

RULES OF MID-DAY-MEAL AUTHORITY UTTAR PRADESH

1. NAME OF THE SOCIETY Mid-Day-Meal Authority, Uttar Pradesh
 2. ADDRESS OF THE SOCIETY Mid-Day-Meal Authority, S.I.E.T, Nishatganj, Lucknow

3. SHORT TITLE These Rules shall be called "Rules of Mid-Day-Meal Authority, Uttar Pradesh.

4. DEFINITIONS In the interpretations of these Rules the following expressions shall have the following meaning unless inconsistent with subject or context;

(a) 'Act' means the Societies Registration 1860 (Act, No. XXI of 1860)

(b) The 'Society' means the "Mid-Day-Meal Authority, Uttar Pradesh"

(c) President means President of the society .

(d) 'Governing Body' means the Governing Body of the Society as constituted under rule No. 10.

(e) The 'Chairman' means the chairman of the Governing Body referred to in rule No. 18 a .

(f) The Vice-Chairman means the Vice-Chairman as referred to in rule 18 b.

(g) The 'Executive Secretary' means the Executive Secretary of the Society referred to in rule 19 and Director, Mid-Day-Meal Authority, Uttar Pradesh shall be the Executive Secretary of the Society.

(h) The 'Director' means the Executive Director of the Project as may be appointed by the Government of Uttar Pradesh.

(i) The 'State Government' means the Government of Uttar Pradesh.

(j) ' Mid-Day-Meal Authority Office' refers to the Director MDMA and staff of the society who are responsible for implementation of all activities of the Society.

(k) 'Unit' refers to the various technical sections at the Distt. level offices and the headquarters.

5. GENERAL BODY The General Body of the Society shall consist of the following members.

| Sl. No. | Occupation and Address of members | Designation |
|---------|--|-------------|
| 1 | The Minister of Basic Education, U.P | President |
| 2 | The Minister of Panchayati Raj .U.P | Member |
| 3 | The Minister of Rural Development ,U.P | Member |
| 4 | Chief Secretary UP Govt. | Member |
| 2 | Principal Secretary/ Secretary, Basic Education, Government of Uttar Pradesh | Member |
| 3 | Principal Secretary, Finance, Government of Uttar Pradesh | Member |
| 4 | Principal Secretary, Planning | Member |

| | | |
|----|--|----------------------------------|
| 5 | Principal Secretary, Panchayati Raj | Member |
| 6 | Principal Secretary, Rural Development Department | Member |
| 7 | Principal Secretary, Urban Development | Member |
| 8 | Principal Secretary, Food & Civil Supplies | Member |
| 9 | Managing Director, U.P. Khadya & Awashayak Vastu Nigam | Member |
| 10 | Director, Basic Education | Member |
| 11 | Director, Panchayati Raj Vibhag | Member |
| 12 | Commissioner Food & Civil Supplies | Member |
| | Three Persons to be Nominated by the President | Member |
| 13 | Director of M.D.M.A. Project, U.P. | Member Executive Secretary |

6. TERMS OF MEMBERSHIP OF THE SOCIETY

The membership of the ex-officio member of the Society and the Governing Body shall terminate when he/she ceases to hold his place of posting and his successor to the office shall become such member of the society. Nominated members shall hold office for the period of three years from the date of their nomination by the President.

7. ROLL OF MEMBERS

The Society shall maintain a roll of members at its registered office and every member shall sign the roll and stay therein his/her rank or occupation and address. No member shall be entitled to exercise rights and privileges of a member unless he/she has signed the roll as aforesaid.

8. CHANGE OF ADDRESS

If a member of the society changes his/her address he/she shall notify his/her new address to the Executive Secretary who shall thereupon enter his/her new address in the roll of members. But if a member fails to notify his/her new address the address in the roll of members shall be deemed to be his/her address.

