

PILIKULA NISARGA DHAMA

MEMORANDUM OF ASSOCIATION

1. The name of the Society

The name of the Society shall be [...] [...] [“**Dr. Shivarama Karantha Plikula Nisarga Dhama**” (hereinafter referred to as the Society)].

2. The Registered Office of the Society shall be situated at [...] [Pilikula Nisarga Dhama, Mangalore,] D.K. District.

3. { (a) The main objects of the society shall be

1. Conservation of Bio-diversity
2. Conservation of Heritage and Culture
3. Promotion of Tourism
4. Promotion of Scientific Awareness }

(b) The Objects for which the Society established shall be,

- i) Protection and promotion of Wild Life, and propagation of awareness and knowledge among the people regarding the importance of conservation of Wild Life for maintaining ecological balance for which [...] [Pilikula Biological Park will be established.]
- ii) Propagation of knowledge about the fauna and flora, Plant Life, importance of developing gardens etc., towards which [...] [Plants Resource Centre] shall be developed.
- iii) [...] [To promote scientific knowledge and to create interest in various fields of science amongst] the general public and students, and to facilitate them to [...] [have hands on experience] for which Science Center [...] will be established.
- iv) To propagate knowledge of Marine Life, Ocean awareness for which ocean awareness center and Marine and Fresh Water Aquariums will be established { to undertake study on native fresh water fish species and Marine species }.
- v) To create interest in the History, Art and Culture of the region, for which [...] [Heritage village] will be established.
- vi) To develop Pilikula Tank and the surroundings to achieve the recharge of rain water into underground water table, for which desilting and improvement of Pilikula Tank will be taken up.
- vii) To reclaim and upgrade the degraded forests and to preserve, develop and manage the Biodiversity found in the area including micro flora and micro fauna, for which forest in the entire area will be protected and developed.

- viii) To create awareness [...] [and importance of the Western Ghats in maintaining ecological and environmental balance and to understand the importance of forest plants and plant life] to the general public and the student community for which Western Ghats Resource Centre shall be established.
- ix) To create awareness and usefulness of traditional Medicinal Plants for which Tradition Medicinal Plants Park will be established.
- x) [...] [To promote tourism and recreation facilities, Boating at Pilikula Lake, Rope way, Toy Train, Cafeteria, Cottages, Musical Fountain, Amusement Park, Golf Course etc., shall be established.]
- xi) [....]
- xii) [....]
- xiii) [...] [To undertake awareness, educational and research programmes in the fields of Science and Technology, Art, Culture, Heritage, Local history, flora and fauna, importance of Western Ghats, Coastal environment, fresh water and Marine species of fish, Medicinal plants, Wild life, tourism, environment, Ground water recharging, rain water harvest, eco-friendly farming and to establish institutions necessary to promote such activities]
- xiv) With a view to facilitate the Society's activities for achieving its objects, the society may:-
 - a) acquire by gift, purchase, exchange, lease, hire, transfer or otherwise howsoever, any lands buildings basements, rights in common and any other property movable or immovable including any machinery, equipment or items of interests for the furtherance of all or any of the objects of the society.
- xv) It is expressly declared that any income or profit derived by the society shall be applied solely for promoting the objects of the society as set forth in this memorandum and no promotion thereof shall be paid or transferred directly or indirectly by way of salary, dividend, bonus, income of profit to any of the members of the society provided nothing herein contained shall apply to payment of reasonable incidental expenses to such members, provided further nothing herein contained shall apply to payment of salary and allowances to Executive Director and other officers and officials of the Society.
- xvi) [...]
- xvii) { To undertake activities related to Khadi & Gramodyog and to promote Khadi and Village Industries, Handloom activities etc. }

4. MEMBERSHIP

- i) All Governing Council Members and all General Assembly Members by designation are the Permanent members of the Society.
- ii) In addition to the permanent members mentioned in Article 4(i) above, such Persons, Institutions, Companies and others who pay not less than [...] [Rs. 10,00,000/- (Rupees ten lakhs)] shall be the members of the Society.
- iii) Even if the sum paid to the society by such Persons, body of persons, Institutions, companies etc., is more than [...] [Rs. 10,00,000/- (Rupees ten lakhs)] and in multiples of [...] [Rs. 10,00,000/- (Rupees ten lakhs)] the membership shall be only one and not more than one to such Persons, Body of Persons, Institutions, Companies etc.,
- iv) The membership paid to the Society shall be considered as donation for undertaking developmental or maintenance cost of the activities of the Society and it shall be non-refundable.
- v) The members can be entitled for certain privileges as decided by the Governing Council from time to time, in conformity with the various provisions of the MOA and Rules there under.

5. GOVERNING COUNCIL

- i) [...]
 - ii) [...] [**The Governing Council shall consist of the following members.**
- | | | |
|--|---|----------|
| 1. Deputy Commissioner, D.K. | - | Chairman |
| 2. Vice Chancellor, Mangalore University | - | Member |
| 3. Director, NITK, Surathkal | - | Member |
| 4. Chairman, Administrative Committee, Pilikula | - | Member |
| 5. Chief Executive Officer, D.K. Zilla Panchayath | - | Member |
| 6. Commissioner of Police, Mangalore | - | Member |
| 7. Conservator of Forest, Mangalore Circle | - | Member |
| 8. Superintending Engineer, PWD Mangalore circle | - | Member |
| 9. Commissioner, Mangalore City Corporation | - | Member |
| 10. Commissioner, Mangalore Urban Development Authority | - | Member |
| 11. Director, Tourism Dept of GOK or his Nominee | - | Member |
| 12. Deputy Director, Fisheries Dept, Mangalore | - | Member |
| 13. Chairman/Director, Arboretum Committee(Botanical Gardens)- | - | Member |
| 14. Chairman/Director, Heritage Village | - | Member |
| 15. Director, Pilikula Biological Park | - | Member |
| 16. Director, Pilikula Regional Science Centre | - | Member |
| 17. [...] [7 (seven)] Members to be nominated by the
Governing Council | - | Members |
| 18. Executive Director, Pilikula, Mangalore | - | Member |
- Secretary]

