H.P Societies Registration Act 2006
(Act No. 25 of 2006)

I hereby certify that "Himachal Pradesh Horticulture Development Society" HPMC Complex, Nigam Vihar, Shimla 171002 has 18th day (19/01/2016) of January Two Thousand Sixteen been registered under the provisions of the H.P. Societies Registration Act, 2006 (Act No. 25 of 2006).

Given under my hand and seal at Shimla, Himachal Pradesh.

Registrar of Societies,
Himachal Pradesh

[Signature]
HIMACHAL PRADESH

HORTICULTURE DEVELOPMENT

SOCIETY

MEMORANDUM OF ASSOCIATION

AND

RULES AND REGULATIONS
2. **Location of the Office:**
   The registered office of the Society shall be located in HPMC Complex, Nigam Vihar, Shimla-171002.

3. **Jurisdiction:**
   The area of operation of Society shall be the State of Himachal Pradesh.

4. **Purposes and Objectives:**
   (i) The Society shall function as an autonomous body of the Government of Himachal Pradesh for monitoring, coordination and/or implementation of World Bank or any other externally financed/aided Horticulture Project(s) as may be authorized by the Government of Himachal Pradesh from time to time.
   (ii) Primarily, the Society will focus on carrying out activities as laid down in the Project Report/Project Implementation Plan of the Horticulture Development Project or any other project taken up by the State Government with World Bank or other external finance/aid or centrally funded or aided by any other source as may be authorized by the State Government.
   (iii) Specifically, the basic objective of the Society is to take up activities and make investments through various implementing agencies/line departments of the State Government for achieving the development objectives of the Horticulture Development Project taken up by the State Government.

5. **Functions:**
   The functions of the Society shall be as under:
   (i) To take/undertake all actions/activities that may be necessary for preparation of Project Implementation Plan and its implementation under Horticulture Development Project or other Projects relating to horticulture, as may be authorized by the State Government, hereinafter also called as “Project”, in particular for achievement of the development objectives of individual Project;
   (ii) To manage such institutions and properties so handed over to the Society for the purpose of implementation of Horticulture development Project and to create separate agencies or bodies for this purpose;
   (iii) To create duly empowered management mechanism, through participation of collaboration with various stakeholders, as deemed necessary for achievement of development objectives of the Project;
   (iv) To establish an appropriate implementation, coordination and monitoring mechanism at the district, sub-division, block, village and Panchayat levels and to delegate appropriate powers to such bodies as may be necessary for implementation of the Project;
   (v) To undertake innovative initiatives in areas related to the Project, as stated in the relevant Project Reports/Project Implementation Plan or as recommended by the Review Missions of the Project Funding Agencies or as may be directed by the State Government;
   (vi) To create technical, administrative and other posts considered necessary for implementation of the Project in the Society, and to retain such posts in the Society and to make payments for the same, pursuant to provisions in this regard in the Rules & Regulations of the Society. the creation of such posts, however, shall be as per stipulations of the Project Report/Project Implementation Plan of the Project, and such posts duly approved by the State Government;
   (vii) To make rules and regulations, not inconsistent with the Memorandum of Association, in conduct of activities of the Society;
   (viii) To accept grants of money, securities of property and to undertake and accept management of any endowment consistent with the object of the Project;
   (ix) To prepare annual reports, monthly, quarterly and annual accounts of the Society;
(x) To purchase, hire, dispose through formal auction, take on lease, exchange or otherwise acquire property both movable and immovable, in pursuance of objectives of the Project and otherwise to achieve the objectives of the Society;

(xi) To commit expenditure as received from the Government or any other source in pursuance of objectives the Project and that of Society; and

(xii) To take all such actions, including those not mentioned above, as may be necessary for or incidental to the achievements of development objectives of the Project and that of the Society.