9. VACANCY

Any vacancy in the Society or in the Governing Body shall be filled in by the authority entitled to make such appointment. No act or proceedings of the Society or of the Governing Body shall be invalid merely by reason of the existence of any vacancy therein or of any defect in appointment of any of its members.

10. GOVERNING BODY

The Governing Body shall consist of the following members:-

| Sl. No. | Occupation and Address of members | Designation |
|---------|--|----------------|
| 1 | Chief Secretary UP Govt. | Chairman |
| 2 | Principal Secretary/ Secretary, Basic Education, Government of Uttar Pradesh | Vice- Chairman |
| 3 | Principal Secretary, Finance, Government of Uttar Pradesh | Member |
| 4 | Principal Secretary, Planning | Member |
| 5 | Principal Secretary, Panchayati Raj | Member |
| 6 | Principal Secretary, Rural Development Department | Member |

| | | |
|----|--|----------------------------------|
| 7 | Principal Secretary, Urban Development | Member |
| 8 | Principal Secretary, Food & Civil Supplies | Member |
| 9 | Managing Director, U.P. Khadya & Awashayak Vastu Nigam | Member |
| 10 | Director, Basic Education | Member |
| 11 | Director, Panchayati Raj Vibhag | Member |
| 12 | Commissioner Food & Civil Supplies | Member |
| 13 | Director of M.D.M.A. Project, U.P. | Member Executive Secretary |

11. MEETING AND PROCEEDINGS

(a) The General body of the Society shall ordinarily meet once in a period of three months with at least four meetings in a year at Lucknow or at such other convenient place as may be fixed by the President.

(b) The Governing Body shall meet at least once in a quarter year at Lucknow or at a place as may fixed by the Chairmen of the Governing Body. President may whenever he thinks fit, direct the Executive Secretary to call a special meeting of the General Body.

(c) For every meeting of the General Body or of the Governing Body a notice of not less than ten clear days specifying the place, date and time of the meeting and in case of special business, the general nature thereof shall be given to all members. But in case of emergency the Chairman may reduce the above period of notice to such number of days as he deem fit in the circumstances of the case.

(d) Every meeting of the General Body shall be presided over by the President of the society or a member of the society nominated by him for the specific meeting. Every meeting of the Governing Body shall be presided over by the Chairman and in his absence by the Vice- Chairman or any other member when the Chairman so desires., for specific meeting .

12. QUORUM

(a) Not less than seven members of the Society or of the Governing Body shall constitute the quorum at their respective meeting. A fresh meeting must be convened immediately by the Executive Secretary in case this requirement of quorum is not met at any meeting.

(b) Should a person who is a member of the Society by virtue of the office held by him be prevented from attending a meeting of the Society or the Governing Body, a substitute to take his place at the meeting may be nominated by him. Such a substitute will be entitled to take part in the proceedings of that meeting for which he has been nominated and will also have the right to vote there at.

(c) Each member including the member presiding at the meeting of the Society or of the Governing Body shall

have one vote but the presiding member shall also have a casting vote in addition to his vote as a member in case of equality of votes. All the matters shall be decided by a majority of votes.

13. RESOLUTION

(a) A member after giving notice of fifteen days or with the permission of the Chairman can move resolution at a meeting of the Society or of the Governing Body.

(b) Any business which may be necessary for the Governing Body to perform, may be performed by a resolution in writing circulated among all its members and any such resolution circulated and approved by a majority of the members recording their consent of such resolution had been passed at the meeting of the Governing Body.

14. MINUTES

A copy of the minutes of the proceedings of each meeting shall be furnished to the Governing Body members as soon as possible after the completion of a meeting.

15. T.A. RULES

The Governing Body will set its own rates for traveling and daily allowances in respect, of the journeys undertaken by the members of the Society or the Governing Body, or the Committees, sub-Committees or Boards in connection with the business of the Society or the Governing Body.

