

# THE CHILDREN'S CARE

## Rules and Regulations

These rules shall be called the "Rules and Regulations" of **THE CHILDREN'S CARE**

### 1. **DEFINITIONS AND INTERPRETATION:**

In these rules, unless the context otherwise requires

- (a) **"The Society"** means **THE CHILDREN'S CARE**
- (b) **"Governing Body"** shall mean the body as constituted under the Rules and which shall be the body to look after the overall administration and management of the affairs of the Society.
- (c) **"Financial Year"** means 1st April to 31st March.
- (d) **"General Body"** means Meeting of the all regular members of the Society.
- (e) **"Office bearer"** means President, Secretary and Treasurer
- (f) **"Act"** means Society Registration Act 21, 1860.
- (g) **"Auditor"** shall mean the auditor for the time being of the Society appointed at the Governing Body meeting.
- (h) **"Intellectual Property Rights"** shall mean any and all rights in patents, trademarks, copyrights and designs pertaining to symbols, names, images, logos, course content, product, material, software, design, digital or non-digital material or other work created as a consequence of implementation of the objects of the Society and all other intellectual property rights and equivalent and similar forms of protection, whether registered or unregistered, as well as the applications for registration and the right to apply for registration of any of these rights, in all cases which are used or owned by the Society.
- (i) **"Member"** shall mean any person who becomes a member in accordance with the Rules and shall include all classes of members.
- (j) **"Memorandum of Association"** shall mean the memorandum of association of the Society.
- (k) **"Rules"** shall mean the rules of the Society and as amended from time to time in accordance with the procedure contained herein.
- (l) **"Seal"** shall mean the common seal, if any, from time to time of the Society.

### 2. **MEMBERSHIP:**

- (i) A person who is a citizen of India, mentally & physically sound, above the 18 years. of age, having no criminal record whatsoever shall apply for the Membership of the Society. The application will be forwarded to General Body which alone shall be entitled to accept or reject it. The General Body may reject any application without assigning any reason for the same.
- (ii) The General Body of the Society shall be composed of the following classes of Members:
  - (a) Founder Members
  - (b) Ordinary Members
  - (c) Honorary Member
- (iii) Under no circumstance shall the membership of the Society fall below seven (7).

### **3. ELIGIBILITY FOR MEMBERSHIP FOR EACH CLASS:**

- (i) **Founder Member:** The subscribers to the Memorandum of Association shall be the Founder Members. Further, any person who takes an active part in the establishment of the Society and is accepted for enrolment as such by the subscribers to the Memorandum of Association before the first meeting of the General Body, shall be the Founder Member.
- (ii) **Ordinary Member:** Any person having the requisite academic qualification associated with the Sector and further intending to work with the Society for the achievement of Sector skill development.
- (iii) **Honorary Member:** Officials and others directly or indirectly concerned with the trade, commerce, manufacture or training, course development or training accreditation or who have rendered distinguished service to the interests represented by the Society may be admitted as Honorary Members by the Governing Body upon the proposal of any two Members of the Society. The Honorary Members shall hold office for a renewable term of one (1) year from the date of their signing the Register of Members. Such Members shall only have an observer status without voting rights.

The procedure for admission of Members shall be prescribed by the Governing Body from time to time.

### **4. REPRESENTATION OF SOCIETY :**

who become Members of the Society, would, for the purpose of representation on the Society, nominate, in writing, an individual as its representative under its duly signed resolution to represent them in the General Body meetings and also on the Governing Body meeting and may, from time to time, revoke such nomination and substitute another. The representation of such nominees in relation to the Society for all intents and purposes shall be deemed to be the representation of the Society, whose nominee the person happens to be.

### **5. ADMISSION FEE & SUBSCRIPTION:**

- (i) The Governing Body shall have the power to increase, decrease or vary the amount of monthly/annual subscription from time to time. Additional subscription, in addition to the monthly/annual subscription referred to hereinabove, may be collected by the Governing Body from Members for a general or specific purpose or project.
- (ii) All dues, including monthly/annual subscription, additional subscription as provided in these Rules and any other dues or contributions, are payable to the Society within three (3) months from the date of demand. The first monthly/ annual subscription would, however, be payable within one (1) month of the applicant's admission as Member of the Society. The Nominated and Honorary Members shall not be liable to pay any admission fee and/or subscription.

