



THE JAMMU AND KASHMIR

ENERGY

DEVELOPMENT AGENCY (Regd)

MEMORANDUM OF ASSOCIATION

AND
RULES

February 1986

1. In the matter of Act XXI of 1860 for the Registration of Literacy, Scientific and Charitable Societies and

In the matter of J & K Energy Development Agency, at Civil Secretariat, Jammu/Srinagar hereinafter referred to as the Agency.

MEMORANDUM OF ASSOCIATION

1. (a) Name : The name of the Society shall be "J & K Energy Development Agency".

(b) Office : The registered office of the Society shall be situated at the Civil Secretariat, Jammu/Srinagar.

2. Definitions.—In this memorandum and the rules made thereunder unless the context otherwise requires :

(a) "Society" shall mean the J & K Energy Development Agency.

(b) "Central Government" shall mean the Government of India.

(c) "State Government" shall mean the Government of Jammu and Kashmir.

(d) "NRSE" means New and Renewable Sources of Energy.

3. Objects.—The objects are :—

(a) to promote, investigate, establish, execute, install, maintain, manage and administer demonstration projects aimed at meeting the energy requirements of remote villages and/or other selective utilization centres by harnessing new and renewable sources of energy such as Solar, Wind, Bio-Gas, Bio-Mass, Hydel, Geo-thermal, Chemical Animal and any other form which might be later discovered, with the object of evolving long term plans based on the same ;

(b) to carry on the business of electricity generation in the field of all new and renewable sources of energy and to construct, establish carry out and maintain works in connection with such power stations and to make supply of electricity thus produced to the Power Development Department of the Government of Jammu and Kashmir or any other authorised

licensee who may have a valid distribution licence granted by the State Government ;

- (c) to construct, maintain, improve, manage and control any reservoirs, water works, tanks, dams, weirs, bridges and other hydraulic electrical or any other type of work which may directly or indirectly contribute to and supplement subsidies or augment the irrigation potential or activities of the relevant agencies of the Government of Jammu and Kashmir through proper harnessing of NRSE.
- (d) to identify and formulate proposals for setting up/demonstration of energy plantation projects within the State of Jammu and Kashmir with the aim of providing a viable solution to the prevailing fuel wood shortage and to suggest and popularize such measures as bio-gas, plants, sewage and effluent based plants improved wood burning stoves, Solar Cookers etc. which help in meeting or mitigating the cooking energy shortage in the State ;
- (e) to prepare a Master Plan for the entire State for utilizing all viable forms of NRSE ;
- (f) to manufacture or arrange to manufacture mechanical electrical or electronic plants, machinery, equipment and appliances for harnessing all forms of NRSE, to sell or arrange for the sale of the same after administering appropriate certification procedures for quality control and to undertake their installation anywhere in the State of Jammu and Kashmir and with proper permission anywhere in India or abroad ;
- (g) to sponsor, co-ordinate or promote research programmes on its own or in collaboration or other arrangements with national or international agencies/bodies for developing prototypes/pilot plants and for investigation etc. in the field of NRSE ;
- (h) to advise the State Government, Central Government, Panchayats, Municipalities, Notification Area Committees and other Local Bodies, Semi-Government Agencies and other Development Agencies in the State or elsewhere in all matter pertaining to NRSE ;
- (i) to formulate and implement a broad-based energy conservation programme including conservation of energy at the source of generation and the stage of distribution and/or consumption

(j) to undertake or sponsor studies of environmental effects of energy generation distribution and utilization and to suggest and implement remedial measures thereto;

(k) to formulate and implement new uses of NRSE in the fields of refrigeration, air conditioning, water heating, timber seasoning, crop drying, house heating, energy storage, water desalination/distillation, transportation and such other applications with a view to creating awareness among the people about the potential of these systems;

(l) to take special steps to develop a group of young scientists and technologists working in the field of NRSE and to identify and encourage research

information centre and to collect and to collate information regarding NRSE with a view to ultimately providing documentation services and other data including patent literature, current status reports etc. in this field to all those interested;

(n) to open publicity-cum-information centres, sales depots and warehouses at suitable places to participate in exhibitions, fairs etc. for promotion of NRSE;

(o) to liaise co-operate and affiliate as and when necessary with other similar Institutions, Agencies, Association or Bodies in India and/or abroad for the attainment of the above objectives.

4. The object incidental or ancillary to the attainment of the above main objects are :—

(a) to buy, sell let on hire/repair and deal in all kinds of machinery, component parts, accessories and other spare parts and fitting which can be profitably dealt with in connection with the business of installation and operation of the society's goods;

(b) to employ personnel as may be found necessary for the efficient handling and conduct of the business of the Society.

(c) to obtain licences, certificates and privileges for all purposes from all persons, local authorities and the Central and State Government to renew the same and to transfer the same in favour of any person or authorities;

