



FOREST DEPARTEMENT  
GOVERNMENT OF ASSAM

ASSAM PROJECT ON FOREST AND BIODIVERSITY  
CONSERVATION SOCIETY  
(APFBC SOCIETY)

**MEMORANDUM OF ASSOCIATION  
AND  
RULES OF BUSINESS FOR SOCIETY**

**As per Society Registration Act 1860**

## Abbreviations

<b>Addl.</b>	Additional
<b>AfD</b>	Agence Française de Développement
<b>AFRA</b>	Assam Forest Regulation Act, 1891
<b>APFBC</b>	Assam Project on Forest and Biodiversity Conservation
<b>APFBCS</b>	Assam Project on Forest and Biodiversity Conservation Society
<b>CAG</b>	Comptroller and Auditor General
<b>CCF</b>	Chief Conservator of Forests
<b>CD</b>	Component Director
<b>CDM</b>	Clean Development Mechanism
<b>CF</b>	Conservator of Forests
<b>CFA</b>	Credit Facility Agreement
<b>CVC</b>	Central Vigilance Commissioner
<b>DDO</b>	Drawing and Disbursing officer
<b>DEA</b>	Department of Economic Affairs
<b>DFO</b>	Divisional Forest Officer
<b>DOA</b>	Department of Agriculture
<b>DOEF</b>	Department of Environment and Forests
<b>DPR</b>	Detailed Project Report
<b>EA</b>	Executing Agency
<b>EDC</b>	Eco-Development Committee
<b>ESIA</b>	Environmental & Social Impact Assessment
<b>AFD</b>	Assam Forest Department
<b>FIU</b>	Field Implementation Units
<b>FMM</b>	Financial Management Manual
<b>FMRs</b>	Financial Monitoring Reports
<b>GB</b>	Governing Body
<b>GoA</b>	Government of Assam
<b>Gol</b>	Government of India
<b>HoFF</b>	Head of Forest Force
<b>IA</b>	Implementing Agencies
<b>ICB</b>	International Competitive Bidding
<b>JFMC</b>	Joint Forest Management Committee
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MoA</b>	Memorandum of Association
<b>MoEF</b>	Ministry of Environment & Forest
<b>MTR</b>	Mid Term Review
<b>NCB</b>	National Competitive Bidding
<b>NGO</b>	Non Governmental Organization
<b>NTFP</b>	Non Timber Forest Produce
<b>OM</b>	Operational Manual
<b>PA</b>	Project Agreement
<b>PAR</b>	Project Appraisal Report
<b>PCCF</b>	Principal Chief Conservator of Forests
<b>PD</b>	Project Director
<b>PFS</b>	Project Financial Statements
<b>PMU</b>	Project Management Unit
<b>PRI</b>	Panchayati Raj Institutions
<b>SC</b>	Steering Committee
<b>SHG</b>	Self Help Group
<b>SPV</b>	Special Purpose Vehicle
<b>ToR</b>	Terms of Reference
<b>UC</b>	Utilization Certificate

**WP** Working Plan  
**WPT&BC** Welfare of Plain Tribe and Backward Communities

**MEMORANDUM OF ASSOCIATION OF THE ASSAM PROJECT ON  
FOREST AND BIODIVERSITY CONSERVATION SOCIETY  
(APFBC SOCIETY)**

Fess Rs. 50.00

[Registration Under Societies Registration Act, XXI of 1860]

**1. Name of the Society:**

The name of the Society shall be the “Assam Project on Forest and Biodiversity Conservation Society” (APFBC Society) hereinafter referred to as the Society.

**2. Registered Office:**

Situated in the State of Assam the Registered Office of the Society shall be in the office premises of the Assam Forest School, Jalukbari, Guwahati-781014,

**3. The area of operation of the Society:**

The area of operation of the society shall include the geographic area of Assam State.

**4. Goals, Purposes and Objectives of the Society:**

4.1 Goals

The overall goals of the Society of the Forest Department of the GOA for its Assam Forestry and Biodiversity Conservation Project are to restore forest ecosystems, in collaboration with the forest dependent communities, to enhance the forest dependent communities’ livelihoods and ensure conservation and sustainable use of biodiversity.

This will be done by:

- a) Managing and operating the multi dimensional, inter-department linked forest and biodiversity conservation process through the Assam Project on Forest and Biodiversity Conservation;
- b) To meet the intent of the organizational mission, vision and objective statements to focus on restoration and rehabilitation of forest ecosystem in target areas and strengthening of human, technical and infrastructural capacities of the Forest Department for management and assured availability of forest goods and services to the people of Assam and ensuring livelihood and income security of the forest dependent communities in such areas;
- c) Managing quantity, quality control and assurance as well as operational and technical processes that ensure the implementation framework and guidelines of the agencies financing GoA;
- d) Work programs are adhering to and meet the stated objectives of sustainable forest management and biodiversity conservation in participatory mode; and

- e) Developing and integrating traditional and new and innovative community based livelihood program focused on poverty and gender to generate income, employment and employability amongst marginalized forest dependent communities in target areas using participatory approaches for management and resource utilization and non forest livelihood alternatives.

#### 4.2 Purpose

The Society as an autonomous body shall function as the Executing Agency (EA) for (i) the planning, development and operationalisation of APFBC and the (ii) execution of funded programs and activities. The Society shall integrate tasks provided in the Rules to establish and support inter- departmental co-operation and co-ordination and provide for implementation, supervision, monitoring and evaluation of its approved work programs by implementing units in the Forest Department at their headquarter and in field. In addition the Society will ensure active participation of line Departments, Community Based Organizations including Forest User Groups, Joint Forest Management Committees, Eco-Development Committees, Research Institutions, NGOs, and Consultants in the decision and implementation processes.

#### 4.3. Objectives:

- a) Systemize the APFBC strategies which is based on an integrated approach using a participatory approach involving the line departments and other stakeholders
- b) Strengthen existing Forest Department and linked institutions by developing and implementing policy, planning and Forest Department institutional development actions.
- c) Manage and implement Forest Management and Biodiversity Conservation Projects and programs;
- d) Implement operational convergence using interdepartmental cooperation, coordination and communication for the implementation of appropriate measures relevant to sustainable forest management and biodiversity conservation interventions;
- e) Facilitate sustainable community participation in long term interventions by coordinating stakeholder interventions at planning and implementation stage and then maintaining their proactive role in facilitating maintenance, operation and management of forest and biodiversity conservation measures.
- f) Provide an effective funding promotion conduit for the GoA, Government of India and financing agencies

## **The functions and powers of the society:**

The functions and the powers of the society shall be as set out in the rules and regulations of the society.

### **6. Activities to meet the objectives:**

- 6.1 Undertake all activities needed for implementation of APFBC, with particular emphasis on the objectives listed in Section 4 above;
- 6.2 Enter into contract as envisaged in the APFBC to implement project related activities;
- 6.3 Develop and manage administrative, financial and monitoring systems
- 6.4 Establish multi dimensional, interdisciplinary Project Management Unit (PMU) and Field Implementation Units (FIUs) for implementation of project with appropriate procedures and implementation, supervision and management mechanisms at the Circle, the Division, and the Range levels and to delegate defined powers, functions and responsibilities to each level;
- 6.5 Actively develop a data and knowledge base with innovative initiatives in areas related to APFBC;
- 6.6 Identify, plan, develop programs and implement relevant capacity development activities;
- 6.7 Establish technical, administrative and other posts in the Society, using procedures laid down by GoA as envisaged and if required;
- 6.8 Open bank accounts along with the signatories to the account.
- 6.9 Receive grants of money, securities of property and undertake and accept management of any funds consistent with the objectives of the Society;
- 6.10 Purchase, hire, lease, exchange or otherwise acquire property both movable and immovable, in pursuance of the objectives of the Society and in accordance with the rules in force and procedure laid down by the Government of Assam;