- iii) [...] [The term of 3 nominated members as mentioned in sl no.17 supra shall be for a period of 5 years, but eligible for re-nomination.]
- iv) Deputy Commissioner of Dakshina Kannada District, having Head Quarters in Mangalore shall be the Chairman of the Governing Council and he shall be the Permanent Chairman of the Governing Council.
- v) The Governing Council shall have the power to remove any members including Permanent Member by a resolution passed by 2/3rd majority of the members of the Governing Council and such meeting shall be chaired by the Chairman only.

6. [...]

[6 A (i) General Assembly :

The Society shall have a General Assembly comprising of following members :

- | | | |
|---|---|----------------------|
| 1. District in charge Minister, D.K. District | - | Chairman |
| 2. [...] [MLA of Mudabidri Constituency] | - | Vice-chairman |
| 3. [President, D.K. District Zilla Panchayath] | - | Member |
| 4. All MPs of D.K.District | - | Members |
| 5. All MLAs and MLCs of D.K. District | - | Members |
| 6. Chairman, Coastal Development Authority | - | Member |
| 7. Chairman, Mangalore Urban Development Authority | - | Member |
| 8. Chairman, Canara Chamber of Commerce and Industry | - | Member |
| 9. Mayor, Mangalore City Corporation | - | Member |
| 10. Chairman, Moodushedde Grama Panchayath | - | Member |
| 11. Past Chairpersons of General Assembly | - | Members |
| 12. All Members of Governing Council | - | Members |
| 13. All members as mentioned in Clause 4(ii) | - | Members |
| 14. Dean, College of Fisheries, Mangalore | - | Member |
| 15. Secretary, Environment and Ecology, GOK or his Nominee | - | Member |
| 16. Managing Director, MESCOM | - | Member |
| 17. President, Mangalore Taluk Panchayath | - | Member |
| 18. President, Tours and Travel Agencies Association | - | Member |
| 19. Sri Bharathlal Meena, Founder Deputy Commissioner of Pilkula project | - | Member |
| 20. Deputy Director of Public Instruction | - | Member |
| 21. Secretary, Pilikula Golf Course Society | - | Member |
| 22. Managing Director or his nominee of Jungle Lodges | - | Member |
| 23. Chairman, G.M. Amusement Park | - | Member |
| 24. Three members from funding agencies / Departments to be nominated by Governing Council. | - | Member |
| 25. Three members who served as past Chairman of the Governing Council or past Chairman of the Administrative Committee to be nominated by Governing Council. | - | Member |
| 26. Three Expert persons in the field of Art, Culture, Wild life, Plant life, Science, Heritage, fisheries, Tourism, Administration etc., nominated by General Assembly | - | Members |

27. Executive Director, Pilikula Nisarga Dhama
Secretary

- Member

(ii) The term of the nominated members shall be for a period of 5 years and they are eligible for re-nomination for another term of 5 years. The General Assembly can terminate the membership of the nominated members once nominated on the grounds of indiscipline, involvement in criminal activity, or involved in any activities against the interest of the Society.

(iii) Governing Council shall propose names to General Assembly for nominating the nominated members of General Assembly.

(iv) The Executive Director shall be the Member Secretary of the General Assembly.

6B : Powers and Duties of General Assembly :

- i. The General Assembly shall meet at least once in a year.
- ii. General Assembly shall lay down the broad policies for the development and activities of Pilikula.
- iii. General Assembly shall take up the review of various developmental activities and their implementation during past one year and lay down the policies for future activities and development.
- iv. General Assembly shall approve the Audit report and the Annual Administrative report.
- v. Executive Director shall place before the General Assembly the Annual Budget and the annual action plan for its information.
- vi. General Assembly shall nominate the nominated members of the General Assembly.
- vii. General Assembly is empowered to amend the clauses of Memorandum of Association and rules.
- viii. General Assembly shall have responsibility of finding ways and means of generating funds for the project.
- ix. To appoint the Auditor of the Society.]

7. [....] [Powers and duties of the Governing Council :

- i. The business of the Society shall be managed by the Governing Council.
- ii. Without prejudice to sub-rule (i) above, the Governing Council shall have the following powers.
- iii. To manage all affairs, funds and properties of the society.
- iv. To appoint Executive Director and to fix his/her emoluments and facilities on the basis of the recommendations made by the Administrative Committee.
- v. To sanction all posts of different cadres in the Society.
- vi. To appoint the Chairman of the Administrative Committee and the Chairman / Directors of the sections/departments of the society.