- (d) to enter into agreements and contracts with India and/or foreign individuals, companies or other organisations for purchase of equipment and for technical, financial or any other assistance for carrying out all or any of the objects of the Society ;
- (e) to enter into partnership or into any agreements for sharing profits, union of interest, co-operation joint venture, reciprocal concessions or otherwise with any person, firm, society or company carrying on or engaged in, or about to carry on or engage in any business or transaction which the society is authorised to carry on or engage in or any business or undertaking or transaction which may seem capable of being carried on or conducted so as directly or indirectly to benefit the Society ;
- (f) to enter into any agreement with any Government or authorities (Municipal local or otherwise) or any corporations, companies, or persons which may seem conducive to the society's objects or any of them and to obtain from any such Government, authorities, corporations, companies, societies or persons any contracts, rights, privileges and concessions which the society may think desirable and to carry out, exercise and comply with any such contracts, rights, privileges and concessions ;
- (g) to obtain any act of Central or State Legislature, provisional order, licence of autonomous body or authority for enabling the society to carry out any of its objects into effect, or for effecting any modification of the society's constitution, or for any other purposes which may seem expedient and to oppose any proceedings or application which may seem calculated directly or indirectly to prejudice the society's interest ;
- (h) generally to purchase, take on lease or in exchange, hire or otherwise acquire any real or personal property and any rights or privileges which the society may think necessary or convenient with reference to any of its objects, or capable of being profitably dealt with in connection with any of the society's property or rights for the time being and in particular any land, buildings, easements, licences, patents, machinery, plant and stock in trade.
- (j) to lend or deposit moneys belonging to or entrusted to or at the disposal of the society to such society or company and in particular to customers and others having dealings with the society with or without security, upon such terms as may be

thought proper and to guarantee the performance of contracts by such persons or company provided that the society shall not carry on banking business as defined in Banking Regulation Act, 1949 ;

- (j) to make advance upon or for the purchase of materials, goods, machinery stores and other articles required for the society ;
- (k) to borrow and raise money with or without security or to receive money and deposit it with or without interest in such manner as the society deems fit ;
- (l) to draw, issue accept and to endorse discount and negotiate promissory notes, hundies, bills of exchange, delivery orders, warrants, warehouse keepings, certificates and other negotiable or commercial or mercantile instruments connected with the business of the society ;
- (m) to establish and maintain any agencies in India for the conduct of the business of the society ;
- (n) to procure the registration or other recognition of the society in any State or place in India and to open and keep a register or registers as may be deemed necessary and expedient to do so ;
- (o) to apply for tender, purchase or otherwise acquire any contracts and concessions for or in relation to the construction, execution, carrying out, equipment, improvement, management, administration or control of works and conveniences and to undertake, execute, carry out, dispose of or otherwise turn to account the same ;
- (p) to buy, lease or otherwise acquire lands, buildings and any other movable or immovable properties on such terms and conditions as the society may think fit ;
- (q) to improve, manage, work, develop, alter, exchange, lease, mortgage, turn to account, abandon or otherwise deal with all or any part of the property rights and concessions of the society ;
- (r) to let out on hire all or any of the properties of the society including every description of apparatus and appliances of the society ;

- (s) to open account or accounts with any individual firm or company or with any bank or banks and to pay into and to withdraw moneys from such account or accounts ;
- (t) to invest apply for and acquire, or otherwise employ moneys belonging to or entrusted to or at the disposal of the society upon securities and shares or without securities upon such terms as may be thought proper and from time to time vary such transactions in such manner as the society may think fit ;
- (u) to guarantee the payment of money to guarantee or become sureties for the performance of any contracts or obligations ;
- (v) to create any depreciation fund, reserve fund, sinking fund insurance fund or any special or other fund whether for depreciation or for repairing, improving, extending or maintaining, any of the properties of the society and to transfer any such fund or part thereof to any of the other funds herein mentioned ;
- (w) to provide for the welfare of the employees of the society and the wives, widows, families or the dependants of such persons by building or contributing to the building of houses, dwellings or by grants of money, pensions, gratuity bonus payment towards insurance or other payment or by creating or from time to time subscribing or contributing to aiding or supporting provident fund or trusts or conveniences and by providing or subscribing or contributing towards places of instruction, recreation, hospitals and dispensaries, medical and other assistance as the society deems fit ;
- (x) to subscribe or contribute guarantee money to or otherwise assist research designs and development activities for harnessing and utilization of non-conventional and renewable sources of energy ;
- (y) to do all such other things as may be incidental or conducive to the attainment of the above objectives.

5. The names, addresses and occupations of the present members of the Governing Body to whom by the rules of the Society, the manage-

7
ment of its affairs is entrusted as required under section 2 of the Societies Registration Act 21 of 1860 are as follows :—

S/Shri

1. D. D. Thakur

.. Hon'ble Minister for Power
Dev.
Chairman

2. R. K. Takkar

.. Additional Chief Secretary-
cum-Planning Commissioner.
Vice-Chairman

3. M. P. Khosla

.. Commissioner-cum-Secretary
to Government, Rural Dev.
Department.
Member

4. Jalil Ahmad Khan

.. Commissioner-cum-Secretary
to Government, Finance Depart-
ment.
Member

5. Meh'd. Shafi Pandit

.. Commissioner-cum-Secretary
to Government Agriculture
Production Department.
Member

6. Vijay Bakaya

.. Commissioner-cum-Secretary
to Government Industries
Department.
Member

7. I. D. Sharma

.. Commissioner-cum-Secretary
to Government Health Depart-
ment.
Member

8. B. R. Kundal

.. Secretary to Government,
Animal and Sheep Husbandry
Department.
Member.

