

**MEMORANDUM OF ASSOCIATION OF THE  
JANASANKHYA STHIRATA KOSH**

**1. Name**

The name of society shall be 'Janasankhya Sthirata Kosh' (hereinafter referred as the Kosh).

**2. Registered Office**

The Registered office of the Fund shall be at Room No.150-A wing, Nirman Bhawan, New Delhi or any other place as the General Body may decide. The area of operation of the Fund shall cover the whole of India.

**3. Aims and Objectives**

- a) i) To provide or undertake activities aimed to achieve population stabilisation, at a level consistent with the needs of sustainable economic growth, social development and environment protection, by 2045.
- ii) To promote and support schemes, programmes, projects and initiatives for meeting the unmet needs for contraception and reproductive and child health care.
- iii) To promote and support innovative ideas in the Government, private and voluntary sector with a view to achieve the objectives of the National Population Policy 2000.
- iv) To facilitate the development of a vigorous people's movement in favour of the national effort for population stabilisation
- v) To provide a window for canalizing contributions from individuals, trade organizations and other within the country and outside, in furtherance of the national cause of population stabilisation.
- b) There shall be no discrimination on the ground of religion, community, caste or class, carrying out the objects of the Kosh.
- c) At the incomes, earnings, moveable and immoveable properties of the Kosh shall be solely utilized and applied towards the promotion of its aims and objects only as set for this Memorandum of Association and no part of the income and property of the Kosh shall be paid or transferred directly or indirectly by way of dividend, bonus, profits of many manner whatsoever to the present or post members of the Kosh or to any person claiming through any one or more of the present or past members. No member of the Kosh shall have any person claim on any movable and immovable properties of the Kosh make any profits what so ever by virtue of her/his membership. The accounts of the Kosh will be audited as per the provisions of GFR-150 (2)(a) as may be required under the Rules.

## Governing Board

The names, address, occupations and designations of the present members of the Governing Board:

Sl. No.	Name & Address	Designation
1.	Secretary (H&FW), Ministry of Health & Family Welfare, Govt. of India	Chairperson (Ex-officio)
2.	Secretary, Planning Commission, Government of India.	Member (Ex-officio)
3.	Secretary, D/o Women and Child Development, Govt. of India	Member (Ex-officio)
4.	Secretary, D/o Elementary Education, Govt. of India	Member (Ex-officio)
5-14.	Ten members to be elected from the General Body	Members
15.	Executive Director	Member-Secretary (Ex-officio)

## RULES AND REGULATIONS OF THE JANASANKHYA STHIRATA KOSH

### 1. Name of the Society

The name of the society shall be the Janasankhya Sthirata Kosh (hereinafter referred to as the Kosh)

### 2. Status

These rules shall be called the 'Rules and Regulations of the Janasankhya Sthirata Kosh' (hereinafter referred to as the Kosh)

### 3. Definitions

In these Rules, hereinafter, unless the context requires otherwise, the expression:

- i. 'Act' shall mean the Societies Registration Act (Act No. XXI of 1860);
- ii. 'Chairperson' shall mean the Chairperson of the Governing Board of the Kosh, who shall also concurrently be the Chairperson of the Kosh;
- iii. 'General Body' shall mean the General Body of the Kosh constituted as in Rule 5 below;
- iv. 'Governing Board' shall mean the Governing Board of the Kosh constituted as in Rule 9 below;
- v. 'Executive Director' shall mean the Executive Director of the Board and Member Secretary of the Kosh;
- vi. Sponsor(s) shall mean the Government and non-Government institutions as may be recognized by the Government;

#### 4. Functions of the Kosh

The Kosh shall scheme the following functions for furtherance of its objectives to:

