretary, Department of Minor Irrigation	Member	Service
9	Principal Secretary / Secretary, Department of Forest and Environment	Member	Service
10	Principal Secretary / Secretary, Department of Panchayati Raj	Member	Service
11	Director, Fisheries	Member	Service
12	Principal Secretary / Secretary, Department of Rural Works	Member	Service
13	Director, ICDS	Member	Service
14	CED, Bihar Rural Livelihoods Promotion Society	Member	Service
15	Principal Secretary / Secretary, of SC/ST Welfare	Member	Service
16	State Project Director, Bihar Education Project	Member	Service
17	Director, Social Forestry Department of Rural Dev.	Member	Service
18	Representative of the BIPARD	Member	Service

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SIROUS PERSONS:

We the several persons whose Name, Father's/Husband's Name, Addresses, Occupations and Signature given hereunder desirous to form a society in pursuance of above memorandum and also registered it under SOCIETIES REGISTRATION ACT, OF 1860.

MEMBER OF THE GENERAL BODY

Sl. No.	Name/Husband's /Father's Name	Address	Occupation	Signature
1	K. C. SAHA S/O S. D. SAHA	Development Commissioner, Bihar, Patna.	Service	
2	B. P. Sharma S/o Late V. P. Sharma.	Principal Secretary, Finance Department, Bihar, Patna	Service	
3	Ajay Nayak S/o Late Prof. V. K. Nayak	Principal Secretary, Water Resources Department, Bihar, Patna	Service	
4	Anjani Kumar Singh S/o Late Ram Ray Singh	Principal Secretary, Environment & Forests Department, Bihar, Patna	Service	
5	Ashok Kumar Saha S/o Sri Raghunath P. Saha	Principal Secretary, Agriculture Department, Bihar, Patna	Service	
6	Pyati S/o Shri D. N. Mishra	Principal Secretary, Labour Resources Department, Bihar, Patna	Service	
7	DR Deepak Prasad S/O SRI R. N. Prasad	Principal Secretary, Panchayati Raj Department, Bihar, Patna	Service	
8	Amitabh Verma S/o Sri S. S. P. Verma	Principal Secretary, Animal & Fishery Resources Department, Bihar, Patna	Service	
9	C. A. Shrivardhan C. A. SHRI VARDHAN S/O LATE R. N. TIWARI	Principal Secretary, Revenue Department, Bihar, Patna	Service	
10		Principal Secretary, SC/ST Welfare Department, Bihar, Patna	Service	
11		Principal Secretary, Rural Work Department, Bihar, Patna	Service	
12	Sudhir Kumar S/o Late S. N. Sinha	Principal Secretary, Minor Irrigation Department, Bihar, Patna	Service	
13	Anjani Kumar Singh S/o Late Ram Ray Singh	Principal Secretary, Human Resource Department, Bihar, Patna	Service	
14		Principal Secretary, Social Welfare Department, Bihar, Patna	Service	
15	A. SANTOSH MATHUR S/O A. M. MATHUR	Principal Secretary, Rural Development Department, Bihar, Patna	Service	
16	ATISH CHANDRA S/O L. C. RAM.	Commissioner, MGNREGA, Rural Development Department, Bihar, Patna	Service	

Certify that the above persons had made their signature in my presence.

Signature:-

Designation:-

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RULES & REGULATIONS

OF

Bihar Rural Development Society

1. Title

These bye-laws shall be called "Bihar Rural Development Society (BRDS) Bye-laws."

2. Status of the Society (BRDS)

The Society shall be a juristic person, shall have perpetual succession and can sue or be sued in its own name through its Chief Executive Officer.

3. General Scope and Applications

- (i) These bye-laws shall extend to all the units and activities of Bihar Rural Development Society.
- (ii) These byelaws shall come into force from the date on which the Society is registered under the Societies Registration Act, 1860.
- (iii) The Society will be under overall administrative control of the State Government.
- (iv) The State Government will have absolute and overriding power in respect of appointment, change & removal of members as also in formation of committees and sub-committees under the bye-laws mentioned here-in-after.
- (v) The activities and accounts of the Society shall always be open for verification by the State Government.
- (vi) The State Government shall have the power to issue such directions/instructions as may be deemed necessary in proper functioning of the Society.

4. Definitions

in these articles, unless the context otherwise requires:

- (i) "Area of operation "means areas where the Society will operate or carry out its activities.
- (ii) "Society" means the Bihar Rural Development Society.