9. Qazi H. U. Naquash

.. Development Commissioner.
Member

10. Nizam Ahmad Qazi

.. Secretary, Irrigation and Flood
Control.
Member

11. Syed Ghulam Hassan

.. Secretary to Government,
Social Welfare Department.
Member

12. G. M. Wakhloo

.. Principal, Regional Engineering
College, Srinagar
Special Invitee

13. Dr. C. K. Atal .. Director, Regional Research Laboratory, Jammu, Special Invitee
14. N. K. Rao .. Head of the Department, Physics, University of Jammu, Special Invitee
15. B. N. Raina .. Head of the Atmospheric Physics Department, University of Kashmir, Srinagar, Special Invitee
16. S. K. Bajaj .. Secretary, Gandhi Smarak Nidhi Canal Road, Jammu, Special Invitee
17. Moh'd, Amin .. Director, Agriculture, Jammu, Special Invitee
18. H. U. Khan .. Director, Agriculture Deptt, Srinagar, Special Invitee
19. D. P. Khajuria .. Director, Rural Development Jammu, Special Invitee
20. Neor Shah .. Director, Rural Development, Kashmir, Special Invitee
21. G. H. Kango .. Director, Soil Conservation, Special Invitee
22. S. R. Sharma .. Secretary, Power Development Department J & K, Member Secretary and Director

6. The State Government will have the right to nominate other members in addition to or substitution of the above-mentioned persons. Unless otherwise provided membership shall be vested with and transferred according to official designation held by the member.

7. The members of the Governing Body shall also be trustees of the society for the purposes of the Public Trusts Act.

8. The day to day affairs of the agency including formulation of annual plans shall be managed by an executive committee consisting of the following :—

S/Shri

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|------------------------|---|
| (a) S. R. Shrama | Secretary, Power Development Department.
Chairman & Director |
| (b) K. L. Koul | Chief Engineer, Planning and Design Power Development Department.
Vice-Chairman |
| (c) A. K. Nagpal | Joint Commissioner, Power.
Member |
| (d) A. M. Mir | Addl. Secretary, Planning.
Member |
| (e) Dalip Singh | Add. Secretary Finance.
Member |
| (f) M. S. Isher | Superintending Engineer, Planning and Design, Jammu.
Special Invitee |
| (g) S. Gurcharan Singh | Superintending Engineer, Planning and Design, Srinagar.
Special Invitee |
| (h) D. P. Khajuria | Director, Rural Development Department, Jammu.
Special Invitee |
| (i) Noor Shah | Director, Rural Development Department, Srinagar.
Special Invitee |
| (j) Arun Kumar | Additional Secretary, New and Renewable Sources of Energy Power Development Department.
Member Secretary & Chief Executive Officer |

9. If on winding up or dissolution of the Agency, there shall remain after the satisfaction of debts and liabilities any property whatsoever, the same shall not be paid or distributed among members of the Agency or any of them but shall be dealt with in manner as provided under the Societies Registration Act, 1860.

We the several persons whose names and addresses are hereunder subscribed are desirous of being formed into a society in pursuance of this Memorandum of Association :

S/Shri

Signature.

1. S. R. Sharma,
Secretary to Government,
Power Development Department.
2. Arun Kumar,
Additional Secretary,
New and Renewable Sources of Energy,
Power Development Department.
3. T. N. Bhat,
Additional Secretary,
Power Development Department.
4. Syed Fazal-ul-Ullah,
Deputy Secretary,
Power Development Department.
5. B. N. Aima,
Under Secretary,
Power Development Department.
6. Qazi H. U. Naqash,
Development Commissioner,
Power.
7. A. K. Nappal,
Joint Commissioner,
Power.
8. P. K. Dhobi,
Secretary, Electricity Board.

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JAMMU AND KASHMIR ENERGY DEVELOPMENT AGENCY

(RULES)

1. The Registered Office of the Agency shall be situated at Civil Secretariat, Jammu/Srinagar.

2. Membership :

The Agency shall consist of the following members :—

(a) First members of the Governing Body and those who have subscribed to the Memorandum of Association,

(b) Members nominated by the State Government.

3. When a person is nominated a member of the Agency by virtue of an office held by him, his membership of the agency shall terminate when he ceases to hold this office and the vacancy so caused shall be filled by his successor to that office.

4. Whenever a member desires to resign from the membership of the Agency, he shall address his resignation to the Chief Executive Officer of Agency and submit the same to him. His resignation shall take effect only on its acceptance by the Chairman of the Governing Body.

5. Any vacancy in the membership of Agency either by resignation or otherwise may be filled up by State Government.

6. Should a person who is the member of the Agency by virtue of his office held by him be prevented from attending the meeting of the Agency a substitute to take his place at the meeting may be nominated by him. Such substitute shall be entitled to take part in the proceedings of that meeting for which he is nominated and shall also have a right to vote thereat.

7. The agency shall function notwithstanding that any person entitled to be a member by reason of his office is not represented on the agency for the time being. The proceedings of the Agency shall not be invalidated by the above reasons nor by the reason of any vacancy or defect in the nomination of any of its members.

8. The Agency shall maintain a roll of members at its registered office and every member shall sign the required form stating his occupation and address.

9. It shall be incumbent upon a member of the Agency to notify to the office of the agency any change of his address or occupation.

10. The Agency shall enter in the register of membership the following particulars :—

- (a) Name and address of each member.
- (b) The date on which the member was admitted.
- (c) The date on which the member ceased to be a member.

11. A member of the agency or the Governing Body shall cease to be such a member if he :

- (a) dies or
- (b) resigns his membership or
- (c) becomes of unsound mind or
- (d) becomes insolvent or
- (e) is convicted of a criminal offence involving moral turpitude or
- (f) is removed by the State Government.

12. Governing Body :

(a) The Governing Body will consist of not more than 12 persons of whom one shall be appointed as Chairman and another as the Director of the Agency. All members of the Governing Body including the Chairman and Director shall be appointed by the State Government.

(b) The tenure of the Governing Body shall be for three years from the date of its first meeting. The members retiring will be eligible for re-appointment. Any casual vacancy shall be filled by the State Government.

