

# FIAN Rajsthan Statutes

(As passed in foundation meeting on April 19,2009 at Jodhpur,Rajsthan ,India )

## MEMORANDUM OF ASSOCIATION OF

### FOOD FIRST INFORMATION & ACTION NETWORK (FIAN) - RAJASTHAN.

#### **I. Name of the Society:**

The name of the Society shall be FOOD FIRST INFORMATION & ACTION NETWORK RAJASTHAN (FIAN-RAJASTHAN.). FIAN RAJASTHAN shall be a section of FIAN, the international human rights organisation for the right to feed oneself.

#### **II. Registered Office:**

The registered office of the Society shall remain in the State of Rajasthan and at present is at V & P- Tinwari, Ghewda Road, Tehsil Osian, Dist. Jodhpur – 342306 (Rajasthan) India or at such other places in the State of Rajasthan as may be decided by the Governing Body of the Society.

#### **III. Aims and Objectives:**

The aims and objectives of the Society are:

1. To spread awareness amongst people regarding right to food and educate them on human rights.
2. To organize workshops and train people on issues related to violations of the right to food and in particular the right to feed oneself in the context of other economic right, rights of marginal and landless peasants, agricultural workers including women..
3. To educate about Economic, Social & Cultural rights and train the grass root activists on Human Rights Education.
4. To monitor and investigate violations of the human right to feed oneself and related Economic, Social & Cultural rights.
5. To intervene in cases of violations of the right to food under specific circumstances.
6. To print, publish, undertake, manage and carry on any Newspapers, Journals, magazines, Periodicals, Pamphlets or other literary works in Hindi or English in connection with or in furtherance of the objects of the Society not involving / carrying on any activity for profit / gain.
7. To accept donations, grants, presents, and other offerings, in cash or in kind and in Indian or foreign currencies and to deal with the same for the purpose(s) of the Society.

8. To do all such other things as may be incidental or conducive to the attainment of the objects of the Society as may be determined by the Society, and compatible with its status as a section of FIAN and within the limits of FIANs international statutes

9. To help and support other Charitable Trusts /Societies and Institutions organised and conducted by other Trust(s) /societies for Public and Charitable purposes.

10. All public charitable purposes including relief to the poor, education, medical relief and advancement of any other object of the general public utility not involving the carrying on the any activity for profit.

11. It is specifically declared that all the activities of the Society are charitable and not for purposes of profit.

#### **IV. Property and Income**

All the incomes, earnings moveable and /or immovable properties of the Society shall be solely utilised and applied toward the promotion of its aims and objects only as set forth in this Memorandum of Association and no portion thereof shall be paid or transferred directly or indirectly by way of dividends, bonus, profit or in any manner, whatsoever, to the present or past members of the Society.

) No member of the Society shall have any personal claim on any moveable and/or immovable properties of the Society or make any profit whatsoever, by virtue of his/her membership.

#### **V. Governing Body:-**

The names, addresses, occupation and designation of the present members of the Governing Body to whom the management of affairs of the Society is entrusted as required by the Societies Registration Act of Rajasthan, 1958, are as follows:

S. No.	Name and address	Designation	Occupation
1.	Dr. Prakash Tyagi 3/458, MM Colony, Jodhpur 342008 Rajasthan, India	President	Medical doctor
2.	Ms. Begi Sukhani KGS, Village – Diyatra, District – Bikaner	Vice-President	Social activist

	Rajasthan, India		
3.	Mr. Ram Akbal Singh Village – Pabupura, District – Jodhpur Rajasthan, India	Secretary	Social activist
4.	Dr. J. P. Gupta 127, Subhash Nagar, Jodhpur Rajasthan, India	Member	Agriculturist
5.	Mr. Mahesh Panpalia DHARA, Near bus stand, Badmer Rajasthan, India	Member	Development activist
6.	Ms. Shashi Tyagi 3/458, MM Colony, Jodhpur Rajasthan, India	Member	Development activist
7.	Mr. Rajendra Kumar 3/437, MM Colony, Pal Road, Jodhpur Rajasthan, India	Member	Development activist
8.	Dr. Abha Malik 67/145, Pratap Nagar, Sanganer, Jaipur Rajasthan, India	Member	Medical Doctor
9.	Mr. Bhai Khan Village – Bhojon ki Baap, District – Jodhpur	Member	Farmer