- 6.11 Commit funding as received from Government or any other source in pursuance of the stated objectives of the Society and in accordance with the stated purpose of the funding agency;
- 6.12 Procure the services of specialists, consultants and NGOs and external support on an as required basis and in compliance with financial constraints to achieve the objectives of the Society;
- 6.13 Prepare annual budget and incur approved expenditure for the approved work plan with due regard to economy and propriety, relevant rules and procedures;
- 6.14 Monitor timely and adequate flow of funds particularly from the GoA to the FIUs and use the GOA, the GoI and Project and/ or Funding Agency specific internal financial control of project funds processes and institute external checks and audits;
- 6.15 Prepare periodic and annual reports, monthly, quarterly and annual accounts of the Society as required;
- 6.16 Consider to accept, adopt and use environmental and social safeguards related studies in APFBC in conformity with the prevailing policies and the legal framework;
- 6.17 Develop effective and robust monitoring and evaluation system and a proven methodology for feedback based operational improvement;
- 6.18 Actively promote participation of voluntary agencies in mobilizing the social agencies and develop effective strategies for their ongoing involvement.
- 6.19 Formulate, approve, adopt, operationalize and implement guidelines for various programs of the Society and prepare operation manuals and operating systems for matters such as administrative, finance, quality control, technical designs for the Assam Project on Forest and Biodiversity Conservation;
- 6.20 Provide necessary advice to the GOA, other authorities and institutions relating to programs and policies of the Society;
- 6.21 Establish technical resource support through existing institutions or through establishment of new ones.
- 6.22 Conduct workshops, seminars, and conferences to disseminate information, share experiences and learning from the project activities for the benefit of other departments of GoA, the public, forest dependent communities, Civil Society Organizations, research and academic organizations, advocacy

groups, local self government bodies, district GoA departments, pilot area communities, boards, municipalities, chambers, confederations and press and other related agencies;

- 6.23 Enter into contracts and undertake any legal action that may be necessary to ensure fulfillment of contracts made between the Society and others including individuals, organizations, associations, institutions or body corporate;
- 6.24 Introduce governance measures using transparent implementation and information dissemination processes;
- 6.25 Exercise overall responsibility for management of the Society on behalf of GoA within the framework of Project and Society guidelines;
- 6.26 Coordinate activities to enable Field Implementation Units (FIUs) to implement project activities in the field in consultation with the line departments; if any when required, and
- 6.27 Any other activities that are required to be implemented to achieve the purpose and objectives of the society.

## **7. Use of Assets:**

The income and properties of the Society, howsoever derived, shall be applied towards promotion of the objectives as set out in the Memorandum of Association subject nevertheless, in respect of the expenditure of the grants made by the GoA, to such limitations as the GoA 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 present member or to any person claiming through them provided that nothing herein contained shall prevent payment made as remuneration to any member thereof or other persons in return for any services rendered to the Society.

## **8. Certified copy of Rules of Business for Society**

A certified copy of the Rules of Business for Society as Rules and Regulations of the Society filed as Part C is an integral part of the Memorandum of Association.



**9. Governing Body of the Assam Forest and Biodiversity Conservation Society:**

**The Names, Addresses and Designation of the present members of the Governing Body is furnished below:**

Sl. No.	Government Designation	Position in the Society
01	Chief Secretary, Govt. of Assam	Chairperson
02	Principal Secretary, Environment & Forests Department, Govt. of Assam	Vice Chairperson
03	Principal Secretary, Finance Department, Govt. of Assam	Member
04	Principal Secretary, Planning and Development Department, Govt. of Assam	Member
05	Principal Chief Conservator of Forests and HoFF, Assam	Member
06	Principal Secretary, Panchyat and Rural Development Department, Govt. of Assam	Member
07	Principal Secretary, WPT & BC Department, Govt. of Assam	Member
08	Principal Secretary, Agriculture Department, Govt. of Assam.	Member
09	Chief wildlife Warden, Assam	Member
10	Representative of the Gol in the MoEF	Invitee
11	Representative of FIU nominated by the PCCF & HoFF.	Invitee
12	Representative of FIU nominated by the PCCF & HoFF	Invitee
13	Observers - Representative of the Lender - AFD and Consultants (viz. Chief Technical Advisor, M&E, Contract Supervision) to be invited by the Chairman of the Society	Observers, invitees
14	Project Director, PMU	Member Secretary

10. We, the undersigned persons, whose names and addresses are given below having associated ourselves for the aims, purpose and objectives described in this Memorandum of Association do hereby subscribe our names to this Memorandum of Association and set out several and respective hands here unto and form ourselves into a Society under Registration of Societies Act, 1860, this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

Sl. No.	Signature in full	Name	Address, Occupation and Designation	Full name with Seal and Signature of the Witness
1.			Chief Secretary, Govt. of Assam	
2.			Principal Secretary, Govt. of Assam, Finance Deptt.	
3.			Principal Secretary, Govt. of Assam Environment and Forest Department,	
4.			Principal Secretary, Govt. of Assam, P & D Deptt.	
5.			Principal Secretary, Agriculture Department.	
6.			Principal Secretary, Panchyat and Rural Development Deptt.	
7.			Principal Chief Conservator of Forests and HoFF	
8.			Chief wildlife Warden, Assam	
9.			Principal Secretary, Govt. of Assam WPT & BC Deptt.	
10.			Addl. PCCF (Projects), Forest Deptt., Assam	

## **RULES AND REGULATIONS OF THE SOCIETY**

### **1. Date to enforce the Rules and Regulations of the Society**

The Rules and Regulations of the Assam Forestry and Biodiversity Conservation Project Society hereinafter referred to as the Society shall come into force from the date on which the Society is registered under the Societies registration Act 1860.

### **2. Identification of Rules and Regulations**

The rules and regulations of the AFBCPS shall be called the Rules and Regulations of AFBCP Society (here in after called as AFBCP Society).

### **3. Definitions:**

- i. **“GoA”** means Government of Assam;
- ii. **“APFBC”** means Assam Project on Forest and Biodiversity Conservation financed by the Agence Française de Développement (AfD) Ref No. CIN1037;
- iii. **“Commissioner and Secretary”** the Commissioner and Secretary in the concerned Department in the Government of Assam;
- iv. **“Society”** means the APFBC society registered under the Society Registration Act, 1860;
- v. **“APFBC Society”** means the Assam Project on Forest and Biodiversity Conservation Society created by the Government of Assam (GoA) to act as the coordinating, implementing, supervising and monitoring agency for all AFD/ Externally Financed projects to be implemented under the Environment and Forest Department from time to time;
- vi. **“Chairperson”** means the Chairperson of the Steering Committee or the Governing Body of the APFBC Society ;
- vii. **“Deputy Chairperson”** means the Deputy Chairperson of the Steering Committee or the Governing Body of the society;
- viii. **“Principal Secretary”** means the Principal Secretary in the concerned Department in the GoA;
- ix. **“Finance Department”** means, the Finance Department of the GoA;
- x. **“Governing Body”** means the Apex body of the APFBC Society constituted under Rule 4 hereunder and empowered to take decisions, issue instructions,

frame guidelines, make intra-component changes and review progress in implementation, supervision and monitoring of the APFBC;