(c) The following persons will constitute the first Governing Body and the first Executive Committee:—

Governing Body

S/Shri

1. D. D. Thakur Hon'ble Minister for Power Development Chairman
2. R. K. Takker Additional Chief Secretary-
Cum-Planning Commissioner. Vice-Chairman
3. M. P. Khosla Commissioner-cum-Secretary, Rural Development. Member
4. Jalil Ahmed Khan Commissioner-cum-Secretary to Government Finance Department. Member
5. Mohd. Shafi Pandit Commissioner-cum Secretary to Government Agriculture Development Department. Member
6. Vijay Bakaya Commissioner-cum-Secretary, to Government Industries & Commerce Department. Member
7. I. D. Sharma Commissioner cum-Secretary to Government Health Department. Member
8. B. K. Kundal Secretary to Government, Animal & Sheep Husbandry Department. Member
9. Qazi H. U. Naquash Development Commissioner Power. Member
10. Syed Ghulam Hassan Secretary to Government, Social Welfare Department. Member
11. Nizam Ahmed Qazi Secretary to Government, Irrigation and P. H. E. Deptt. Member
12. S. R. Sharma Secretary to Government, Power Development Deptt. Member Secretary and Director

Executive Committee.

S/Shri

1. S. K. Sharma Secretary, Power Development Department. Chairman
Dire

2. K. L. Koul	Chief Engineer, Planning & Designs, Power Development Department.	Vice-Chairman
3. A. K. Nagpal	Joint Commissioner (Power)	Member
4. A. M. Mir	Addl. Secretary, Planning	Member
5. Dalip Singh	Additional Secretary, Finance	Member
6. Arun Kumar	Additional Secretary, N. R. S. E (Power Dev. Department.)	Member-Secretary & Chief Project Officer.

13. Functions and powers of the office bearers :

- (a) the Chairman of the Governing Body shall preside over all the meetings of the Governing Body. He will also guide and supervise in general the working of the Agency.
- (b) The Director shall be the main implementing Officer of the Agency. Subject to the general superintendence, direction and control of the Governing Body and such general or special instructions that the Governing Body may lay down, he shall be responsible for convening meetings, for appointment of staff and prescribing terms and conditions governing them for maintenance of records and for communicating with all on behalf of the Agency. He shall formulate, co-ordinate and supervise all the projects of Agency to ensure their successful completion and implementation.

14. Powers and functions of the Governing Body :

The general superintendence, direction and control of the affairs of the Agency shall be vested in the Governing Body of the Agency. Save as herein expressly provided, all the duties, powers, functions and rights, whatsoever or consequential and incidental to the carrying out of the objectives of the Agency shall be exercised by the Governing Body.

15. In particular and without prejudice to the generality of the foregoing provisions and subject to the provisions of the Memorandum, the Executive Committee shall have the following powers, namely the power :

- (a) to purchase, take on lease or otherwise acquire, for the Agency, property, rights or privileges which the agency is

authorised to acquire at such price, and generally on such terms and conditions as it thinks fit ;

(b) Works of capital nature—to authorise undertaking works of a capital nature, subject to the conditions that all comes involving a capital expenditure exceeding Rs. 50.00 lakhs shall be referred to the Governing Body for approval before authorisation ;

(c) to prescribe and conduct courses of study training, seminars and research in the development of new and renewable sources of energy on its own or through an institution set up by it or affiliated to it and to prescribe rules and regulations for this purpose ;

(d) to institute and award fellowships prizes and medals ;

(e) to co-operate with any other organisation in India or abroad in the matter of training, research, finance and other matters relating to uses of energy and development of new and renewable sources of energy ;

(f) to prepare the budget estimates of the Agency for each year and to sanction the expenditure within the limits of the budget as approved by the Governing Body ;

(g) to pay for any property rights, privileges acquired by or services rendered to the Agency either wholly or partially in cash or other securities of the Agency.

(h) to secure contracts by mortgage—to secure the fulfilment of any contracts or engagement entered into by the Agency by mortgage or charge of all or any of the property of the Agency or in such manner as the Agency may think fit ;

(i) to appoint officers etc.—to appoint and at their discretion, remove or suspend such Managers, Secretaries, Officers, Clerks, Agents and servants from permanent, temporary or special services as it may from time to time think fit, and to determine their powers and duties and fix their salaries or emoluments and to require security in such instances and to such amount as it thinks fit :

provided that no appointment, the maximum pay of which is more than Rs. 1800.00 per mensum shall be made without the prior approval of the Governing Body ;

6000/-

- ✓ (j) to appoint Trustees.—to appoint any person or persons (whether incorporated or not) to accept and hold in trust for the Agency any property belonging to the company or in which it is interested for any other purposes and to execute and do all such deeds and other things as may be required in relation to any such trust and to provide for the remuneration of such trustee or trustees ;
- ✓ (k) to bring and defend action etc.—to institute conduct, defend compound or abandon any legal proceedings by or against the Agency or its officers or otherwise concerning the affairs of the agency and also to compound and allow time for payment or satisfaction of any claim or demands by or against the Agency ;
- ✓ (l) to refer to arbitration—to refer any claim or demand by or against the Agency to arbitration, to observe and perform the awards.
- ✓ (m) to make and give receipts, release and other discharges for money payable to the Agency for the claims and demands of the Agency ;
- ✓ (n) to authorise acceptance etc.—to determine who shall be entitled to sign on the Agency's bills, notes, receipts, acceptances, endorsements, cheques releases, contracts and documents.
- ✓ (o) to provide from time to time for the management of the affairs of the Agency in such manner as it thinks fit and in particular to appoint any person to be the attorney or agent of the Agency with such powers (including power to sub-delegate) and upon such terms as may be thought fit ;
- ✓ (p) to invest money—to invest subject to such general or special directives, if any, given by the Governing Body in this behalf, in securities or in any other Scheduled Bank or Banks for having Call deposits and opening accounts and deal with any of the moneys of the Agency upon such investments authorised by the Memorandum of Association of the Agency and in such manner as it think fit and from time to time to vary or release such investments ;
- ✓ (q) subject to the provisions regarding consent of the State Government to seal off, dispose of or transfer the business or property, if any, of the Agency or any part thereof for such consideration as the Agency may deem proper ;