5 (i) Management of the Society:

The management of the affairs of the society is entrusted by the regulations of the Society to the Governing Body, whose names, addresses and occupations are specified below:

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Name</th>
<th>Address for correspondence</th>
<th>Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Sh. Tarun Shridhar</td>
<td>Additional Chief Secretary</td>
<td>Government service</td>
</tr>
<tr>
<td></td>
<td>Chairperson</td>
<td>(Hort.), HP</td>
<td></td>
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<tr>
<td>2.</td>
<td>Sh. Shrikant Baldi</td>
<td>Additional Chief Secretary</td>
<td>Government Service</td>
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<td></td>
<td>Member</td>
<td>(Fin.), HP</td>
<td></td>
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<tr>
<td>3.</td>
<td>Shri J.C. Sharma</td>
<td>Principal Secretary</td>
<td>Government service</td>
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<tr>
<td></td>
<td>Member Secretary</td>
<td>(Printing &amp; Stationary)</td>
<td></td>
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<td></td>
<td></td>
<td>&amp; MD, HPMC</td>
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<tr>
<td>4.</td>
<td>Sh. D.P. Bhangalia</td>
<td>Director of Horticulture, HP</td>
<td>Government service</td>
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<td></td>
<td>Member</td>
<td></td>
<td></td>
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<tr>
<td>5.</td>
<td>Sh. J.S. Panwar</td>
<td>Joint Controller Finance,</td>
<td>Government Service</td>
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<td></td>
<td></td>
<td>Govt. of H.P.</td>
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<tr>
<td></td>
<td>S/o Sh. Amar Singh</td>
<td>53 years, Treasurer</td>
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<td></td>
<td>53 years, Treasurer</td>
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6. We, the several persons whose names and addresses are subscribed below are desirous of forming a Society in pursuance of the aforesaid Memorandum of Association and have signed the memorandum in the presence of the witnesses as shown below:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name</th>
<th>Address</th>
<th>Occupation</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Sh. Tarun Shridhar</td>
<td>Additional Chief Secretary</td>
<td>Government service</td>
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<td></td>
<td>s/o Sh. S.R. Sharma</td>
<td>(Hort.), HP</td>
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<td></td>
<td>(56 years)</td>
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<tr>
<td>2.</td>
<td>Sh. P.C. Dhiman</td>
<td>Additional Chief Secretary</td>
<td>Government Service</td>
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<td></td>
<td>s/o Sh. Karam Chand Dhiman</td>
<td>Additional Chief Secretary</td>
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<td></td>
<td>(59 years)</td>
<td>(IPH), HP</td>
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<td>3.</td>
<td>Sh. Shrikant Baldi</td>
<td>Additional Chief Secretary</td>
<td>Government Service</td>
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<td></td>
<td>S/o Sh. Ram Jas Baldi</td>
<td>(Fin.), HP</td>
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<td></td>
<td>(56 years)</td>
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<td>4.</td>
<td>Shri J.C. Sharma</td>
<td>Principal Secretary</td>
<td>Government service</td>
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<td></td>
<td>S/o Sh. Gouri Dutt</td>
<td>Printing &amp; Stationary</td>
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<td></td>
<td>(53 years)</td>
<td>MD, HPMC</td>
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<tr>
<td>5.</td>
<td>Shri Akshay Sood</td>
<td>Advisor (Planning), HP</td>
<td>Government service</td>
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<tr>
<td></td>
<td>s/o Sh. Ved Prakash Sood</td>
<td>Advisor (Planning)</td>
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<td></td>
<td>(52 years)</td>
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<tr>
<td>6.</td>
<td>Sh. D.P. Bhangalia</td>
<td>Director of Horticulture, HP</td>
<td>Government service</td>
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<td></td>
<td>Sh. Deep Chand</td>
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<td></td>
<td>(57 years)</td>
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<td>7.</td>
<td>Shri S.R. Kalia</td>
<td>Director of Agriculture, HP</td>
<td>Government Service</td>
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<td></td>
<td>s/o Sh. Bali Ram</td>
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<tr>
<td></td>
<td>57 years</td>
<td></td>
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<tr>
<td>8.</td>
<td>Sh. J.S. Panwar</td>
<td>Joint Controller Finance, H.P.</td>
<td>Government Service</td>
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<td></td>
<td>s/o Sh. Amar Singh</td>
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<td></td>
<td>53 years</td>
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One copy of the Rules & Regulations and Regulations of Horticulture Development Society, duly certified, as required by Section-6 of Himachal Pradesh Societies Registration Act, 2006 (No. 25 of 2006) is filed with the Memorandum of Association.