- i. Provide or undertake activities aimed to achieve population stabilisation, at a level consistent with the needs of sustainable economic growth, social development and environmental protection, by 2045.
- ii. Promote and support schemes, programmes, projects and initiatives for meeting the unmet needs for contraception and reproductive and child health care.
- iii. Promote and support innovative ideas in the Government, private and voluntary sector with a view to achieve the objectives of the National Population Policy, 2000.
- iv. Facilitate the development of a vigorous people's movement in favour of the national effort for population stabilisation.
- v. Provide a window for canalizing contributions from individuals, trade organizations and other legal entities within the country and outside, in furtherance of the national cause of population stabilization.
- vi. Assist in bringing about balanced regional development for bridging the vast inter and intra State and district disparities
- vii. Support research including operational research on family welfare, as well as other social sectors, in so-far as they impinge on population stabilisation and quality of life of the people
- viii. Accept and give grants, donations and subscriptions in furtherance of the objectives of the Kosh
- ix. Purchase, accept as a gift or otherwise acquire and own or take on lease or hire, temporarily or permanently any moveable or immovable property necessary or expedient for the furtherance of the objectives and activities of the Kosh and to deal with the same in any manner whatsoever.

#### 5. General Body and Members of the Kosh

(a) The General Body shall consist of the Chairperson and the following Members:

Sl.No.	Name & Address	Designation in Kosh
1.	Minister of Health & Family Welfare, Govt. of India	Chairperson (Ex-officio)
2.	Minister of State for Health & Family Welfare, Govt. of India	Vice Chairperson (Ex-officio)
3.	Secretary, D/o Health & Family Welfare, Govt. of India	Member (Ex-Officio)
4.	Secretary, D/o Women and Child Development, Govt. of India	Member (Ex-Officio)
5.	Secretary, D/o Elementary Education, Govt. of India	Member (Ex-Officio)
6.	Secretary, D/o Rural Development, Govt. of India	Member (Ex-Officio)
7.	Secretary, Planning Commission, Govt. of India	Member (Ex-Officio)
8.	Secretaries (FW) of UTs/State Governments	Members

9.	Demographers and Specialists in the field of population stabilisation and its allied sectors	Members
10.	Representatives from the Associations of Industry and Trade	Members
11.	Non-Governmental Organizations active in the field of population stabilisation and its allied sectors or associated with the Family Welfare and Health Sectors under the Ministry of Health and Family Welfare	Members

(b) **Admission of Membership**

This shall be determined by the Governing Board

(c) **Cessation of Membership**

- i. The members of the Kosh shall hold office for such period as the Department of Family Welfare may decide in this regard. The Governing Board can also terminate the membership at any time without assigning any reason. Where a person becomes a member of the Kosh by reason of the office of appointment she/he hold, her/his membership of the Kosh shall terminate when the member ceases to hold the office of appointment.
- ii. A member, other than an ex-officio member may resign his/her office by a letter addressed to the Chairperson and such resignation shall take effect from the date it is accepted.

(d) **Appeal and Re-admission of members**

Such members, whose membership has ceased as described in Rule 5 (c) (i) above shall have the right of appeal in the next general Body Meeting, whose decision, by a majority of members present in the meeting shall be final and binding.

(e) **Membership Rolls**

The Kosh shall maintain at its Registered office, a roll of its members. Every member or his/her authorized representative shall sign the roll and state therein his/her name, occupation and address. The Society shall enter the following particulars in the roll of membership:

- i. The date on which the member was admitted.
- ii. The date on which the member ceases to be a member.

(f) **Member's Right of Inspection:**

A member shall have the right of inspection of accounts and registers and proceedings of the General Meeting during office hours and in accordance with the general guidelines framed in this regard by the Governing Board from time to time.

**6. General Meeting**

The General Body of the Kosh shall meet at least twice in a year in the office of the Chairman/Vice Chairman in Delhi. The dates of such meetings shall be as decided by the Governing Board. A notice of 21 clear days shall be given to the members of the Kosh for such meetings. The following business shall be transacted at the General Meeting:

- (a) To review progress of operations of the Kosh;
- (b) To review the broad policies and practices of the Kosh and make appropriate recommendations;
- (c) To transact any other business as may be brought forward by a member with the permission of the chairperson of the meeting.