- vii. Governing council is the appointing authority for the Executive Director and working Directors of different departments of the Society.
- viii. To grant administrative sanction for the execution of capital works of the Society.
- ix. To consider the subjects and recommendations made by the Administrative Committee.
- x. **To decide on the projects to be given on PPP on BOT [...] mode or to decide on lease or giving on contract for better utilization of the facilities of the Society.**
- xi. To acquire by purchase, gift, exchange lease, hire or otherwise, whomsoever, from the Government and other public bodies or private individuals, movable and immovable properties or other funds together with any attendant obligations and engagements not inconsistent with the objects of the society and the provisions of the rules.
- xii. To negotiate, enter into and execute agreements, contracts and documents on behalf of the society and vary and rescind such agreements, contracts and documents.
- xiii. To borrow or raise money which may be required for the purpose of the society upon bonds, debentures, promissory notes or other obligations or securities of the society or by mortgage, charge hypothecation or pledge of any movable or immovable properties of the society.
- xiv. To approve annual financial budget and to approve annual action plan on the basis of the approved financial budget.
- xv. To function as appellate authority in respect of officers not covered under clause 16 (x)
- xvi. To appoint such other advisory bodies and other special Committees for such purposes and with such powers as the Governing Council may decide and also to dissolve any of the Committees and advisory bodies so set up.
- xvii. To delegate to any Committee or officer of the society such administrative, financial or other powers of the Governing Council as it deems proper and also to prescribe limitations within which these powers and duties are to be exercised or discharged and provide guidelines in that regard.
- xviii. To institute, conduct, compound or abandon any legal proceedings by or against the society or its officers or otherwise concerning the officers and also to compound and allow time for payment or settlement of any debts due and of any claims or demands by or against the society and refer any differences or arbitration and observe and perform any award made thereon.
- xix. To do all such acts, deeds, matters and things as are incidental or conducive to the attainment of the objects specified in the Memorandum of Association.
- xx. To discuss and pass the (a) Annual Budget, (b) Annual Action Plan, (c) Annual Administrative Report and d) Annual Audit Report placed before it by the Administrative Committee. Thereafter, the Administrative Committee shall place them before General Assembly with the recommendations or comments of the Governing Council.
- xxi. To altar any decision taken by the Committees and also to give directions to the Committees in the best interest of the Society.

- xxii. To decide on the issues of enhancing financial resources and to balance the income and expenditure of the Society.
- xxiii. To decide on the issues of safety & security of the assets of the Society.]

8. [....]

9. [....]

10. [....]

11. { **Administrative Committee** :

- i. There shall be an Administrative Committee comprising of not more than [....] **[eight members]** including the chairman. The Chairman shall be appointed by the Governing Council.
- ii. Members of the Administrative Committee shall be
 - 1. The Executive Director
 - 2. Chairman/Director of Botanic park (Arboretum) Committee
 - 3. Chairman/Director of Heritage Village Committee
 - 4. Director, Pilikula Biological Park.
 - 5. [....] **[Three]** members of the Governing Council nominated by the Governing Council.
- iii. The term of the Administrative Committee including the Chairman shall be for 5 years and they are eligible for re – nominations.

12. Meetings of the Administrative Committee

- i) The Administrative Committee shall meet as often as possible but not less than once in a month.
- ii) The Executive Director shall convene the meetings in consultation with the Chairman of the Administrative Committee.
- iii) The agenda for the meeting shall be decided by the Chairman of the Administrative Committee.
- iv) Three days advance notice shall be given for the Administrative Committee meeting. However that the proceedings of any meeting shall not be invalidated by any irregularity, in respect of such notice or by accidental omission to give notice to or not receipt of any notice by any member. Emergency meeting of the Administrative Committee may be held by giving shorter period notice. If next meeting date is fixed in previous meeting, then any written notice is not required if it is already mentioned in the proceedings of the previous meeting.
- v) Not less than 50% members of the Administrative Committee shall constitute a quorum at any meeting of the Administrative Committee. If there is no quorum within 30 minutes of the time appointed for the meeting, the meeting shall stand

adjourned. The requirement of quorum shall not apply to such adjourned meeting.

- vi) Decisions in the meetings shall be taken on simple majority of votes. Every member present shall have one vote and in case of equality of votes, the Chairman of the Administrative Committee shall have one additional casting vote for deciding the matter.
- vii) The Executive Director shall keep the records of the minutes of the meeting and it shall be signed by the Chairman of the Administrative Committee
- viii) In case of urgency, the chairman of the Administrative Committee can take decision, but it shall be got ratified in immediate next meeting of the Committee, failing which the matter shall be referred to the Governing Council whose decision shall be final.
- ix) **{In the absence of Chairman, the Executive Director can preside the meeting}**

13. Powers and functions of the Administrative Committee :

- i) To look into all administrative matters of the society and to take decisions for better administration of the Society
- ii) To verify the financial accounts of every month and pass the accounts. The Accounts Officer or in his absence the Administrative Officer shall place all the details of receipts and payments with vouchers and supporting documents with required details before the Committee for verification before passing the accounts of that month.
- iii) To approve bills for payments exceeding Rs. one lakh. However in case of routine payments like salaries, contingencies, telephones, electricity, vehicles, food and medicines for wild life section etc do not require any prior approval for payment. The Administrative Committee can also authorize the Executive Director to make such payments for such purpose without prior approval of the Administrative Committee.
- iv) To grant administrative sanction for capital works within the powers of the Administrative Committee.
- v) To recommend to the Governing Council for granting administrative sanction for capital works to be undertaken within the powers of the Governing council.
- vi) To approve Detailed Project Reports prepared by the Society for seeking financial assistance from government or other organizations.
- vii) To verify and recommend to the Governing council the annual action plan of the developmental activities to be undertaken.
- viii) To approve various programmes to be undertaken or to be organized from time to time and to sanction financial grants for such programmes for organizing the same.
- ix) To propose financial budget and recommend to the Governing Council for approval