16. FUNCTIONS AND POWER OF THE GENERAL BODY

The General Body shall have following powers and functions:

1. To review the implementation of the project and to give overall policy guidance and direction for efficient functioning of the society.
2. To consider the balance sheet and audited accounts for the previous year.
3. To consider the annual report prepared by the Governing Body.
4. To add and to amend the Rules of the society, with the approval of the State Government.
5. To perform such other functions as are entrusted to it under these Rules.
6. Approval of annual budget and action plan.

17. FUNCTIONS AND POWERS OF THE GOVERNING BODY

(I) All the duties, powers, functions and rights, whatsoever, consequential and incidental to the carrying of the objectives of the Society shall only be exercised or performed by the Governing Body.

(II) In particular and without prejudice to the generality of the foregoing provision, the Governing Body:

(a) make, amend, or repeal any bye laws relating to administration and management of the affairs of the Society subject to the observance of the provisions contained in the Act.

(b) consider the annual budget and the annual action

plan, its subsequent alternations placed before it by the Executive Secretary from time to time and to pass it with such modification as the Governing Body may think fit.

(c) accept donations and endowments or give grants upon such terms as it thinks fit.

(d) delegate its powers, other than those of making rules to the Chairman, Vice-Chairman, Executive Secretary or other authorities as it may deem fit.

(e) appoint committees, sub-committees and Boards etc. for such purpose and on such terms as it may deem fit, and to remove any of them.

(f) create posts of all descriptions, recruit and appoint all the key administrative and technical staff of the Society.

(g) set policy for the office of the Society in conformity with the policy guidelines established by the UP Govt. & GOI.

(h) monitor the financial position of the office of the Society in order to ensure smooth income flow and to review annual audited accounts.

(i) do generally all such acts and things as may be necessary or incidental to carrying out the objectives of the Society or any of them. Provided that nothing herein contained shall authorize the Governing Body to do any act or to pass any bye-laws which may be repugnant to the provisions hereof, to the powers hereby conferred on the Governing Body and other authorities, or which may be inconsistent with the objectives of the society.

18. a - POWERS AND DUTIES OF CHAIRMAN

1. The Chief Secretary shall be the chairman of the Society and the Governing Body and shall preside over all meetings of the same.

2. Shall ensure that the affairs of the society are run efficiently and in accordance with the provisions of the Memorandum of Association, Rules and Regulations and by-laws of the Society.

3. Then Chairman may himself call, or by a requisition in writing signed by him, may require the Executive Secretary to call a meeting of Governing Body at any time and on the receipt of such requisition the Executive a Secretary shall forthwith call such a meeting.

4. Then Chairman shall enjoy such powers as may be a delegated to him by the Society and the Governing Body.

18. b- POWERS AND DUTIES OF THE VICE-CHAIRMAN

The Vice-Chairman shall preside over all the meetings of the governing body in the absence of the Chairman and shall enjoy all the powers of the chairman in his absence or when the Chairman so desires.

19. APPOINTMENT POWERS AND DUTIES OF THE EXECUTIVE

The Executive Secretary of the Society will be appointed by the Government of U.P. in order to facilitate the development and operation of the society

SECRETARY

and its office.

The Executive Secretary will be supervised by and responsible solely to the Governing Body of the Society. The Executive Secretary will liaise with the Govt. of U.P., the representatives of the Central Government for any matters pertaining to the day to day operations of the Society and its office.

The Executive Secretary will have overall responsibility for planning and executing the work of the Mid-Day-Meal Authority, for supervising the work of, directing and overseeing implementation through the financial and technical officers.

The bankers of the Society shall be appointed by the Executive Secretary with the approval of the Governing Body. All funds of the Society shall be paid into the Society's account with the said bankers.

The Executive Secretary shall also perform such functions as may be delegated to him/her by the Governing Body from time to time.