To

The Registrar of Societies
Himachal Pradesh, Shimla

Witness:

1. [Signature]
   (Amrit Sharma)
   Subject Matter Specialist (Horticulture)
   H.P. Horticulture Development Project, Shimla-2

2. [Signature]

3. [Signature]
RULES & REGULATIONS

1. Short Title, Extent and Commencement:
   (i) These Regulations shall be called “the Regulations of the Himachal Pradesh Horticulture Development Society, 2015” hereinafter called the “Regulations”.
   (ii) The Regulations shall extend to all activities of the Society.
   (iii) The Regulations shall come into force with effect from the date of registration of the Society.

2. Definitions:
   (i) In these Rules of Business, unless the subject or context requires otherwise:
   (iii) “Central Government” means Government of India.
   (iv) “Chairperson” means the Chairperson of the Executive Committee of the Society;
   (v) “Chief Secretary” means the Chief Secretary to the Government of Himachal Pradesh;
   (vi) “Chief Executive Officer” means the Chief Executive Officer of the Society to be appointed by the State Government and shall be an officer of Indian Administrative Service cadre. The Chief Executive Officer shall also be the Project Director of Himachal Pradesh Horticulture Development Project.
   (vii) “Executive Committee” means the Body which is constituted as such under Section-15 of the Act ibid as the Governing Body of the Society and which is responsible for overall management of the Society and implementation of the Project or Projects.
   (viii) “Finance Department” means the Finance Department of the Government of Himachal Pradesh;
   (ix) “General Body” means the Governing Council of the Society constituted under Rule 5 hereunder consisting of all members of the Society.
   (x) “State Government” means the Government of Himachal Pradesh.
   (xi) “Implementing Agencies” means the line departments of the Government of Himachal Pradesh and other institutions entrusted with the responsibility of implementing the Project as determined by the Government of HP and as laid down in the Project Implementation Plan.
   (xii) “Officers and Staff” means the officers and staff in the employment of the Society including the officers, staff, and consultants working in the Society part time or full-time. This will also include the Government officers on deputation and placed on Service Disposal basis, in addition to their own duties in the parent Government Department.
   (xiii) “President” means President of the Governing Council of the Society.
   (xiv) “PIU” means the Project Implementation Unit (PIU), under the Society, located in the Offices of the implementing Government Departments/Corporations created for implementation of the Horticulture Development Project, as determined by the Government of HP.
   (xv) “PCU” means Project Coordination Unit of the Society, located in the headquarters of the Society at Shimla which shall be responsible for coordination, monitoring and/or implementation of the Horticulture Development Project or any other Project/Job assigned by the State Government.
   (xvi) “Project Director” means the Project Director of Horticulture Development Project.
   (xvii) “Project” means Horticulture Development Project or any other Project(s) as may be entrusted by the Government of Himachal Pradesh from time to time for coordination, monitoring and/or implementation by the Society.
(xviii) “Project Report” means Project Reports prepared by the World Bank/External financing or aiding agency/any other agency duly approved by the Govt. of HP for the Project to be implemented by the Society.

(xix) “Project Implementation Plan (PIP)” means Project Implementation Plan of Horticulture Development Project or any other “Project”.

3. Abbreviations:
In these regulations the following abbreviations are used:

(i) “ACS” means Additional Chief Secretary in charge of Horticulture Department.

(ii) “AD” means Administrative Department of the Government i.e., the Government in Horticulture Department.

(iii) “AWP” means annual work plan of the Project.

(iv) “The Project” means H.P Horticulture Development Project, as approved by the State Government, coordinating, monitoring and/or implementing responsibility of which will be vested to the Society.


