

## **RULES OF UTTAR PRADESH DISASTER MANAGEMENT AUTHORITY**

1. NAME OF THE SOCIETY      The name of the Society shall be "THE UTTAR PRADESH DISASTER MANAGEMENT AUTHORITY", which, hereinafter shall be referred to as "SOCIETY", unless the context otherwise requires.

2. ADDRESS OF THE SOCIETY      Emergency Operation Centre, F-block, 6th Floor, Bapu Bhavan, Lucknow-226001.

3. SHORT TITLE                      These Rules shall be called "Rules of UTTAR PRADESH DISASTER MANAGEMENT AUTHORITY"

### 4. DEFINITIONS

In this Memorandum and rules made there under, unless the context otherwise requires;

1. 'Act' means the Societies Registration Act, 1860 (Act No. XXXI of 1860).
2. The 'Society' means the "UTTAR PRADESH DISASTER MANAGEMENT AUTHORITY".
3. "The Central Government" shall mean and include, the Government of India;
4. "The State Government" shall mean and include, the Government of Uttar Pradesh.
5. 'Governing Body' means the Governing Body of the Society as constituted under rule 10.
6. "Member" shall mean and include, the members of the Governing Body for the purpose of acts or things to be done by the Governing Body;
7. The 'Chairman' means the Chairman of the Society referred to in rule 17.

8. "Chief Executive Officer" shall mean and include, any officer occupying the position of Chief Executive Officer of the Society who shall be the Principal Secretary (Revenue) to the Government of Uttar Pradesh;
9. "Secretary to the Government" shall mean and include any officer occupying the position of Secretary, Principal Secretary, Additional Chief Secretary, Commissioner or such other officer who shall be of the rank of Secretary and above as may be decided by the State Government.
10. The 'Secretary/Convener' means the Secretary/Convener of the Society referred to in rule 18. The Secretary Revenue & Relief Commissioner, Uttar Pradesh shall be the Secretary/Convener of the Society.
11. 'Secretariat' refers to the Secretary/Convener and staff of the Society, which are responsible for implementation of all activities of the Society.
12. The word importing masculine gender shall also include the feminine gender and vice-versa.
13. The Word importing singular number shall also include plural number and vice-versa.

## 5. GENERAL BODY

The General Body of the Society shall consist of all members of the Governing Body of the Society and other members as decided by the Governing Body.

## 6. TERMS OF MEMBERSHIP

The membership of the ex-officio member of the Society and of the Governing Body shall terminate when he ceases to hold the office by virtue of which he was member(s) and his successor to the office shall become such member(s). Non-official members of the society will be nominated by the Chairman with the approval of the Governing Body. Nominated members shall hold office for the period of three years from the date of their nomination by the Chairman.

## 7. ROLL OF MEMBERS

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

## 8. CHANGE OF ADDRESS

If a member of the Society changes his address he shall notify his new address to the Secretary/Convener who shall thereupon enter his new address in the roll of members. But if a member fails to notify his new address the address in the roll of members shall be deemed to be his 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 its members.

## 10. GOVERNING BODY

The Governing Body shall consist of the following members: -

<b>S. No.</b>	<b>Name</b>	<b>Designation</b>	<b>Signature of members</b>
1	Chief Minister of Uttar Pradesh	Chairman	
2.	Two Ministers nominated by the Chief Minister, Uttar Pradesh	Member	
3	Chief Secretary, Government of Uttar Pradesh	Member	
4	Principal Secretary & Agriculture Production Commissioner, Government of Uttar Pradesh	Member	
5.	Principal Secretary, Revenue, Government of Uttar Pradesh	Member	
6.	Principal Secretary, Finance, Government of Uttar Pradesh	Member	
7.	Principal Secretary, Home, Government of Uttar Pradesh	Member	

8	Principal Secretary, Government of Uttar Pradesh	Energy,	Member
9.	Principal Secretary, Development, Government of Uttar Pradesh	Urban of Uttar	Member
10.	Principal Secretary, Government of Uttar Pradesh	Health,	Member
11.	Any other Secretary to be co-opted from time to time		
12.	Director General of Police		Member
13.	Relief Commissioner		Convener / Secretary of the Authority

## 11. MEETINGS AND PROCEEDINGS

- (a) The general body of the Society shall ordinarily meet once in every year and the Governing Body shall meet at least once in a quarter at Lucknow or at such other convenient place as may be fixed by the Chairman. Provided that the Chairman may whenever he thinks fit, direct the Secretary/Convener to call a meeting.
- (b) For every meeting of the Society 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 member of days as he deem fit in the circumstances of the case.
- (c) Every meeting of the Society or of the Governing Body shall be presided over by the Chairman and in his absence by the senior most members present.

## 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 immediate by the Secretary/Convener in case this requirement of quorum is not met at any meeting.

- (b) Should a person who is a member 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 thereat.
- (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 edition 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 a resolution at a meeting of the Society or of the Governing Body.
- (b) Any business which it 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 shall be as effective and binding as if 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 POWERS OF THE GOVERNING BODY

- (i) All the duties, powers, function and rights, what so ever, consequent 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 may---
  - (a) make, amend, or repeal any bye laws or rules relating to administration and management of the affairs of the Society subject to the observance of the provisions contained in the Act and the Uttar Pradesh Disaster Management Act, 2005;
  - (b) consider the annual budget and the annual action plan, its subsequent alternations placed before it by the Secretary/Convener 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, Secretary/Convener or other authorities as it may deem fit;
  - (e) appoint committee, sub-committees and Boards etc. for such purpose and on such terms as it may deem fit, and to remove any of them;
  - (f) recruit and appoint all the key administrative and technical staff of the Society;
  - (g) set policy for the Secretariat of the Society;
  - (h) monitor the financial position of the Secretariat 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 authorise the Governing Body to do any act or to pass any byelaws 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.

