

As per G.O. No. 2142/MI/2R-3/2004 dated 31.08.2012 of WRI&DD (Ref.: The Kolkata Gazette, 18.09.2012 (No.-WB (Part-I)/2012/SAR-332)-

“The registration of the Minor Irrigation Scheme Management Committee shall be made under the West Bengal Societies Registration Act, 1961 instead of West Bengal Co-operative Societies Act, 2006, in accordance with the decision taken in the meeting of the 7th State Level Technical Steering Committee of WBADMIP on 24.07.2012”

WEST BENGAL SOCIETIES REGISTRATION ACT, 1961

MEMORANDUM OF ASSOCIATION

1. Name of the Society : (area name) Water Users' Association,(district's name)
2. Address : (address of the registered office of the society)
3. Objectives of the Society:
 - ▶ To create mass awareness for the conservation & management of natural resources of water and its use in the area in sustainable manner.
 - ▶ To provide counselling for advanced methods of agriculture, animal husbandry with the help of latest scientific and technological innovations/discoveries for growth of development of food specially in rural sector.
 - ▶ To organise training in different aspects of water users development like agro processing, conservation of natural resources.
 - ▶ To organise and maintain canals, plantation, agriculture & horticulture for rural development
 - ▶ To encourage the use of scientific and technological advancement for the good of people
 - ▶ To take steps and program for rural development and moral upliftment of people associated with agriculture activities in the country
 - ▶ To arrange and organize, debate, discussions, seminars and excursion for diffusion of knowledge
 - ▶ To publish or cause to be published useful literature, magazines, etc. without profit motive.

- ▶ To help the needy students of all communities for the prosecution of studies
- ▶ To help the aged, sick helpless and indigent persons
- ▶ To work happiness for the downtrodden needy people for their primary needs such as food, cloth, education and shelter etc.
- ▶ To import and develop social awareness among the illiterate men and women by organizing awareness camps from time to time
- ▶ To organize ambulance facilities for free rendering of service to the needy portents
- ▶ To establish and maintain basic and adult education centre to remove the illiteracy
- ▶ To arrange and organize dead bodies carrier to help the needy propel of the society without profit motive
- ▶ To maintain and organize charitable dispensaries, first aid centers, blood donation camps from time to time and to generate awareness amongst people suffering from Thalassimia, cancer and HIV Aids disease etc.
- ▶ To arrange the organize education on computer both in theoretical and practical classes among the needy students of the society without profit motive.
- ▶ To render relief to the suffering in times of famine, flood, drought, earthquake and other natural calamities.
- ▶ To educate people about pollution and to arrange plantation of trees in the location to make the world green
- ▶ To arrange and organize old-age home to help the needy people of the social of the with profit motion
- ▶ To help needy people in the occasion of marriage also in funeral and cremation of the dead
- ▶ To help organize self-help group based for augmentation of the livelihood opportunities of the people.
- ▶ To promote sympathy, fellow-feeling and unity among the follow-feeling and until among the followers of faith so as to evolve a sense of social and religious co-operation
- ▶ To celebrate community pujas and other occasion in the locality
- ▶ To do all such as may be deemed incidental and conducive to the forgoing object

The function and object of the society shall always remind restricted within the meaning of section 4(2) of the West Bengal societies Registration Act, 1961 irrespective of any object mentioned in the present document in agreement or opposed to the said section.

Before commencing the activities of the society necessary approval/permission will be obtained from the government or other appropriate/concerned authorities as and when required.

The income and properties of the society whatsoever derived shall be applied solely towards the promotion of the objectives of the society and no portion thereof shall paid to or divided amongst any of its members by way of profits.

4. The names, address and description of the members of the Managing Committee/
Governing Body:

Sl. No.	Name	Address	Post held in the Society
1.			President
2.			Vice-President
3.			Secretary
4.			Treasurer
5.			Member
6.			Member
7.			Member

Undertaking –

We the undersigned persons being associated with the foregoing objects hereby subscribe our names to the present Memorandum of Association and intend to file it along with a copy of Regulations as required under section 4(1) of the West Bengal Societies Registration Act, 1961 for registration of the association as a society:

Sl. No.	Name	Address	Occupation	Signature
1.				

