

BY LAWS OF THE APFBC SOCIETY

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Framed under the Memorandum of Association and
the Rules of Business of the APFBC Society

In exercise of the powers conferred by para 6.19 of the Memorandum of Association and
para 9.1.(g) of the Rules of Business of the APFBC Society.

The Governing Body of the APFBC society in its meeting on 11th September ,2012 has
approved the Bylaws of the APFBC Society

1. Short Title , Extent and Commencement:

- 1) These By – Laws shall be called “The By – Laws of the APFBC Society, ”.
- 2) They shall extend to all the activities of the APFBC Society.
- 3) They shall come into force with effect from the date of adoption by the Governing Body of the APFBC Society.

2. Abbreviations:

In these Bylaws the following abbreviations are used:

- 1) “AD” means the Administrative Department of the Government of Assam associated in the implementation of the French Development Agency or other Externally financed Projects or any other projects, under any Department, as may be authorized by the Government of Assam, which are to be coordinated, monitored and/or implemented by APFBC Society
- 2) “APFBC” means the French Development Agency financed (AFD Agreement No. CIN 1037 01 S) “Assam Project on Forest and Biodiversity Conservation”.
- 3) “APFBC Society” in short “APFBCS” means ‘Assam Project on Forest and Biodiversity Conservation Society’, created by the Government of Assam to act as an apex autonomous body of the Government of Assam to act as formulating, implementing, coordinating, and monitoring agency for French Development Agency/any other

externally financed or aided Projects/other Projects of any department as may be authorized by the Government of Assam from time to time

- 4) “AWP” means the Annual Work Plan of activities to be undertaken for implementation in a given financial year under the APFBC
- 5) “CD” means the “component Director” responsible for implementation and monitoring of activities under a given component of the APFBC
- 6) “Chairperson” means the Chairperson of the Governing Body/ Executive Committee of the APFBC Society
- 7) “Executive Committee” means the Executive Committee of the APFBC Society
- 8) “Feasibility Report” means the feasibility report of the APFBC as approved by the competent authority
- 9) “FIU” means the Field implementation Units of the APFBC Society headed by the respective DFOs; responsible for drawing up of AWP, implementation of activities approved, maintenance of accounts of expenditure and their regular and timely submission and monitoring.
- 10) “FY” means a Financial Year beginning in the month of March and ending in the month of April every year
- 11) “GB” means the Governing Body of the APFBC Society.
- 12) “HOD” means the Head of the Department in the Forest Department/ any other Department under Government of Assam designated so.
- 13) “Implementing Agencies” means the Forest Department of the Government of Assam and autonomous institutions entrusted with the responsibility of implementing “APFBC” as determined by the Government of Assam and as laid down in the Project Reports; Such agencies besides Forest Department may include Forest User Groups, NGOs hired under the Projects, Joint Forest Management Committees(JFMCs),Eco-development Committees(EDCs), Field Implementation Units (FIUs), Dairy Cooperative Societies, Self Help Groups (SHG), Farmers Interest Groups (FIGs), Agro Service Groups (ASGs), etc., recognized under the French Development Agency/ Externally financed or aided Projects/ other Projects of any department to foster private public partnership

- 14) “PMU” means the Project Management Unit is the executive authority of the APFBC Society headed by the Project Director. PMU acts as the ‘Secretariat’ of the APFBC Society where the Registered Office of the ‘APFBC Society’ is located

3. Financial Aspects:

- 1) PD with the approval of the GB/EC shall open Current Bank Account or Accounts, as may be necessary, in Nationalized/ Scheduled Commercial Bank(s) in the name of the APFBC Society.
- 2) All these accounts shall be operated under the joint signatures of the PD, APFBC and the Finance Officer/ FAO in the PMU, APFBC Society.
- 3) All the FIUs will open current account in the same bank(s) in which PMU will be operating its account. FIU accounts shall also be operated under joint signature of the DFO concerned and the Accountant in the DFO’s Office.
- 4) The PD, APFBC Society shall ensure that the current accounts opened are closed on the day the Project is declared to be closed.

4. Sanction sub Committee of the Executive Committee:

In order to advise the APFBC Society, in exercising financial powers a sub-committee of the Governing Body called Standing Sanctioning Committee (SSC) will be constituted consisting of the Chairperson, EC of the APFBC Society, representative of the Finance Department, representative of the Planning & Development Department and the Project Director as member secretary. This Committee will be responsible for ensuring that all procedures required for sanction of schemes under normal procedures of Government and as per stipulation of the APFBC are being observed. It will be required to closely monitor the progress of sanction, release of funds and follow up action.