- xi. **“Government”** means the Government of Assam in the office of Chief Secretary;
- xii. **“Chief Secretary”** means the Chief Secretary to the GoA;
- xiii. **“Implementing Agencies”** mean the line departments and autonomous institutions entrusted with the responsibility of implementing APFBC. These are: Environment & Forest, Finance, Agriculture, WPT and BC, and Panchayat and Rural Development Departments;
- xiv. **“Officers and Staff”** mean the officers and staff in the employment of the APFBC Society on part time or full-time basis;
- xv. **“PMU”** means the Project Management Unit and is the executive authority of the APFBC Society constituted under rule 4 here under headed by the Project Director and entrusted with the responsibility of managing AFD / Externally financed project under the Environment and Forest Department as would be authorized and determined by the Government of Assam and as laid down in the project reports such as DPR, PAR for APFBC;
- xvi. **“PCCF & HoFF”** means the Principal Chief Conservator of Forests and Head of Forest Forces in Forest Department, Assam ;
- xvii. **“Environment and Forest Department”** means Environment and Forest Department of the GoA ;
- xviii. Executive **Committee”** means the coordinating authority of the APFBC Society constituted under Rule 4 here under ;
- xix. **“FIUs”** means the Field Implementation Units, the dedicated AFD field offices at the divisional level in the FD for APFBC headed by the respective DFO and entrusted with the responsibility of implementation of AFD / externally financed project under the Environment and Forest Department constituted under Rule 4 here in after as would be authorized and determined by the Governing Body and as laid down the project reports such as DPR, PAR of the AFBCP;
- xx. **Project Director”** means the Project Director of the PMU of the APFBC Society;
- xxi. **“Divisional Forest Officer (DFO)”** means the Divisional Forest Officer as administrative head of a Forest Division in the Forest Department , Assam and entrusted with the responsibility of implementing, supervising and monitoring of all activities entrusted to that division ;

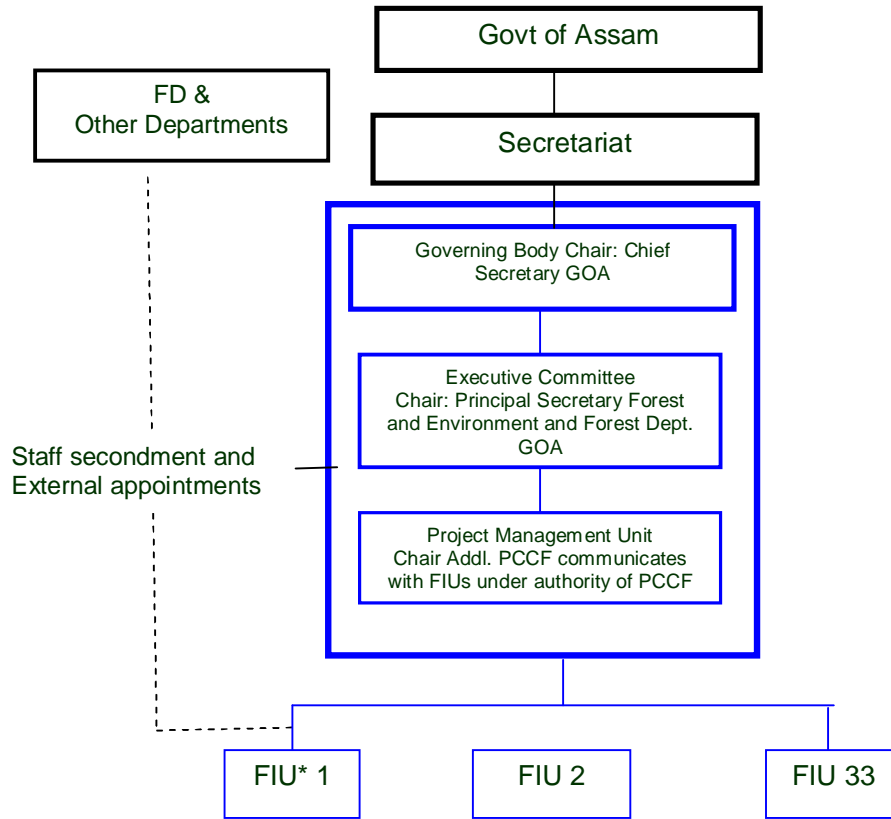
- xxii. . **“Member Secretary”** Means Member Secretary of the Steering Committee as well as the Governing Body,
- xxiii. **“Project Documentation”** means the project reports prepared by the French Development Agency / external financing agency such as Feasibility Report, Project Appraisal Report in consultation with the Forest Department of the GoA;

#### 4. Organization Structure of the Society:

The Society shall have a four tier structure:

- 4.1 **Governing Body (GB)** will be the highest project related decision making body fully empowered to review progress made in implementation, supervision, physical and financial monitoring of the APFBC, to issue instructions and frame guidelines and make feedback based intra-component changes to secure objectives and goals of the project. The Steering Committee will be chaired by the Chief Secretary to the Government of Assam.
- 4.2 **Executive Committee(EC)** headed by the Principal Secretary, Environment and Forest Department, GoA the Governing Body will be responsible for achieving interdepartmental coordination, implementation of the policies and programs agreed by the SC, ensuring non duplication of management interventions and taking decisions and making recommendations for effective and efficient implementation, supervision and monitoring of the project and fund reimbursement.
- 4.3 **Project Management Unit (PMU)** comprising of multi disciplinary team headed by the Project Director in the rank of Addl. PCCF deputed by the GoA, will exercise day to day executive control over all issues, affairs and matters concerning implementation, supervision and monitoring of the project and reimbursement of funds by establishing; under the authority of the PCCF & HoFF, Assam; direct working contacts with all staff in the forest department, concerned staff in the line departments and other partners including NGOs, public and private institutions.
- 4.4 **Field Implementation Units (FIUs)** headed by respective DFOs will host project activities with assistance of the Range Forest Officers and other subordinate staff of the forest department and targeted JFMCs under their respective jurisdiction.

The overall organization structure of the Society is summarized in Figure 1.



\*FIU Field Implementation Units : 33 Units in 33 Forest Divisions across state of Assam

**Figure 1:** Structure of the Assam Project on Forest and Biodiversity Conservation Society with functional relationship in the project

## 5. Members of the Society:

The GoA shall nominate members of the Society from the following organizations:

- 5.1 Representatives of the Central Government, officers in the Assam Forest Department, other line Departments in the GoA or any other Authority under the State Government as ex officio members;
- 5.2 Representative of registered bodies, institutions, organizations including NGOs engaged in any activity connected with natural resources management and realization of objectives of the Society;
- 5.3 Persons possessing special expertise, ability or experience relevant to the furtherance to the objectives of the Society. The representation may be by name or designation as may be deemed appropriate;

#### 5.4 Termination of membership

- a) Where a person becomes a member of the Society by virtue of the office or appointment, which he/she holds, his/her membership of the Society shall stand terminated when he/she ceases to hold that office or appointment; and
- b) Membership of members other than ex officio members shall stand terminated on the happening of any of the following events:
  - 1. On the expiry of the period of membership for which nominated.
  - 2. Death, resignation, insolvency, lunacy or conviction for a criminal offence involving moral turpitude.
  - 3. When a member does not attend three consecutive meetings of the Steering Committee without proper leave of absence.

### 6. Terms of membership

- 6.1 Subject to other provisions, a member of the Society other than ex officio members shall hold office for a period of two years from the date his/her nomination and shall be eligible for re-nomination by the Chairperson
- 6.2 If a casual vacancy exists during the two year period, such vacancy shall be filled in like manner as the original vacancy and the admitted member shall hold office for the un-expired portion of the term.

### 7. Resignation by Non Official Members of the Society

When a non official member desires to resign his/her membership of the Society, he/she shall forward his/her letter of resignation to the Chairperson giving clear thirty day's notice. Decision in the matter shall be taken in the next meeting of the Steering Committee of the Society.

### 8. Validation of acts

The Society shall function notwithstanding any vacancy in any of its bodies and no act, direction or proceeding of the Society shall be invalid by reason of such vacancy or any defect in the appointment of any of the members.

### 9. Governing Body

The Governance of affairs of the Society is entrusted and vested in accordance with the rules and regulation of the Society to the Governing Body of the Society.