20. MDM OFFICE

Governing Body, with the assistance of the Executive Secretary, will establish an office consisting of technical and financial professionals to serve as the project implementation arm of the Society. The officers will be appointed from amongst the officer of the Govt. of U.P. on deputation for a fixed maximum of 5 years. The office will have several units each under a fully qualified officer. Each unit would have 2-3 programme officers with responsibilities for activities related to their particular project components, e.g. training, NGOs etc. The Mid-Day-Meal Authority office would also have a substantial Grants Management/Accounts unit and a separate Administrative Support Services Unit.

21. POWERS AND RESPONSIBILITIES OF THE MDMA

The Mid-Day-Meal Authority Office consists of the Executive Secretary and Staff. As the implementation arm of the Society it will exercise day-to-day management of the Society's activities and will have two main functions- programme and financial management including the disbursement of funds. In particular, it will be responsible for:

- (a) Developing detailed implementation plans for all components of the Innovation in MDM Programme for the schools and planning individual project activities along-with relevant institutions e.g. The Department of Food & Civil Supplies, GOUP, NGOs etc.
- (b) Making grants, issuing contracts or arranging other kinds of agreements with the range of organizations/institutions involved in the project and disbursing funds for the implementation of planned activities.
- (c) Coordinating all project activities.

(d) Monitoring the implementation of activities and utilization of funds disbursed.

(e) Hiring local consultants, as needed to plan or develop components of the project.

(f) Preparing regular implementation and financial reports for the Governing Body, Govt. of U.P. and the GOI.

22. FUND

(1) The funds of the Society shall consist of the following:-

(a) Recurring and non-recurring grants made by the Government of India and / or the State Government for the furtherance of the objectives of the Society.

(b) Income from investments.

(c) Income from other sources.

(2) There shall also be a special Fund which would consist of:

Such amounts as are received with a specific condition that the income thereof alone shall be used for the purpose of the Society (with the corpus being left in tact).

(3) Any expenditure on this project to be incurred by the State Government would have to pass through the budget of the Government.

23. OPERATION OF FUNDS AND ACCOUNTS

The fund and bank account of the Society shall be operated jointly by the Executive Secretary and head of the accounts organization of the Society, who may hereafter be appointed by the Society.

24. AUDIT

The accounts of the Society shall be audited by a Chartered Accountant to be appointed by the Chairman/Executive Secretary of the Governing Body. The nature of audit to be applied and the detail arrangements to be made in regard to the form of accounts and their maintenance and the presentation of the accounts for audit shall be prescribed by the bye-laws to be framed by the Governing Body.

The auditor shall also submit a report showing the exact state of financial affairs of the Society. The copies of the balance sheet be certified by the auditor.

25. ANNUAL REPORT

An annual report of the proceedings of the Society and all work undertaken during the year shall be prepared by the Governing Body for the information of the GOI and the U.P. Govt. This report and the audited accounts of the Society shall be placed before the Society at the Annual General Meeting.

Within 30 (thirty) days after holding an annual general meeting, there shall be filed with the Registrar of Societies – (1) a list of the names, addresses and occupations of the office bearers of the Society and annual report of the previous year. Both the list and the annual report shall be certified by the Chairman and the Executive Secretary and a copy each of the balance

26. PROPERTY OF THE SOCIETY

sheet and of the auditor's report certified by the auditor. All property of the Society shall belong to the Society itself.

The income and the property of the Society shall only be applied towards the promotion of the objectives as set forth in the Memorandum of Association of the Society as enumerated below subject to such terms and conditions as the Governing Body may impose in respect of expenditure to be incurred from grants sanctioned to the Society from time to time. The Society shall-