- (r) to execute mortgages—to execute in the name and on behalf of the Agency in favour of any member or other person who may incur or be about to incur any liability for the benefit of the Agency such mortgages of the Agency property (present and future) as it thinks fit and any such mortgage may contain a power of sale and such other powers, covenants and provisions as shall be agreed upon ;
- (s) to give commission—to give to any person employed by the Agency a commission on the profits of any particular business transaction or any share in the general profits of the Agency and such commission or share or profits shall be treated as part of working expenses of the Agency ;
- (t) to make bye-laws—to make adopt, amend or repeal from time to time bye-laws or the regulation of the business of the Agency its officers and servants, provided that the same shall be got approved by the Governing Body in its next meeting ;
- (u) to establish local board—to establish from time to time and at any time any Local Board for managing any of the affairs of the Agency in any specified locality in the State of Jammu and Kashmir or out of Jammu and Kashmir and to appoint any person to be members of such Local Board and to fix their remuneration and from time to time to delegate to any person so appointed any of the powers, authorities discretion for the time being vested in the Executive Committee other than their powers to make calls and to authorise the members for the time being of any such Local Board or any such appointment or delegation on such terms and subject to such conditions as the Executive Committee may think fit at any time to remove any person so appointed and to annul or vary any such delegation ;
- (v) to make contracts etc. to enter into all such negotiations and contracts and vary all such contracts and execute and do all such acts, deeds and things in the name and on behalf of the Agency as may be considered expedient for or in relation to any of the matters aforesaid or otherwise for the purpose of the Agency ;
- (w) to delegate powers—to delegate all or any of the powers, authorities and discretion for the time being invested in it, subject, however, to the ultimate control and authority being retained by it ;

- (x) to alter or extend the objects of the Agency for which it is established provided that the same shall be got approved in an "extraordinary meeting" called for the purpose of the Governing Body.

16. Chairman of the Governing Body :

Chairman of the Governing Body shall be a person appointed by the State Government from amongst the members of Governing Body.

17. Proceeding of the Governing Body ;

- (i) The Governing Body may ordinarily meet once in every three months provided that the Director/Member Secretary may himself on his own or upon a requisition of four members of Governing Body require it to be called at any time. Not less than seven days notice shall be given for every meeting of the Governing Body and a copy of the proceedings of the meeting shall be circulated to members of the Governing Body and the State Government as soon as practicable after the meeting provided that in case of urgency a shorter notice may be given with the prior approval of the Chairman and provided further that any accidental omission to give such notice to or the non-receipt of any such by, any member shall not invalidate any proceedings of such meeting ;

QUORUM :

- (ii) Four members shall constitute a quorum for any meeting of the Governing Body. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting if convened upon such requisition as aforesaid shall be dissolved, but in any other case it shall stand adjourned to the same day in the next week at the same time and place, and if at such adjourned meeting a quorum is not present those members who are present shall be the quorum and may transact the business for which the meeting was called ;
- (iii) In case of difference of opinion amongst the members the opinion of the majority shall prevail.
- (iv) Each member of the Governing Body including the Chairman shall have one vote and if there shall be an equality of votes on any question to be determined by the Governing Body, the Chairman shall in addition have and exercise a casting vote.

(v) Every meeting of the Governing Body shall be presided by the Chairman and in his absence by a member chosen from amongst themselves by the members present at the meeting.

(vi) Any resolution except such as may be placed before the meeting of the Governing Body may be adopted by circulation among all its members present in India and any resolution shall be as effective and binding as if such resolution had been passed at the meeting of the Governing Body.

18. The Governing Body may by resolution delegate to the Chairman, Director and other officers of the Agency, such of its powers for the conduct of its affair of the Governing Body as it may consider necessary or desirable.

19. Subject to the rules, regulations and bye-laws and orders of the Governing Body, the Director, and in his absence the Chief Executive Officer of the Agency shall be responsible for proper administration of the Agency, and for the conduct of the staff under the direction and control of the Governing Body.

20. The members of the Agency, the Governing Body or any Committee appointed by the Agency or the Governing Body shall not be entitled to any remuneration from the Agency. However, they shall be entitled to reimbursement of, or compensation for expenditure on travelling, conveyance etc., incurred by them in attending meetings of the Agency or Governing Body or any committee thereof or in performing journeys for the work of the Agency at such rates and in such manner as may be prescribed by the Governing Body.

21. The Chairman shall have the power to invite any person or persons, not being member of the Governing Body to attend the meeting of the Governing Body but such invitees shall not be entitled to vote at the meeting.

Annual General Meeting :

22. (a) The Agency shall after giving at least fourteen days notice, hold an annual general meeting at least once in every year and not more than 15 months shall elapse between two successive annual general meetings.

(b) The Balance Sheet, the Income and Expenditure Account, the Auditors Report and Annual Progress Report in respect of the financial year ending on the 31st March preceding shall be placed as the Annual General Meetings for consideration before the 30th of June of every year.

(c) At least 6 members of the Agency present at the Annual General Meeting shall form a quorum.