	Rajasthan, India		
10.	Ms. Jimat Khatun C/O GRAVIS Center, Baap, District – Jodhpur Rajasthan, India	Member	Self Help Group member
11.	Ms. Saroj Sodhon ki dhani, Sursagar, Jodhpur Rajasthan, India	Member	School teacher

#### **VI Desirous Persons:**

We the undersigned are desirous of forming a Society namely FOOD FIRST INFORMATION & ACTION NETWORK RAJASTHAN under the 'Rajasthan Societies' Registration Act, 1958, in pursuance of this Memorandum of Association of the Society.

S. No.	Name and address	Occupation
1.	Dr. Prakash Tyagi 3/458, MM Colony, Jodhpur 342008 Rajasthan, India	Medical doctor
2.	Ms. Begi Sukhani KGS, Village – Diyatra, District – Bikaner Rajasthan, India	Social activist
3.	Mr. Ram Akbal Singh	Social activist

	Village – Pabupura, District – Jodhpur Rajasthan, India	
4.	Dr. J. P. Gupta 127, Subhash Nagar, Jodhpur Rajasthan, India	Agriculturist
5.	Mr. Mahesh Panpalia DHARA, Near bus stand, Badmer Rajasthan, India	Development activist
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9.	Mr. Bhai Khan Village – Bhojon ki Baap, District – Jodhpur Rajasthan, India	Farmer
10.	Ms. Jimat Khatun	Self Help Group member

	C/O GRAVIS Center, Baap, District – Jodhpur Rajasthan, India	
11.	Ms. Saroj Sodhon ki dhani, Sursagar, Jodhpur Rajasthan, India	School teacher

# **RULES AND REGULATIONS OF FOOD FIRST INFORMATION & ACTION NETWORK RAJASTHAN**

## **I. NAME**

The Society shall be known by the name of "FOOD FIRST INFORMATION & ACTION NETWORK RAJASTHAN: (FIAN-RAJASTHAN.)". FIAN RAJASTHAN shall be a section of FIAN, the international human rights organisation for the right to feed oneself operating in Rajasthan.

## **II. REGISTERED OFFICE**

The Registered office of the FOOD FIRST INFORMATION & ACTION NETWORK RAJASTHAN: shall be situated State of Rajasthan and at present is at Tinwari, Ghewda Road, Tehsil Osian, Dist. Jodhpur – 342306 (Rajasthan) India or at such other places as may be decided by the Governing Body of the Society.

## **III. DEFINITIONS**

In these rules and regulations unless there be anything in the context inconsistent therewith;

- a) The 'Society' means the Society FOOD FIRST INFORMATION & ACTION NETWORK RAJASTHAN.
- b) The 'Governing Body', shall mean the Governing Body of Society as constituted by the Rules.
- c) The 'Act' means the 'Rajasthan Societies' Registration Act, 1958 or any modification thereof for the time in force.

## **IV. MEMBERS**

### **Members**

All the Members who have initially subscribed their names to the Memorandum of Association are Founder Members of the Society. Besides, all persons who have subscribed in writing to the aims and objectives of the Society and have been accepted by the Governing Body shall become members. On payment of the fee prescribed of Rs. 500/- p.a. to the Governing Body, such persons can become members. The Governing Body may at its discretion remove from membership any member of the Society and shall intimate the concerned member about the reasons. The Society shall maintain a register

of members containing the names, address and other occupations, date of admission and date of cessation.

## **V. GENERAL ASSEMBLY.**

All the Members of the Society constitute the General Assembly. The General Assembly shall normally meet once in a year to review the working of the Society. However, if required, the meeting of General Assembly can be convened at any time, after giving a notice as specified in clause to the Rules.