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- (iii) "Executive Committee" means the Executive Committee framed under the rules of the "Bihar Rural Development Society".
 - (iv) "Implementing Agency: includes any department of the Central Government or a State Government, a Zila Parishad, Panchayat Samiti and Panchayat or any other agency designated as such by any government organization of the State or the Centre or by this Society.
 - (v) "Minimum wage", in relation to any area, means the minimum wage fixed by the State Government under section 3 of the Minimum Wages Act, 1948 for agricultural laborers as applicable in that area;
 - (vi) "National Fund: means the National Employment Guarantee Fund established under sub-section (1) of section 20 of NREGA;
 - (vii) "State Fund" means state employment guarantee fund established under Section 21(1) of NREGA
 - (viii) "Employment Guarantee Scheme" means a Scheme notified by the State Government under sub-section (1) of section 4 of NREGA;
 - (ix) "State Council" means the State Employment Guarantee Council constituted under sub-section (1) of section 12 of NREGA;
 - (x) "unskilled manual work" means any physical work which any adult person is capable of doing without any skill or special training;
 - (xi) "Chief Executive Officer" means an officer appointed by the Society to act as CEO.
 - (xii) "NGO" means a registered organization or trust constituted under prescribed rules.
 - (xiii) "General Body Meeting" means a meeting of the member's setup under rule 7 of the Society.
 - (xiv) "Chair-person" means the person appointed by State Government as the Chairperson of the General body of the Society person under whose Chairmanship General Body meeting of members is conducted. In general, unless otherwise stipulated by the state government by written notification, Development Commissioner, Government of Bihar shall be the Chair-person.
 - (xv) "Deputy Chairperson" means a person appointed by the Chairperson of the Society and designated as such in the General body.
 - (xvi) "Members" mean the persons appointed by the Chairperson with the approval of the State Government to be Members (subject to Rule 5) of the Society.

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(xvii) "Year" means unless otherwise specified by the General Body, shall be the financial year of Government of Bihar.

5. Membership

(i) Membership of the Society

- (a) All the members of the General body
- (b) All the members of the Executive committee

(ii) Membership and Term

- (a) A person shall be appointed or nominated as a member of the Bihar Rural Development Society (BRDS) either by virtue of office held by him/her or by virtue of his/her eminence / expertise in the field of work of the Society.
- (b) Where a person becomes a member of the Society by virtue of his/her office, membership shall terminate when he/she ceases to hold the office and vacancy so caused shall be filled by successor to that office. Nominated members shall hold office for the specified tenure of appointment, unless otherwise terminated as per Rule 5.(iii)
- (c) The Government will nominate the first nominated members of the society. A nominated member shall hold office for a period of 3 years from the date of nomination.
- (d) The Society shall function, notwithstanding that any person entitled to be member by reasons of his office, is not represented on the society for the time being. The proceedings of the Society shall not be invalidated by the existence of any vacancy or any defects in the appointment of any of these members.

(iii) Termination of Membership

Membership of the Society shall *ipso facto* terminate if a member;

- (a) Dies, or permanently leaves India; or
- (b) Tenders his resignation in writing to the Society; or
- (c) Is declared insane by a competent Authority; or
- (d) Operation of the provisions of section 5 (ii) (b) above.

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(e) Convicted by a court under the laws applicable in the territorial jurisdiction of India -- or (Found guilty by any court of law).

(f) Declared insolvent by a competent authority.

(iv) Resignation of Membership

When a member desires to resign from the membership of the Society, he/she shall forward letter of resignation to the Member Secretary who shall forthwith submit the same for the consideration of the Chairperson or the person designated by the Chairperson. The resignation shall take effect from the date of conveyance of formal acceptance of the resignation by the competent authority.

(v) Register of Members

The Society shall, at all time, maintain and keep available for inspection by the I.G. Registration, a Register of Members at its registered office, which shall be the permanent record of the Society and shall contain the names and addresses of the members, the date on which the member was admitted and the date on which member ceases to be a member. Every member shall sign the Register. No member shall be entitled to exercise rights and privileges of a member unless he has signed the Register as aforesaid.

(vi) Change of Address of the Member

If a member of the Society changes his/her address, shall notify new address to the Member Secretary, who shall thereupon enter his/her new address in the roll of members. But if a member fails to notify his/her new address the address in the roll of members shall be deemed to be his address.

6. Authorities of the Society

The following shall be the authorities of the Society:-

(i) General Body

(ii) Executive Committee

(iii) President

(iv) Chief Executive Officer

(v) Such other persons/bodies, committees or panels as may/shall be constituted by the Society or the General body.




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7. General Body

General Body shall generally pursue and carry out the objects of the Society as set forth in the Memorandum of its Association and in doing so shall establish and oversee the implementation of policy, rules, bye laws and guidelines laid down by the Society.

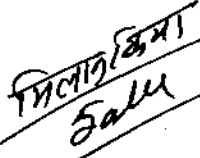
(i) Member of the General Body

Sl. No.	Designation	Status in the General Body
1	Development Commissioner	Chair-Person
2	Principal Secretary / Secretary, RDD	Member
3	Employment Guarantee Commissioner	Member Secretary
4	Principal Secretary / Secretary, Finance	Member
5	Principal Secretary / Secretary, Agriculture	Member
6	Principal Secretary / Secretary, Labour	Member
7	Principal Secretary / Secretary, Water Resources	Member
8	Principal Secretary / Secretary, Environment & Forests	Member
9	Principal Secretary / Secretary, Panchayati Raj	Member
10	Principal Secretary / Secretary, Animal & Fishery Resources	Member
11	Principal Secretary / Secretary, Revenue*	Member
12	Principal Secretary / Secretary, SC/ST Welfare	Member
13	Principal Secretary / Secretary, Rural Works.	Member
14	Principal Secretary / Secretary, Minor Irrigation	Member
15	CEO, Bihar Rural Livelihoods Promotion Society	Member
16	Principal Secretary / Secretary, Human Resource Development	Member
17	Principal Secretary / Secretary, Social Welfare	Member
18	Chief Post Master General, Bihar	Member
19	Convener, State Level Bankers' Committee	Member
20, 21	Two District Programs co-ordinates nominated by state government on rotation basis	Member
22	Two Chairpersons of Zila Parishad to be nominated by state government on rotation basis	Member
23, 24	Two Voluntary Agencies working in the field of employment Guarantee to be nominated by government	Member
25	One voluntary Agency working in the field of disability	Member