**6. REGISTER OF MEMBERS:**

- (i) The Society shall maintain a Register of Members containing the following information:
- (ii) The names, addresses and other relevant particulars of all the Members of the Society (names, addresses, contact details etc) from the date on which such persons have been accepted as Members.
- (iii) All changes taking place in the membership from time to time.
- (iv) Such other information as is relevant and for which decision is taken by the Governing Body from time to time.
- (v) No person shall be considered a Member or entitled to exercise any rights and privileges of a Member unless he has signed the Register of Members.

**7. TERMINATION OR CESSATION OF MEMBERSHIP :**

The membership of the society shall be terminated in case of :-

- (i) Death.
- (ii) Resignation addressed to the President or Secretary in writing and accepted by the Governing Body.
- (iii) Becoming of unsound mind or insolvent.
- (iv) Conviction for a criminal offence involving moral turpitude.
- (v) If he fails to pay the subscription or contribution for three (3) months from the due date.
- (vi) Failure to attend three consecutive meetings without proper leave of the Governing Body.
- (vii) If any member does any thing against the rules and regulations of the society, miss-behaves, shows indisciplinatory work, miss uses the fund of the society, unsatisfactory result of their work, the Secretary will have the right to suspend such type of members from their membership.

**8. RE-ADMISSION:**

- (i) In case any Member of the Society is expelled by the Governing Body on the reasons of non-payment of the monthly/annual subscription, he can be readmitted, provided the Member concerned pays all up-to-date dues with the permission of the Governing Body.
- (ii) Any Member who is expelled under Rule 7 (iv), (vi), (vii) hereinabove shall not be entitled for re-admission as a Member.

**9. DUTIES OF THE MEMBERS:**

Every member of the Society shall:

- (i) Attend the General Body meetings regularly.
- (ii) Give the necessary information to the Society, pertaining to any matter Which is necessary to be known by the Society.
- (iii) Not indulge in activities which are prejudicial to the aims and objects and/or the Rules.
- (iv) In the event of any changes in his address, telephone number and other details, Promptly notify the new address, telephone number or other details to the Secretary, who shall thereupon enter the same in the Register of Members.

**10. FORMATION OF THE GOVERNING BODY :**

- (i) The affairs of the “**Society**” shall be managed by a Governing Body which shall consist of Seven members comprising of a President, a Secretary, a Treasurer and four Executive Members, all elected by the General Body through secret voting.
- (ii) The Tenure of Governing Body shall be **Five Years**.
- (iii) Outgoing non-official members of the Governing Body shall be eligible for re-nomination for another term but not more than two terms in total which may be or may not be consecutive.
- (iv) In case of any dispute, conflict, non-functioning or unsatisfactory functioning of the “**THE CHILDREN’S CARE**”, the matter shall be referred to the General Body whose decision shall be binding on the Society.
- (v) Any vacancy of the membership of the Governing Body, caused by any reason, shall be filled in by the Governing Body from the members of the General Body. But the person so appointed shall hold office only for the un-expired period of the term of the membership and in that appointed approval of General Body shall be must in the coming meeting of the General Body.

**11. POWERS AND FUNCTIONS OF THE GOVERNING BODY :**

The powers and functions of the Governing Body shall be as follows :-

- (i) To serve as the policy making and the supervisory body for the society.
- (ii) To enlist the continued co-operation and support of voluntary agencies, welfare organizations, workers’ unions, industrial establishments, development agencies, etc. for the programs.
- (iii) To establish such centers and sub-centers as are necessary to organize and implement the program.
- (iv) To setup such sub-committees as are found necessary.
- (v) To periodically review and from time to time assess, the programs implemented by and through the Society with a view to effect modifications and improvement.
- (vi) To assess the financial requirements of the Society in keeping with its objectives and approve the budgetary estimates.
- (vii) To exercise overall supervision and to ensure that the money spent achieves the objectives and that targets are reached.
- (viii) To appoint or employ, temporarily or permanently, any person or persons that may be required for the purposes of the Society and to pay them, wages and salaries and other remunerations and allow them suitable perquisites, and benefits of provident fund, pension, gratuity and other facilities.

