

STATE HEALTH SOCIETY, UT OF DAMAN & DIU

THE RULES AND REGULATIONS

1 SHORT TITLE

- 1.1 These Rules and Regulations shall be called “The Rules and Regulations of the State Health Society, UT of Daman & Diu, 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 meaning unless inconsistent with subject or context:
- “Act” means Societies Registration Act, 1860.
- “DDSHS” means the State Health Society, UT of Daman & Diu.
- “Central Government” means the Government of India.
- “Chairperson” means the Chairperson of the Governing body of the Society.
- “Chief Executive Officer (CEO)” means the chairperson of the Executive Committee of the Society.
- “Executive Committee” means the Executive Committee of the Society.
- “Convener / Member Secretary / Executive Secretary” means the Executive Secretary of the Society.
- “Governing Body” means the Governing Body of the Society.
- “Member” means the Member of the Society.
- Co-ordinator means the Co-ordinator of the society / co-ordinator NRHM
- “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.
- “State Government” means the of UT Administration of Daman & Diu.
- “Year” means the financial year of the UT Administration of Daman & Diu.

3 OFFICE

- 3.1 Registered office of the Society shall be situated in the premises of PHC/CHC, Fort Area, Moti Daman, Daman – 396 220.
- 3.2 The Society may set up its branch offices elsewhere in the UT of Daman & Diu if so required.

4 MEMBERSHIP

- 4.1 The following shall be the members of the Society:
- First members of the Governing Body.
 - Additional ex-officio members of the Governing Body.
 - Convener / Member Secretary / Executive Secretary of the Society, to be appointed under these Rules.
 - Experts from Population & Finance.
 - Representatives of NGOs and/or association of NGOs.
 - Representatives of professionals’ association (i.e. IMA).
 - 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 the Governing Body shall terminate 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 in consultation with other members 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 he/she was holding the membership.
- 4.6 Resignation of membership shall be tendered to the Governing Body in person to its Convener / Member Secretary / Executive Secretary and shall not take effect until it has been accepted on behalf of the Governing Body by the Chairperson.
- 4.7 If a member of the Society changes his/her address he/she shall notify his/her new address to the Convener / Member Secretary / Executive Secretary who shall thereupon enter his/her new address in the roll of member. But if a member fails to notify 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 defect in appointment of any of its members.
- 4.9 No member of the Governing Body, except the Convener / Member Secretary / Executive Secretary to be appointed as per these Rules, shall be entitled to any remuneration.

5 AUTHORITIES OF THE STATE HEALTH SOCIETY

- 5.1 The following shall be the bodies and authorities of the Society:
- Governing Body
 - Executive Committee
 - Programme Committees and such other bodies as may be prescribed by the Governing Body.

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 official members of the Governing Body of the Society shall hold office until a new Governing Body is appointed according to 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 Convener / Member Secretary / 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 once in 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 he/she may deem fit.

- 5.3.2 At the annual meeting of the Governing Body the following business shall be brought forward and disposed of:**
- **Income and Expenditure account and the balance sheet for the past year.**
 - **Annual report of the Society.**
 - **Budget for the next year.**
 - **Annual Action Plan and research work for the next year.**
 - **Appointments for the Executive Committee and the various Committees.**
 - **Other business brought forward with the permission 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 seven clear days before the date appointed for the meeting. Such notice shall be under the hand of the and shall be accompanied by an agenda of the business to be places 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 five days notice.
- 5.3.4 The Chairperson shall take the Chair at the meetings of the Governing Body. In his/her absence, the Co-Chair or in his/her absence, the Vice-Chairperson will chair the meeting, failing which the Governing Body shall elect one from among the members present at Chairperson of the meeting.
- 5.3.5 One third of the members of the Governing Body, including the substitutes nominated, 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 any equality of votes 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 Chairperson 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 thereof in writing to the Convener / Member Secretary / 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 such as may be placed before its Annual meeting 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 as soon as possible 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 generally 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.
- Consider the annual budget and the annual plan, its subsequent alternations placed before it by the Convener / Member Secretary / 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, to the Chairperson, Chairman Executive Committee, Convener / Member Secretary / Executive Secretary or the authorities of the Society as it may deem fit.
- Appoint committees, sub-committees and boards etc. for such purpose and on such terms as it may deem fit, and to dissolve / remove any of them.
- Develop and adopt its own rules and regulation for recruitment and appointment of experts and administrative / technical staff and set its own compensation package for such experts / staff to be recruited from the open market and / or deputation basis.
- Develop and adopt its own procurement procedures for procurement of goods and services.
- Authorize the Convener / Member Secretary / 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.
- Do generally 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 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 CHAIRPERSON OF THE GOVERNING BODY