(d) The Chairman of the Governing Body shall preside over the Annual General Meeting.

Funds of the Agency :

23. The funds of the Agency shall consist of the following :

- (a) Grants/Loans received from State and Central Government ;
- (b) Donations and loans from persons or bodies who may or may not become members ;
- (c) Income from investments ; and
- (d) Income from other sources.

Audit :

24. The Accounts of the Agency shall be audited by a Chartered Accountant to be appointed by the Governing Body. These accounts shall be subject to a second audit to be undertaken by the Accountant General J & K State at his discretion. The form in which the accounts should be maintained and the manner in which they should be maintained and the manner in which they should be presented at the Annual General Meeting may be prescribed by the Governing Body.

25. Within 30 days after holding of Annual General Meeting, there shall be filed with the Registrar of Societies (i) a list of the names, addresses and occupations of the members of the Governing Body including the Chairman and the Director and other office bearers of the Agency, (ii) Annual report for the previous year along with the auditors' report thereon. Such list and the annual report shall be certified by the Director, and the Accounts Officer. A copy of the annual accounts along with the auditors report thereon and the annual administration report shall simultaneously be forwarded to the State Government, and if necessary to the relevant department of the Central Government.

26. If any change occurs in the composition of the Governing Body or in the holder of the office of the Chairman or the Director at any time for any reason, such change shall, within 30 days be notified to the Registrar of Societies.

Property of the Agency :

27. All property belonging to the Agency shall be deemed to be vested in the Governing Body of the Agency but shall be referred to as, "The Property of the Agency".

Suits and proceedings by and against the Agency :

28. The Agency may sue or may be sued in the name of the Director or any office bearer authorised by the Governing Body in this behalf :—

(a) No suit or proceedings shall abate by reason of any vacancy or change in the holder of the office by the Chairman, the Director or any office bearer authorised in this behalf.

(b) Every decree or order against the agency in suit or proceedings shall be executable against the property of the Agency and not against the person or the property of the Chairman, Director or any office bearer.

(c) Nothing herein shall exempt the Chairman, the Director or any other office bearer of the Agency from any criminal liability under the act or entitle him to claim any contribution from the property of the Agency in respect of any fine paid by him on conviction by a criminal court.

29. Every member of the Agency may be sued or prosecuted by the Agency for any loss or damage caused to the Agency or its property for anything done by him which is detrimental to the interest of the Agency.

Accounts :

30. The Agency shall keep at its registered office proper books of accounts in "double entry system" in which should be entered accurately the following :—

(a) All sums of money received and the sources thereof and all sums of money spent by the Agency and the object or purpose for which sums are expended.

(b) The Agency's assets and liabilities.

The following forms and registers may, therefore, be maintained by the Agency :—

- (i) Journal.
- (ii) Ledger.
- (iii) Approved budget estimate and progress of expenditure.
- (iv) Cash Book.
- (v) Cheque issue Register (Bank-wise).
- (vi) Receipt Book Register.
- (vii) Acquittance Register.
- (viii) Cheque Book Register.
- (ix) Register of Bank reconciliation (separate foils for each branch of the Bank with which balance of JAKEDA kept).
- (x) Register of fixed charges.
- (xi) Petty Cash Book.
- (xii) Recoupment Voucher.
- (xiii) Register of Audit and settlement of audit objections.
- (xiv) Loan Register.
- (xv) Register of subsidy to beneficiaries.
- (xvi) Register of risk fund, contribution and managerial subsidy, if any advanced.
- (xvii) Register of Government Grants.
- (xviii) Service Book of employees.
- (xix) Stock Register :
 - (a) Consumable articles.
 - (b) Non-consumable articles.

(xx) Register of Assets (In Form 19 in Terms of Government of India decision No. 6 under GFR 149).

(xii) Any other Register the maintenance of which may be considered necessary for the day to day work.

31. If any grant has been made by the Government of India or by the State Government to the Society for a specific purpose, the Agency shall not without the previous sanction of the granting authority, appropriate such grant or sum or any portion thereof to a purpose other than any of the approved purpose.

32. Subject to para 5, books and forms of accounts shall be maintained in the forms in which it is maintained in State Government/Office connected with the execution of Community Development Programmes. If some of the Registers and Forms are not in use in the Government offices, the forms adopted by the District Rural Development Agencies will be followed.

33. At the end of the month a district/sector-wise abstract should be prepared showing the monthly expenditure in respect of each district/sector. A consolidated register should also be maintained indicating the progressive expenditure from month to month in respect of each district/block.

* 34. The Cash Book shall be closed every day and shall be signed by the Chief Executive Officer. In the event of any cheques issued during a month remaining uncashed at the close of the month, there will necessarily be a difference between the balance brought out in the Cash Book and of the Pass Book and of the certificate issued by the Agent of the Bank under rule 10. This difference shall be explained by a note in the last page of the Cash Book for the month in the following manner :—

Balance as per Cash Book

	Rs.	P.	Rs.	P.
Add cheques uncashed No. 9 dated 10th May, 1969—	120	10	2000	75
No. 10 dated 15th May, 69	70	00	190	10
			<u>2190</u>	<u>85</u>

~~Loss amounts deposited~~
but not credited by the
Bank Draft Amount.
Balance as per Pass Book

2190 85

35. (i) All moneys remitted to the Bank to the credit of the Society and all payments made by the Bank on cheques or otherwise on account of the society shall be entered in a Pass Book. The Pass Book shall remain in the custody of the Accounts Officer and it shall be sent to the Bank on the 10th and also on the last working day of every month, and on any other day on which the society may require the posting to be done.