- (ix) The persons elected as the Governing Body Members shall not be entitled to any remuneration except reimbursement of out of pocket expenses.
- (x) The President of the Society would also be the President of the Governing Body.
- (viii) Generally, to take all such measures as may be found necessary, from time to time, to promote the objectives for which the Society has been setup.
- (ix) To borrow or to obtain loan for any amount as it may deem fit and necessary from any bank, financial institutions or corporation and to secure such loan by any movable or immovable properties of the Society and to authorize the President to apply for such loan and execute and deliver such loan documents to such bank or financial institution or corporation on such terms and conditions as he may deem fit and proper.

## ***12. POWERS, FUNCTIONS AND DUTIES OF THE OFFICE BEARERS :***

### **(A) PRESIDENT**

- (i) The President shall be the honorary head of the society.
- (ii) He/She shall preside over all the meetings of the Governing Body.
- (iii) He/She shall have the power to convene ordinary and extraordinary meetings.
- (iv) He/She shall have powers to invite any other person to attend to the Governing Body meetings as a special invitee.
- (v) To appoint/terminate such staff as may be required for effective and efficient management of the affairs of the Society
- (vi) He/She shall have the right of casting a vote in case of equal division.
- (vii) He/She shall convey the decision of the Governing Body to the Secretary.

### **(B) SECRETARY**

- (i) Subject to any orders, rules and byelaws of the society, the Secretary of the Society shall be responsible for the proper administration of the affairs of the Society under the direction and guidance of the Governing Body.
- (ii) The Secretary shall be the executive head of the Society.
- (iii) The Secretary shall prescribe duties of all the members of the staff of the Society and shall exercise supervision and disciplinary control as may be necessary under the rules.
- (iv) The Secretary shall maintain a record of the minutes of all the meetings of the Governing Body and shall be responsible for the proper execution and implementation of the decisions of the Governing Body and Committee.
- (v) The Secretary shall entrust responsibility for activities to the Programs functionaries proportionately to ensure their full and potential participation. He/She shall also hold regular meetings with the staff member, particularly with the programs functionaries to plan and implement and to review the activities as allocated.
- (vi) The Secretary will initiate action for conducting and periodically updating socio-economic profiles and survey and for identifying areas, locations and target groups for planning and formulation of the work plan. Make appointment of staff officer for proper running of the society affairs programmes.

- (vii) The Secretary will initiate action for assessment of learning needs and requirements of training for identified groups and in areas selected for programs operation.
- (viii) The Secretary will initiate action for developing and maintaining a system for identification, selection and training of resource and the instructors.
- (ix) The Secretary shall maintain an imprest cash amount of Rs.50000/- (Rupees Fifty Thousand only) for incidental expenses.

**(C) TREASURER**

- (i) Treasurer of the society will be responsible for the fund management of the Society.
- (ii) He/She will responsible for Bank Transactions.
- (iii) He/She will be responsible for Accounting and Auditing of the fund of the Society.
- (iv) He will keep all the records of Income and Expenditure of the Society.
- (v) The Treasurer will ordinarily hold a cash balance not exceeding Rs. 125000/(or the amount which may be fixed by the Governing Body of the Society from time to time) to meet the emergent needs relating to the Society.

**13. POWERS AND FUNCTIONS OF GENERAL BODY :**

**Formation of General Body :** General Body consist of all the members who have taken membership of the Society.

**Power and Function of General Body** will be as follows :-

- (i) Election of the office bearer and Members of the Governing Body.
- (ii) Ratification of annual plan, annual budget, annual audit report, annual progressive report, etc.
- (iii) Appointment of auditors for audit of annual accounts.
- (iv) To take decision on the amendments of name of the Society, memorandum of Association, Rules & regulations.
- (v) To take decision for dissolution of the Society.
- (vi) Ratification of audit report and to discuss about the income and expenditure of Society.
- (vii) To discussion over other issues with the prior permission of President.