#### 9.1 Functions and Powers

The Governing Body shall have the following powers and functions namely

- (a) To provide overall policy guidelines and directions for efficient functioning of the Society for fulfillment of its aims and objects;
- (b) To consider, review and approve the annual work plan and budget for the Society;

- (c) To review the implementation of the project ;
- (d) To review and consider the balance sheet and audited accounts and their approvals;
- (e) To make feedback based intra component re-appropriation of the budget provisions;
- (f) To give directions or take decisions in any endeavor whenever necessary, to achieve the development objectives of the project;
- (g) To amend, frame by-laws consistent with these Rules, for the regulation of the business of the Society subject to approval of Final Beneficiary – State Government of Assam;
- (h) To monitor the functioning of the Society with respect to achievements of goals and objectives of the project, financial austerity, compliance with rules, regulations, guidelines, policies and transparency in the conduct of its business;
- (i) To consider and approve the annual report and audit report of the Society;
- (j) To approve the staff strength and the terms and conditions of service of personnel to be appointed by the Society;
- (k) To approve delegation of financial powers in the Society as it may consider necessary and proper.
- (l) To approve operating systems and manuals for the APFBC project planning, implementation, monitoring and evaluation such as Operational Manual, Financial Management Manual, Procurement Procedure Manual, M&E Manual, JFMC Administration and Management Manual, Procurement plans and other guidelines as and when required;

## 9.2 Membership of the Governing Body:

The membership of the Governing Body(GB) of the Society shall be limited to a maximum of 15 members.

The Governing Body shall be chaired by the Chief Secretary, GoA vice chaired by the Principal Chief Conservator of Forests and HoFF, Assam Forest Department. The Secretariat of the Governing Body shall be



undertaken by the Project Director of the PMU, who will be in charge of organizing meeting, logistics and reporting. The following are the members of the Governing Body:

<b>Sr. No.</b>	<b>Government Designation</b>	<b>Position in the Steering Committee</b>
01	Chief Secretary, GoA	Chairperson
02	Principal Secretary, Environment and Forest Department	Vice Chairperson
03	Principal Secretary, Planning and Development Department	Member
04	Principal Secretary, Finance Department	Member
05	Principal Chief Conservator of Forests and HoFF	Member
06	Principal Secretary, Panchyat and Rural Development Department	Member
07	Principal Secretary, WPT & BC Department	Member
08	Principal Secretary, Agriculture Department.	Member
09	Chief wildlife Warden, Assam	Member
10	Representative of the Gol in the MoEF	Invitee
11	Representative of FIU nominated by the PCCF HoFF.	Invitee
12	Representative of FIU nominated by the PCCF & HoFF	Invitee
13	Observers - Representative of the Lender - AfD and Chief Technical Advisor, Consultants (viz. M&E, Contract Supervision) to be invited by the Chairman of the Society	Observers, invitees
14	Project Director, PMU	Member Secretary

### 9.3 Meetings of the Governing Body:

The Governing Body shall meet twice in every financial year (1<sup>st</sup> April to 31<sup>st</sup> March). The meetings are to be preferably scheduled as follows: one meeting before presenting State Budget i.e. November or December and another in June or July every year to review work progress on such date, time and place as may be determined by the Chairperson. It shall also be open to the Chairperson to call for an extraordinary meeting at a short notice. Each meeting will lead to a statement of the progress of the project based on technical and financial reports. Overall guidance on the project will be formulated by the Governing Body after each meeting.

#### 9.4 Notice for calling meetings

- a) All meetings of the Governing Body shall be called by notice in writing by and under the hand of the Member Secretary under the authority of the Chairperson;
- b) Every notice calling a meeting of the Governing Body shall state the date, time and place and agenda of the meeting and shall be delivered by hand or sent by post to every member of the Society normally 15 clear days before the day appointed for the meeting;
- c) The Chairperson may invite one or two national/ international experts hired by the APFBC society specializing in forest and biodiversity conservation, experts in institutional, rural and social development, M&E consultant Accounts; Financial Management and audit, livelihood security, gender equity etc. for the meeting. The purpose of inviting experts is to (a) build broader vision keeping in mind national/ international experience in addressing project strategies in Assam state, (b) to capture genuine difficulties in smooth programming and suggest solutions to resolve those in consultation with the financing agency (c) to build confidence of the state actors in service delivery of the program effectively;
- d) Any inadvertent omission to give notice to or the non receipt or late receipt of notice by any members shall not invalidate the proceedings of the meetings and proof that the envelope containing such notices was properly addressed and duly posted will be sufficient proof of such notice.

#### 9.5 Quorum:

The minimum quorum for the meeting will be 2/3 of the regular members excluding invitees.

#### 9.6 Chairperson:

The Chief Secretary, GoA shall be the Chairperson of the Governing Body of the Society and will have the following powers and functions:

- (a.)The Chairperson shall preside over the meetings of the Governing Body
- (b.)The Chairperson shall circulate resolutions concerning matters require urgent attention among members in the interregnum between meetings of the Governing Body. After obtaining their comments and consent on the resolution, the Chairperson will endorse the resolution subject to ratification in the subsequent Governing Bodymeeting ;
- (c.)Normally the decisions of the Governing Body shall be unanimously and majority taken, but In case of equal votes for and against a particular issue the chairperson shall exercise his / her casting vote.

#### 9.7 Vice Chairperson

- (a.) The Principal Secretary, Government of Assam, Environment and Forests Department, will be the Vice Chairperson of the Governing Body of the Society;
- (b.) The powers and functions of the Vice Chairperson of Governing Body of Society:
  - i. In the absence of Chairperson, the Vice Chairperson will preside over the meetings of the Governing Body;
  - ii. The Vice Chairperson shall exercise such powers and perform such duties as the Chairman of the Governing Body may delegate to him/her.

9.8 Member Secretary of the Governing Body

- a) Project Director in the PMU of the Society will function as the Member Secretary by the Governing Body;
- b) The Member Secretary of the Governing Body of the Society shall
  - (i). Be responsible for efficient running of the affairs of the Society in accordance with the provisions of the Memorandum of Association, Rules and Regulations and by-laws of the Society,
  - (ii). Be responsible for informing and communicating resolutions and decisions taken by the Governing Body for its execution by the Society; and;
  - (iii). May delegate in writing such powers as s/he may consider necessary to any officer in the PMU of the Society.

9.9 Remuneration of Chairperson and members:

The Chairperson and official members of the Society (Governing Body, Executive Committee, PMU, FIUs) shall not be entitled to any fee and remuneration from the Society. However, traveling allowance and daily allowance admissible as per the State Government Rules in force in the matter will be reimbursed for journeys undertaken for attending meetings and in performance of duties related to the implementation, supervision and monitoring of the APFBC. Members of the PMU will also be provided with pick up vehicle facility or reimbursed cost of fixed quantity of petrol/diesel for use in allotted vehicle for attending office as approved by the / Governing Body/Executive Committee. The non official members will be reimbursed their traveling allowance and daily allowance as may be approved by the Governing Body. Members of the PMU will be reimbursed a fixed amount towards telecommunication cost on a monthly basis as decided by the Governing Body

## 10. Executive Committee

### 10.1 Members of the Executive Committee

The management of the affairs of the Society is entrusted and vested in accordance with the rules and regulation of the Society to the Executive Committee of the Society. The Executive Committee is responsible for the management and operationalization of the policies and work programs set by the Governing Body. The Executive Committee shall be comprised of the following members:-

Sr. No.	Official Designation	Designation
01	Principal Secretary, Environment and Forest Department	Chairperson
02	Principal Secretary, Planning and Development Department	Vice Chairperson
03	Commissioner and secretary, Finance Dept.	Member
04	Secretary, Panchayat and Rural Development Dept.	Member
05	Secretary, WPT and BC Department	Member
06	Secretary, Agriculture Department	Member
07	Non Official* member of implementing agencies NGO	Invitee
08	Non Official* member of implementing agency JFMC	Invitee
09	Non Official* member of implementing agencies EDC	Invitee
10	Non official* member of implementing agencies SHG	Invitee
11	Project Director, PMU	Member Secretary

\*The Non officials members as may be decided by the Chairman in consultation with the PCCF& HoFF representing implementing agencies such as (1) NGO, (2) JFMC (3) EDC and (4) SHG

