

## **Rules / Regulations of the District Health Society (Daman)**

### **1. SHORT TITLE**

1.1 These Rules and Regulations shall be called “The Rules and Regulations of the District Health Society (Daman), 2005”.

1.2 These Rules shall come into force with effect from the date of registration of the Society by the Registrar of Societies.

### **2. DEFINITIONS**

2.1 In the interpretation of these Rules and Regulations, the following expressions shall have the following unless inconsistent with subject or context:

“Act” means Societies Registration Act, 1860.

“Central Government” means the Government of India.

“DHS” means the District Health Society

“Executive Committee” means the Executive Committee as referred to in these Rules.

“District Programme Manager” means the Programme Manager cum Convener of the Society as referred to in these Rules.

“Governing Body” means the Governing Body of the Society as referred to in these Rules.

“Member” means the Member of the Society as referred to in these Rules.

“Rules” means these Rules and Regulations registered along with the memorandum of Association & as may be amended by the Governing Body of the Society from time to time.

“Secretariat” means the Secretariat of the Society as referred to in these Rules.

“State Government” means the Daman & Diu Administration.

“Year” means the financial year, namely from 1<sup>st</sup> April of a calendar year to 31<sup>st</sup> March of the next calendar year.

### **3. OFFICE AND JURISDICTION**

3.1 Registered office of the Society shall be situated at the Office of the Medical Superintendent, District Hospital, Marwad, Daman District having its office at Nani Daman.

3.2 The jurisdiction of the Society shall be the whole of Daman District.

### **4. MEMBERSHIP**

4.1 The following shall be the members of the Society:

- First members of the Governing Body.
- Following additional ex-officio members of the Governing Body:
  - Programme Managers/District Officers in charge of national /centrally sponsored health & FW schemes/programmes and ex-officio office-bearers of the vertical programme / project societies in the health & FW sector (e.g. District Blindness Control Society, District RCH

Society, District TB Control Society, District Malaria Society etc.), which existed before the formation of this Society, AYUSH and In-charge of 'Total Sanitation Campaign' in the District.

- Superintendents of District, Sub-Divisional and other hospitals in the district.
- Elected representatives (MLAs/MPs) from the district.
- District Programme Manager to be appointed under these Rules.
- Representatives of Development Partners supporting health and family welfare activities in the district, if any.
- Representatives of NGOs.
- Local representatives of professionals' associations (e.g. IMA, FOGSI, IAP etc.).
- Representatives of other organizations as may be determined by the Governing Body from time to time.
- Individuals as may be nominated by the Governing Body from time to time.

4.2 The membership of an ex-officio member of the Society and of the Governing Body shall stand terminated when he/she ceases to hold the office by virtue of which he/she was member and his/her successor to the office shall become such member.

4.3 Non-official members of the Society will be nominated by the Chairperson with the approval of the Governing Body. Nominated members shall hold office for a period of three years from the date of their nomination by the Chairperson. Such members will be eligible for re-nomination for another period of 3 years.

4.4 The Society shall maintain a roll of members at its registered office and every member shall sign the roll and state therein his/her rank or occupation and address. No member shall be entitled to exercise rights and privileges of a member unless he/she has signed the roll as aforesaid.

4.5 All members of the Governing Body shall cease to be members if they resign, become of unsound mind, become insolvent or be convicted of a criminal offence involving moral turpitude or removal from the post by virtue of which s/he was holding the membership.

4.6 Resignation of membership shall be tendered to the Governing Body in person to its Executive Secretary and shall not take effect until the Chairperson has accepted it on behalf of the Governing Body.

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

4.8 Any vacancy in the Society or in the Governing Body shall be filled by the authority entitled to make such appointment. No act or proceedings of the Society or of the Governing Body shall be invalid merely by reason of the existence of any vacancy therein or of any defect in appointment of any of its members.

4.9 No member of the Governing Body, except the Executive Secretary to be appointed as per these Rules, shall be entitled to any remuneration.