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Bihar Rural Development Services Society


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(ii) **Functions of the General Body**

- (a) The General Body shall provide overall policy guidance and direction for the efficient functioning of the Society in fulfilling its objectives as laid down in Article 4 of the Memorandum of Association.
- (b) It shall meet at least once a year, the gap between any two meetings not exceeding fifteen months.
- (c) It shall consider the Balance Sheet and annual audited accounts of the Society presented by the Member Secretary along with the remarks thereon by the Executive Committee.
- (d) Review and approve annual audit reports and oversee implementation of audit recommendations
- (e) It shall consider the Annual Report presented by the Member Secretary along with the comments thereon by the Executive Committee.
- (f) It shall approve the Annual Action Plan and budget for the ensuing year.
- (g) It shall ensure that the Society adheres to the Memorandum of Understanding entered with the Government of Bihar from time to time and fulfills all the agreements, covenants and contracts enumerated.
- (h) Other business/functions brought forward with the assent of the Chairman.

(iii) **Powers of the General Body**

The General Body shall have powers to;

- (a) Undertake all activities necessary for the fulfillment of the objectives as laid down in Article 4 of the Memorandum of Articles of Association
- (b) Expand the strength of its membership provided the expanded strength is filled in the manner prescribed for enlisting the original membership.
- (c) Add, modify, rescind or amend the Memorandum of Articles of Association and the bye-laws provided that all such additions, modifications or amendments shall be aimed at promoting the objectives of the Society.
- (d) Remove a member on the grounds listed in the bye-laws under clause 5.(iii)
- (e) Approve the Annual Report, Balance Sheet and the Annual Audited Accounts of the Society.



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- (f) Approve the appointment of the auditors of the Society.
- (g) Appoint Committees, Sub – Committees and boards etc. consisting of members who may or may be members of any of the bodies or committees or employees of the Society; for such purpose and on such terms as it may deem fit, and to dissolve / remove any of them.
- (h) Delegate its powers, other than those of making rules, to the Chair-Person or to the Executive Committee or to the Member Secretary or to other authorities of the Society as may deem fit.

(iv) Meeting of the General Body

The Society shall hold a General Body Meeting of all its members once a year within the three months from the end of the financial year and this meeting shall be called Annual General Body Meeting. Provided that for any reason if it is not practical to convene the Annual General Body Meeting within the aforesaid period the executive committee have powers to extend the date of such AGM for a further period not exceeding three months.

(v) **Special Meeting of the General Body**

In addition of the Annual General Body Meeting, a special General Body Meeting may be called at any time on the requisition of the chair-person of the General Body and President of Executive Committee or one third of the total members of the General Body. The special General Body Meeting shall be convened within fifteen days from the date of requisition and will be called Extra Ordinary General Body Meeting. But in case of emergency the Chair-person may reduce the above period of notice to such number of days as he deems fit in the circumstances of the case.

(vi) **Notice of Meetings of the General Body**

For every meeting of the General Body, a notice of not less than ten clear days specifying the place, date, time and agenda for the meeting shall be delivered personally or sent by post to the members of the society. The notice shall be issued by the Member Secretary. An adjourned meeting can be called on the notice of at least five days. The notice must indicate the place, date and hour thereof as well as the items of the agenda.

(vii) **Quorum for the Meeting of the General Body**

The quorum for all General Body Meeting of the Society shall be one third of the total strength of the members for the proceedings to be validly conducted. The Members' duly authorized representatives shall also be permissible to take part in

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the meetings and shall be counted for the quorum. In case the quorum is not met, the meeting will stand adjourned and the Member Secretary must convene an 'adjourned meeting'. If in the adjourned meeting also, the quorum is not present the members present shall constitute the quorum. The members present at such 'adjourned meeting' may transact the business for which the meeting was called.

(viii) Business of the General Body

Every meeting of the General Body shall be presided over by the Chair-person or in his absence by the Vice Chair-person or in the absence of both, by one of the other members, elected by the members present from among themselves. Each member including the member presiding at the meeting of the General Body shall have one vote but the presiding member shall also have a casting vote in addition to his vote as member, in case of equality of votes. All the matters shall be decided by a majority of votes.

(ix) Conduct of Business by Resolution

In case of expediency, any business, which it may be necessary for the General Body to perform, the Member Secretary of the Society may circulate a resolution for approval and such resolution shall be deemed to have been passed if a majority of the members approve it, provided that such resolution so passed by circulation shall be recorded in the proceedings of the next meeting of the General Body. Any such resolution so circulated and approved by a majority of the members shall be as effectual and binding as if such resolution had been passed at a meeting of the General Body.

(x) Minutes of the General Body Meeting

A copy of the minutes of the proceedings of each meeting shall be furnished to the General Body Members as soon as possible after the completion of the meeting.