### 10.2 Meetings of the Executive Committee:

- a) The Executive Committee shall normally hold a minimum of four meetings in a financial year. These meetings are to be held as per the following schedule: First meeting either in April or May, Second meeting either in August or September, Third meeting either in October or November and Fourth meeting either in January or February every year on such date, time and place as may be determined by the Chairperson. It shall also be open to the Chairperson to call for an extraordinary meeting;
- b) All members of the Executive Committee shall be called for the meeting by notice in writing by the Member Secretary under authority of the Chairperson;
- c) Every notice calling a meeting of the Executive Committee shall state the date, time, place and agenda of the meeting and shall be delivered or sent by post to all members normally 7 (seven) days before the day appointed for meeting;
- d) The Chairperson may in special circumstances call a meeting at a notice shorter than seven days;
- e) Any inadvertent omission to give notice to or the non receipt or late receipt of notice by any member shall not invalidate the proceedings of the meetings;

- f) Quorum of the Executive Committee: 2/3 of regular members excluding invitees;
- g) Each meeting of the Executive Committee will lead to a statement of the progress of the project based on technical and financial reports. Overall guidance on the project will be formulated by the Executive Committee after each meeting;
- h) Decisions in the meetings of the Society shall normally be taken unanimously. However, issues generating difference of opinion shall be determined by majority vote. Each member shall have one vote and in case of equality of votes the Chairman shall have the casting vote.

#### 10.3 Proceedings of the meetings:

- a) Deliberations in the meetings of the Society (GB, EC) will be recorded as proceedings of the Society and shall form basis for subsequent transaction of business of the Society;
- b) The proceedings of the meeting shall be circulated to all members.

#### 10.4 Function and powers of the Executive Committee:

Subject to the general control and supervision of the Governing Body, the Executive Committee shall exercise such powers and functions as may be delegated to it by the Governing Body. The Executive Committee being the executive arm of the society, shall exist to bring about overall interdepartmental coordination, ensure non duplication of management interventions, monitor progress of implementation of APFBC, to discharge management responsibilities under overall guidance of Governing Body and give directions or take decision in an endeavor, whenever necessary, to achieve the development objectives of the project. The Executive Committee, therefore, shall:

- a) Work as the Executive arm of the Society;
- b) Be responsible for interdepartmental co-ordination and co-operation in implementing policies and decisions of the Governing Body;
- c) Based on review of progress made in implementation of the project; recommend release of funds to the implementing agencies, contractors, NGOs, and other service providers;
- d) Approve corrective actions required to be taken by the PMU as and when necessary;
- e) Peruse audit report of accounts- internal, external and statutory and furnish its opinion;
- f) Peruse and approve proposals for reimbursement of expenditures from AFD against APFBC;
- g) Endorse human resource management interventions and staff appointments to the PMU;

- h) Be responsible for technical, financial and administrative supervision of working of the PMU within approved operating systems and guidelines by the Governing Body to overcome any shortcoming with regard to project implementation;
- i) To issue necessary directives in accordance with the policies and guidelines of the Governing Body to overcome any shortcoming with regard to project implementation;
- j) Pursue annual work plan and budget prepared by the PMU;
- k) Pursue monitoring reports on physical and financial progress of the APFBC implementation and furnish its opinion, and;
- l) Any other matter delegated by the Governing Body of the APFBC Society.

#### 10.5 Member Secretary :

The Project Director of the PMU shall function as the Member Secretary of the Executive Committee also. The Member Secretary of the Executive Committee will:

- a) Be responsible for efficient running of the affairs of the EC in accordance with the provisions of the Memorandum of Association, Rules and Regulations and by-laws of the Society and policies and guidelines of the GB and EC,
- b) Be responsible for informing and communicating resolutions and decisions taken by the Executive Committee for its execution by the PMU; and;
- c) May delegate in writing such powers as s/he may consider necessary to any officer in the PMU of the Society.

### 11. Project Management Unit (PMU) :

11.1. There shall be an implementing arm of the Society namely "Project Management Unit" to be located at and operate from registered office of the society in Forest Department premises in Guwahati at the state level and Field Implementation Units in the Divisional Forest Offices in project areas. The role of the PMU is to ensure day to day executive control over project implementation. The PMU will establish direct working contacts with all concerned officials at various levels in the forest department and NGOs under the authority of PCCF & HoFF, Assam. In addition the PMU will be vested the capacity to call for meetings with selected officers from partner departments in Assam and other partners such as NGOs, public and private institutions, at Assam, national and international levels under the authority of the Executive Committee

11.2 In order to fulfill its mission, the Project Management Unit will be composed of a team of qualified officials. The PMU will be headed by a full time Project Director in the rank of Additional PCCF in the Forest Department, Assam. The

Project Director will be responsible for administration and management of the APFBC consistent with the policy, and guidelines issued by the Steering Committee, directions of the Governing Body. The PD will be reporting to the Chairperson of the Executive Committee directly and to the PCCF and HoFF, Assam on matters needing his/her attention or delegated by the Governing Body.

11.3(a) Functions and Powers of the Project Management Unit :

- a) PMU will manage the integration and program convergence, community participation, and livelihoods enhancement in to project operations;
- b) PMU will interact with the GoA, the Gol and the financing agency on behalf of the Society;
- c) PMU will implement human resource management policies of the Society;
- d) PMU will recruit hired staff and may take support of an expert recruitment agency in order to select, mobilize and appoint most competent and appropriate staff at all levels in APFBC;
- e) PMU will be in over all in charge and of planning, implementation and monitoring of activities of the Society and be guided by the GB and the EC;
- f) PMU will guide, advice and provide training support to the FIUs and other Forest Department officials and staff in all the subjects related to the APFBC;
- g) PMU will be in overall charge of the funds of the Society and will open and operate the Society's bank account;
- h) PMU will scrutinise annual plan and budget submitted by the FIUs and prepare consolidated annual work plan and budget of the AFBCP for seeking approval of the GB;
- i) PMU will ensure that due process adhered to in getting sanction of schemes under normal procedures of Government;
- j) PMU will closely monitor sanction of schemes and flow of funds and undertake follow up action;
- k) PMU will release funds to FIUs and other participating organisations / institutions as per approved work plan and in accordance with the policy and guidelines framed by the GB;
- l) PMU will monitor physical and financial progress of the APFBC;
- m) PMU will monitor actions related to obtaining timely reimbursement of expenditures from AFD against the Society;
- n) PMU will duly verify monthly transactions and the monthly receipt and expenditure statement of the FIUs, and shall put up consolidated statement to the Executive Committee on a regular basis;

- o) PMU will verify the physical and financial usage of the funds disbursed to various participating organizations;
- p) PMU will take corrective actions as approved by the EC wherever necessary;
- q) PMU will ensure audit of accounts: internal, external and statutory is undertaken as mandated and initiate and take follow up action with EC,GB, the GoA and the Gol;
- r) PMU will prepare the financial statement with due audit and shall place the same to the GB and EC;
- s) PMU will closely monitor procurement procedures in civil works, consultancy, NGO services and all service providers;
- t) PMU will assure quality control and quality assurance of the physical work done under each of the project components;
- u) PMU will scrutinize, consolidate and aggregate annual and multi year and financial plans of the FIUs and obtain approval of the EC and the GB as well;
- v) PMU Shall ensure that the Society establishes procedures, processes, and operating systems that ensure regular disclosure of annual work plans, annual reports, budgets, actual transfers, bidding documents, evaluation of bids, audit statements and any other information considered to be in the interests of ensuring complete transparency in the decision making and working of the Society;
- w) PMU will deal with any other matter relating to financial, administrative, accounting or any other affair of the Society and will exercise and discharge such other duties as may be delegated or directed by the GB

11.3 (b) Functions and Powers of the Project Director

- a) Be in overall in charge of the PMU of the Society and shall be responsible for planning, implementation and monitoring of all activities of the PMU;
- b) Be the Appointing Authority for all posts sanctioned by the Governing Body on contract or on part time basis to the Society;
- c) Mobilize programme convergence at the district, division and local level;
- d) Take overall responsibility for the technical, financial and administrative day to day work of the society according to the policies and guidelines of the Governing Body, directions of the EC and issue instructions with regard to project implementation under the authority of the EC and/or the PCCF and HoFF, Assam as may be required;