## 17. POWERS AND DUTIES OF CHAIRMAN

- (i) The Chief Minister of Uttar Pradesh shall be Chairman of the Authority.
- (ii) The Chairman shall have the overall power of supervision, direction and control over all affairs of the Authority and the functioning of the office bearers.
- (iii) The Chairman may invite such persons other than the members of the Governing Body to the meetings of the Governing Body as he things proper for specialized input and ideas.
- (iv) The Chairman shall enjoy such powers as may be delegated to him by the Society and the Governing Body.

## 18. POWERS AND DUTIES OF THE CHIEF EXECUTIVE OFFICER

- (i) The Chief Executive Officer shall be the Principal Secretary Revenue to the State Government.
- (ii) The Chief Executive Officer of the Society shall
  - (a) act as the Chief Executive Officer (CEO) of the Society, represent the Society in all matters and sue and be sued on behalf of the Authority;
  - (b) convene the meetings and maintain minutes of the proceedings;
  - (c) remain in overall charge of planning, implementation and monitoring of all activities of the Authority;
  - (d) remain in overall charge of the assets records and documents of the Authority;
  - (e) remain in overall charge of the funds of the Authority and open and operate the Authority's accounts in the Banks;
  - (f) Discharge such other functions as may be assigned to him by the Chairman or the Governing Body;

## 19. POWERS AND DUTIES OF SECRETARY/CONVENER

- a. The Secretary/Convener will be supervised by and responsible solely to the Chief Executive and the Governing Body of the Society. The Secretary will conduct all matters pertaining to the day-to-day operations of the Society and its Secretariat.

- b. The Secretary/Convener will have overall responsibility for planning and executing the work of the Secretariat and, directing and overseeing implementation through the Secretariat financial and technical officers.
- c. The Secretary/Convener shall also perform such functions as may be delegated to him by the Governing Body or the Chief Executive Officer from time to time.

## 20. SECRETARIAT

Governing Body, with the assistance of the Secretary/Convener, will establish a Secretariat consisting of technical and financial professionals to serve as the project implementation arm of the society.

## 21. 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) All moneys received by way of grants, gifts, donations, benefactions, transfers and in any other manner from any source other than the source of Government.
- (c) Income from other sources.

(2) The Society shall be entitled to receive grant, donation, contribution, subscription, bequests, loan or contingency in cash or kind, either in Indian or foreign currency;

## 22. OPERATION OF FUNDS AND ACCOUNTS

(1) The fund and bank account of the Society shall be operated by the Chief Executive Officer and/or the Secretary/Convener as decided by the Governing Body.

## 23. AUDIT

The accounts of the Society shall be audited by a Chartered Accountant to be appointed by the Secretary/Convener of the Society. 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 and the auditor's report shall be certified by the auditor.

#### 24. 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 Government. 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 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 Chief Executive Officer and the Secretary/Convener and a copy each of the balance sheet and of the auditor's report certified by the auditor.

#### 25. PROPERTY OF THE SOCIETY

All property of 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 these rules and in the Uttar Pradesh Disaster Management Act, 2005 and 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/ International organisations may sanction from time to time;
- (b) provide funds to the relevant technical units of the Society for disbursement to public and private sectors;
- (c) organise and arrange for supply of equipments and other inputs to the governmental and non-governmental sectors;
- (d) arrange and organise training and infrastructure support to governmental and non-governmental sectors;
- (e) draw, accept, make, endorse, discount and negotiate with the Government of India and other promissory notes, bill of exchange, cheques or other negotiate instruments;

- (f) invest the funds or the money entrusted to the Society as it deems fit subject to the specific terms of grants received, if any;
- (g) purchase, take on lease, accept as gift, construct or otherwise acquire any property, movable or immovable, wherever suitable which may be necessary;
- (h) employ directly or indirectly by grants to other institutions/ persons to further the programme to be undertaken/supported by the society;
- (i) to enter into contract with any Government or Authority, Local-self Government, Panchayati Raj Institutions, Non-Government Organisation or otherwise to obtain from such Government or Authority, Local-self Government and/or Non-Government organisation any rights, privileges, concessions, financing or otherwise that the Society may deem desirable to obtain any carry out, exercise and comply with the agreements, rights, privileges and concessions so required in furtherance of the object of the Society; and
- (j) 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 any service rendered by them to the Society.

## 26. SUITS AND PROCEEDINGS

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

- (a) No suit or proceedings shall abated by reason of any vacancy or change in the holder of the office of the Chairman, the Chief Executive Officer, the Secretary/Convener or any office bearer authorised 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 Chief Executive Officer, the Secretary/Convener or any office bearer.

- (c) Nothing in sub rule (b) above shall exempt the Chairman, the Chief Executive Officer, the Secretary/Convener 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.

## 27. MODIFICATION OF THE OBJECTS OF THE SOCIETY

Subject to the prior 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;
- (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 were 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.

## 28. MODIFICATION OF THE RULES

These Rules or any Rules made by the Society hereafter may be altered or cancelled at any time by a resolution passed by a majority of two-third of the members present at any meeting of the Society duly convened for the purpose.

## 29. BYE-LAWS

The Governing Body may, frame by-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 byelaw so framed.

### 30. FIRST BYELAWS OF THE GOVERNING BODY

The Governing Body shall be responsible for having first byelaws made. These should receive approval of the State Government before going into effect.

### 31. 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.

### 32. 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 or firm in which such member or his relative is a partner or shareholder of a firm or a private company in which the member is a partner or director.

### 33. COMMON SEAL

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

### 34. DISSOLUTION OF THE SOCIETY.

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

### 35. NOTICE

Notice may be served upon any members 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.

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