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

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

5.5.3 The Chairperson shall enjoy such powers as may be delegated to him by 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 Chairperson 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

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:

<i>Sl. No.</i>	<i>Name / Designation</i>	<i>Status in Executive Committee</i>
1	Secretary (Health)	Chairperson, Executive Committee
2	Collector, Daman	Co-Chairperson, Executive Committee
3	Director, Accounts	Member
4	Dy. Director, Medical & Health Services	Member
5	Medical Superintendent, Govt. Hospital, Marwad.	Member
6	Special Secretary (Health) / Director, Medical & Health Services, Daman and Director RHM / Mission Director.	Convener / Member Secretary / Executive Secretary

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 Convener / Member Secretary / Executive Secretary by giving clear five 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 in six month and more frequently if 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 various committees constituted by the Governing Body shall submit their reports to the Executive Committee who shall be empowered to take decisions on their recommendations.

5.7 SOCIETY SECRETARIAT AND MISSION DIRECTOR/EXECUTIVE DIRECTOR

5.7.1 The Director, Medical & Health Services / Special Secretary (Health) will act as a Mission Director. He will establish a Secretariat of the Society consisting of technical, financial and management professionals to serve as the implementation arm of the Society. He will carry out day to day affairs of the society with assistance of co-ordinator NRHM and Medical Officer / In-charge of the various programmes

5.7.2 The Secretariat shall consist of all such technical / management units put together and as may be determined by the Governing Body with due regard to the scope of functions as set out in Articles 5 of the Memorandum of Association.

5.7.3 The Executive Committee of the Society will have overall responsibility for planning and executing the work of the Secretariat, for supervising the work of the technical/management units of the Secretariat, directing and overseeing implementation through the Secretariat.

5.8 POWERS AND FUNCTIONS OF THE SECRETARIAT

5.8.1 The Secretariat of the Society shall consist of the Mission Director and Staff of the Society, including experts and consultants.

5.8.2 As the implementation arm of the Society, 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 As a support structure for assisting Department of Health & Family Welfare of the State, the Secretariat shall:

- Cause its experts and staff to be subjected to such operational arrangements with the Directorate (including seating and reporting arrangements) as to generate synergies,
- Host external experts within its premises, and
- Provide such logistic support to the officers and staff of the Directorate of Medical & Health Services of the U.T. Administration of Daman & Diu as may be determined by the Governing Body.

6 FUNDS OF THE SOCIETY

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

- Cash assistance received from the Government of India.
- Grants-in-Aid from the State Governments and UT Administration.
- Grants and donations from trade, industry, institutions and individuals.
- Receipts from disposal of assets.

The new "Health Society" will look after all the existing and new National Public Health Programme, and logically all State Public Health Programme also, such as Reproductive and Child Health Programme (RCH), National Anti Malaria Programme (NAMP), National Leprosy Elimination Programme (NLEP), Revised National Tuberculosis Control Programme (RNTCP), National Programme for the control of Blindness (NPCB), National Mental Health Programme (NMHP), Diarrhea Diseases Control Programme, National Filaria Control Programme, National Kala-azar Control Programme, National Iodine Deficiency Disorder Control Programme (NIDDCP), National Japanese Encephalitis Control Programme, Nutrition Awareness Programme, National Vector Borne Diseases Control Programme and any other Public Health Programmes of State or Central Government.