(ii) On receipt of the Pass Book by the Bank, the receipt and payments up to date, shall be entered therein and when the Book is received on the last working day of the month, the amount shall be balanced and signed by the Agent of the Bank, the amount being entered in words as well as in figures. The Book shall be returned to the Office of the Society as soon as the entries prescribed in this rule have been made in it i. e. on the day of receipt or the next opening day at the latest.

36. The Director/Chief Executive Officer shall examine the Pass Book from time to time and shall immediately call the attention of the Agent of the Bank to any discrepancy that may appear between the credits and debits shown in the Pass Book and those shown in the accounts of the Society.

37. For the payment of the petty charges, the Chief Executive Officer shall hold a permanent advance as approved by the Executive Committee.

38. The permanent advance shall be recouped as often as may be necessary in the following manner :

The Accounts Officer shall compare the sub-vouchers with the entries in the permanent advance account. He shall deface them by stamping "cancelled" thereon so that they cannot be used again. He shall total and initial the column "Amount of sub-voucher" in the permanent advance account. The voucher for recoupment shall be drawn out, in a suitable form and it shall be enfaced with the usual payment order. The Chief Executive Officer shall draw out a cheque in his own favour for the amount.

39. All payments exceeding Rs. 25/- shall be made in cheque except in cases where it is not possible to make payment by cheque. The Drawing and Disbursing Officer will satisfy himself about the mode of the payment.

40. Cheque Books will be supplied by the Bank only and no other forms shall be used. The Cheque Books and the counter foils of used

cheques shall be kept in the custody of the Accounts Officer/Chief Executive Officer.

47. On receipt of Cheque Book from the Bank, the Accounts Officer shall count the cheques and shall record on the back of the Cheque Book that "this Cheque Book contains _____ forms). The Cheque Book will also be entered in the register meant for the purpose.

✓ 42. Cheques for sums not exceeding Rs. 50,000/- shall be signed by the Chief Executive Officer. Cheques for sums exceeding Rs. 50,000/- will be signed by the Chief Executive Officer and the Director. 1982

43. No cheque shall be signed unless required for immediate delivery to the person to whom the money is to be paid, not until the Bill which it will discharge, has been presented in a complete form, examined and passed for payment.

44. If a cheque, after it has been signed cannot be delivered to the payees on account of his non-appearance on a particular date it should be lodged in an iron safe the key of which should be kept in the custody of the Accounts Officer.

45. (i) A cheque shall be current for three months only. After the expiry of that period and up to six months from the date on which the cheque was originally issued, payment will be allowed by the Bank provided the cheque has been redated. When the person in whose favour it was drawn brings it back to be revalidated a fresh cheque will not be issued but the original cheque shall be revalidated by the official whose duty it should be to sign the cheque. The fact of redating should be noted in the Cash Book as well as in the counterfoil. A cheque remaining unpaid for any reason for six months from the date of its issue shall be cancelled and its amount written back.

(ii) Every payment made, whether in cash or by cheque shall be covered by a receipt stamped if necessary, signed by the person to whom the money is due to whom it has actually been paid.

46. All accounts received in cash or cheque/draft will be acknowledged by printed receipts which will be signed by the Drawing and Disbursing Officer or other person authorised to work on his behalf. The receipts with their counterfoils will be machine numbered and the record will be kept in the receipts register.

47. All receipts and payment account, income and expenditure accounts and balance sheet will be prepared in the prescribed proforma.

48. The Agencies should maintain standard Ledger heads. This should confirm as far as possible to the sectoral heads for monitoring.

49. Bills and vouchers which have been paid by cheque shall be divided into the following classes, namely (i) Salary and Establishment Bill and (ii) other bills. Each class of bills should be pasted in a separate guard file and shall be consecutively numbered in order of payment. But sub-voucher which have been paid in cash out of the permanent advance, shall be separately filed together with the recoupment vouchers covering them.

50. At the close of each quarter a consolidated account showing the total receipts and payments during the period under several heads of accounts with opening and closing balances shall be prepared and submitted to the concerned department of the State Government and the Government of India in the Ministry concerned, if so demanded.

61. A monthly account showing the allotment and expenditure under each item shall be prepared and put up before the Director.

52. The Agency will maintain a stock register separately for consumable and non-consumable articles and shall arrange for their physical verification at least once a year.

53. A statement showing the Schedule of Fixed Assets held by the Agency at the end of financial year shall be sent to the State Government and Government of India with the form prescribed along with the annual statement of accounts. No depreciation shall be charged and value of assets to be shown at the original cost in the accounts.

✓ 54. The Agency shall send a utilization certificate to the Government of India Department of Non-Conventional sources of Energy in the prescribed proforma along with annual statement of accounts. The Utilization Certificate must be prepared strictly on the basis of the receipt and payment account and the opening/closing balances in both receipts and payment accounts and utilization certificate must tally.