- x) To function as an appellate authority for decision under clause 16 (x) against the staff of the Society, their promotion and other service matters and on all issues relating to staff of the Society.
- xi) To place the annual report before the Governing council and the General Assembly.
- xii) To place the audited statement of financial accounts before the Governing council.
- xiii) To create posts on temporary basis and make appointments for a period not exceeding 11 months.
- xiv) To make arrangements to conduct written tests and interviews for recruitment of staff including the constitution of the recruitment board to select the candidates for appointments.
- xv) To appoint candidates selected by the Recruitment Board.
- xvi) To propose agenda / subjects to the Governing Council.
- xvii) To go through the proceedings of Sub Committees and take decisions within the powers of the Administrative Committee and also to place such issues before the Governing Council with the opinion of the Administrative Committee for the decision of the Governing Council.
- xviii) To go through the annual confidential reports of the employees and to take final decision on accepting the ACRs.
- xix) To decide on granting promotions to the employees
- xx) To sanction leave to the Executive Director and to make in charge arrangements to the post of Executive Director during his absence from office.
- xxi) To propose consultants for the project within the financial powers mentioned in rules
- xxii) Looks into the matters of security, health and cleaning, water supply, well being of wild animals in Zoo, staff welfare issues, augmenting the resources, publicity and brand building of Pilikula project etc.
- xxiii) Chairman of the Administrative Committee shall be the spokes person of the Society.

14. Management :

- i) The Management of the affairs of the Society shall vest with the Governing council.
- ii) The Executive Director is responsible for the day to day administration of the Society.
- iii) The Governing Council may, from time to time, entrust to and confer upon the Executive Director, the Administrative Committee and other Committees, such of the powers exercisable under this MOA and the rules there under, as it may think fit, for the administration of the society. The Governing council may also revoke, withdraw, alter or vary all or any such powers delegated to the Executive Director, the Administrative Committee and other Committees.

- iv) The Executive Director shall be responsible for the management of the whole of the affairs of the society subject to the superintendence, control and directions of the Administrative Committee and the Governing Council.
- v) The Executive Director may delegate such of his powers as he may think fit to other officers of the society, subject to the approval of Administrative Committee.

15. Appointment of the Executive Director :

- i) The Governing Council shall appoint the Executive Director and fixes his/her emoluments, perks and facilities.
- ii) He/she shall be an officer of the state civil service not below the rank of senior scale either serving or retired having vast experience in administration OR any person with suitable qualification and management experience as decided by the Governing Council from time to time.
- iii) He/she shall be appointed on deputation if the officer is still in government service OR on contract for specific period if the officer is retired from government service or taken from management experience and qualification.
- iv) Governing Council shall decide from time to time on the qualification and experience of the candidate to be taken as Executive Director and also lay down the procedure of selection of the candidate as Executive Director.
- v) If the Executive Director post falls vacant at any time, the Governing Council shall make in charge arrangement till such time of appointing a regular Executive Director and for in charge arrangement the qualification and experience mentioned in 15(ii) above need not apply.

16. Duties of the Executive Director :

- i) The Executive Director shall be the Chief Executive officer of the Society.
- ii) He shall be responsible for preparing budget, enforcement and supervising functions of the Society.
- iii) He shall furnish all the information relating to the Administration and Accounts of the Society as well as other matters whenever called upon by the Society to do so.
- iv) He shall prepare the Annual report and Audited Accounts of the Society and place before the Administrative Committee for its approval within four months of the closure of every financial year.
- v) He shall represent before any court of law, legal authority or any statutory body on behalf of the Society and to appoint any legal counsel, consultant or the experts on behalf of the Society to represent or to defend the Society.
- vi) He shall operate and maintain accounts of the Income and Expenditure of the Society.

- vii) He shall be the custodian of all the records of the Society.
- viii) He shall protect all the assets and properties of the Society and take all such actions in consultation with the Administrative Committee to protect them.
- ix) He shall be the legal signatory on behalf of the Society before any authority or court of law or for any contracts or agreements on behalf of the Society.
- x) He shall be the disciplinary authority in respect of all the staff appointed by the Society except the Directors / Heads of the departments / sections.

17. Constitution of Sub Committees :

- i) In addition to the Administrative Committee, the following additional Sub Committees shall be constituted by the Governing council
 - a) Biological Park Committee
 - b) Botanic Park Committee
 - c) Heritage Village Committee
- ii) If any subject is not within the jurisdiction of any of these above mentioned Sub Committees, then such subject shall be dealt by the Administrative Committee till the Governing Council decides to constitute such new Sub Committees.
- iii) Each Sub Committee shall have seven members including the chairman and the Executive Director. Chairman shall be nominated by the Governing Council who shall be the member of the Governing Council. However the Governing Council can appoint outside experts as members of the sub committees by virtue of their expertise, but in such cases those outside members shall not become members of the Governing Council by virtue of their membership in sub committees.
- iv) The term of these Sub Committees shall be for 5 years.
- v) Executive Director shall be ex- officio member of these Sub Committees.
- vi) Administrative Officer shall be the Convener of these Sub Committees.

18. Meetings of the Sub Committees

- i) Meetings shall be held at least once in 3 months.
- ii) Administrative Officer shall convene the meetings of all the Committees. The agenda shall be finalized by the Chairman of the Committee. Proceedings of the meetings shall be signed by the chairman of the Committee.
- iii) 1/3 of the total members shall be the quorum for the meetings.
- iv) Meetings can be convened with 3 days advance notice to the members.
- v) Convener shall send the proceedings to the Executive Director who shall place these proceedings before the Administrative Committee for implementation of the decisions.