**14. MEETING OF THE GENERAL BODY:**

- (i) Annual General Meeting of the General Body will be held every year, preferably in the month of April. Special or Emergency meeting of the General Body can be convened any time.
- (ii) **Requisitional Meeting :-** Requisitional meeting of the General Body will be convened within 30 (Thirty) days by the Secretary on the demand of 1/3<sup>rd</sup> majority of the members of the General Body in which signature of the requisite members and topic for discussion in the meeting will be mentioned clearly. If the Secretary failed to convene the meeting within 30 days, requisite members have power to convene the requisitional meeting by informing other members and take the decision on the topic clearly mentioned for the requisitional meeting.
- (iii) **Quorum :-** One more of half of the members (*i.e.* 50% + 1) of the General Body will form a quorum for the meeting. No meeting will be held in absence of quorum.
- (iv) Except (**Reserved Matters**), all decisions shall be taken by simple majority of votes of the Members. Except for the Reserved Matters, in the event of equality of votes, the President of the meeting shall have a second or casting vote.
- (v) **Reserved Matters:-**  
The Reserved Matters shall comprise the following:

- a) Alteration of Memorandum of Association or the Rules of the Society;
- b) Appointment or change of the Auditor;
- c) Any increase or decrease in the number of the Governing Body Members
- d) Amalgamation and division of the Society;
- e) Change in name of the Society or Change of objects of the Society;
- f) Dissolution of the Society.

(vi) **Information of General Body Meeting:-**

- (a) Members of the General Body will be informed at least 10 days before the meeting of the General Body.
- (b) Information of the meeting will be given by the registered post or by information-register with signature of receiver.

**15. MEETING OF THE GOVERNING BODY :**

- (i) Every meeting shall be Presided over by the President, and in the absence of the President, any senior most shall preside over that meeting.
- (ii) 3/5<sup>th</sup> members of the Governing Body present at any meeting shall constitute the quorum. No meeting shall take place in the absence of the Secretary except in unavoidable circumstances when the next senior most staff member will act as substitute.
- (iii) An emergency meeting of the Governing Body shall be summoned in extraordinary circumstances. On such occasions, the members shall be given at least 3 days notice. Discussions that have taken place at the emergency meeting need to be placed before the full meeting of the Governing Body when it meets next.
- (iv) In case of a difference of opinion among the members and where there is an equal division, the President shall have a right of casting a decisive vote.
- (v) The Governing Body shall necessarily meet at least twice in a financial year.
- (vi) Members will be informed 7 days before the meeting of the Governing Body.
- (vii) In case of emergency meeting, members should be informed 48 hours before the meeting of Governing Body.

**16. SOURCE OF INCOME:**

- (i) Admission Fee and Membership subscription.
- (ii) Sum received through gift, grants, and contributions, donations by legal sources either movable or immovable.
- (iii) Revenue generated by the Society out of its own assets, its activities, investments.
- (iv) Grants/Loans/Funding made by or through the Central/State Government, Private, Corporate sector, Bank, any individuals, and International Agencies. **(Society will accept foreign funds only after consent from Department of Home Affairs Govt. Of India).**
- (v) All the income, funds and Properties of the Society received from all sources will be used only for the promotion and upliftment of the aims and objects of the Society.

- (vi) That Society is registered in NITI Darpan Porta (<https://ngodarpan.gov.in>) and Unique ID is **JH/2019/0233011** which is Provided by NITI Darpan Portal