(xi) Resolution of the General Body

Every resolution of the General Body shall be passed by a majority of members present and voting for the resolution to be valid. A member can move a resolution at a meeting of the General Body only with the prior permission of the Chair-Person.


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8. Executive Committee

(i) Members of the Executive Committee

The Executive Committee of the Society, to whom the management is entrusted, shall consist of the following members:

Sl. No.	Designation	Status in the Executive Committee
1	Principal Secretary/ Secretary, Rural Development Department	President
2	Employment Guarantee Commissioner	Chief Executive Officer
3	Principal Secretary/ Secretary, Department of Finance	Member
4	Principal Secretary/ Secretary, Department of Personnel & Administrative Reforms	Member
5	Principal Secretary/ Secretary, Department of Agriculture	Member
6	Principal Secretary/ Secretary, Department of Labour	Member
7	Principal Secretary/ Secretary, Department of Water Resources	Member
8	Principal Secretary/ Secretary, Department of Minor Irrigation	Member
9	Principal Secretary/ Secretary, Department of Forest and Environment	Member
10	Principal Secretary/ Secretary, Department of Panchayati Raj	Member
11	Principal Secretary/ Secretary, Department of Rural Works	Member
12	Principal Secretary/ Secretary, Department of SC/ST Welfare	Member
13	Director General BIPARD	Member
14	State Project Director, Bihar Education Project	Member
15	CEO, Bihar Rural Livelihoods Promotion Society	Member
16	Director, ICDS	Member
17	Director, Social Forestry Department of Rural Development	Member
18	Director, Fisheries	Member

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(ii) **General Meeting of the Executive Committee**

The Executive Committee shall meet as and when necessary with the permission of the President for the management of the affairs of the Society provided that the Executive Committee shall meet at least once in three months.

(iii) **Special Meeting of the Executive Committee**

In addition to the General Meetings, a special meeting may be called at any time with the permission of the President. The special meeting may be convened within five days from the date of requisition, provided further that the President may, whenever deemed fit, direct the Chief Executive Officer to call a special meeting.

(iv) **Notice of Meeting of the Executive Committee**

For every meeting of the Executive Committee, a notice of not less than seven working days specifying the place, date, time and agenda for the meeting shall be given to all members, issued by the Member Secretary. If an Executive Committee meeting is adjourned due to want of quorum, an adjourned meeting can be called on a date fixed by the President. But in case of emergency the President may reduce the above period of notice to such number of days as he deems fit in the circumstances of the case.

(v) **Quorum for the Meeting of the Executive Committee**

The quorum at all meeting of the Executive Committee shall be not less than one third of the total strength of the Members of the Executive Committee as per Section 8.(i) for a proceeding to be validly conducted. The members duly authorized representative shall also be permitted to take part in the meeting and shall be counted for the Quorum. In case the quorum is not met and the meeting is adjourned, the Chief Executive Officer must reconvene the adjourned meeting.

(vi) **Business of the Executive Committee**

Every meeting of the Executive Committee shall be chaired by the President or, in his/her absence by one of the other member, elected by the members present from among themselves. Each member including the member presiding at the meeting of the Executive Committee shall have one vote as member in case of equality of votes. All the matters shall be decided by a majority of votes.

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(vii) Conduct of Business by Resolution

In case of expediency, any business, which it may be necessary for the Executive Committee to perform, the CEO of the Society may circulate a resolution for approval and such resolution shall be deemed to have been passed if a majority of the members approve it, provided that such resolution so passed by circulation shall be recorded in the proceedings of the next meeting of the Executive Committee. Any such resolution so circulated and approved by a majority of the members shall be as effectual and binding as if such resolution had been passed at a meeting of the Executive Committee.

(viii) Minutes of the meeting of the Executive Committee

A copy of the Minutes of the proceedings of each meeting shall be furnished to the Executive Committee members as well as to all the members of the General Body as soon as possible after the completion of the meeting. The President or the member of the Executive Committee who chairs the meeting, as the case may be shall approve the proceedings of the meeting. Proceedings of every meeting shall be properly kept by the CEO and shall be confirmed at its next meeting.

(ix) Resolution of the Executive Committee

Every resolution of the Executive Committee shall be passed by a majority of members present and voting for the resolution to be valid. A member can move a resolution at a meeting of the Executive Committee only with the prior permission of the President.

(x) Term of the Executive Committee

The term of the Executive Committee shall be term of the Society. However, the Executive Committee shall continue in office till the next Executive Committee comes into existence for the next term by way of reconstruction by the General Body.

(xi) Co-opted members of the Executive Committee

The Executive Committee shall have the right to co-opt eminent persons / officials in the field of activities related to the objectives of the Society. The Executive Committee may co-opt a maximum of three members. The co-opted members shall have a right to participate in the meetings of the Executive Committee but shall not have voting rights and they shall not constitute the quorum. The President can also invite experienced officials and eminent persons for specific issues to the meetings of the Executive Committee.

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9. Functions and Powers of Executive Committee

Subject to the provisions of the Memorandum of Association and the Rules, the Executive Committee shall have the control and management of the business and affairs of the Society and shall have all advisory, executive and financial powers to conduct the affairs of the Society through its CEO. All the duties, powers, functions and rights, what-so-ever, consequential and incidental to the carrying on of the objectives of the Society shall only be exercised or performed by the Executive Committee.