19. Funds and Property of the Society :

A. Funds:

- (i) The funds of the Society shall comprise of all funds sanctioned by the State and Central Governments, the contributions and gifts given by local bodies, companies, institutions, Associations and philanthropic individuals and collections by way of membership, entry and other fees or sale of any produce or services in the project area.
- (ii) The funds shall be utilized only for the purpose of achieving the objects of the Society and cost, charges and expenses incidental thereto.
- (iii) Except as otherwise directed by the Governing Council, all moneys and receipts specified in the foregoing provisions and forming parts of the firm shall be deposited in scheduled banks as defined in the Reserve Bank of India Act 1934 and shall be operated jointly by the Executive Director and the Chairman of the Administrative Committee. However if the Executive Director happens to be the chairman of the Administrative Committee, in such case one of the members of the Administrative Committee selected by Governing Council shall be the joint signatory for the Bank accounts along with the Executive Director. However the Administrative Committee at its discretion can decide to authorize the Executive Director to operate individually such accounts with such sums as it deems fit for making payments or the payments of the projects, programs and also routine payments of salaries, allowances, contingencies etc.,
- (iv) The Executive Director shall maintain regular day to day accounts of the Receipts and Expenditures.
- (v) The accounts of the Society duly audited by a Chartered Accountant appointed by the governing council shall be placed before the meeting of the Governing Council and passed, and the account passed at the meeting shall be submitted to the Registrar under the Karnataka Registration of the Societies Act along with a brief report of the activities of the Society during the year.
- (vi) The funds of the Society shall be invested in the modes specified under the provisions of Sections 13 (1) read with Section 11 (5) of the Income Tax, 1961 as amended from time to time.

19 B: Lands and Property:

- (i) The land and other movable and immovable properties that are to be concerned, protected, developed and managed by the society shall vest with the society only and not with any of the implementing departments, agencies or organizations, and

Governing Council shall have right to allocate, withdraw and reallocate any land of the society or any development or maintenance work of any project of the Society to any department or body of Committees of the Society.

- (ii) Prior approval of the Government shall be obtained by the society in the following cases.
 - i. To see or dispose off the whole or substantially the whole of the undertaking.
 - ii. To form a subsidiary society.
 - iii. Final winding up of the society.

(iii) Amendments, Dissolutions etc.

Any amendment, alteration or change in the Memorandum of Association or Rules and Regulations of the Society shall be in conformity with the provisions of Sections 9 and 10 of the Karnataka Societies Registration Act 1960 and such amendments shall be passed by a simple majority of the members present in the meeting of the General Assembly. No amendments shall be made which may prove repugnant to the provisions of Sec.2 (15) ,11,12,13,35 and 80 G of the Income Tax, 1961 as amended from time to time.

- (iv) In the event of any proposal for amalgamation or dissolution of the Society being affected, it shall be with the prior approval of the State Government and in confirmation with the Provisions of Sections 21 to 23 of the Karnataka Societies Registration Act 1960.
- (v) In the event of the dissolution or winding up of the Society the assets remaining as on the date of dissolution shall be under no circumstances be distributed among the members, but the same shall be transferred to another such Society/Trust whose objects are similar to those of this Society and which enjoys recognition under Section 35 and/or Section 80G of the Income Tax, 1961 as amended from time to time or transferred to Government.

20. Accounts and Audit :

- i) The Society, shall keep at its registered office, proper books of accounts with respect to all funds received and expended and matter in respect of which receipt and expenditure takes place and with respect to all sales and purchases of goods by the Society, its assets and liabilities as required by the act.
- ii) All members of the Governing Council and the members of the Committees including the chairmen are eligible for receiving sitting fee for attending meetings. The rate of sitting fee shall be decided by the Governing Council. In addition to sitting fee they are also eligible for travelling expenses as decided by the Governing council.

- iii) Chairmen of the Committees are eligible for honorarium, perks and other facilities as decided by the Governing Council. They are also eligible for office facilities in the concerned sections or departments and they shall also function as consultants for the concerned departments. If they undertake any tours on behalf of the Society, they shall be eligible for travelling allowances and expenses as decided by the Governing Council.
- iv) The accounts of the society shall be audited every year by a Chartered Accountant appointed by the General Assembly for the purpose of auditing the accounts. The Auditor shall not be a member of the Society. The return of income shall be filed with the relevant Income Tax Authority enclosing the Audited Statement of Accounts.
- v) A copy of the balance sheet together with a copy of the receipts and payments and accounts duly audited and approved at the General Assembly meeting together with a list of the names of the members of General Assembly shall be filed with Registrar within 14 days of holding the General Assembly meeting as required under section 13 of the Act.
- vi) The funds and the properties of the Society both movable and immovable shall be vested in the Governing Council.

The funds of the Society shall consist of the following :

- a. Grants, Donations, membership fee received from Government, Companies, Public Bodies and the Public etc.
- b. Entry Fee received.
- c. Sale proceeds.
- vii) The books of accounts of the Society shall be closed every year on 31st March.
- viii) The financial year of the Society is the period beginning on the 1st day of April in each year and ending on the 31st of March of the subsequent year.

21. Staff :

- i) The staff of the society consists of officials taken on deputation from government, officials appointed by the Governing Council, and the officials or experts appointed by the Governing Council on contract on specific terms and conditions, but shall not include any staff of the contractors, who have taken works or services of the Society on contract or tender. Chairmen / Chairpersons of the Committees shall not be considered as staff of the Society.
- ii) The society can take officers and officials from government on deputation for various sections of the Society.
- iii) The Society can appoint experts on contract and such contracts shall not be for a period exceeding 5 years at a time. However, after expiry of such contractual period, the society can reappoint such experts for such period not exceeding 5 years.

- iv) Society can also appoint officers, Supervisors, Clerical staff, Technical staff, experts etc., as staff of the society and fix and regulate their remunerations, allowances and service conditions.
- v) Governing Council is the Disciplinary Authority for all the employees of the Society including the Executive Director.