- e) Coordinate and formalize communication with divisions, districts and field implementation units;
- f) Enter into agreement with contractors, NGOs, organizations and institutions, other service providers and legal entities as required in implementation of the APFBC;
- g)** Exercise such executive and financial powers as defined and decided by the GB and shall have overall responsibility for the planning, implementation and monitoring of all activities of the Society;
- h) Assess training needs of officials and staff of the PMU, the FIUs and other forest department officials and staff connected with the APFBC and formulate training plans and arrange for such trainings as part of capacity building activity;
- i) Establish close coordination with AFD / External Financing Agency and similar projects under implementation in India;
- j) Cause preparation of innovative schemes for NGO participation and involvement of beneficiaries;
- k) Operationalize computerized Management Information Systems in the PMU and FIUs, and cause training of staff in this regard;
- l) Assist, guide and supervise activities of FIUs in project planning, implementation, monitoring, evaluation, quality control, quality assurance, accounting, auditing and evaluation as per requirement and stipulations of the AFD;
- m) Initiate action on recommendations of the GB, the EC and that of the AFD, Government of India as per requirement and stipulations made under relevant agreements;
- n) Be responsible for preparation of annual work plan;
- o) Further strengthen field (division, range) level coordination mechanism and follow up on them;
- p) Chair meetings of the PMU on project implementation and take follow up actions;
- q) Accord sanction as per delegated financial powers and to release funds as provided by the by laws of the Society;
- r) Cause field inspection of project activities and initiate corrective actions wherever necessary and to recommend disciplinary actions against any officials and staff on deputation to the PMU and in the FIU of the society;
- s) Discharge statutory responsibilities of the society and ;
- t) Carry out any other responsibility assigned from time to time as directed by the Governing Body and the Executive Committee

#### 11.4 Composition of the PMU:

The PMU will have full time team of qualified staff dedicated fully to the project including supporting and service providing sections such as finance including the procurement, disbursements, audit, human resources and communication. PMU is to be headed by the Project Director who will be a senior Forest Officer from Assam Forest Department in the rank of Addl. PCCF deputed by the GoA. The Project Director will be assisted by three Component Directors responsible for three project components who will be officers in the rank of or equivalent to the CCF. The PD will also lead the Component 2 -Multi level Strategic Planning and the general management of the project schedule and budget, including the efficient and effective implementation of the all the project components, concurrent monitoring and internal – external evaluation of the project activities. The structure of the PMU is depicted at illustration 2.

#### 11.5 The component wise staffing is mentioned below:

- a) Component 1: will be headed by Component Director; a Forest Officer in the rank of CCF who will be responsible for procurement of consultants and other personnel as well as quality and quantity verification and control of all other procurements done by the society and will be assisted by :
  - i. Procurement officer in the rank of CF/DCF in-charge of infrastructure and equipment;
  - ii. Officer in the rank of CF/DCF for capacity building of all stake holders, training, research, Human Resources Management and Information System (HARMIS) and documentation;
  - iii. Consultant for procurement and capacity building.
- b) Component-2 : will be headed by the PD besides his other functions and he will be assisted by
  - i. Chief Technical Advisor
  - ii. An officer in the rank of CCF/CF/DCF looking after landscape design and integrated plan, IMS;
  - iii. An officer in the rank of CCF/CF/DCF looking after inventory and survey; MIS and BMIS, documentation and publication;
  - iv. Technical Consultant(s) as and when required for specific task
- c) Component 3 :

Will be headed by Component Director in the rank of CCF who will be in charge of research and Carbon finance related matters and will be assisted by

  - i. CF/DCF in charge of PAs and Wild Life related matters;
  - ii. CF/DCF in charge of forest restoration, rehabilitation, biodiversity conservation related matters; restoring forest product supply chain and other afforestation activities including development of fuel wood alternatives

- iii. Consultants on Biodiversity conservation and management, participatory forestry, farm forestry, exotic and obnoxious weed control, man- animal conflict mitigation, improved PA management, restoration of forest product supply chain and production forestry; as and when required
- d) Component 4  
 Headed by Component Director in the rank of CCF who will be in charge of creating Brand Name for value added products, exploring livelihood alternatives, innovative product/ process development, marketing and marketing network development and will be assisted by:
  - i. CF/DCF in charge of Traditional Products/processes/ practices and related capacity building;
  - ii. CF/DCF in charge of alternative non forest livelihood activities and related capacity building including capacity building for enhanced employability;
  - iii. Consultants on value addition and related capacity building, creating brand name, marketing and marketing network; development of innovative products and processes and related capacity building, eco-tourism, carbon finance, alternative non forestry livelihood activities and related capacity building as and when required
- e) The PD: will be further assisted in discharge of his all other functions by:
  - i. A Project Financial Officer in the rank of CCF/CF who will be responsible for drawing up the Annual Work Plan integrating the schemes submitted by the FIUs as per financial allocation and instruction and guidelines of the GB/GB, monthly accounts of the ACs and their consolidation, expenditure incurred by PMU, audit of accounts, maintenance and superintendence of re-imburement claims as per Schedule to the State Finance Department. He will be assisted by the FAO, the Accountant and coordinate with the CD of Component -1 in matters of procurement.
  - ii. An officer in the rank of CCF/CF who will be responsible for discharging administrative functions of the PMU under authority of the PD as well as Monitoring and Evaluation Systems of the Project. He will also function as the Communication Officer of the PMU
- f) The CTA shall be reporting to the PD and besides his designed involvement in implementation of component-2 the PD will have an option to utilize services of the CTA in monitoring of inputs by consultants and for advice on all technical matters relating to implementation of activities of the APFBC for achieving the objectives and goals of the project. With intimation to the PD, the CDs will have access to the CTA and other consultants for consultation and on matters relating to the respective component dealt by them.
- g) The Senior Most Forest officer in the PMU will depute for the PD during his absence for which written instructions shall be issued by the PD with information to all concerned.

## 11.6 Staff Categories

The project management unit will include two categories of staff

- Staff from the Forest Department, deputed to the PMU on full time basis;
- Technical Assistant Team recruited through an international tender by the project, involving international and national short and long term Consultants as support to the PMU.

### a) Staff from Forest Department

The following staff will be detached from the Assam Forest Department and to be deputed to the PMU on a full time basis:

- i. One officer in the rank of Addl. P.C.C.F to be deputed as the PD;
- ii. Three Officers in the rank of C.C.F. to be deputed as CDs for component 1,3 and 4
- iii. Two officers in the rank of CCF/CF/DCF to be deputed for component 2 to work under the PD
- iv. Six Officers in the rank of CF/DCF to be deputed two each for components 1,3 and 4 to work under the respective CDs;
- v. One officer in the rank of CCF/CF to be deputed as in charge of the Monitoring Systems

### b) Services of a Finance and Account Officer (FAO) will be placed with the PMU by the State Government for management of financial affairs of the APFBC Society

### c) Supporting staff

A secretariat with 3 permanent office staff (one Superintendent and two other senior assistants with computer skills), 5 drivers, one for each component and one for the head of PMU, 3 watchmen, 3 peons and 1 sweeper shall be appointed. In addition, drivers for staff pick up vehicles shall also be appointed as required. Besides, computer operators under each CD shall be appointed for effective workload distribution and expeditious delivery.

### d) Staff Deployment Procedures

PMU staff will be selected through a transparent procedure, with prior communication of CVs and validation by the Governing Body and submitted to AFD for their no objection. Detached/ deputed officers will receive incentives as per existing rules, and will be committed to stay on duty for a minimum of 3 years for the same assignment.