5. Preparation And Approval of AWP & Issuance of Administrative Approval (AA) :

- 1) The Annual Work Plan (AWP) for every Financial Year (FY) shall be prepared in advance based primarily on targets fixed for the year as well as on the extent of progress made in the preceding year. The AWP will be prepared by the PMU in consultation with the FIUs as per budget breakdown of the APFBC approved by the GB of the APFBC

Society. The AWP will be submitted to the HOD, Forest Department latest by 31st October of the preceding year for according technical sanction.

- 2) The AWP will be presented by the PMU to the Environment and Forest Department, GoA for concurrence latest by second week of November and to the EC of the APFBC Society for appraisal latest by the first week of December. The PMU will place the AWP incorporating suggestions, if any, made by the EC before the Governing Body (GB) of APFBC Society for approval latest by the third week of December.
- 3) Based on the approval of the AWP by GB, General Administrative Approval (AA) to all the schemes/ activities on the AWP will be accorded by the Project Director, PMU of the APFBC Society.
- 4) On approval of the AWP by the GB the PMU shall be competent to initiate actions on necessary procurement for which the actual expenditure will be incurred in the following FY.
- 5) In case of urgency, procurement actions may be initiated by the PMU ahead of approval of AWP by GB with prior in-principle concurrence of the EC, APFBC Society, provided (a) the activity is as per the provisions in the APFBC; and (b) and will be incorporated in the AWP to be placed before GB for approval.
- 6) All procurement shall be done as per the relevant manuals approved by the GB and guidelines, if any, issued by the GB/EC of the APFBC Society.
- 7) For 'Outside State' training/exposure programs for forest officials and / or JFMC/EDC members under the APFBC, approvals and coordination of the same by the PMU shall follow the following norms:
 - (a) All proposals relating to deputation of forest officials up to the rank of ACF working under different FIUs and JFMC/EDC members for training/ exposure/ study tour outside the State agreed under APFBC and within the approved Annual Work Plan would be sent by the PCCF & HoFF to the PMU. The Chairperson, EC of the APFBC Society would approve the same. For this purpose, a list of such forest officials and JFMC/EDC members proposed for training/ exposure visit outside the state may be sent by the PCCF & HoFF to the OMU in advance.
 - (b) In case of deputation of Forest Officials in the rank of DCF and above for training/exposure visit outside the State and deputation of all forest Officials for

training/exposure visits abroad, the proposals shall follow laid down procedure in the matter.

6. Sanction Procedure:

- 1) Based on the Administrative Approval (AA) accorded to the schemes/ activities included in the AWP, the PMU, APFBC through the Environment and Forest Department and with intimation to the PCCF & HoFF move the Planning and Development Department and the Finance Department for inclusion of activities/schemes finding mention in the approved AWP in the budgetary proposal of the Forest Department for the FY.
- 2) After budget being passed by the State Legislature Financial Sanction for the schemes included in the approved (by GB) AWP for the APFBC shall be accorded as per the delegation of financial powers described below:
 - a) For purchase of items for use each in creation of nurseries, plantation, purchase of stationary, repair of office equipment purchased under APFBC including replacement of parts, mandatory servicing charges for and repair of vehicles purchased under APFBC including replacement of parts expenditure up to INR 50,000/- (Rupees fifty thousand) shall be sanctioned by the DFO heading a FIU with prior concurrence of the concerned Circle Conservator. However expenditure on any item shall be considered in totality and shall not be allowed to be split for the purpose.
 - b) All schemes/ activities having expenditure outlay up to INR 5,00,000/- (Rupees five lakhs) shall be sanctioned by the Circle Conservator having jurisdiction over the FIUs.
 - c) All schemes/activities needing expenditure upto INR 100,00,000/-(Rupees one hundred lakhs) shall be sanctioned by the Project Director, PMU of the APFBC Society
 - d) All schemes/activities above INR 100,00,000/-(Rupees one hundred lakhs) and upto INR. 500,00,000/- (Rupees five hundred lakhs) shall be sanctioned by the Project Director, PMU of the APFBC Society only after approval of the Standing Sanctioning Committee of the EC of the APFBC Society, which shall meet as and when required

- e) All expenditure needing sanction above INR.500,00,000/- (Rupees five hundred lakhs) shall be placed before the EC for appraisal of the members .
- f) All sanctions shall be accorded strictly as per the standard format to be circulated by the PMU of the APFBC Society.