In particular and without prejudice to the generality of the foregoing provision, the Executive Committee will:

- (i) Consider the Annual Budget and the Annual Action Plan, its subsequent alterations placed before it by the CEO from time to time and pass it with such modifications as the Executive Committee may think fit;
- (ii) Accept donations and endowment or give grants upon such terms and conditions as it may think fit;
- (iii) Delegate its powers, other than those of making rules, to the President/CEO;
- (iv) Appoint committees, sub-committees, expert panels, task-force, working or study groups and boards etc. for such purpose and on such terms as it may deem fit and to remove any of them;
- (v) Set HR Policy including – Creation of administrative, technical, scientific, ministerial posts and other positions in the Society as deemed necessary to and make appointments thereto in accordance with the rules and regulations of the society, establish the terms of the service of the personnel and employ, retain or dismiss personnel as required;
- (vi) Establish its own procurement procedures and employ the same for procurement of goods and services;
- (vii) Appoint auditors for auditing the accounts of the Society with the approval of the General Body.
- (viii) Monitor the financial position of the Society in order to ensure smooth income flow and to review annual audited accounts;
- (ix) Ensure that the Society considers any comments made by MoRD, GoI and Government of Bihar on the progress in the implementation of the projects sponsored and funded by them;
- (x) Monitor progress of NREGS, Bihar to ensure achievement of objectives;

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- (xi) In general, undertake all such acts and things as may be necessary or incidental to carrying out the objectives of the Society or any of them. Provided that nothing herein contained shall authorize the Executive committee to do any act or to pass any byelaws which may be repugnant to the provisions hereof, to the powers hereby conferred on the Executive Committee and other authorities, or which may be inconsistent with the objectives of the Society.

10. President of the Executive Committee

The Principal Secretary / Secretary, Rural Development Department, Government of Bihar shall be the President of the Executive Committee of the Society unless otherwise designated by the State Government.

11. Powers and Duties of the President of the Executive Committee.

The President shall exercise all powers as may be necessary for the conduct of the business of the Society as may be vested in him by the Society. In addition, the President shall have power to:-

The President shall have power to:

- (i) Advise the CEO to call for meetings of the General Body and Executive Committees as per norms specified in these rules.
- (ii) Authorize acquisitions by gift, purchase, lease or otherwise, any property, movable or immovable, and to construct, operate and maintain any building for purpose of the Society as deemed appropriate by the Executive Committee.
- (iii) Authorize investment of the funds of the Society in such securities and/or to sell or transfer such investments in such a manner as the Executive Committee may consider necessary, for the safety and benefit of the Society and to convert or change such investment, as required by the Executive Committee, subject to the laws applicable.
- (iv) Sanction and incur expenditure per instance as may be fixed by the General Body for achieving the objectives of the Society.
- (v) Tender and Award contracts and incur expenditure on civil works and consultancy to achieve the objectives of the Society up to the limit as may be fixed by the General Body/Executive Committee.
- (vi) Act upon powers as may be delegated to President by the General Body and the Executive Committee of the Society.

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- (vii) Carry out powers and functions of the Executive Committee whenever the exigency so demands and place the action taken before the next meeting of the Executive Committee for ratifications.
- (viii) Appoint Committees or Commissions to enquire into and report on the affairs of the Society, and pass such orders thereon as he considers proper.
- (ix) Constitute specific task groups and working committees to achieve the objectives of the Society.
- (x) Appoint nominee members to the Executive Committee or other Working groups/ Committees of the Society.
- (xi) Authorize recruitment of officers/staff of the Society in accordance with the approved norms of the Society.
- (xii) The President shall authorize and cause for approval of the General body specific policies, bye laws and procedures with respect to Human Resource Management, Financial and Accounting procedures, Audit procedures, Program Management, Procurement policies and such other policies and procedures found necessary for effective functioning of the Society.
- (xiii) Ensure due conduct of Annual General Meeting and Meeting of the General Body and due submission of reports and progress reports in the same.
- (xiv) The president shall be the appellate authority in all disciplinary cases related Human Resources and in case of arbitration relating to contracts.
- (xv) The President may, in writing, delegate such of his powers as he may consider necessary to CEO or to any other officer of the Society.

12. Chief Executive Officer

The Employment Guarantee Commissioner, Bihar shall be the -

- (i) CEO of the Executive Committee. His appointment will be normally for a term of three years, or as decided by the State Government.
- (ii) Shall be an Officer of IAS/BAS Cadre not below the rank of Joint Secretary (37400-67000) and will be appointed by the Government of Bihar.

13. Function and Power of the CEO

- (i) The CEO shall be responsible for the management of day-to-day affairs of the Society. He/She shall be responsible for execution of various activities and functions



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of the Society under the directions and guidance of the rules and bye laws of the Society, General body and the President.

- (ii) The Management and control of the day-to-day administration and control of finance within sanctioned budgets of the Society shall be vested with the CEO and through him with the respective functional heads.