22. Special Powers of the Chairman of the Administrative Committee :

The Chairman of the Administrative Committee shall have special powers to act on his own and direct measures for effective realization of the object of the Society in case of urgency, where as no sufficient time to convene a meeting of the Administrative Committee, but he shall place the subject before the Administrative Committee at its immediate next meeting and seek ratification.

23. Power to delegate :

The Governing Council can delegate any power exercisable by it under these Bylaws to any officer of the Society or any Committee of the Society.

24. Budget :

The Executive Director shall prepare every year in such form and at such time as may be prescribed an Annual budget estimate in respect of next financial year showing the estimated receipt and disbursement of the Society and place before the Administrative Committee and the Administrative Committee shall place the budget before the Governing Council for approval.

25. Annual Report :

The Executive Director shall, after the end of each year prepare in such form and before such date as may be prescribed, a report of Society's activities during such year and place it before the Administrative Committee. The Administrative Committee shall place before the Governing Council and then before General Assembly for approval.

26. Legal Proceedings :

- i) All suits and legal proceedings by or against the society shall be in the name of the Executive Director.
- ii) The Executive Director shall bring it to the notice of the Administrative Committee all legal proceedings on behalf and against the Society and shall obtain sanction of the Administrative Committee for defending the case or to file the case on behalf of the Society.
- iii) Before executing any contract by the Society with any other person, group of persons, institution, Society of Company, any organizations, such decisions shall be approved by the Administrative Committee and Governing Council by a resolution/s passed by a majority of the members present and voted. Thereafter such contracts can be executed by the Executive Director on behalf of the Society. Works contract agreement can be executed by the concerned Executive Engineer/Project Engineer after obtaining administrative

approval from concerned authorities and for such agreements further sanctions from the Administrative Committee or the Governing Council is not required.

- iv) If any project is to be given on B.O.T. or B.O.O.T. system, such proposal shall be thoroughly examined by the Administrative Committee and give its recommendations to the Governing Council. The Governing Council shall pass such proposal by a resolution with not less than 2/3rd members of the Governing Council present and voting and that decision has to be confirmed by the Governing council in its next meeting with or without amendments with 2/3rd majority of the members present and voting and only after such confirmation, the Executive Director shall enter into any agreements etc with the concerned parties.
- v) Any amendment, alteration or change in the Memorandum of Association or Rules and Regulations of the society shall be in conformity with the provisions of sections 9 and 10 of the Act and such amendments shall be passed by 2/3rd members of the members present in that General Assembly meeting. No amendments shall be made which may prove repugnant to the provisions of Sec. 2(15), 11, 12, 13, 35 and 80G of the Income Tax Act, 1961, as amended from time to time. In the event of any proposal for amalgamation or dissolution of the Society being affected, it shall be with the prior approval of the State Government and in conformation with the Provision of Sections 21 to 23 of the Act.
- vi) In the event of dissolution or winding up of the Society the assets remaining as on the date of dissolution shall be under no circumstances be distributed among the members, but the same shall be transferred to another such society/ Trust whose objects are similar to those of this society and which enjoys recognition under Section 35 and/or Section 80G of the Income Tax Act, 1961 as amended from time to time, or transferred to Government.
- vii) The Governing Council shall provide a common seal for the purpose of the Society and shall have power from time to time destroy the same and substitute a new seal in lieu thereof. The seal shall be in the safe custody of Executive Director.
- viii) For acts, matters and things which have not been specifically provided for in the rules the provisions of the Act and the rules framed there under shall apply.

27. Protection of action taken in good faith :

No suit, prosecution or other legal proceedings shall lie against any person or any things which is in good faith done or intended to be done under this Bylaws or in rules or regulation made there under. }

PILIKULA NISARGA DHAMA

RULES

- I. 1) These Rules may be called the [...] [“PILIKULA NISARGA DHAMA RULES”].
- 2) In these rules unless the context otherwise requires :
- a) “Society” means [...] [“PILIKULA NISARGA DHAMA”].
 - b) “Government” means the Government of Karnataka.
 - c) “General Assembly” means a body of members having members shown in [...] [these rules].
 - d) The “Governing Council” means the body [...] [entrusted under these rules with the administration and management of the affairs of the Society.]
 - e) “Executive Director” means a [..... [member of the] Governing Council who is entrusted with over all administration of the society by the Governing Council.
 - f) “Disciplinary Authority” means the [....] [Administrative Committee.]
 - g) “Year” means the period from 1st April to 31st March.
 - h) “Act” means the Karnataka Societies Registration Act 1960.

II) [....]

III) [....]

IV) [....]

V) PROCEDURES OF THE GOVERNING COUNCIL:

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- i) A meeting of the Governing Council shall be held at least once in [...] [**Two**] months at such time and place as the Chairman may, from time to time determine, for the disposal of the business of the society. Meetings [...] [shall] be called by the Executive Director on the direction of the Chairman.

< >

- ii) [Every meeting of the Governing council shall be presided over by the Chairman or in his absence, the Chairman of the Administrative Committee and in case of absence of both, the members present at the meeting shall elect one among themselves to be the Chairman of the meeting.
- iii) Each member of the Governing Council including the Chairman shall have one vote and if there shall be equality of votes on any question to be decided by the Governing Council, the Chairman shall have a casting vote. All decisions shall be taken on simple majority of the members present.”]
- iv) Notice of every meeting of the Governing Council setting out therein the business to be transacted, shall be delivered of or sent by post to each member of the Governing Council at his last known address at least seven clear days before the meeting. However the proceedings of any meeting shall not be invalidated for any irregularity in respect of such notice or by accidental omission to give notice to; or non receipt of

notice by any members. Special or emergency meetings of the Governing Council may be held by giving shorter period notice.