(vi) CEO means Chief Executive Officer of the Society and who shall also be the Project Director of Horticulture Development Project.

Chairperson means the Chairperson of the Executive Committee of the Society.

(vii) “DDO” means the Drawing and Disbursing Officer of the Society and of the implementing departments/agencies associated with Project.

(viii) “EC” means the Executive Committee of the Society.

(ix) “FY” means the Financial Year.

(x) “GC” means the Governing Council which is the General Body of the Society.

(xi) “HOD” means the Head of the Department of the Government of Himachal Pradesh.

(xii) “Implementing Agencies” means departments of the Government of HP and autonomous institutions entrusted with the responsibility of implementing Horticulture Development Project or any other “Projects” as determined by the State Government and as laid down in the Project Implementation Plan. Such departments/agencies may include Departments of Horticulture, Agriculture, Animal Husbandry, Fisheries, IDPH, PWD, Rural Development, Environment & Forest, etc., and Agencies/Bodies such as Horticulture & Agriculture Universities, HPMC, Marketing Boards/Committees, Self Help Groups (SHGs), Farmers Interest Groups (FIGs), Agro Service Groups (ASGs), NGOs etc., to foster public private partnership in order to achieve the objectives and goals of the Project.

(xiv) “PD” means the Project Director of H.P. Horticulture Development Project and Chief Executive Officer of the Society, appointed as such by the State Government.

(xv) “PIU” means the Project Implementation Unit of the departments which have been assigned the task of implementation of the Project, which are to be coordinated and monitored and/or implemented by the Society.

(xvi) “President” means the President of the Governing Council of the Society.

(xvii) “PIP” means Project Implementation Plan of Horticulture Development Project approved by competent authority.

4. Management and flow of funds to Society:
(i) The State Government shall sanction and release funds in the shape of Grant-in-aid in one or more than one instalment for implementation of Horticulture Development Project or any other project to the Society.

(ii) The Society shall be responsible for submission of Utilization Certificate for the funds released to it.

(iii) Any interest earned by Society on un-utilized funds will be utilized for the activities of the Society with the permission of the Project funding agency.

5. General Body/Governing Council (GC):
After registration of Society the General Body/Governing Council shall have the following as members:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Description</td>
</tr>
<tr>
<td>2</td>
<td>Additional Chief Secretary/Principal Secretary (Hort.) to the Government of HP</td>
</tr>
<tr>
<td>3</td>
<td>Additional Chief Secretary/Principal Secretary (Agriculture), HP</td>
</tr>
<tr>
<td>4</td>
<td>Additional Chief Secretary/Principal Secretary (IPH), HP</td>
</tr>
<tr>
<td>5</td>
<td>Additional Chief Secretary/Principal Secretary (Finance), HP</td>
</tr>
<tr>
<td>6</td>
<td>Additional Chief Secretary/Principal Secretary (HPP), HP</td>
</tr>
<tr>
<td>7</td>
<td>Additional Chief Secretary/Principal Secretary (Forests), HP</td>
</tr>
<tr>
<td>8</td>
<td>Vice Chancellor, Dr. Y.S. Parmar University for Horticulture and Forestry, Solan, HP</td>
</tr>
<tr>
<td>9</td>
<td>Managing Director, HPMC</td>
</tr>
<tr>
<td>10</td>
<td>CEO-cum-Project Director</td>
</tr>
<tr>
<td>11</td>
<td>Advisor Planning, HP</td>
</tr>
<tr>
<td>12</td>
<td>Director of Agriculture, HP</td>
</tr>
<tr>
<td>13</td>
<td>Director of Horticulture, HP</td>
</tr>
<tr>
<td>14</td>
<td>Managing Director, HP Agriculture Marketing Board</td>
</tr>
<tr>
<td>15</td>
<td>Chief General Manager, NABARD, Shimla</td>
</tr>
<tr>
<td>16</td>
<td>Controller, Jt. Controller (Fin), GOHP</td>
</tr>
</tbody>
</table>

Four members will be nominated by the President of the Governing Council who shall be prominent Horticulture/Agriculture scientists and Horticulturists. However, they shall not have the right to vote.