2.				
3.				
4.				
5.				
6.				
7.				

Witness to the signatures as above:

Signature with date :

Name :

Address :

Occupation :

REGULATIONS OF ASSOCIATION OF SOCIETY

MEMBERSHIP

1. ADMISSION

- a) The signatories to the Memorandum of Association of the office bearers of the Governing Body of the Society shall be first members of the Society.
- b) The Governing Body may admit to membership any person of any Caste, Creed or sex who has attained the age of eighteen years and agrees in writing to be bound by the Memorandum of Association and regulations of the Society and who in the opinion of the Governing Body will be interested in advancement of the objects of the Society.

Be it noted that the power to admit members is the sole and absolute power of the Governing Body and the Governing Body may refuse to admit any person as a member without assigning any reason there for.

2. TYPE OF MEMBER

- a) Honorary Members: Any person, whose connection with the Society is deemed to be useful, may with consent of such person be elected as Honorary Member of the Society. Such member shall not however, be eligible to be member of the Governing Body nor shall be entitled to vote in any meeting.
- b) Ordinary Members: Any person, whose connection with the Society is deemed to be useful, may with consent of such person be elected as Honorary Member of the Society. Such member shall not however, be eligible to be member of the Governing Body nor shall be entitled to vote in any meeting.

3. CESSATION OF MEMBERSHIP

Any member shall cease to be a member –

- a) On the acceptance of his/her resignation from membership.
- b) On his/her becoming insane or insolvent;
- c) On his/her conviction of any offence in connection with the formation promotion, management or conduct of affairs of society or a body corporate or of any offence involving moral turpitude.

4. REGISTER OF MEMBERS

The Society shall maintain a Register of Members containing the names, addresses and their occupations date of admission and the date of cessation. The Register will be kept open for inspection of the members of Society on requisition. All entries required to be made therein shall be entered within a period of 15 days.

5. RIGHT & OBLIGATIONS OF MEMBERS

Any Ordinary Member of the society has the right

- ▶ To elect and to be elected in any election of the society
- ▶ To submit suggestion for discussion to the Governing Body and Sub-Committee on any matter relating to society
- ▶ To inspect the accounts of the society on appointment with the Secretary.
- ▶ To pay his/her subscription within the prescribed time.
- ▶ Defaulting members shall not be allowed to take part or vote at any meeting

► Members shall have one vote each

6. EXPULSION & REMOVAL

Frequent action of any member, if found by the Governing Body detrimental to the interest and is in violation of the rules and regulations of the Society, he/she may be after due enquiry conducted, suspended or expelled from the membership by the Governing Body.

In that the governing body shall first serve the member concerned with a show notice showing therein the charges framed and ask him to submit his statement of defense within a month. On receipt of the explanation, the governing body shall have the power to take a suitable action against the delinquent member after allowing him to defend his case. If no reply to the show cause notice is received within month, the GB may take an ex-parte decision.

For any act of expulsion or termination no such member shall be entitled to prefer any claim for compensation or damage even if proved on subsequent date that such act of expulsion or termination was wrongful and/or unlawful.

7. COMPOSITION & ELECTION OF THE GOVERNING BODY

The Governing Body shall be elected by the General Members of the society in the Annual General Body Meeting and the members of the Governing Body shall not be less than 7 members which shall be composed of President, Vice-President, Secretary, Treasurer and other Committee members.

8. TERMINATION OF MEMBERSHIP:

A member of the Governor Body shall cease a membership if:

- He/she resigns by a letter addressed to the Secretary,
- He/she absents him/herself from 3 consecutive meetings of the Governing Body without any leave or without reasonable grounds.
- He/she is convicted of any offence in connection with the formation, promotion, management or conduct of affairs of a society or a body corporate or of any offence involving moral turpitude.