- v) Not less than 1/3rd members of the Governing Council shall constitute a quorum at any meeting of the Council. If there is no quorum, within 30 minutes of the appointed time of the meeting, the meeting shall stand adjourned. The requirement of quorum shall not apply to such adjourned meetings.
- vi) The Executive Director shall cause minutes of every meeting of the Governing Council to be entered in a Register, duly signed by the Chairman. It shall be in the custody of the Executive Director.

- VI) [...]
- 22) [...]
- 23) [...]

VII) A - Procedure for executing Civil works

- 1) Every financial year, along with the financial budget, Executive Director shall prepare an action plan of civil works of all the sections and place it before the Administrative Committee. The Administrative Committee after its approval with modifications if required, shall place before the Governing Council for information. This action plan shall contain the list of works to be executed during the financial year of the proposed budget and probable amount required for each work. Total works shall not exceed the financial provisions proposed in the budget. Executive Director can prepare supplementary action plans and place before Administrative Committee for approval at any time.
- 2) **Powers to accord Administrative sanction as follows.**
 - a. Executive Director - estimated amount up to - Rs. 15.00 lakhs
 - b. [.] [Administrative Committee] - estimated amount up to - [...][Rs. 50.00 lakhs]
 - c. Governing Council - estimated amount beyond - Rs. 50.00 lakhs
 - d. The list of works granted administrative sanction by Executive Director and Administrative Committee shall be placed before the next meeting of the Governing Council by the Executive Director for information.
- 3) For the projects sanctioned by the Government as per the Detailed Project Report (DPR) submitted, and if such works have to be executed as per the sanctioned DPR, in such cases DPR shall be placed before GC for information and DPR itself shall be considered as action plan. There is no need of preparing separate action plan for those works in sanctioned DPR.

4) Technical sanction of the estimates Powers for technical sanction of the estimate are as follows.

- a. Project Engineer, PND estimated amount up to - Rs. 15.00 lakhs
 - b. Estimated amount beyond - Rs. 15.00 lakhs
- Technical committee consisting of following members
- i. [...] [**Superintending Engineer, Mangaluru City Corporation**] - Chairman
 - ii. Representative from NITK - Member
 - iii. Consultant/Architect who designed the work - Member
 - iv. Executive Engineer, MESCOM, Mangalore Division - Member
 - v. Project Engineer, PND - Member Convener

5) Tender Evaluation Powers are as follows

- a. Project Engineer, PND estimated amount up to - Rs. 15.00 lakhs
- b. Technical Committee which accord technical sanction for estimated amount beyond - Rs. 15.00 lakhs

6) Approval of Tenders :

Powers to approve tenders are as follows

- a. Executive Director, PND bids up to [...] [+ or – 5%] of estimated amount.
- b. [...] [Administrative Committee], bids beyond [...] [+ or - 5 %] of estimated amount.

7) Approval of Variations while executing works :

Powers to approve Variations while executing the sanctioned works are as follows.

- a. [...]
- b. Executive Director, PND up to [...] [10%] of the estimated amount.
- c. [...] [Administrative Committee], up to [...] [25%] of the estimated amount.
- d. Governing Council, beyond [...] [25%] of the estimated amount.

8) Granting time extensions for contract works:

- a. Executive Director, PND up to 3 months.
- b. [...] [Administrative Committee], beyond 3 months up to 9 months.
- c. Governing Council, beyond 9 months.

9) Powers to appoint consultants

- a. [...] [Administrative Committee upto Rs. 5.00 lakhs of Consultant fee
- b. Governing Council beyond Rs. 5.00 lakhs of Consultant fee]

10) [...] {Power to entrust contract works without calling tenders.

Project Engineer, Pilikula Nisargadhama upto Rs.2.00 lakhs of the contract works following due procedures as per PWD Rules, subject to approval by the Executive Director}

VII) B. [...] [Procedures of General Assembly :

- 1) General Assembly shall meet at least once in a year. However in case of emergency and to take up urgent matters pertaining to the Society, the President can convene special meetings of the General Assembly.
- 2) For every meeting of the General Assembly, 7 days advance notice shall be sent to the members along with the agenda copy and notes.
- 3) 1/5th of the total members of the society shall be the quorum for conducting any meeting of General Assembly. If the required quorum is not forthcoming within half an hour of the prescribed time of the meeting, the meeting shall be adjourned to the next convenient date and for such adjourned date, prescribed quorum is not required.
- 4) All meetings shall be chaired by the President of the General Assembly. If the President is not available or absent for the meeting, the Vice-President shall chair the meeting. If President and Vice-President both are not available, the members present in the meeting shall elect one among themselves to be the President of that meeting.
- 5) Every decision of the meeting including amendments to the Memorandum of Association and Rules shall be passed by a simple majority of the members present in the meeting.
- 6) Every member shall have one vote and it shall be exercised in person only. However, in case of tie, the President shall have additional casting vote to decide the issue.
- 7) Meetings of the General Assembly shall be convened by the Executive Director on the directions of the President.
- 8) The proceedings of the meeting shall be entered in a separate permanent register meant for this purpose and it shall be signed by the President and it shall be in the custody of the Executive Director.]

- VIII)** [...]
IX) [...]
X) [...]

XI) { Financial powers.

Following are the financial powers of different authorities.