6. Term of the members:
Term of official members of Governing Council will be co-terminus with their tenure in the specified appointment in the Government and they will not be eligible to resign. Term of nominated members shall be as decided by the President. Nominated members shall cease to be such members if he/she:

(i) resigns from membership,
(ii) is of unsound mind,
(iii) convicted in an offence,
(iv) fails to attend two consecutive meetings without leave, and ceases to hold the position by virtue of which membership was made.

7. Resignation of nominated members:
A resignation of membership will be tendered to the President of the Governing Council and will take effect on acceptance of the same by the President and notified.

8. Powers and Functions of the Governing Council:
Following will be the powers and functions of the GC:

(i) To review the implementation of Horticulture Development Project and to give overall policy guidance and directions for efficient functioning of the Society;
(ii) To consider the balance sheet and audited accounts and their approval;
(iii) To consider the annual reports and approval of the same;
(iv) To amend the Rules & Regulations of the Society.

9. Meeting of the Governing Council:
Meeting of the Governing Council;
(i) Will be held at such date, time and venue as decided by the President and notified by or on behalf of the Member Secretary, provided that at least one meeting will be held every year.
(ii) In the event of the President being not present, meeting will be chaired by one of the senior most official members to be elected.
(iii) One half of the members will form the quorum; quorum in the adjourned meetings would not be required.
(iv) Each member of the Governing Council will have one vote; all decisions that cannot be arrived at by consensus will be determined by the majority vote.
(v) Nominated members will not have voting right.

10. Executive Committee:
There shall be an Executive Committee of the Society. It shall be the responsibility of the Executive Committee to endeavour to achieve the objectives of the Society and to discharge its functions. The Executive Committee shall be the Governing Body of the Society and shall exercise all administrative and financial authority in this behalf, including powers to create posts of all descriptions and approve appointments to be made by the Chief Executive Officer or any other authority;

11. Meetings of Executive committee:
Meeting of Executive Committee will be held at least once in three months on the date, time and venue to be decided by the Chairperson and notified by the Member Secretary. Presence of half the members of Executive Committee will form the quorum.

12. Power and functions of Executive Committee:
The Executive Committee shall exercise all executive and financial powers of the Society in order to achieve the objectives and perform the functions as laid down in Articles 4 and 5 of the Memorandum of Association. Specifically, it will:

i. Manage funds of the Society. The Executive Committee shall cause the audit of the accounts of the Society annually both by the duly appointed Chartered Accountant or the Principal Accountant General, HP or by any other agency that may be deputed by the State Government from time to time;

ii. Frame regulations not inconsistent with Rules and Regulations;

iii. enter into agreement with any legal entity in furtherance of objectives of Horticulture Development Project or projects;

iv. Allocate, sanction and provide funds to the implementing departments/agencies for fulfilment of the objectives of Horticulture Development Projector projects;

v. Shall have the powers to delegate financial powers to the officers of the Society;

vi. Monitor physical and financial progress of the Horticulture development Project or any other projects;

vii. Cause action for obtaining reimbursement (as applicable) of funds from the funding agency of Horticulture Development Projector any other projects;

viii. Supervise and closely monitor the activities of the PIUs;

ix. Take all actions deemed necessary for fulfilment of the development objectives of the Horticulture Development Project. This will include suggesting new initiatives to the implementing agencies as well as to the Governing Council; and
x. Authorize creation of technical, administrative and other posts in the Society, and to issue orders to retain such posts and to make payment for the same, provided, the posts shall be as provided in the Project Implementation Plan (PIP) of the Project, and such PIP have been duly approved by the State Government and that prior specific concurrence of the Government for creation of posts is obtained by the Society;

xi. Ensure that the Salary/TA/DA etc. for the post created is eligible for reimbursement (as applicable to the extent provided in the Project Implementation Plan);