## **5 AUTHORITIES OF THE DHS**

### **5.1 The following shall be the bodies and authorities of the Society:**

- Governing Body
- Executive Committee
- Sub-Committees of the Executive Committee, such as Programme Committees

### **5.2 GOVERNING BODY**

5.2.1 All members of the Society as set out in Para 4.1 shall constitute the Governing Body of the Society.

5.2.2 The first members of the Governing Body of the Society shall be those mentioned in Clause 6 of the Memorandum of Association. They shall hold office until a new Governing Body is appointed according to these Rules.

5.2.3 The management of the affairs of the Society shall be entrusted to Governing Body and the property of the Society shall be vested in the Governing Body.

5.2.4 The Society may sue or be sued in the name of the Executive Secretary of the Society or of such other members as shall, in reference to the matter concerned, be appointed by the Governing Body for the occasion.

### **5.3 PROCEEDINGS OF THE GOVERNING BODY**

5.3.1 The meetings of the *Governing Body* shall be held *at least twice a year* and at such time and place as the Chairperson shall decide. If the Chairperson receives a requisition for calling a meeting signed by one-third members of the Governing Body, the Chairperson shall call such a meeting as soon as may be reasonably possible and at such place as s/he may deem fit.

5.3.2 Following minimum business shall be brought forward and disposed off in every meeting of the Governing Body:

- Annual report of the Society relating to last financial year, including (a) income and expenditure account, (b) balance sheet and (c) audit report.
- Physical and financial progress of the programmes / projects in the current year.
- Work Plan (including budget) for the next financial year.
- Other business brought forward with the assent of the Chairperson.

5.3.3 Every notice calling meeting of the Governing Body shall state the date, time and place at which such meeting will be held and shall be served upon every member of the Governing Body not less than twenty one clear days before the date appointed for the meeting. Such notice shall be issued by the Executive Secretary of the Society and shall be accompanied by an agenda of the business to be placed before the meeting provided that accidental omission to give such notice to any member shall not invalidate any resolution passed at such meeting. In the event of any urgent business the Chairperson may call the meeting of the Governing Body at clear ten days notice.

5.3.4 The Chair-person shall Chair the meetings of the Governing Body. In his/her absence, the Governing Body shall elect one from among the members present as Chairperson of the meeting.

5.3.5 One third of the members of the Governing Body, including the substitutes nominated under Rule 5.3.7 present in person, shall form a quorum at every meeting of the Governing Body.

5.3.6 All disputed questions at the meeting of the Governing Body shall be determined by votes. Each member of the Governing Body shall have one vote and in case of a tie, the Chairperson shall have a casting vote.

5.3.7 Should any official members be prevented for any reason whatsoever from attending a meeting of the Governing Body, the Chair-person of the Society shall be at liberty to nominate a substitute to take his place at the meeting of the Governing Body. Such, substitute shall have all the rights and privileges of a member of the Governing Body for that meeting only.

5.3.8 Any member desirous of moving any resolution at a meeting of the Governing Body shall give notice there of in writing to the Executive Secretary of not less than ten clear days before the day of such meetings.

5.3.9 Any business which it may become necessary for the Governing Body to perform, except the agenda prescribed for the full meeting as set out in Para 5.3.2 above, may be carried out by circulation among all its members and any resolution so circulated and approved by majority of the members signing shall be as effectual and binding as if such resolution had been passed at a meeting of the Governing Body provided that at least one third members of the Governing Body have recorded their consent of such resolution.

5.3.10 In the event of any urgent business, the Chairperson of the Society may take a decision on behalf of the Governing Body. Such a decision shall be reported to the Governing Body at its next meeting for ratification.

5.3.11 A copy of the minutes of the proceedings of each meeting shall be furnished to the Governing Body members within 2 weeks after completion of the meeting.

#### **5.4 POWERS OF THE GOVERNING BODY**

5.4.1 The Governing Body will have full control of the affairs of the Society and will have authority to exercise and perform all the powers, acts and deeds of the Society consistent with the aims and objects of the Society.