## **VI. GOVERNING BODY**

### **OFFICE BEARERS**

- a) All the members of the Governing Body shall be elected for a term of 3 years at the General Assembly Meeting. The total number of members of the Governing Body shall not exceed 19 and shall not be less than 10.
- b) The office of the member of the Governing Body shall become vacant, if he or she ceases to be a member of the Society or voluntarily resigns from office.
- c) Any casual vacancy in the Governing Body shall be filled by the Governing Body from among the members of the Society by a majority of votes. Any person so appointed shall hold office until the next Annual General Meeting of the Society at which he/ she shall have to be elected by the General Assembly but the Governing Body shall have powers to act notwithstanding any vacancy in its members and all acts so done shall nevertheless be valid.

## **VII. POWERS, FUNCTIONS AND DUTIES OF THE GOVERNING BODY.**

- a) The Governing Body shall be the highest authority of Society and shall have the power, including the power to establish branches or change headquarters, to lay down and carry out the policy and programme of the Society from time to time. It shall be the final authority in all matters regarding interpretation and application of the provisions of the Memorandum of Association and Rules and Regulations.
- b) The Governing Body shall be elected at the General Assembly Meeting (G.A.M.) for a term of 3 years. The member of Governing Body shall be elected from the conclusion of the G.A.M. to the conclusion of the next second G.A.M.
- c) The Governing Body shall elect out of their members office bearers namely, President, Vice President and Secretary. The President and the Secretary, with approval of the Governing Body, shall have power to appoint committees & sub-committees for specific purposes, objects and periods. The terms of the President, Vice President and the

Secretary will be three years. All of them are eligible for re-election or re-appointment at the termination of their periods of 3 years.

d) To meet any special situation the Governing Body shall have the power to take such action in the interest of the Society as it may deem fit.

e) The Governing Body shall have the right to make such changes in the rules and regulations as are not inconsistent with the objectives and functions of the Society by a 3/5th majority in a meeting specially called for the purpose.

f) The Governing Body shall make rules and lay down terms and conditions and duties and regulations for the enrolment of Members, Fellows and Associates of the Society.

g) All properties of the Society, movable and immovable or of any other kind, shall vest in the Governing Body.

h) All monies forming part of the Society's property and requiring investment shall be invested in the Society's name and shall be operated by any two members of the Office Bearers

i) The Governing Body shall have the entire control and management of the affairs of the Society and shall have all such powers of the Society except those which are by the Act required to be exercised or done by the Society in general meeting of the General Assembly. The Governing Body shall also have the power from time to time to make, vary and repeal rules and regulations and bye-laws for the transaction and regulation of business and affairs both of the Society and of itself; but no bye-laws shall be made, varied or repealed by the Governing Body so as to conflict with or be inconsistent with any subsisting bye-law made by the Society or which are contrary to the letter and spirit of the Society's Memorandum. Without prejudice to the generality of the foregoing power, the Governing Body shall for the promotion and realisation of the objects and purposes of Society shall have the following powers, namely:

i) To purchase, take on lease, leave and licence or hire of otherwise acquire and to hold, manage, administer and otherwise deal with any movable or immovable properties, rights and privileges as the Governing Body may deem necessary, expedient or desirable for the promotion of any of the objects of the Society.

ii) To construct such building or buildings and structures as may be necessary and from time to time improve, extend the same or any part of them and equip the same with such plants, machinery, instruments, apparatus, appliances, amenities and facilities as the Governing Body may deem fit and to acquire, receive and hold property of any kind.

iii) To sell, demise, lease, give out on lease or licence, give in exchange transfer, surrender or dispose off, take or give on hire, pledge, hypothecate or mortgage the property, movable or immovable or any of them or any part thereof or any interest therein in such manner and upon such terms as the Governing Body may think fit.