xii. Ensure that the posts so created by the Society shall be purely temporary and Project Specific and shall cease to exist after closure of the Project or projects, unless terminated earlier or as decided by the Governing Council of the Society;

xiii. Ensure that the Society deposits all the dues as per policy/rules of the State Government, in respect of officers on deputation from the State Government on a regular basis and deduct applicable Pension Contribution & Matching Share/GPF/ GIS subscriptions and professional taxes from the incumbents monthly salary and deposit to the appropriate head of account of the State Government;

xiv. Authorize reversion of officials and staff deputed by State Government to the Society without assigning any reasons; and

xv. Authorize the Chief Executive Officer to discharge the day-to-day functions on behalf of the Governing Council and Executive Committee in association with the Chairperson as per delegation in the regulations of the Society.

13. Powers and Functions of the Chairperson:

The Chairperson of the Executive Committee will have overall responsibility for implementation, monitoring and coordination of the Horticulture Development Project or any other project, under the supervision of the Governing Council. Chairperson, will chair the meetings of the Executive Committee and exercise all powers of the Society. The Chairperson will be competent to take suitable actions on behalf of Governing Council even in the absence of the Governing Council decision, if necessary, depending on urgency under the supervision and approval of the President of the Governing Council, the Chairperson will:

(i) Scrutinize annual plan and budget; proposal for revision thereto by Governing Council;

(ii) Ensure audit of accounts: internal, external and statutory; follow up action on audit;

(iii) Monitor actions relating to obtaining reimbursement of expenditures (as applicable) from funding/aiding agency; and

(iv) Deal with any other matter relating to financial affairs of the Society.

14. Powers and Functions of the Chief Executive Officer:

The Chief Executive Officer of the Society shall be the Project Director of Horticulture Development Project or any other Project of the Society and shall be responsible for implementation of the project, administration and management of the Society consistent with policy directions issued by the Governing Council and management directions issued by the Executive Committee of the Society. The Chief Executive Officer will be reporting to the Chairperson directly. She/he will operate from the registered office of the Society. The Chief Executive Officer will:

(i) Be overall charge of the Society and exercise all administrative and financial powers on behalf of the Executive Committee;
(ii) Assess training needs of officers and staff of the Society, implementing departments/ agencies and formulate training plans and arrange for such trainings.

(iii) Establish close co-ordination with Funding Agency and similar projects under implementation in India;

(iv) Operationalise computerized MIS in the Society/PIUs/District Offices of the line departments; cause training of staff in this regard;

(v) Assist, guide and supervise activities of all Implementing Departments/Agencies in project planning, implementation, monitoring, accounting, auditing and evaluation activities as per requirement and stipulations of the Horticulture Development Project/projects.

(vi) Initiate action on recommendations of World Bank/ funding agency of the "Projects", State Government, Governing Council, Executive Committee and others;

(vii) Be responsible for preparation of Annual Work Plan as per design of the Project financed by World Bank or other Financing/Aiding Agency, as may be authorized by the State Government from time to time;

(viii) Constitute district and block level co-ordination mechanism for implementation and follow up on them;

(ix) Chair meetings of Project Implementation Team and Committees, Groups constituted for implementation of Project pursuant to Regulations of the Society and take follow up action;

(x) To accord Sanction and to release funds as provided in the Regulations of the Society.

Cause field inspection of Horticulture Development Project activities and initiate corrective actions wherever necessary; and to recommend disciplinary action against any officials and staff on deputation to the Society from State Government subordinate to him/her;

(xii) Discharge all statutory responsibilities of the Society; and

(xiii) Carry out any other responsibilities assigned from time to time as directed by the Governing Council and the Executive Committee or the State Government.

15. Power of the Government:

The Government of Himachal Pradesh may appoint one or more persons to review the work and progress of the Society, and to hold enquiries into the affairs thereof and to report thereon in such manner as the State Government may stipulate. Upon receipt of such report, the Government may take such action and issue such directions, as it may consider necessary in respect of any of the matters dealt with in the report. The Society shall be bound to carry out such directions. In addition, the Government of Himachal Pradesh, at any time, may issue directives on matters of policy to the Society and the latter shall be bound to comply with such directives.