9. TERM OF ELECTION:

All members of the Governing Body (GB) shall retire at the Annual General Meeting following their election when the new Governing Body shall be formed.

10. MEETING:

A meeting of the GB shall be held at least once in three months at such place, date and time as the president or the secretary may determine.

11. NOTICE AND QUORUM

Seven days notice of the meeting specifying the place, time and the general nature of work and business to be transacted shall be given to every member of the Governing Body. Emergency meeting may be called on 24 hours notice. One third members personally present shall constitute a quorum for the Governing Body meeting and if a quorum is not present within 30 minutes of the time members present adjourn the meeting.

12. PROCEDURE OF THE MEETING

The President or in his absence the Secretary shall preside over all meetings of the Governing Body and in their absence members present shall elect a Chairman of the meeting. All questions before the meeting will be decided by a majority of votes, each member having one vote. The President or the Chairman shall have a second or casting vote in addition to his own vote in the case of equality of vote.

13. POWER AND DUTIES OF THE GOVERNING BODY

The Governing Body shall have general power of supervision and conduct over all the affairs of the Society and in particular shall discharge the following duties:

- ▶ To appoint Sub-Committee with such power and duties as may be considered necessary or expedient;
- ▶ To accept donation, gift, subscription, movable or immovable property for the interest of the Society;\
- ▶ To sell, lease, mortgage or otherwise dispose of and deal with all or any part of the property of the Society as deemed necessary or expedient for the purpose of the Society
- ▶ To keep proper accounts of the Society and to open bank account in the name of the Society in one or more banks;
- ▶ To appoint a person or persons on payment to assist the Secretary/Treasurer in the maintenance of accounts etc.
- ▶ To conduct any business not specified herein for the attainment of the object of the society provided such business is not repugnant to such object
- ▶ Society can acquire property both movable and immovable for use of the society

14. BANK OPERATION

The banking accounts of the society shall be operated by the President, Secretary and Treasurer or any two of them jointly.

15. SAFE CUSTODY OF FUNDS

- i) The Governing Body shall be responsible for the safe custody of the funds and assets of Society.
- ii) The funds of the Society shall be kept in some nationalized bank/post offices and be invested in any securities, specified under Section 20 of the Indian Trust Act, 1882.

16. BOOKS OF ACCOUNTS AND INSPECTION OF AUDIT

The books of account and other statutory books shall be kept at the registered office and shall be kept open for inspection of the members at such time and place as the Governing Body directs on a written request made by any member. The society shall maintain accounts which will be audited annually by a qualified auditor or auditors.

17. ACCOUNTING YEAR

The accounting year of the Society shall be 1st day of April of each year to 31st day of March of the following year.

18. ANNUAL GENERAL MEETING

There will be three kinds of General Meeting:

▶ Ordinary General Meeting:

- May held as and when required basis provided at least 7 to 14 days notice specifying the time, place, day and hour shall be given to every member of the society.

▶ Annual General Meeting:

- Shall be held every year and not more than 15 months gap between two successive Annual General Body Meetings and at least 14 days notice specifying the time, place, day and hour shall be given to every member of the society.

The secretary shall annually call the Annual General Meeting as per provision of WBSR Act, 1961 giving at least 14 days notice to all members. The notice shall contain the place date, day and time of the meeting.

Agenda: The business to be transacted at the AGM shall be:

- i. To confirm the minutes of the last AGM and of Special General meeting if any,
- ii. To adopt with or without modification the report of the working of the society for the previous year
- iii. To pass audited accounts of the society for the previous year ended
- iv. To appoint qualified auditors
- v. To transact such business as may be fixed by the GB
- vi. To transact such other business as may be brought forward by giving 14 days previous notice from any member
- vii. To conduct general election.

Manner and method of voting: The chairman of the meeting shall decide the manner and method of voting at the outset of the meeting.

► Special General Meeting:

- May be convened by the Governing Body at any time in view of urgency of the matter. At least 7 days notice shall be given to every member.