5.4.2 In particular and without prejudice to the generality of foregoing provision, the Governing Body may:

- Make, amend, or repeal any bye-laws relating to administration and management of the affairs of the Society subject to the observance of the provisions contained in the Act, provided that such amendments are brought to the Governing Body after obtaining endorsement/approval from Daman & Diu Administration.
- Consider the annual budget and the annual action plan, its subsequent alternations placed before it by the Executive Secretary from time to time and to pass it with such modifications as the Governing Body may think fit.
- Monitor the financial position of the Society in order to ensure smooth income flow and to review annual audited accounts.
- Accept donations and endowments or give grants upon such terms as it thinks fit.
- Delegate its powers, other than those of making rules, to the Chair-person, Executive Secretary or other authorities as it may deem fit.
- Authorise the Executive Secretary to execute such contracts on behalf of the Society as it may deem fit in the conduct of the business of the Society.
- Appoint committees, sub-Committees and Boards etc. for such purpose and on such terms as it may deem fit, and to remove any of them.
- Recruit administrative / technical staff for the Society secretariat as per the Operational Manual of the Society.
- Procure goods and services in accordance with the procedures laid down in the Operational Manual of the Society.
- Do generally all such other 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 Governing Body to do any act or to pass any bye-laws which may be repugnant to the provisions hereof, to the powers hereby conferred on the Governing Body and other authorities, or which may be inconsistent with the objectives of the Society.

## **5.5 POWERS AND FUNCTIONS OF THE CHAIR-PERSON OF THE GOVERNING BODY**

5.5.1 The Chair-person shall have the powers to call for and preside over all meetings of the Governing Body.

5.5.2 The Chair-person may himself/herself call, or by a requisition in writing signed by him/her, may require the Executive Secretary to call, a meeting of the Governing Body at any time and on the receipt of such requisition, the Executive Secretary shall forthwith call such a meeting.

5.5.3 The Chair-person shall enjoy such powers as may be delegated to him by the Society and the Governing Body.

5.5.4 The Chair-person shall have the authority to review periodically the work and progress of the Society and to order inquiries into the affairs of the Society and to pass orders on the recommendations of the reviewing or inquiry Committee.

5.5.5 Nothing in these Rules shall prevent the Chair-person from exercising any or all the powers of the Governing Body in case of emergencies in furtherance of the objects of the Society. However, the action taken by the Chairperson on such occasions shall be reported to the Governing Body subsequently for ratification.

## **5.6 EXECUTIVE COMMITTEE AND ITS SUB-COMITTEES (Programme Committees)**

5.6.1 The Governing Body will constitute an Executive Committee which will be responsible for acting for and doing all deeds on behalf of the Governing Body and for taking all decisions and exercising all the powers, vested in the Governing Body except those which the Governing Body may specifically specify to be excluded from the jurisdiction of by the Executive Committee.

5.6.2 The composition of the Executive Committee shall be as follows:

<b>S.N.</b>	<b>Name / designation</b>	<b>Status in Executive Committee</b>
1	Collector (Daman)	Chairperson
2	Director Medical & Health Services	Vice-Chairperson
3	District Programme Managers for health & FW programmes (3)	Member
4		Member
5		Member
6	Child Development Project Officer, Daman	Member
7	Chief Medical Officer, CHC Daman	Member
8	Three Governing body members belonging to NGOs	Member
9	/ charitable hospitals from the district, nominated by	Member
10	the Chair-person of the Governing Body	Member
11	Dy. Director Medical & Health Services	Member Secretary

5.6.2 Till such time a regular incumbent to the post of District Programme Manager has been appointed, the District may decide to designate one of the Dy. CMOs to function as Convener of the Governing Body / Executive Committee.

5.6.3 The Executive Committee may co-opt additional members and/or invite subject experts to its meetings from time to time.

5.6.4 Meetings of the Executive Committee shall be convened by the Member Secretary by giving clear seven days notice in writing along with the Agenda specifying the business to be transacted, the date, time and venue of the meeting.

5.6.5 Meetings of the Executive Committee shall be held at least once every month or more frequently as necessary.

5.6.6 The minutes of the Executive Committee meetings will be placed before the Governing Body at its next meeting.

5.6.7 The Executive Committee may appoint one or more programme-committees for the purpose of day-to-day execution of the various programmes.

5.6.8 The programme committees will submit a monthly performance / progress report to the Executive Committee which shall incorporate these into the consolidated progress reports to be placed before the Governing Body.