16. Assets:
The income and property of the Society, howsoever derived, shall be applied towards promotion of the objectives thereof as set forth in the Memorandum of Association; subject nevertheless, in respect of the expenditure of the grants made by the Government of India or Government of Himachal Pradesh, to such limitations as the Government of India or the Government of Himachal Pradesh may from time to time impose. No portion of the income and property of the Society shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise to the persons who at any time have been members of the Society or to any of them or to any person claiming through them provided that nothing herein contained shall prevent the payment made in good faith as remuneration to any member thereof or other persons in return for any services rendered to Society.

17. Financial Aspects:

(i) CEO shall have the powers to open Bank Account or Accounts, as may be necessary, in any Nationalized, Commercial, Scheduled Bank(s) in the name of the Society.

(ii) All these accounts shall be operated under the joint signatures of the CEO-cum-PD or the any other person authorized and the Financial Controller of the Society.

18. Sanction Procedure:

(i) Based on the approved Annual Work Plan (AWP) or Project Implementation Plan (PIP) for a particular FY, the CEO-cum-PD will release/sanction/authorize funds for carrying out activities of Horticulture Development Project and also place the demand for funds to the State Government in accordance with the PIP and amend work plan and progress made on various activities under the project.

(ii) The sanction for activities, which are not included in the approved AWP for whatsoever reason, shall be accorded by the CEO-cum-PD with the approval of the Chairperson if the amount is more than Rs. 25,00,000. Such approval/sanction proposals shall, however, either be based on the provisions in the HD Project or with specific approval of the Project funding agency.

(iii) For the activities included in the AWP of the Project, financial sanctions shall be accorded by the CEO-cum-PD or any other officer as per the delegation of financial powers to be determined by the Chairperson in accordance with the recommendation of the Executive Committee.

19. Fund Release Procedure:

(i) The Society shall release funds as per the procedure laid in the Financial Management Manual (FMM) to the identified and notified Implementing Agencies through their designated officers/DDOs.

(ii) The Implementing Agencies will open and maintain separate Bank Account in a Nationalized Commercial Bank for making eligible payment to the contractors, suppliers, beneficiaries, etc. through NEFT/RTGS. All these Bank Accounts shall be operated under the joint signature of the DDO and the senior most Accounts official in the DDO's office.

(iii) The Head of the Implementing Agencies shall submit proposal to the CEO-cum-PD for release of funds, as and when necessary, against the activities for which sanction has been accorded in AWP by the Society on such prescribed formats as prescribed & circulated by the Society.

20. Sanctions and Expenditures of the Society:

(i) CEO of the Society shall have full powers to sanction the expenditure for the activities as per the approved AWP.
(ii) CEO shall have full powers in respect of payment of salaries and traveling expenses within the country for the establishment of the Society including decision relating to the mode of travel and reimbursement of Hotel expenses on actual basis. For his/her own travel outside the state, CEO shall obtain the approval of the Chairperson. For travel outside the country existing procedures of the State Government shall be followed.

21. Audit and Accounts:
(i) The Society shall maintain proper accounts and other relevant records and prepare annual accounts comprising the Receipts and Payment account, statement of liabilities in such form as may be prescribed by the Registrar of Societies of the State Government in keeping with the Rules in force under the Act, subject to the condition that in respect of grants from the Central Government or external aid agency, directions of the Central Government or external aid agency shall be adhered to or the accounts and other relevant records shall be maintained in accordance with the Financial Management Manual for the Project.
(ii) The accounts of the Society shall be audited and certified annually by the Chartered Accountant in accordance with the provisions of the Act and Financial Manual of the Project.
(iii) The audited accounts shall be submitted to the Society which shall submit a copy of Audit Report along with the observations to the concerned quarters within stipulated days from the receipt thereof. The audited accounts shall be submitted to Registrar of Societies within stipulated period as prescribed in section 3-5 of the H.P. Societies Registration Act-2006.
(iv) The accounts of the Society shall also be subject to the provisions of the Comptroller and Auditor General (Duties, Powers and Conditions of Service) Act, 1971, as amended from time to time.