(The CEO shall, in general, exercise all administrative, financial powers and other powers equivalent to that of a HOD of a department of the state government subject to such powers as may be delegated to him from time to time by the Society. In case the delegations of the Society are in conflict with that of the powers as applicable to an HOD of the state government, the delegations made by the Society shall prevail.)

- (iii) The CEO shall sign or cause to be signed all documents and proceedings requiring authentication by the Society. The CEO shall also represent or cause to be represented the Society in business and legal transactions. She/He shall receive on behalf of the Society and disburse all funds of the Society based on instructions from the Executive Committee. The CEO through functional heads will handle necessary documents including bank cheques and other negotiable instruments on behalf of the Society, as authorized by the President/Executive Committee of the Society.
- (iv) The CEO shall be considered the Principal Secretary of the Society and the Society may sue or be sued in the name of the CEO of the Society. The CEO may authorize any other officer of the Society in writing to sign and verify pleadings and represent him/her in legal proceedings.
- (v) CEO shall appoint bankers of the Society with the approval of the Executive Committee. All funds of the Society shall be paid into the Society's account with the said bankers.
- (vi) The CEO shall in consultation with the President convene the meetings of the General Body / Executive Committee at stipulated intervals or otherwise and shall maintain all minutes, records and registers of the Society.
- (vii) The CEO shall ensure handling of all correspondences on behalf of the Society
- (viii) The CEO as the Member Secretary of the General Body shall cause implementation of all the resolutions passed in the General Body/Executive Committee of the Society.
- (ix) The CEO shall undertake due and timely conduct of audit as per the directions of the Executive Committee and subject to the rules framed hereunder.

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- (x) The CEO Shall cause to prepare for the Society the Annual Reports and Financial statements etc. with due audit.
- (xi) Shall cause to maintain the accounts, cause due verification of the monthly transactions and the monthly receipt and expenditure statement, which shall be put up to Executive Committee as required.
- (xii) Shall verify the physical and financial usage of the funds disbursed by the Society to the implementing agencies and various participating organization and submit a quarterly report to the Executive Committee.
- (xiii) The CEO will liaison with the State Government, IWRD, Government of India and other agencies for any matter pertaining to the operations of the Society.
- (xiv) The CEO shall appoint staff for the Secretariat of the Society. However, approval of the Government shall be obtained for the creation of regular posts in the Society and at various implementation levels such as District, Block and Panchayat.
- (xv) The CEO shall have powers to take disciplinary actions over any staff of the Society as per the deputation rules/contract rules.
- (xvi) The CEO shall sanction and incur expenditure as decided by the General body for day-to-day activities, or as delegated by the Executive Committee.
- (xvii) The CEO shall tender & award contracts and incur expenditure up to a ceiling as may be decided by the government, for civil works and consultancies, in line with the objectives of the Society.
- (xviii) The CEO shall perform any of the functions of the Executive Committee with the approval of the President, during the interval between meetings of the Executive Committee whenever it is urgent to do so and place a report in respect thereof, before the Executive Committee for its consideration/ratification.
- (xix) The CEO shall also perform such functions as may be delegated to him/her by the Society, President and/or Executive Committee from time to time.
- (xx) The CEO may, in writing, delegate such of her powers as she may consider necessary to any officer subordinate to him.

14. Powers and Management of the Society

The powers and the management of the affairs of the Society shall be vested with the Executive Committee subject to the provisions of the Memorandum of Association, Rules and Bye laws of the Society.

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15. Society Secretariat

- (i) Society shall establish and carry out the Administration and Management of the Society's Secretariat (SS) which will act as the implementation arm of the Society.
- (ii) The SS shall be headed by the CEO, who will also be the Member Secretary of the General Body of the Society.
- (iii) The day-to-day affairs of the Society shall be conducted by the SS under the supervision, guidance and control of the CEO.
- (iv) The SS shall be formed with following Cells/ Wings with necessary supporting officers/ staff. The specialist/ staff shall be drawn from government departments on deputation and/or out sourced from open market on contract basis.
 - a) Personnel - Human Resources & General Administration - Facilities and other General Management
 - b) ICT - MIS
 - c) Technical - Works
 - d) Training and Change Management
 - e) Financial - Accounts and Audit
 - f) Monitoring and Evaluation
 - g) Social Audit
 - h) IEC - Media Management
 - i) Procurement and Legal
 - j) Resource mobilization
 - k) Grievance Redressal
 - l) The above wings are indicative in nature and shall be expanded, as needed, from time to time.

16. Authority to Correspond

The CEO of the Society shall be the authority to correspond on behalf of the Society.

17. Funds

The financial year of the Society will be from first day of April to the 31st day of March of the succeeding year.

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(i) **The sources of funds of the Society shall consist of the following :**

- a) Recurring and non-recurring grants made by the Government of Indian and/or the Government of Bihar for the furtherance of the objectives of the Society;
- b) Income from investments;
- c) Grant/Loan from external funding agencies, other sources through permitted channels;
- d) Grant, Loan, Donation or Assistance of any kind from Foreign Government and other agencies with prior approval of the Central/State Government; and
- e) Grant, Loans, Donation or Assistance of any kind from any Government Agency or others in India

(ii) **There shall be 'State Employment Guarantee Fund', which would consist of :**

Such amounts as are received with a specific condition from Ministry of Rural Development, Govt. of India for the implementation of NREGS, Bihar and respective state share received from Government of Bihar;

(iii) **Operation of the Funds and Account :**

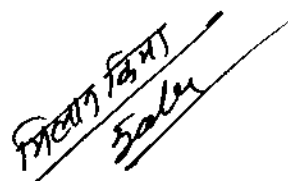
The bank account of the Society shall be operated by the CEO through functional head as decided by the executive committee.