Provided that one of those General Meetings shall be the Annual General Meeting of the Kosh which will, in addition to the above business or otherwise, consider and adopt the Annual Budget, Annual Report and Audited Accounts of the Kosh together with the Auditors Statement on the accounts.

The Annual Reports and Accounts of the Kosh will be laid on Table of both the Houses of Parliament, as per prescribed time frame.

Further provided that not more than 7 calendar months shall elapse between two successive General Meetings and not more than 18 calendar months shall elapse between two successive Annual General Meetings.

**7. Extraordinary General Body Meeting**

Any member of the Governing Board may requisition an extraordinary General Body Meeting and the Chairperson shall thereupon convene such a meeting within a period of 60 days from the date of receipt of such a requisition by the Kosh, provided that at least one third of the members of the Governing Board may also second the requisition.

**8. Procedure at General Body Meetings**

- i. Every meeting of the General Body shall be presided over by the Chairperson or in his/hr absence by the vice chairperson.
- ii. Each member including the Chairperson shall have one vote and, if there should be equality of votes on any question to be determined by the General Body, the Chairperson shall, in addition, have and exercise a casting vote.

- iii. One third of the total membership of the Kosh, present in person or through authorized representatives, shall form a quorum for any meeting of the General Body. If any meeting cannot be held for want of quorum, the members present may adjourn the meeting to a date not less than 7 days from the date on which the original meeting was called. If at such adjourned meeting also, no quorum is present, the members present being not less than five shall form a quorum.
- iv. In the event of absence of the requisition of the Extraordinary General Body Meeting, the meeting shall stand dissolved unless otherwise decided by the Chairperson
- v. The General Body, by a simple majority, may adopt any other procedure as may be deemed necessary.

## **9. Governing Board of the Kosh**

There shall be a Governing Board consisting of not more than fifteen members (including the Chairperson)

## **10. Executive Director**

- i. The Executive Director shall be the Chief Executive Officer of the Kosh. S/he shall be responsible for the proper administration of the affairs of the Kosh as well as the conduct of the other officers and staff, under the overall supervision, direction and control of the Governing Board.
- ii. The Executive Director will be assisted by an appropriate strength of officers and staff as may be determined by the Governing Board.
- iii. The officers and staff will be appointed by the Governing Board in accordance with Recruitment Rules, and service conditions to be formulated by the Board.
- iv. The Executive Director shall, in all matters under her/his charge, have the powers and exercise the duties assigned to her/him in these Rules or Bye laws/procedures that may be framed or such powers and duties as may be delegated further to her/him by the Governing Board. She/he may further sub-delegate her/his powers and duties with the approval of the Governing Board.
- v. All suits, criminal complaints and legal proceedings of any description whatsoever, by and against the society, shall be instituted and/or defended in the name of and by the Executive Director.
- vi. The Executive Director shall have the authority to incur expenditure in such manner as may be prescribed by the Board and shall be responsible for administrative arrangements and details regarding the servicing of grants.
- vii. The Executive Director shall prepare the Annual Report and Budget and shall submit it to the Board or Committees thereof for consideration or before such date as may be prescribed by the Board.
- viii. Subject to his overall responsibilities to the Board, the Executive Director may delegate such of, his administrative function, as he may consider necessary to any persons appointed by the Board.

- ix. The Executive Director will be authorized to correspond with Indian and foreign individuals, institutions and organizations and to cooperate with them in matters relating to the purposes of the Society subject to the direction and approval of the Board.
- x. The Executive Director shall appoint, as approved by the Board, delegates to represent to Society at conferences in which the Society is interested in India and abroad.
- xi. The Executive Director shall open, maintain and operate in the name of the Society, a bank account or bank accounts as approved and under the overall supervision of the Governing Board.
- xii. The Executive Director shall also be the Secretary of the General Body and of the Governing Board.