## **5.7 SOCIETY SECRETARIAT AND EXECUTIVE SECRETARY**

5.6.1 Governing Body, with the assistance of the Executive Secretary, will establish a Secretariat of the Society consisting of technical, financial and management professionals to serve as the District Programme Management Support Unit (DPMSU) to assist the district health administration. The District Programme Manager shall be designated as Mission Director for the DHS (Daman) and shall also function as the Executive Secretary of the Society.

5.6.2 The Secretariat shall consist of such technical / management units as set out in the Operational Manual prescribed by the Daman & Diu Administration.

5.6.3 The district level officers appointed under on-going projects sponsored by development partners, if any, shall be physically co-located in the Society Secretariat office<sup>1[6]</sup>.

## **5.8 POWERS AND FUNCTIONS OF THE SECRETARIAT**

5.8.1 The Secretariat of the Society shall consist of the Executive Secretary and Staff of the Society.

5.8.2 The Secretariat will be responsible for day-to-day management of the Society's activities. In particular, it will be responsible for performing all functions of the Society as set out in article 5 of the MoA.

5.8.3 The Secretariat will provide Technical Support to the District Health Mission. It will also be responsible for financial management of funds of the Society.

5.8.4 The funds sanctioned by the Governing Body/Executive Committee shall be released by the two authorized signatories and a copy of the sanction order marked to the DPMSU for financial management of the same.

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<sup>1[6]</sup> These include NPSP Medical Officers (WHO), District Programme Managers of the Border District Cluster Scheme (UNICEF) and District Programme Manager for the nutrition projects of the CARE etc.

## **6 FUNDS OF THE SOCIETY**

6.1 The funds of the Society shall consist of the following:

- Grant-in-aid from the Daman & Diu Administration and/or State Health Society (Daman & Diu).
- Grants-in-aid from the Central Government, if it decides to give the whole or part of grants directly to District Society.
- Grants and donations from trade, industry, institutions and individuals.
- Receipts from disposal of assets.
- The assets and liabilities of all Societies merged into the integrated Society shall be subsumed within the new Society.

## **7 ACCOUNTS AND AUDIT**

7.1 The Society shall cause regular accounts to be kept of all its monies and properties in respect of the affairs of the Society.

7.2 The Executive Committee may cause separate Bank Accounts in respect of each scheme or separate ledgers for each scheme under one account. In such an event, the Governing Body shall prescribe written instructions relating to submission of Statement of Expenditure (SoE) for each scheme. The separate Accounts of different Programmes could be audited by different auditors, and submitted to Programme Units separately. However, the DPMSU will ensure one integrated audit of the District Health Society.

7.3 The accounts of the Society shall be audited annually by a Chartered Accountant firm included in the panel of Comptroller and Auditor General of India or any qualified person appointed by the Government of India/Daman & Diu Administration and any expenditure incurred in connection with such audit shall be payable by the Society to the Auditors. The Office of the Auditor General of the State may also, at its discretion, audit the accounts of the society.

7.4 The Chartered Accountant or any qualified person appointed by the Govt. of India/Daman & Diu Administration in connection with the audit of the accounts of the Society shall have the same rights, privileges and authority in connection with such audit as the Auditor General of the State has in connection with the audit of Government accounts and in particular shall have the right to demand the production of books, accounts, connected vouchers and other necessary documents and papers.

7.5 The report of such audit shall be communicated by the auditor to the Society, which shall submit a copy of the Audit Report along with its observation to the Daman & Diu Administration.

7.6 The Auditor shall also forward a copy of the report to the following:

- A designated authority of the State Society as may be determined by its Governing Body / Executive Committee.

- The Collector (Daman)
- Chairperson of the Governing Body of the State Health Society or a designated authority of the State Health society.

## **8 BANK ACCOUNT**

8.1 The account of the Society shall be opened in a nationalised bank approved by the Executive Committee or in a scheduled commercial bank as may be specified by the MoHFW, Government of India. All funds shall be paid into the Society's account with the appointed bank and shall not be withdrawn except through a cheque, bill note, other negotiable instruments or through electronic banking (e-banking) procedures signed/electronically authorised by such authorities of the Society Secretariat as may be determined by the Executive Committee.