18. Audit

- (i) The Audit year of the Society shall begin on the first day of April and end on the 31st day of March next year.
- (ii) The Society shall maintain proper accounts and other relevant records as well as documents comprising the receipt and payment accounts, statements of assets and liabilities and balance sheet.
- (iii) The accounts of the Society shall be audited by a Chartered Accountant, to be appointed by the Executive Committee of the Society with the approval of the General Body.
- (iv) The nature of the audit to be applied and the detailed arrangement to be made in regard to the account and their maintenance and the presentation of the accounts for audit shall be as per norms specified by the General Body and subject to the provisions of statutory / Scheme Guidelines, as applicable.


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- (v) The Auditor shall also submit a report showing the exact state of financial affairs of the Society. The copies of the balance sheet and the auditor's report shall be certified by the auditor, and duly filed with the concerned Statutory Agencies.
- (vi) The Society shall ensure that the accounts of the Districts (Implementing Agencies - Line Departments, DRDAs, Zilla Parishads, Block Panchayats and Gram Panchayats) are duly audited and the audit report is to be placed before the Executive Committee.
- (vii) The Accounts will be open to audit by the Accountant General.

19. Annual Report

The CEO shall prepare an Annual Report of the proceedings of the Executive Committee and all work undertaken during the year. This report and the duly Audited Annual Accounts of the Society shall be placed for approval before the Executive Committee.

The Annual Report and Annual Accounts as approved by the Executive Committee shall be placed before the Annual General Body meeting of the General Body before the 31st July of the year. A copy of the Annual Report and Annual Accounts as approved by the General Body may be forwarded to the Government within 30 days and shall be filed with the Registrar of Societies, Bihar along with;

- (i) a list of names, address and occupation of the officer bearers of the Society duly certified by the CED; and
- (ii) a copy of the Balance Sheet and Auditor's Report certified by the Auditor.

20 Properties of the Agencies

- (i) All properties of the Society shall belong to the Society itself. The Society may acquire purchase or otherwise own, take on lease or hire movable or immovable properties and sell, mortgage, transfer or otherwise dispose off any such movable or immovable properties in furtherance of the objectives of Society.
- (ii) The income and the property of the Society shall be utilized only towards the promotion of the objectives as set forth in the Memorandum of Association of the Society. It will be subject to terms and conditions as the Executive Committee may impose in respect of expenditure to be incurred from grants sanctioned to the Society from time to time.
- (iii) No portion of the income or the property of the Society shall be paid or transferred directly or indirectly by way of profits to persons, who may at any time be or have been members of the Society.

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(iv) No member of the Society shall have any personal claim on any movable or immovable property of the Society or make any profit whatsoever by virtue of his membership.

(iv) Provided that nothing herein contained shall prevent payments in good faith or remuneration, allowances or honorarium in return for any services rendered by them to the Society.

21. Suits and Proceedings

(i) The Society may sue or be sued in the name of the Society through its CEO.

(ii) No suit or proceeding shall abate by reason of any vacancy or change in the holder of the office of the President, the CEO or any office bearers authorized in this behalf.

(iii) Every decree or order against the Society in any suit or proceeding shall be executable against the property of the Society and not against the person or the property of the President, the CEO or any office bearer.

(iv) Any person, including a member of the Society who damages, injures or destroys any property of the Society or otherwise acts in a manner resulting in pecuniary loss to the Society can be sued by the Society. The fact that such person may be a member of the Society shall not in any manner prevent the Society from proceeding against him in a court of law.

22. No action taken by the Society shall be rendered invalid or void only due to the reasons that :

(i) There existed one or more vacancies in the General Body/Executive Committee on the day on which the resolution was passed; or

(ii) There was a defect in the appointment of any of its members; or

(iii) The resolution in pursuance of which the said act was done has subsequently been modified or revoked by the General Body/Executive Committee.

(iv) The authority entitled to make such appointment shall fill a vacancy in the General Body or in the Executive Committee or the Society.

23. Alterations to the Memorandum of Association of the Society

The Society may alter the Memorandum of Association or extend the purpose for which it is established, as per the provisions of the Societies Registration Act, 1860 and on fulfillment of the following conditions:

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- (i) Executive Committee obtains the permission of the Government of Bihar for the proposal for such alterations or extension as aforesaid;
- (ii) Executive Committee furnished the proposal for such alteration or extension as aforesaid to the members of the Society in a written or printed form;
- (iii) Executive Committee convenes a Special General Body Meeting of the members of the Society according to these Rules for the consideration of the said proposition;
- (iv) The report is delivered or sent by post to every member of the Society delivered in person at such Special General Body Meeting as aforesaid;
- (v) The proposal is agreed to by two-third of the vote of the members of the Society present and voting at such Special General Body Meeting as aforesaid; and
- (vi) A copy of resolution of the Special General Body Meeting adopting the alteration is filed with the Registrar within the period prescribed under law.