## **11. Powers and Functions of the Governing Board**

The general superintendence, management and control of the affairs of the Kosh shall vest in the Governing Board. Save as herein expressly provided, the duties powers, functions and rights whatsoever consequential on or incidental to carrying on the objective of the Kosh shall be exercised by the Governing Board.

In particular and without prejudice to the generality of the foregoing provisions, and subject to the provisions of the Memorandum, the Governing Board may

- a. Take steps for making, amending or repealing any rules, regulations and bye-laws of the Kosh subject to the approval of the General Body and in compliance with the provisions contained in the Act.
- b. Accept and give grants, guarantees/gifts, donations and subscriptions whether in cash or in securities or in any other form, in furtherance of the objects of the Kosh.
- c. Purchase, acquire, take on lease or hire, or accept as gift any movable or immoveable property and to deal with the same for furtherance of the objects and activities of the Kosh
- d. Sell, assign, mortgage, lease, exchange or otherwise dispose off any moveable or immoveable property of the Kosh as may be necessary or convenient for the working of the Kosh
- e. Enter into agreement for and on behalf of the Kosh
- f. Sue and defend all legal proceedings on behalf of the Kosh
- g. Appoint committee/committees for the disposal of any business of the Kosh or for rendering advise in any matter pertaining to the Kosh
- h. Prepare and finalize the annual report, the annual accounts and the financial estimates of the Kosh as it may deem appropriate
- i. Delegate to such extent as it may deem necessary any of its powers to the Executive director or any other officer of the Kosh or to a committee/Committees of the Governing Board
- j. Subject to the provision contained in the Act, take steps to make adopt amend, vary or rescind from time to time rules, regulations and bye-laws of the Society for:-

- i) Conducting of the business of the Governing Board and the Committees to be appointed by it
  - ii) Delegation of its powers
  - iii) Fixing the quorum, and
  - iv) All other matters for which provision is necessary or expedient;
- k. Perform such other functions and duties as may from time to time be deemed fit, proper and expedient and those assigned to it by the General Body

## **12. Vacancies**

The Kosh shall function notwithstanding the absence, for the time being, of any member of the Governing Board. The proceedings of the meeting of the General Body or the Governing Board shall not be invalidated by the existence of any vacancy on account of the absence of any member or otherwise.

## **13. Proceedings of the Governing Board**

- i. The Governing Board shall ordinarily meet once every two months provided that the Chairperson on his/her own, or on a requisition of not less than four members of the Governing Board, shall require it to be convened at any time. Not less than seven days notice shall ordinarily be given for every meeting of the Governing Board provided that a shorter notice shall not invalidate the decisions taken in a meeting.
- ii. Four members shall constitute quorum for any meeting of the Governing Board
- iii. Each member including the Chairperson shall have one vote and, in case of an equality of votes on any question to be determined by the Governing Board, the Chairperson shall in addition, have and exercise a casting vote
- iv. Every meeting of the Governing Board shall be presided over by the Chairperson or in his/her absence, by a member chosen at the meeting.
- v. A resolution may be adopted by the Governing Board by circulating to all its members and any resolution so circulated and adopted by a majority of the members (including the Chairperson) who have signified their approval of such resolution, shall be as effective and binding as if the resolution has been passed at the meeting of the Governing Board.

## **14. Chairperson's power to invite non-members to attend Governing Board Meeting**

The chairperson shall have the powers to invite any subject matter specialist or any other person or persons not being member of the Governing Board to attend its meeting but such invitees shall not be entitled to vote at the meeting.

## **15. Sub-committees**

The Governing Board may constitute such sub-committees, as it may deem appropriate for performing any task that may be assigned to it by the Board

## **16. Remuneration of Services**

The Society may pay reasonable remuneration to any of its officers or servants or to any other person in return for any services actually rendered to the society subject to provisions of GFR 149(4)(iv).