### e) Technical Assistance through Consultant services will be funded either from limited grant or project budget:

Hiring of TA Consultants will be guided by and will be in accordance with the procedure laid down in the Procurement Manual as approved by the SC. The number of consultants to be hired and the purpose/activity for which to be hired will be in accordance with the details mentioned in the Operational Manual as approved by the SC. The TOR for each of the position is to be prepared and obtained prior approvals from Steering Committee, Governing Body as well as concurrence of the AFD.

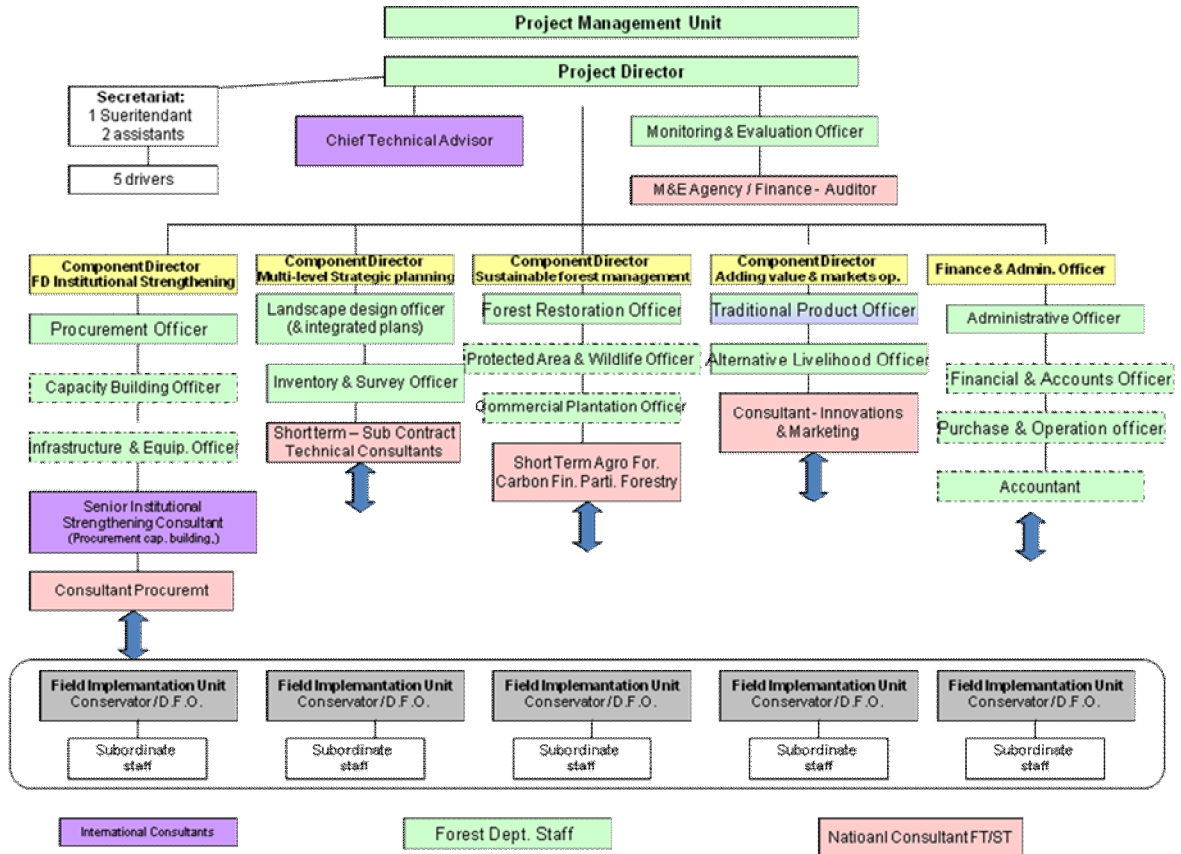


Figure 2: PMU Organization Structure

**12. Field Implementation Units (FIUs) :**

Field Implementation Units (FIU) will host project activities: one FIU will be nominated for each project area and FIUs will be headed by the respective Divisional Forest Officer (implementation and supervision) and will be placed under the charge of the respective Circle Conservators( inter division coordination and supervision). FIU heads will be supported by other sub-ordinate Forest staff in the Division, and assisted by technical staff hired or seconded over for specific purpose. Normally all APFBC related communication shall be channeled through the respective Circle Conservator. However, in order to expedite matters the DFOs will be able to directly submit annual work proposals and monthly financial statements to the PMU with intimation to the circle CF who will communicate his opinion to the PMU and higher Officials concerned. NGO and community representatives endorsed by the GB from a panel will be nominated by PMU to each FIU to work at the interface of Forest Department and communities in survey, management planning, implementation and participatory monitoring and evaluation.

At the FIU level, the respective DFO will be concerned with providing all assistance and support at his disposal and shall be responsible for implementation and/or the approved Work Plan, including expenditure, submission of accounts, submission of progress report and claim for reimbursement. Funds from the proposed project will be channeled to the FIU by the PMU through proposal submitted by the DFO will be transferred directly to the Village Level Joint Forest Management Committee(s)

#### 12.1 Village Level Joint Forest Management Committees

At implementation level, the projected activities will be planned with active participation of JFMCs within their respective jurisdiction and will commensurate with project objectives. The JFMCs will function in implementation of activities in accordance with the JFMC Rules in force in the State of Assam.

#### 12.2 Eco Development Committees

The Government has adopted the participatory approach to forest protection, management, development and bio-diversity conservation in both protected as well as unprotected forest areas. Joint Forest Management Committees formed by the adult villagers in the villages situated in the vicinity of the notified and reserved forest areas where as Eco Development Committees formed by the adult members of the villages situated in the protected forest areas and National Forest Parks. The working procedures and modalities of EDCs will be identical to those of JFMCs.

#### 12.3 Involvement of Non Governmental Organizations

Use of NGOs would be made wherever villager interest or community groups are to be formed, such as for local development, or forest product marketing. To simplify implementation arrangements, one lead NGO would be engaged at each Division level to handle social mobilization and associated training needed for all project activities in that Division. The NGO will play role on both components of (a) sustainable forest management by community mobilization through JFMCs / EDCs and (b) Value addition and opening of market for forest produce. The NGO is to follow pre determined process steps for community mobilization and enterprise development dealing with forest produce development and marketing. The milestones for the process are to be finalized in consultation with the PMU and or FIU.

### **13. Funds of the Society :**

The funds of the Society shall consist of the following

13.1 Loan amounts in installments earmarked for Assam Project on Forest and Biodiversity Conservation by as per loan agreements between Gol / GoA and the French Development Agency (AFD).

13.2 Any other money received by way of transfer, grants or in any other manner from any source other than the source of the Government.

13.3 Grant in aid or Assistance by Central Government.

13.4 Grant in Aid by State Government.

13.5 Contributions from other sources.

13.6 Contributions from foreign aid agencies.

#### **14. Budget**

The annual budget will show the estimated receipts and expenditure and shall be prepared in such form as may be prescribed by the Society or the financing agency and submitted in such manner as may be required.

#### **15. Bankers**

The bankers of the Society shall be any Nationalized/Scheduled Commercial Bank with sufficient branch network and operation in project districts/areas

#### **16. Management of Funds**

16.1 All money credited to the funds of the Society shall be deposited in Nationalized/Schedule bank(s). All withdrawals from funds shall be made by cheques. All cheques shall be signed by two signatories – Project Director of the PMU and the Accounts Officer of the Society.

16.2 Governing Body by resolution may decide the percentage of contribution to be realized towards establishment and miscellaneous expenditure of the Society as per the budget outlay of the project and existing and future cost considerations.

#### **17. Audit of Accounts**

The following procedure shall be adopted for the audit of the book keeping and accounts of the Society:

17.1 The Society shall cause regular accounts to be kept of its fund. The principle of commercial accounting will be followed in maintenance of accounts in such forms as may be prescribed as per Project Agreement signed between the AFD / Financing Agencies and the GoA.