- (a) seek and receive grants, loans and such other goods and materials as the Government of India/State Government may sanction from time to time.
- (b) provide funds to the relevant technical units located in the distt. of U.P.
- (c) arrange and organize training and infrastructural support..
- (d) draw, accept, make, endorse, discount and negotiate with the Government of India and other promissory notes, bill of exchange, cheques or other negotiable instruments.
- (e) invest the funds or the money entrusted to the Society as it deems fit subject to the specific terms of grants received, if any.
- (f) purchase, take on lease, accept as gift, construct or otherwise acquire any property, movable or immovable, wherever suitable which may be necessary.
- (g) employ directly or indirectly by grants to other institutions/persons to further the programme to be undertaken/supported by the Society.
- (h) to enter into contract with any Government or Authority, Local-self Government, Non-Government Organisation or otherwise to obtain from such Government or Authority, Local-self Government and/or Non-Government organization any rights, privileges, concessions, financing or otherwise that the Society may deem desirable to obtain and carry out, exercise and comply with the agreements, rights, privileges and concessions so required in furtherance of the object of the Society.
- (i) do all other things as may be considered necessary by the Society and may be incidental or conducive to the attainment of its objectives.

No portion of income or property of the Society shall be paid or transferred directly or indirectly by way of profits to persons who may at any time be or have been members of the Society or by any person claiming through such members provided that nothing herein contained shall prevent payments in good faith of remuneration, allowances or honorarium in return for

27. SUITS AND PROCEEDINGS

any service rendered by them to the Society.

The Society may sue or be sued in the name of the Society through its Executive Secretary.

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

(b) Every decree or order against the Society in any suit or proceeding shall be executable against the property of the Society and not against the person or the property of the Chairman, the Executive Secretary or any office bearer.

(c) Nothing in sub rule (b) above shall exempt the Chairman, the Executive Secretary or office bearer of the Society from any criminal liability under the Act, or entitle him to claim any contribution from the property of the Society in respect or any fine to be paid by them on conviction by a criminal court.

Subject to the prior unanimous approval of the State Government the Society may alter or extend the purpose for which it is established

(a) if the Governing Body shall submit the proposition for such alteration or extension as aforesaid to the members of the Society in a written or printed report;

(b) if the Governing Body shall convene a special General Meeting of the members of the Society according to these Rules for the consideration of the said proposition;

(c) if such report be delivered or sent by post to every member of the society ten clear days previous to such special General Meeting as aforesaid;

(d) if such proposition be agreed to by the Votes of three-fifths of the members of the Society delivered in person at such special General Meeting as aforesaid and;

(e) If such proposition be confirmed by the votes of three-fifths of the members of the Society present at a Second special General Meeting convened by the Governing Body at an interval of one month after the former meeting.

These Rules or any Rules made by the Society hereafter may be altered or cancelled with the prior unanimous approval of the General Body, at any time by a resolution passed by a majority of two-third of the members present at any meeting of the Governing Body duly convened for the purpose. The modified Rules will be deemed to have come into force in accordance with the provisions of the Act.

Subject to any specific directions of the society and keeping in view the overall advice of the State Government the Governing Body shall have powers to frame and amend Regulations, not inconsistent with

28. MODIFICATION OF THE OBJECTS OF THE SOCIETY

29. MODIFICATION OF THE RULES

30. REGULATIONS

these Rules, for the administration and management of the affairs of the Society and without prejudice for the following matters:

- (1) Service matters pertaining to officers and staff including creation of posts, qualifications, selection procedure, service conditions, pay and emoluments, discipline and control rules.
- (2) Important financial aspects including formulation of budget, purchase procedure, delegations of financial powers, investment of funds, maintenance of accounts and audit, TA and DA rules, etc; and
- (3) Such other matters as may be necessary for the furtherance of the objects and proper administration of the affairs of the Society.

Provided that for the purpose of this Rule, following guidelines would be kept in view while, creating the posts and formulating the Service and Financial Regulations.

- (a) Scales of pay in respect of the posts to be created by the Governing Body shall correspond to State Government scales of pay.
- (b) Mode of recruitment in respect of the posts to be created for the Society shall be either transferred on deputation or short- term contract. For work related specific assignments, persons would be deployed on fixed emoluments with provision for revision each year if considered appropriate.
- (c) Till such time, the Society formulates its own set of regulations, the decisions taken by the Executive Committee in all such matters will be carried out.
- (d) The principle of reservation as laid down by the State Government shall be followed.