The assets and liabilities of above existing Societies will be merged to this "Health 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 State Project Management Support Unit (SPMSU) will ensure one integrated audit of the State 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 (CAG) or any qualified person appointed by the Government of India/State Government and any expenditure incurred in connection with such audit shall be payable by the Society to the Auditors. The office of the Accountant General of 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 / UT. 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 U.T. Administration.
- 7.6 The Auditor shall also forward a copy of the report to the Chairperson of the Society.

8 BANK ACCOUNT

- 8.1 The account of the Society shall be opened in a nationalized bank approved by the Chairman Governing Body and Executive Committee. All funds shall be paid into the Society's account with the appointed bank and shall not be withdrawn except through a 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 authorized 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.
- 8.3 The Mission Director / Convenor of the Society will sanction an expenditure upto Rs.2.5 lakhs for a single work & Rs.5 lakhs at a time, for a number of works, in the same time in the interest of the programme.
- 8.4 Any proposal for expenditure beyond the prescribed above limits will be approved & signed by two signatories i.e. Convenor / Mission Director and Chairperson of the Executive Committee.

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 Chairperson of the Governing Body and Government of India.

10 SUITS AND PROCEEDINGS

- 10.1 The Society may sue or be sued in the name of Society through its Mission Director.
- 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, Convener / Member Secretary / Executive Secretary or any office bearer authorized 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, Convener / Member Secretary / Executive Secretary or any office bearer of the Society.
- 10.4 Nothing in sub-rule 10.3 above shall exempt the Chairperson, Convener / Member Secretary / Executive Secretary or officer 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 alter or extend the purpose for which it is established and/or the Rules of the Society.
- 11.2 The proposition for any alteration or extension to the objectives of the Society and/or the Rules must be circulated to all members to the Governing Body and must be included in the written agenda of the ensuing meeting of the Governing Body or a special meeting of the Governing Body.
- 11.3 No amendments shall be effective unless the proposals in this regard have been endorsed by 3/5th of the members of the Governing Body provided that such proposals have been endorsed in writing by the GoI representatives on the Governing Body either during the meeting of the Governing Body or through a written communication.

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.
- 12.2 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 UT 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 authorized 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 COMPLIANCE OF STATUTORY REQUIREMENTS

- 13.3.1 The Society shall register itself with relevant government agencies for the purpose of complying with the statutory requirements including regulations governing deduction of tax at source relating to the staff, consultants and experts employed by it and/or consultancies / contracts awarded by it in the course of performance of its tasks.

13.4 GOVERNMENT POWER TO REVIEW

13.4.1 Notwithstanding anything to the contrary contained in these Rules, the Ministry of Health & FW, Government of India, as the principal donor to the Society, 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, get the accounts of the Society audited by the internal audit parties of the Chief Controller of Accounts, MoHFW, GoI, and issue directions, as deemed appropriate, to the Society.

13.4.2 The Chairperson of the Governing Body shall have the right to nominate one or more persons to be part of the review / enquiries.

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

We, the undersigned being four of the members of the first Governing Body of the State Health Society, UT of Daman & Diu, certify that the above is a correct copy of the Rules and Regulations of the said Society.

<i>Sr. No.</i>	<i>Name</i>	<i>Designation & Status in Society</i>	<i>Signature</i>
1.	Shri Arun Mathur	Administrator UT of Daman & Diu and Chairman of the State Health Society	
2.	Shri Dharmendra	Development Commissioner, UT of Daman & Diu and Co-Chairman of the State Health Society.	
3.	Shri S. L. Bansal	Finance Secretary / Secretary (H) UT. of Daman & Diu and Vice Chairman of the State Health Society.	
4.	Dr. S. S. Vaishya	Special Secretary (H)/Director Medical & Health Services and Mission Director / Convener / Member Secretary / Executive Secretary of the State Health Society.	

Dated: _____