24. Modification of the Byelaws

After obtaining the permission of the Government of Bihar and subject to the provision to the Society Registration Act, 1860 the Society may amend, add to, alter or delete any of these byelaws by a resolution passed at the Special Meeting of the General Body duly convened for the purpose. The modified byelaws shall be deemed to have come into force in accordance with the provision of the said Act.

25. Contracts

- (i) All contracts and other instrument for and on behalf of the Society shall, subject to the provision of the Act, be expressed to be made in the name of the Society and shall be executed by the persons authorized by the Executive Committee.
- (ii) No contract for the sale, purchase or supply of any goods or materials shall be made for and on behalf of the Society with any member of the Society or the Executive Committee, or his/her relative, or firms in which such member is a partner/shareholder, or with any other partner or shareholder of a firm or a private company in which the member is a partner or director.

26. Common Seal

The Society shall have a common seal of such make and design as the Executive Committee may approve.

27. Power of the State Government

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The Government of Bihar shall have the power to issue any direction as it deems fit to :

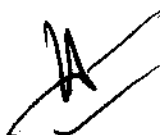
- (i) Alter, add or delete any item of Article of Association.
- (ii) Terminate and/or make an appointment in place of any member of the Society mentioned under rule 7.(i) and 8.(i).
- (iii) The exercise of the power by the Government of Bihar hereunder shall be final.

28. Notice

A notice or any other information may be served upon a member of the Society either personally or by sending it through post in an envelope addressed to such member at his/her address as noted in the roll of members. Any notice or other communication issued through post shall be deemed to have been served on the day following the day on which the letter, envelope or wrapper containing the said notice or communication is posted. In proving such service it shall be sufficient to prove that the cover containing such material was properly addressed and put into the post box or delivered to the postal authorities for onward transmission.

29. Records of the Society

- (a) The Society shall keep in its registered office proper books of accounts, in which entries should be entered accurately.
 - i. All sum of money received and the source thereof, all sums of money expended by the society and the object of purpose for which such sums are expended;
 - ii. The assets and liabilities of the Society.
- (b) The records will be as follows :
 - i. Member register,
 - ii. Proceedings Register of the General Body;
 - iii. Proceedings Register of the Executive Committee;
 - iv. Books of Accounts as per double entry norms;
 - v. Records of the Employees of the Society;
 - vi. Records of the Accounts and Claims;
 - vii. Stock Register;
 - viii. All such other records required for proper and systematic running of the Society operations of the Society and in the interest of highest principles of transparency and accountability.


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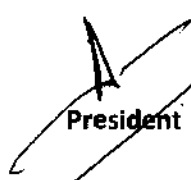
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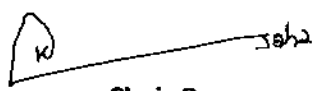
30. **Dissolution of the Society**

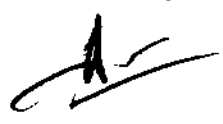
Subject to the provisions of the Act, the Society may be dissolved by a resolution passed at a Special Meeting of the General Body of the Society duly convened for the purpose and supported by at least two-third of the total members of the Society. The General Body shall prescribe procedure for such dissolution by such resolution. The General Body may on such resolution decide to take action for liquidation of assets and liabilities of the Society shall or can be given over to organizations with similar aims and objectives as that of the Society, strictly in accordance with the provision of the Act, or surrendered to the Government. In either case, the decision of the government shall be final.

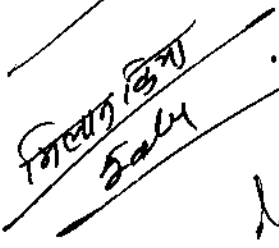
Nothing contained in the Byelaws and notwithstanding the provisions of the laws applicable, there would be no attempt to import-expressed or implied anything repugnant or contrary to the intentions of this Society as expressed in the Memorandum of Association.


CEO


President


Chair-Person




Treasurer


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क्रमांक सं 6595 तिथि 26/5/2010 मूल 510 नं 749704

केता का नाम एवं पता निहा (~~सुख~~) राधा डीमलपति-बोला २७
राधा विद्या विहार फा. ५५

अजीत कुमार, मुद्रांक अधिकारी
ला० सं०-30/87, समाहरणालय, पटना

2074

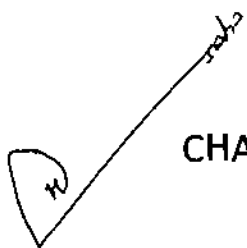
RESOLUTION

A general body meeting of BIHAR RURAL DEVELOPMENT SOCIETY (BRDS) was held on 26.05.2010 under the Chairmanship of Shri K.C. SAHA Development Commissioner, Bihar, Patna.

It was unanimously resolved that the society "BRDS" should be Registered under the Societies Registration Act. 21, 1860.

It was further resolved that Shri A. Santosh Mathew, Principal Secretary-CUM-President Executive Committee will take necessary efforts in this regards and shall get it registered as soon as possible.

Certified that this is the true and correct copy of Resolution.


CHAIRMAN


26/5/10
PRINCIPAL SECRETARY
-CUM-PRESIDENT EXECUTIVE
COMMITTEE