Sl No	Items	Executive Director	Administrative Committee	Governing Council
1	Payment of salaries	Full powers	-	-
2	Payment of Travelling allowances	Full powers	-	-
3	Purchase of books, periodicals, news papers, journals etc	Full powers	-	-
4	Stationery	Rs 10000/- each time and Rs 1.00 lakh p.a.	Full powers	-
5	Office equipment's	Rs 2.00 lakhs p.a.	Rs 10.00 lakhs p.a.	Full powers
6	Computers and peripherals	Rs 2.00 lakhs p.a.	Rs 5.00 lakhs p.a.	Full powers
7	Furniture	Rs 2.00 lakhs p.a.	Rs 5.00 lakhs p.a.	Full powers
8	Laboratory equipment's and consumables	Rs 2.00 lakhs p.a.	Rs 25.00 lakhs p.a.	Full powers
9	Drugs and medicines	Rs 2.00 lakhs p.a.	Rs 10.00 lakhs p.a.	Full powers
10	Food items for wild life	Full powers	-	-
11	Tools and machinery	Rs 2.00 lakhs p.a.	Rs 25.00 lakhs p.a.	Full powers
12	Repairs & AMC of computers, office equipment's, furniture, laboratory equipment's or any machinery.	Full powers	-	-
13	Writing off losses in respect of a) goods or money lost b) irrecoverable revenues c) irrecoverable loans and advances	nil	Upto Rs 1.00 lakh individual case	Full powers
14	Writing off goods To sanction writing off or disposal of the following i) unusable goods ii) perishable items iii) unusable books and periodicals iv) obsolete or unserviceable equipments, machinery	Rs 5000/- in each case subject to the maximum of Rs 2.00 lakhs p.a.	Rs 10000/- in each case subject to the max of Rs 5.00 lakhs p.a.	Full powers
15	Advertisements & Printing i) To sanction advertisements of tenders, notifications etc	Full powers	-	-
	To issue advertisements of Pilikula Nisarga Dhama for publicity purpose	Rs. 1.00 lakh	Full powers	-
	To sanction printing of publicity materials of any programme or event or of Pilikula project or books etc	Rs 25000/- in each case	Full powers	-
16	Hiring of vehicles	Rs 10000/- p.m at a time subject to the maximum of Rs 1.00 lakh p.a.	Full powers	-

17	Trainings i) To sanction training programmes, and incur expenditure on honorarium, transport, training materials, contingency etc subject to the programme being authorized under some approved scheme.	Full powers	-	-
	ii) To sanction training programmes, and incur expenditure on honorarium, transport, training materials, contingency etc from PND societies own funds	Rs 10000/- per programme subject to Rs 1.00 lakh p.a.	Rs 25000/- per programme subject to Rs 2.5 lakhs p.a.	Full powers
18	To sanction tour advances	Full powers	-	-
19	Exhibitions To sanction expenditure for participating in exhibitions or similar activities or to organize exhibitions	Rs 25000/- per exhibition subject to the max of Rs 2.00 lakh p.a.	Full powers	-
20	Programmes or events To organize various programmes or events in Pilikula or outside like Flower show, Kambla, Tulunadu Habba, wild life week, children carnival or similar type.	Rs 2.00 lakh per programme	Full powers	-
21	Hiring of manpower and fixing wages i) Hiring daily wages laborers to work in gardens, arboretum, wild life, Artisans village etc	For not more than 30 days at a time	Full powers	-
	ii) to appoint office staff, project staff etc on contract subject to creation of such posts in the sanctioned project	For not more than one month	For entire sanctioned project period	Full powers
	iii) to appoint staff against sanctioned posts	one month	Full powers	-
	iv) to create posts	NIL	11 months	Full powers
22	Refunds i) To sanction refund of revenue including fees, fines, etc and to refund wrong or excess credit.	Up to Rs 10000/-	Full powers	Full powers
	ii) Refund of security deposits	NIL	Full powers	-
	iii) EMDs etc	Full powers	-	-
23	Administrative approval of works	Estimate of Rs 15.00 lakhs for one work	Estimate of Rs 50.00 lakhs for one work	Full powers

Note: Any powers which are not enumerated or defined above, vests with the Governing Council. }

AMENDMENTS:

Added { }, renumbered <>, substituted [] & deeted [...] by amendment dt:25.10.2014

- 1) **Sl.No.1: The name of the Society**
The name of the Society shall be [...] [“ [Dr. Shivarama Karantha Pilikula Nisarga Dhama]”
(hereinafter referred to as the Society)]
- 2) **Sl.No.5 (17):** [7 (seven)] Members to be nominated by the
Governing Council - Members
- 3) **Sl.No.6 A (i):** {2 MLA of Mudabidri Constituency - Vice-chairman}
[< 2 a > President, D.K. District Zilla Panchayath - Member]
- 4) **Sl.No.7 x:** To decide on the projects to be given on PPP on BOT [...] mode or to decide
on lease or giving on contract for better utilization of the facilities of the Society.
- 5) **Sl.No.11 (i):** There shall be an Administrative Committee comprising of not more than
[eight] members including the chairman. The Chairman shall be appointed by the
Governing Council.
- 6) **Sl.No.11(ii) 5:** [Three] members of the Governing Council nominated by the Governing
Council.
- 7) **Sl.No.{12 (ix):** In the absence of Chairman, the Executive Director can preside the
meeting }
- 8) **Rules V (i):** A meeting of the Governing Council shall be held at least once in [Two
months] at such time and place as the Chairman may, from time to time determine, for
the disposal of the business of the society. Meetings [...] [shall] be called by the
Executive Director on the direction of the Chairman.
- 9) **Rules V II A -(10):**

{Power to entrust contract works without calling tenders.

Project Engineer, Pilikula Nisargadhama upto Rs.2.00 lakhs of the contract works following
due procedures as per PWD Rules, subject to approval by the Executive Director }