55. Duties and responsibilities of the Accounts Wing :

The following will be the duties and responsibilities of the Accounts Wing :

- (a) Preparation of the budget estimates under different heads viz. administrative expenses, subsidy, risk fund etc.
- (b) Preparation of Pay Bills, T. A. Bills, Contingent Bills towards administrative expenses, their scrutiny and submission to the Chief Executive Officer for approval.
- (c) (i) Maintaining a watch on the administrative expenses as sanctioned from time to time.
- (ii) Maintaining a watch on the expenses of different sectors with reference to the allocation.
- (d) To introduce system of debit voucher for each payment by cheque or in cash. The debit voucher may indicate the particular of expenditure ledger head under which it is classifiable, sanction for the expenditure mode of payment (Cheque No. and date or Demand Draft No. and date if made through Cheque, Demand Draft or Cash). These debits voucher may be approved by the Accounts Officer/Chief Executive Officer and form the basis for posting the Cash Book/Ledger.
- (e) Preparation of cheques for payments on the basis of the sanction/pass orders on bills or approved debit vouchers.
- (f) Scrutiny of subsidy claims.
- (g) Monthly Bank reconciliation of balances as per the books of the Agency with the balances as per the books of the Banks in which the cash balances of the Agency are kept.
- (h) Watching the receipt of State and Central assistance.
- (i) Compilation of accounts data for the monthly and quarterly progress reports to be sent to the State Government/Government of India.
- (j) Preparation of Journals wherever necessary.
- (k) Preparation of monthly reports of expenditure under different heads and different blocks for comparison and review with budget allotments.
- (l) Preparation of annual accounts for audit.

- (m) (i) Watching the receipt of utilization reports and adjustment bills from the credit institutions in respect of subsidies made to them, within the stipulated period; processing the adjustment to final heads; making necessary entries in the beneficiary-wise subsidy register; in the event of default, ensuring recovery of under utilized subsidies and interest thereon.
- (ii) Watching receipt of utilization certificates from credit institutions in respect of subsidies made to them within the stipulated period.
- (n) Dealing with correspondence relating to audit objections and inspection reports till they are finally settled.
- (o) Maintenance of the following records :
 - (1) Cash Book.
 - (2) Ledger.
 - (3) Journal.
 - (4) Cheque Issue Register.
 - (5) Register of Receipt Books.
 - (6) Register of Cheque Books.
 - (7) Register of advance subsidies (including assistance for infrastructure).
 - (8) Register of Risk Fund/Managerial subsidies. Bank Account Register to record the cheques issued against the balance in different Banks and to work out the balance from time to time.
 - (9) Register of subsidies beneficiary-wise these registers may be kept separately for each block.
 - (10) Register to record and watch the expenditure on subsidies in different blocks against the block ceiling.
 - (11) Register to review the progress of expenditure against the budget allotments for (i) administrative expenses under different ledger heads; (ii) expenditure on subsidies for

different programmes in different sectors and (iii) risk fund/managerial subsidy.

- (12) Permanent advance account (Petty cash book and recoupment voucher).
- (13) Pay bill register and acquittance register.
- (14) Loan register.
- (15) Register of fixed charges.
- (16) Travelling Allowance register.
- (17) Register of Government Grants.
- (18) Service Books of the employees of the society.
- (19) Provident Fund accounts if any for employees of the Agency, under the rules of the society.
- (20) Register to record the recovery and remittance of
 - (i) Provident Fund contributions ;
 - (ii) Income Tax ;
 - (iii) Loans and Advances ;
 - (iv) Leave Salary and Pension contributions etc. of employees whose services have been loaned by the Agency to appropriate authorities e.g, (Accountant General etc.).
- (21) Register to watch the disposal of Audit objections (A. G's inspection, C. A.'s audit).
- (p) Register of advances to staff and other recovery.
- (q) Stock register of
 - (a) Consumable articles
 - (b) Non-consumable articles
- (r) Assets register.

(s) Bank reconciliation register with separate foils for the reconciliation of balances held with different branches of the Bank by the Agency.

(t) Register of advances made to agencies towards providing infrastructure facilities and watching their utilization.

(u) Any other register considered necessary in connection with the work of maintenance of accounts.

(v) The Accounts Officer or the Head of the Accounts Wing should arrange and ensure (1) proper maintenance of the various records ; (2) posting of the cash book daily, its closing and submission to him ; (3) posting of the ledger on a daily basis from the cash book/debit voucher ; (4) providing the postings in the ledger for each month by working out the ledger totals under different heads and agreement with the closing cash/bank balances as per the cash book.

(w) Abstracting the cash balances in different Banks at the end of the each month and agreeing them with the cash balances in Banks as per the cash book.

(x) Efficient performance of the various functions listed above.

56. (i) A notice may be served upon any member of the Agency either personally or by sending it through the post in any envelope addressed to such members at the address mentioned in the roll of members.

(ii) Any notice as served by post shall be deemed to have been duly served on the day following that on which the letter, envelope or wrapper containing the same is posted and in providing such service it shall be sufficient to prove that the cover containing such notice properly addressed and put into the Post Office.

Alteration or extension of the objects of the Agency :

57. The Agency may subject to the approval of the State Government alter or extend the objectives for which it is established in the following way :

(a) The Governing Body shall submit the proposition for such alteration or extension as aforesaid to the members of the Agency in a written or printed report.

(b) The Governing Body shall convene a special general meeting according to the rules for consideration of the said proposition.

(c) Such report shall be delivered or sent by post to every member of the Agency with a clear notice of fifteen days about the special general meeting as aforesaid.

(d) Such proposition shall be required to be confirmed by a resolution passed by three-fifths of the members present and voting at the special general meeting, so convened.

58. The rules of the Agency may be altered at any time by a resolution passed by the majority of the members of the Agency present and voting in any general meeting of the Agency which shall have been duly convened for the purpose. The modified rules will be deemed to have come into force in accordance with the provisions contained in the Registration of Societies Act, 1860.

(1) Shri S. R. Sharma.

(2) Shri A. K. Nagpal.

(3) Shri Arun Kumar.

This is to certify that the memorandum of the Resolution of Agency and its rules are correct and are a true copy of the original.

(Sd.) ARUN KUMAR, IAS,

Additional Secretary to Government,
Power Development Department,
Chief Executive Officer, J & K,
Energy Development Agency.