A special general meeting may be by the GB at any time in view of urgency of the matter. Member may request the GB for special general meeting by placing a requisition signed 2/3rd of total members. In the case the GB shall convene a special general meeting within a month from the receipt of such notice. In default by the GB the requisition shall hold such meeting provided no business other than those special i in the notice shall be transacted.

► Extra-ordinary GENERAL Meeting:

The GB may direct to convene an Extra-ordinary General Meeting for consideration of addition, alteration or amendment of the memorandum/regulation of the society. 7 days notice along with proposed draft of change shall be sent to member before the meeting. The resolution for change, amendment etc. of the Memorandum and Regulation should be carried out if accepted by the three fourths of the members present at the meeting.

19. QUORUM OF THE MEETING:

1/3rd members personally present at the commencement of the meeting shall constitute the quorum.

The business to be transacted at the Annual General Meeting:

- To confirm the minutes of the last Annual General Meeting & Special General Meeting , if any,

- ▶ To adopt with or without modification the report of the working of the society for the previous year
- ▶ To pass audited accounts of the society for the previous year ended.
- ▶ To appoint qualified auditor or auditors
- ▶ To elect the Governing Body Members

20. DUTIES OF OFFICE – BEARERS

President

- a) He / She shall preside over all meetings of the Society;
- b) Take all disciplinary actions such as removal, dismissal etc. In consultation with the Governing Body;
- c) Advise the Secretary in any matter requiring urgent attention;
- d) Call emergent meetings.

Vice President

In absence of President he/she will perform the duties of the President.

Secretary

- a) Convene all meetings of the Society;
- b) Maintain minute books of all meeting;
- c) Issue general circulars and notices;
- d) Receive all applications for membership which shall be placed before the Governing Body.
- e) Sign on behalf of the Society all receipts for all sums received as subscription etc.
- f) Sign and give pay order on all bills for payment;
- g) Get the accounts of the society audited by a Chartered Accountant
- h) Ensure compliance with statutory requirements
- i) Transact all other business subject to the direction of the Governing Body;

Joint Secretary

In absence of the secretary, the joint secretary shall perform all the duties of the secretary.

Treasurer

- a) Collect and receive all sorts of subscriptions, donations and deposit of money and grant receipts thereof;
- b) Maintain and keep Cash Book and such other accounts as per necessity;
- c) Operate Bank Accounts jointly with the Secretary;
- d) Prepare the budget in consultation with the Secretary for consideration of the Governing Body.

21. MAINTENANCE & AUDIT OF ACCOUNTS

The society shall maintain books of accounts as required under Sec.15(1) (a) and (b) of the Act. The accounts shall be audited by a duly qualified auditor as stated in Sec. 15 (2) of the Act.

22. SUIT AND LEGAL PROCEEDINGS

All suits and legal proceedings by or against the Society shall be in the name of the Secretary or by such person as shall be appointed by the Committee for the occasion.

23. ALTERATION OF RULES AND REGULATIONS

The Rules and Regulations may be altered, modified, rescinded or added to by special resolutions passed by the Members in General Meeting called for the purpose by three fourth majorities of the members of the Society. The GB shall have the power to make alter, modify, or rescind such regulations as may be considered necessary in the interest of smooth functioning of the society.

24. DISSOLUTION OF SOCIETY

Subject to the provisions of Sections 24 & 27 of the West Bengal Societies Registration Act, 1961 or any statutory modifications thereof, the Society may be dissolved by a resolution to that effect passed by three-fourth of the members of the Society. The said meeting shall also decide the manner of disbursement of the funds and assets of the Society, if any, after dissolution.

After dissolution the Funds and Assets of the Society will be transferred to society duly registered having same aims and objectives.

Undertaking:

We, the undersigned members of the Governing Body of the Society, do hereby certify that the above is a true copy of the rules and Regulations of Society.

Signature of three members of the Governing Body.

1.

2.

3.