7. Grants-in-aid to the APFBC Society:

(a)The Plan allocation for APFBC under the individual Projects will be shown as Grants-in-aid to the APFBC Society which shall be reflected accordingly in the budget of the Environment and Forest department of the Government of Assam till continuance of the APFBC Project.

(b)The HOD of the Forest Department, Assam shall act as the DDO for drawing the budgeted amount and disburse the same to the PMU of the APFBC Society

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

8. Fund Release Procedure:

1) After the state budget is passed by the State Legislature, the PMU, APFBC Society through The PCCF & HoFF shall submit proposal for release of fund as per approved AWP to the Environment and Forest Department i.e the Administrative Department (AD). Fund release proposal shall be sent to the Finance Department, GoA by the AD.

2) The Finance Department, GoA will release the budgetary allocation for the APFBC as budgeted for each financial year in one installment in the beginning of the FY. Upon release of fund, the PCCF & HoFF will transfer the same to the account of the PMU of the APFBC Society. Upon receipt of fund the PMU, APFBC Society will be able to finance implementation activities and to release funds to the local designated accounts of the FIUs.

3) Starting from the second FY, the amount of installment to be released to the APFBC will be made adjusted according to the progress of utilization of funds on the basis of the annual audit report of the APFBC Society accounts.

- 4) The FIUs through the Circle Conservators having jurisdiction shall submit proposal to the PMU, APFBC Society for release of funds, as and when necessary, against the activities for which sanction has been accorded by competent authority and following such prescribed formats as established and circulated by the PMU, APFBC Society.
- 5) Release of fund to the FIUs by the PMU shall be done in installments only; according to calendar of operations and strictly as per utilization of funds by the FIUs and submission of monthly accounts. Subsequent installments will not be released to any FIU if monthly account is not submitted in time and bank(s) will be suitably advised.
- 6) Sanction of schemes/activities and release of fund to FIUs shall also be intimated to the AG, Assam
- 7) Funds shall be released to the FIUs by the PMU, APFBC Society directly with intimation to the Commissioner and Secretary of the AD, the PCCF & HoFF, concerned CCFs and the Circle Conservators having jurisdiction. The FIUs shall be responsible for proper maintenance of accounts of the funds so received by them. The FIUs shall maintain separate cash book for APFBC Society funds and arrange for reconciliation with their respective Bank accounts (where the account is maintained) once every three months or within such time as may be specified by the PMU, APFBC Society. The FIUs shall submit Utilization Certificate(UC) to the PMU, APFBC Society through the PCCF & HoFF with intimation to the Commissioner & Secretary of the AD within such time as may be specified by the PMU, APFBC Society.
- 8) Subject to observation of the sanction procedure, the PD, APFBC Society shall have power to release funds upto Rs.100,00,000/- (Rupees one hundred lakhs).
- 9) For release of funds above Rs.100,00,000/- (Rupees one hundred lakhs), the PD, APFBC Society shall obtain prior concurrence of the Chairperson, EC of the APFBC Society

9. Sanctions and Expenditures of the PMU, APFBC Society :

- 1) PD, in the PMU of the APFBC Society shall have the powers to sanction and draw fund for individual expenditures upto Rs.20,00,000/- (Rupees twenty lakhs).
- 2) For individual expenditures above Rs.20,00,000/- (Rupees twenty lakhs) PD, APFBC Society shall sanction and draw fund only after approval of the chairperson of the EC of the APFBC.
- 3) PD, APFBC Society shall have full powers in respect of drawl of salaries and traveling expenses within the country for the establishment of the PMU. For his/her own travel outside the state, PD shall obtain approval of the chairperson, EC of the APFBC Society For travel outside country existing procedures of the Government of Assam shall be followed.

10. Audit and Accounts:

- 1) The accounts of the PMU, FIUs shall be audited at quarterly interval by External Auditors hired by the APFBC Society, within such time as may be specified by the PMU, APFBC Society for submission of reimbursement claims.
- 2) The annual accounts of the PMU, FIUs shall be audited by Independent External Auditors of APFBC Society hired by Society (a registered, reputed and professional auditing agency of Chartered Accountants), within such time as may be specified by the PMU, APFBC Society.
- 3) The annual accounts of the PMU, FIUs shall also be audited by the Accountant General, Assam.

11. **Guidelines:** The Financial Management Manual (FMM), Procurement Procedure Manual (PPM), the Operational Manual (OM), the Monitoring and Evaluation Manual as well as other manuals framed for the APFBC Society, as amended from time to time shall be adhered to.

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