31. BYE-LAWS

The Governing Body shall, with the previous unanimous approval of the General Body, frame bye-laws not inconsistent with these Rules for the administration and management of the affairs of the Society and may likewise add, amend, alter or rescind any bye-law so framed.

32. FIRST BYE-LAWS OF THE GOVERNING BODY

The Governing Body shall be responsible for having first bye-laws made. These should receive unanimous approval of the State Government, before going into effect.

33. ANNUAL GENERAL MEETING

The Society shall hold an annual general meeting every year and not more than 15 (fifteen) months shall elapse between two successive annual general meetings.

The balance sheet and the Auditor's Report shall be placed at the Annual General Meeting of the Society for

its consideration. At least seven members of the Society present at the annual general meeting shall form a quorum.

34. CONTRACTS

(a) All contracts and other instruments for and on behalf of the Society shall subject to the provisions of section 5-A of the Act, be expressed to be made in the name of the Society and shall be executed by the persons authorized by the Governing Body.

(b) No Contracts for the sale, purchase or supply of any goods or material shall be made for and on behalf of the Society with any member of the Society or the Governing Body or his relative or firm in which such member or his relative is a partner or shareholder or with any other partner or shareholder of a firm or a private company in which the member is a partner or director.

35. COMMON SEAL

The society shall have a common seal of such make and design as the Governing Body may approve.

36. GOVERNMENT ORDER TO REVIEW WORK

(a) Notwithstanding anything to the contrary contained in these Rules the Steering Committee may appoint one or more persons to review the work and progress of the Society and hold enquiries into the affairs thereof and report thereon in such manner as the UP Govt. may direct.

(b) Upon receipt of the report, the U.P. Govt. shall consult with the Governing Body of the Society regarding any issues which it feels should be dealt with or actions which it feels should be taken.

37. DISSOLUTION OF THE SOCIETY

The dissolution proceedings shall be made in accordance with the Provisions of the Act as amended from time to time in its application to Uttar Pradesh

38. NOTICE

Notice may be served upon any member of the Society either personally or by sending it through post in an envelope addressed to such member at the address mentioned in the roll of members. Any notice so served by post shall be deemed to have been served on the day following that on which the letter, envelope or wrapper containing the same is posted, and in proving such service it shall be sufficient to prove that the cover containing such notice was properly addressed and put into the post office.

39. RECORDS OF THE SOCIETY

The Society shall keep in its registered office proper books of accounts, in which should be entered accurately:-

(a) all sums of money received and the source thereof, all sums of money expended by the Society and the object or purpose for which such sums are expended.

(b) The Society assets and liabilities

The other records will be:-

(1) Agenda Register.

(2) Membership Register.

- (3) Proceeding Register.
- (4) Cash Book.
- (5) Records of the employees of the Society.

We, the following members of the Governing Body, certify that the above is a correct copy of the Rules of the Society:-

| Sl. No. | Occupation and Address of members | Designation |
|---------|---|----------------------------|
| 1 | Chief Secretary UP Govt. | Chairman |
| 2 | Principal Secretary/ Secretary, Basic Education, Government of Uttar Pradesh | Vice- Chairman |
| 3 | Principal Secretary, Finance, Government of Uttar Pradesh | Member |
| 4 | Principal Secretary, Planning | Member |
| 5 | Principal Secretary, Panchayati Raj | Member |
| 6 | Principal Secretary, Rural Development Department | Member |
| 7 | Principal Secretary, Urban Development | Member |
| 8 | Principal Secretary, Food & Civil Supplies | Member |
| 9 | Managing Director, U.P. Khadya & Awashayak Vastu Nigam | Member |
| 10 | Director, Basic Education | Member |
| 11 | Director, Panchayati Raj Vibhag | Member |
| 12 | Commissioner Food & Civil Supplies | Member |
| 13 | Director of M.D.M.A. Project, U.P. | Member Executive Secretary |