- 17. FUND MANAGEMENT AND OPERATION OF THE BANK ACCOUNT:**
- (i) Fund received from the different sources will be deposited in the account of the society in Nationalized Bank or Post Office.
  - (ii) Secretary and Treasurer, or President, will jointly operate the Bank Account of the society, in which Secretary's signature is must.
  - (iii) The account of the society shall be audited annually by the auditor appointed by the General Body.
  - (iv) The audited statement of accounts should contain income and expenditure statement, receipts and payments, assets and liabilities, balance sheet, and utilization certificate, etc.
- 18. BOOKS AND ACCOUNTS:**
- (i) The Society shall keep at its registered office proper books of account with respect to:-
    - (a) all sums of money received and the source thereof and all sums of money expended by the Society and the matters in respect of which the receipt and expenditure take place.
    - (b) all sales and purchase of goods by the Society.
    - (c) the assets and liabilities of the Society.
  - (ii) The income and expenditure account shall be annexed to the balance sheet and the Auditor's report (including the Auditor's special or supplementary report) if any shall be attached thereto.
- 19. AUDIT OF ACCOUNTS:**
- (i) Treasurer will keep the records of accounts (income and expenditure) and made it audited every year by the auditor appointed by the General Body.
  - (ii) If Inspector General of Registration desires to audit the account of the society, he can appoint any recognized auditor and the fee for the same will be borne by the society.
- 20. AMENDMENTS IN RULES & REGULATION:**
- Any amendments of the rules and regulation of the Society will be passed by majority of the Governing Body and it will be ratified by the General Body with 3/5<sup>th</sup> majority. Amendments should be in conformity with the corresponding Rules of Society Registration Act 21, 1860 and Jharkhand Society Rules.
- 21. INSPECTION OF RECORDS:**
- All the records of the Society will keep safely in the office of the Society in custody of the Secretary. Any member/ Government official can inspect the records with the prior permission of Secretary.
- 22. LEGAL PROCEEDINGS :**
- i. Any suit or other legal proceedings by or against the Society may be filled/ contested/ defended and conducted on its behalf either by the President or the Secretary or by any other person so authorized by the Governing Body of the Society. Any pleadings or other documents in connection there with may be signed and verified by any of such persons on behalf of the Association.
  - ii. This power will also include the appointment of advocate/s, attorney/s etc. for the purpose.
- 23. WINDING UP OR DISSOLUTION OF SOCIETY AND MANAGEMENT OF FUNDS AFTER DISSOLUTION :**
- (i) If there is need of winding up or merger or dissolution of Society, resolution to this effect is first passed in a Governing Body and then this resolution will be forwarded to the General Body meeting specially convened by the President of the Governing Body. Majority of 3/5<sup>th</sup>



members of the General Body take a decision in this matter and the society will be dissolved after a second special meeting with the majority of 3/5<sup>th</sup> members of the General Body.

- (ii) After dissolution/ merger of the society, all the properties (movable & immovable), after fulfilling the liabilities, shall be donated to the other society having the same objects or shall be given to the Government of Jharkhand by the majority of 3/5<sup>th</sup> members of the society.
- (iii) In the matter of dissolution/merger Section-13 and 14 of the Societies Registration Act-21, 1860 shall strictly be followed.

**24. BRANCHES OR THE SUB- COMMITTEES:**

The Governing Body may form branches and/or sub-committees all over India to attain the aims and objects of the Society.

**25. SEAL OF THE SOCIETY:**

The Society shall have a common seal which shall be in the custody of the Secretary and shall be used only under the authority of the resolution of the Governing Body and every deed or instrument to which the Seal is affixed shall be attested, for and on behalf of the Society, by two (2) Governing Body Members and Secretary or any other person authorized by the Society in that behalf and chronological record of use of the Seal shall be maintained in a register kept for the purpose.

**26. INTELLECTUAL PROPERTY RIGHTS:**

The Intellectual Property Rights shall, at all times vest and be retained solely by the Society save and except as may be decided by the Governing Body in consonance with Private Body/Appropriate Governmental Authority.

**27. IRREVOCABILITY OF THE SOCIETY:**

The Society Shall be irrevocable and no part of the Society Funds, Properties, in any circumstances whatsoever shall be paid or applied for the benefit of the Founder, author, owner or Member of the Society.

**28. OTHERS :**

Any matter relating to the affairs of the society is not expressly provided for, in these Bye-laws or Rules & regulations framed there under shall be dealt with in accordance with the provisions of Societies Registration Act-21, 1860 and rules framed their in.