8.2 The Society shall switch over to e-banking procedures as and when the MoHFW, Government of India directs the Society to do so as the principal donor to the Society.

## **9 ANNUAL REPORT**

9.1 A draft annual report and the yearly accounts of the Society shall be placed before the Governing Body at next meeting for consideration and approval. A copy of the annual report and audited statement of accounts as finally approved by the Governing Body shall be forwarded within six months of the closure of a financial year to the following:

- Collector (Daman)
- Chair-person, Governing Body, and
- Mission Director of the UT Health Mission (Daman & Diu )

## **10 SUITS AND PROCEEDINGS**

10.1 The Society may sue or be sued in the name of Society through its Executive Secretary.

10.2 No suit or proceedings shall abate by the reason of any vacancy or change in the holder of the office of the Chairperson or Executive Secretary or any office bearer authorised in this behalf.

10.3 Every decree or order against the Society in any suit or proceedings shall be executable against the property of the Society and not against the person or the property of the Chairperson, Executive Secretary or any office bearer of the Society.

10.4 Nothing in sub-rule 10.3 above shall exempt the Chairperson, Executive Secretary or office bearer of the Society from any criminal liability or entitle him/her

to claim any contribution from the property of the Society in respect of any fine to be paid by him/her on conviction by a criminal court.

## **11 AMENDMENTS**

11.1 The Society may amend these Rules provided that such changes shall not alter the nature and /or the objectives and/or the purposes for which it has been set up. The proposals for any amendments shall be carried out only through the following process:

- 11.1.1 Proposals for amendments have been circulated to all members of the Governing Body and have been duly included in the written agenda of the ensuing meeting of the Governing Body or a special meeting of the Governing Body;
- 11.1.2 The Governing Body has endorsed the proposal at least 3/5<sup>th</sup> of the members of the Governing Body; and
- 11.1.3 The Daman & Diu Administration has communicated, in writing, its endorsements to the Governing Body resolution for the amendment.

## **12 DISSOLUTION**

12.1 The Governing Body may resolve to dissolve the Society by bringing a proposal to that effect in a special meeting to be convened for the purpose, provided that the proposal for dissolution has been duly approved /endorsed through the process prescribed for amendment as set out in Para 11.1 of these Rules.

12.2 The dissolution proceedings shall be made in accordance with the provisions of the Act as amended from time to time in its application in the Daman & Diu.

12.3 Upon the dissolution of the Society, all assets of the Society, after the settlement of all its debts and liabilities, shall stand reverted to the Daman & Diu Administration for such purposes as it may deem fit.

## **13 MISCELLANEOUS**

### **13.1 CONTRACTS**

13.1.1 All contracts and other instruments for and on behalf of the Society shall be subject to the provisions of the Act, be expressed to be made in the name of the Society and shall be executed by the persons authorised by the Governing Body.

13.1.2 No contracts for the sale, purchase or supply of any goods and material shall be made for and on behalf of the Society with any member of the Society or his/her relative or firm in which such member or his/her relative is a partner or shareholder or any other partner or shareholder of a firm or a private company in which the said member is a partner or director.

### 13.2 COMMON SEAL

13.2.1 The Society shall have a common seal of such make and design as the Governing Body may approve.

### 13.3 GOVERNMENT POWER TO REVIEW

13.3.1 Notwithstanding anything to the contrary contained in these Rules, the Daman & Diu Administration and/or Ministry of Health & Family Welfare may appoint one or more persons to review the work and progress of the Society and hold enquiries into the affairs thereof and report thereon. The Central Government may also cause the accounts of the Society to be audited by the internal audit parties of the Chief Controller of Accounts, MoHFW, GOI or do Management Audit through the Financial Management Group, and issue directions, as deemed appropriate, to the Society.

13.3.2 The Chair-person of the Governing Body shall have the right to nominate one or more persons to be part of the review / enquiries.

13.3.3 The progress review reports and / or enquiry reports shall be included in the written agenda of the ensuing meeting of the Governing Body.

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We, the undersigned being three of the members of the first Governing Body of the District Health Society, certify that the above is a correct copy of the Rules and Regulations of the said Society.

Sl. No.	Name and address	Signature
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2		
3		

Dated : \_\_\_\_\_