## **17. Directions by the Government**

Notwithstanding and in addition to anything contained in the Rules, the Government shall have the right to issue suitable directives on broad questions of policy and matter of general interest of the Kosh. In addition, the Government may at any time, appoint one or more persons or institutions to review or evaluate and report on any aspect of the working of the Kosh.

## **18. Bye-laws/Procedures of the Kosh**

The Governing Board shall have the power to make and frame bye-laws and procedures, not inconsistent with the memorandum of association and the rules of the Kosh and to alter, amend and rescind these by-laws and procedures from time to time for the administration and management of the affairs of the Kosh to fulfill its aims and objects.

## **19. Funds of the Kosh**

The funds of the Kosh shall consist of the following:

- a. Grants received from the Planning Commission or any member on the Kosh;
- b. Grants received from Central and State Governments(s), other trusts, societies and foundations and national and international bodies;
- c. Donations or contributions from persons or bodies; and
- d. Incomes from other sources

All grants, donations and contributions shall be deemed to be grants, donations and contributions towards the corpus of the Kosh unless otherwise specified by the Government(s), trusts, societies, foundations and giving the grants, donor(s) and contributor(s). Provided that no funds will be accepted by the Governing Board which in its opinion involves conditions and obligations opposed to the aims and objects of the Kosh.

## **20. Bankers and Operation of Bank Accounts**

The Bankers of the Kosh shall be appointed by the Governing Board. All funds of the Kosh shall be credited into the Kosh account with one or more of the said bankers and shall not be withdrawn except by cheque signed by the officer/s empowered in this behalf by the Governing Board.

## **21. Accounts and Audit**

- i. The Kosh shall keep proper books of accounts in which shall be entered:-

- a. All sums of money received and the sources thereof and all sums of money expended by the Kosh and the objects or purposes for which sums are expended, and
- b. The Kosh's assets and liabilities
- ii. The financial year of the Kosh shall be from 1<sup>st</sup> April to 31<sup>st</sup> March
- iii. The accounts of the Kosh shall be balanced each year on the 31<sup>st</sup> day of March, and annual accounts shall be prepared.
- iv. The accounts of the Kosh shall be audited by a chartered Accountant selected by the Board out of a panel of names provided by the Comptroller and Auditor General of India. In addition, the Comptroller and Auditor General of India will also audit the accounts of the Kosh as per the provisions of GFR 150(2)(a).
- v. The Kosh shall hold a meeting of the General Body to consider the Annual Report on its work and audit report within six months of the close of the financial year and within 3 months of its General Body meeting before which the Annual and audit reports are placed, send a copy thereof along with the annual accounts of the year to the Department of Family Welfare to turn will arrange to place them before the Parliament and National Commission on Population.

## **22. Property of the Society**

All property belonging to the Kosh be deemed to be vested in the Governing Board and shall be referred to be the property of the Kosh

## **23. Returns to be filled with Registrar**

- a. The Kosh shall file such returns and documents and in the manner as may be required by the Societies Registration Act, 1860
- b. Once in every year a list of the office bearers and members of the Governing Board of the Kosh shall be filled with the Registrar of Societies, Delhi as required under Section 4 of the Societies Registration Act of 1860.

## **24. Legal Proceedings**

The Kosh may sue and may be sued in the name of its Executive Director as per Section 6 of the Act. No suit or proceedings shall become void by reason of any change in the nomenclature or temporary vacancy of the office.

## **25. Amendments/alterations of Memorandum of Association and Rules**

Any amendment in the memorandum of association or rules will be cared out in accordance with the procedure laid down under section 12 and 12A of the Societies Registration Act 1860.

## **26. Dissolution and Adjustment of Affairs of the Kosh**

If the Kosh need be dissolved, it shall be dissolved as per the provisions laid down under Sections 13 and 14 of the Societies Registration Act 1860 as applicable to the Union Territory of Delhi.

**27. Application of the Act**

All provisions under all the sections of the Societies Registration Act 1860 as applicable to the Union Territory of Delhi, shall apply to the Kosh.