17.2 The following books of accounts and records shall be maintained by the Society:

- a) Cash book;
- b) Journal;
- c) Vouchers;
- d) Bank Ledger;
- e) Bank Draft/Cheque Receipt Register;
- f) Cheque issue register;
- g) Any other registers as would be prescribed by the Society.

17.3 The accounts of the Society shall be audited annually by a Chartered Accountant or any other qualified agency approved by the Auditor General (AG), Assam/the CAG who shall be appointed by the PMU after endorsement of the GB of the Society.

17.4 As an obligation arising from the fact that the APFBC Society shall be utilizing Government funds, the accounts of the Society shall be submitted to the

Accountant General (Audit), Assam's Office in Guwahati for their inspection and audit as per procedures set out by the Government.

17.5 The Chartered Accountant or the Auditor shall have access to books, accounts, connected vouchers and other necessary documents and papers.

17.6 At the close of each quarter, a consolidated account showing the total receipts, payments during the period under several heads of account with open in and closing balances shall be prepared and submitted to the Government of Assam. The Project Director shall present the Annual Accounts of the Society by a date not later than 30<sup>th</sup> July of every year comprising receipt and payment accounts and balance sheets.

17.7 The results of the audit shall be communicated by the auditor to the Project Director who will then present it to the EC with his observations and report of action taken, if any required. The Audit Report of the CA shall be presented along with the observations of the EC to the GB for its perusal. Copy of the Audit Report and observations of the Governing Body shall be forwarded by the PD to the Environment and Forest Department and the Finance Department of the GoA. The auditor shall also forward a copy of the report direct to the Finance Department of the GoA.

17.8 The copy of such audit report duly signed by the Auditor, Chairman of the EC and the Project Director of the Society shall be furnished to the GoI not later than 31<sup>st</sup> August of every year

17.9 The Comptroller and Auditor General of India shall have the same rights, privileges and authority to conduct audit of the accounts of the Society as s/he has in connection with audit of the Government accounts and for this purpose he shall have the right to demand the production of books of accounts and other relevant records of the Society.

## **18. Public Disclosure**

The Project Director shall ensure that the Society establishes procedure and processes that ensure regular disclosure of annual work plans, annual reports, budget, actual transfer, bidding documents, evaluation of bids, audit statements and any other information considered to be in the interests of ensuring complete transparency in the decision making of the Society. The Society shall employ any technology and media required to ensure widest possible disclosure.

## **19. Complaints handling system (Grievance Redressal System)**

The Project Director shall ensure that the Society establishes and maintains a transparent, effective and efficient complaints handling system that will make certain that any allegations concerning corruption, collusion, misappropriation or non-adherence to procedures and guidelines of the project are investigated and appropriate follow up action taken. The Society may approach existing vigilance set up at district, state and national level. The Society may utilize services of the Directorate of Financial Inspection as well as technical audit by the Central Vigilance Commission (CVC) as and when required.



## **20. Reporting**

The following procedure shall be adopted for the reporting on physical and financial progress of the program by the Society:

### **20.1. FIU Reports:**

By fifteenth day of every month, the PMU shall receive report on work and financial progress from respective DFO of the concerned FIU.

### **20.2 PMU Reports:**

Based on reports from FIUs, the PMU will prepare a monthly report by 25<sup>th</sup> of every month and place before the Chairman of the Executive Committee.

### **20.3 Quarterly Reports**

The PMU shall consolidate the monthly reports to generate quarterly reports on the work undertaken by the Society one month after the end of each quarter. The reports shall be forwarded by the EC for approval of the Chairman of the Governing Body of the Society.

### **20.4 Annual Report:**

The PMU shall submit the draft of the annual report along with audited accounts of the Society and the Auditor's report to the Chairman of the EC and incorporating his/her observations present it thereafter for approval of the Governing Body.

### **20.5 Reporting to the Funding Agency**

The society will share and submit the quarterly and annual reports on financial and physical progress of the program with the funding agency AFD.

## **21. Amendments**

### **21.1. Alteration or Extension of the Purpose**

With prior approval of the Environment and Forest Department, GoA and AFD, the Society may alter, extend or abridge the purpose for which it is established, or to amalgamate the Society either wholly or partially with any other Society or Board in accordance with provisions of the Societies Registration Act, 1860, as applicable to state of Assam.

### **21.2 Alteration or amendment of rules**

The rules of the Society may at any time be altered by a resolution passed by a majority of the members present and voting in a meeting of the Governing Body convened for the purpose.

### **21.3 Change of Name of the Society**

The Society may with prior approval of the Forest Department, GoA, change its name by a resolution passed by majority of the members present and voting in a meeting of the Governing Body convened for the purpose.

#### 21.4 Change in nomenclature of Ministries

As and when there is any change in the nomenclature of the Ministry / Ministries, Departments(s), Institution (s) and designation(s) mentioned in the Rules, such change(s) shall automatically stand incorporated in these Rules and it shall not be treated as an amendment of the Rules under Rule 5, 9.2, 10.1, and 11.8 above

#### 21.5 Winding up or dissolution of the Society

If on the winding up or dissolution of the Society, there shall remain after the satisfaction of all its debits and liabilities, any liabilities, any property whatsoever, the same shall not be paid to, or distributed among, the members of the Society or any of them but shall accrue to the GoA.

### **22. Miscellaneous**

#### 22.1 Authentication

All orders and decisions of the Society shall be authenticated by the signature of the Chairman / Vice Chairman and all other papers / documents shall be authenticated by the signature of the Project Director.

#### 22.2 Indemnity

Every officer of the Society shall be indemnified out of the funds of Society against all losses and expenses incurred in the discharge of his/her duties except such as shall happen through his/her own neglect, willful act or default and one shall be answerable only for his/her own acts, neglect or defaults and not for those of any other person.

#### 22.3 Submission of Annual List of Members to Registrar

Once in every year, a list of members of the Governing Body shall be filed with the Registrar of Societies required under Section 4 of the Societies Registration Act, 1860.

#### 22.4 Assets

- (a) A statement showing the inventory of fixed assets held by the Society at the end of each financial year shall be sent to the GoA along with annual statement of accounts. No depreciation shall be charged and the value of the assets will be shown at the original cost with accounts.
- (b) Separate Utilization certificate in respect of grant received from the GoI and other sources shall be sent to the Environment and Forest Department and programme officers of respective donor / funding agencies, along with audited statement of accounts.

#### 22.5 Legal Proceedings

The Society may sue or be sued in the name of the Project Director of the PMU as per provisions laid down under section 6 of the Societies Registration Act 1860.

#### 22.6 Use of property and income:

The property and income of the Society derived, if any, shall be towards promotions of the objectives thereof subject nevertheless to financial discipline in respect of the expenditure of grants imposed by the state Government from time to time.

#### 22.7 Staffing Pattern

The Society can appoint staff on deputation from State Government undertaking or appoint national and international professionals on contractual terms depending on the requirement and availability of funds under different schemes as mentioned in Rule 11 and 12. Selection will be made through transparent and objective procedure.

#### 22.8 Applicability of Societies Registration Act 1860

All the provisions of the Societies Registration act 1860 will apply to this Society.

#### 22.9 Dissolution

If necessary, the Society can be dissolved as per the provisions laid down under Section 13 and 14 of the Societies Registration Act, 1860. The Society may be dissolved by a resolution signed by not less than three fifths of members of the Governing Body of the Society after obtaining the concurrence of the GoA. In the event of winding up or dissolution of the Society and after satisfactory setting of all its debts and liabilities, any fund or assets what so ever shall not be paid to or distributed among the member or any of them. Assets shall be disposed of in such manner as the State Government may determine including option of transfer of such assets to the Government or any Government Agency pursuing similar objective as decided by the State Government of Assam.

**23. Certificate:**

We, the undersigned being three of the members of the APFBC Society certified that the above is correct copy of the Rules and Regulations of the society.

**Signature of three Members:**

**1.**

**2.**

**Chairman,  
Executive Committee  
Assam Project on Forest and  
Biodiversity Conservation Society**