22. Guidelines:
The Financial Management Manual (FMM) and Procurement Manual approved by the Governing Council, as amended from time to time shall be adhered to.

23. Amendments:
With the prior approval of the State Government, Society may alter, extend or abridge the purpose for which it is established, or amalgamate Society in accordance with the provisions of the Act.
As and when there is any change in the nomenclature of Ministries, Departments or institutions (s) and designation (s) mentioned in the Rules, such changes shall automatically stand, incorporated in these rules.

24. BYE LAWS:
Subject to the specific directions of the Himachal Pradesh Nurseries Cum Demonstration Orchards Development & Management Society and the provisions in these rules and regulations to be framed thereunder, the Board of Directors shall have powers to frame and amend bye-laws with the approval of the General Body for the conduct of the activities of the Himachal Pradesh Horticulture Development Society. No proposal for the amendment in the Memorandum of Association or regulations/Bye laws thereto shall be done, if such proposals have not been approved by a majority of three fifth members present in the General Meeting called specially for such purpose and in accordance with provisions laid down under Section-9 of the H.P.Society Registration Act-2006.

25. Dissolution:
If such Society needs to be dissolved, it shall be dissolved as per provisions laid down under Sections of the H.P. Societies Registration Act, 2006. If on winding up or
dissolution of Society, there shall remain, after satisfaction of all debts and liabilities, any property whatsoever, the same shall not be paid to, or distributed amongst the members of Society or any one of them and shall accrue to the State Government which shall decide about the utilization in accordance with provisions of the Act.

26. Miscellaneous:
(i) Once in every year a list of members of the Governing Council shall be filed with the Registrar of Societies as required under the relevant Sections of the Act.
(ii) If any change occurs in composition of the Governing Council or in the holder of the office of the Chairperson or the Chief Executive Officer at any time for any reasons such change shall within 30 days be submitted to the Registrar of the Societies.
(iii) All properties belonging to the Society shall be deemed to be vested in the Governing Council of the Society and shall be referred to as the property of Society.

27. Suits by and Against Societies;
The Society may sue or be sued in the name of the President or Member Secretary of the Society as the case may be and determined and appointed by the Governing Body/Board of Directors. The jurisdiction shall be Shimla.

28. Officers, Staff and Contractual Personnel of the Society:
Officers and staff of the Society except contractual and outsourced personnel with specialized skill as provided in the Project Implementation Plan (PIP) of the Horticulture Development Project shall be ideally on deputation/secondment from the State Government. Society may create such post as provided in the Project Implementation Plan (PIP), as approved by the State Government, and with the concurrence of the Governing Council of Society and approval of the State Government. However, in the case of suitable officers and staff from the Government being not available, the Executive Committee may authorize hiring of contractual employees for the positions in the Society, meant for Government staff.

i. Whatever staff is hired/recruited by the Society even on temporary or daily wages basis would be with the approval of State Government. The staff hired/recruited by Society would be Society’s own staff and shall belong to the Society only. In case of the dissolution, the services of employees of Society would stand automatically dispensed with. The Rules, Instructions and guidelines as are framed/issued by the Society or Governing Body from time to time shall govern them.

ii. The Society shall strictly implement the provisions of Sexual Harassment of Women at Workplace Act-2013.

29. Interpretation:
If in the interpretation of these Rules & Regulations there be any dispute or doubt, it will be decided by the Registrar of Societies H.P..

30. Application of Act
All the provisions of the H.P. Society Registration Act 2006 shall be applicable to the Society.

Certified that above is the true copy of Memorandum of Association and Regulations of the Society duly adopted by all the members of the Society.

Registrar of Societies,
Himachal Pradesh
Shimla-171009

Project Director
H.P. Horticulture Development Project, Shimla-2