- iv) To collect dividends, interests, rent and other income.
- v) To subscribe or give donations from time to time and financially or otherwise aid any other charitable, benevolent, social, cultural, educational, and technical, institutions or societies and give such aid also to individuals as may be deemed fit by the Governing Body.
- vi) To apply for, receive and utilise any Government or Municipal or other grants or allowances in connection with any institution, work, activity or property held or conducted by the Society or otherwise to deal with the same according to terms thereof.
- vii) To invest and deal with the funds and monies of the Society not immediately required in such securities or investments as are permitted under the Income Tax Act and Rules as the Governing Body may from time to time at their discretion deem fit and at the like discretion from time to time to vary, dispose off and transpose such investments into or other of any kind and to lend money or property of the Society with or without security on such terms as the Governing Body may think fit.
- viii) To borrow from financial Institutions, Bank & other lending agencies upon such terms and with or without security on all or any of the property and assets of the Society, presents or future, or to receive money on deposit as the Governing Body deem necessary & expedient.
- ix) To deposit in any bank either in Savings Account or Current Account, Fixed Deposit or accounts of any other description and to withdraw such monies from time to time or at any time and also deposit monies in Government offices or such other Institutions as may be permitted by the Income Tax Act.
- x) To draw, endorse, discount and in general deal with bills of exchange, promissory notes, cheques, bills of lading, Railway receipts registered or insured letters or parcels, Postal receipts, Saving certificates, dock warrants, bonds, debentures, Government Municipal or Port Trust loans and other negotiable instruments or securities.
- xi) To appoint such person or persons as the Governing Body may deem fit for the purpose of representing the Society and/or the Governing Body in any legal or other proceedings to be instituted by or against the Society and/or against the Governing Body.
- xii) To appoint committees and delegate all or any of powers of the Governing Body to such Committee or Committee consisting of such Members(s) of the Governing Body and/or others as the Governing Body may from time to time deem necessary or expedient.
- xiii) To enter into agreements for and in connection with any of the purposes of the Society.

xiv) To raise funds and receive donations, receive grants or contributions, conditional or otherwise.

xv) To settle, compromise or compound all suits, actions and other proceedings out of court and settle all differences and demands and to refer any or all suits, actions or other proceedings, differences or demands to arbitration.

xvi) To adjust and settle all accounts relating to the funds of the Society.

xvii) To execute, release and to do all things relating thereto as fully as if they were absolutely entitled to the fund and without being answerable for the loss occasioned thereby.

xviii) Generally to do all such other things as may be deemed by the Governing Body to be incidental or conducive to the attainment of all or any of the objects of the Society.

### **VIII. PRESIDENT**

i) The Governing Body shall elect one of its members as President and he or she shall hold office for three years as the Chairperson of the Society, and can be re-elected within the limits of VII c.

ii) The President of the Governing Body shall preside over the meeting of the Governing Body & General Assembly as the Chairperson.

### **OFFICE BEARERS**

iii) The President shall exercise the power of general supervision, guidance and control over all the activities of the Society. He shall also call or direct to be called the meetings of the Governing Body

### **IX. VICE PRESIDENT**

The Vice President shall assume all power of the President in any meeting

in the absence of the President. The Vice President shall assist the President in performing his/her duties and power.

### **XI. DUTIES OF THE SECRETARY**

a) Secretary shall be the in-charge of the office and work of the Society.

b) He/she shall be responsible for the maintenance of the property registrations, preparation and circulation of minutes, maintaining and auditing of accounts giving receipts, preparing draft of the annual report and submission of the same to the Office

Bearers and the Governing Body. He/she shall also have all the powers as may be specifically conferred upon him from time to time by the Governing Body.

## **XI AUDITING**

a) There shall be an internal auditor elected by the GAM for a period of two years. He/she will audit the annual financial report of the Governing Body and all accounts and financial documents of the Society as and when he/she may deem necessary. He/she will present the results of his/her findings to the GAM. The internal auditor will report whether funds have been spent according to the objectives, rules and regulations of the Society.

b) There shall be an external auditor appointed by the Governing Body to prepare a technical audit of the Society's accounts.

## **XII MEETINGS**

a) Meeting of the Governing Body shall be held as often as may be necessary, but at least twice in a year. After the end of every year, the Governing Body shall make the Annual Report to the Members and examine and pass the accounts and sanction the budget submitted to it. The financial year of the Society shall be 1<sup>st</sup> April to the next 31<sup>st</sup> March unless otherwise decided by the Governing Body.

b) The Annual General Assembly Meeting of the Members of the Society shall be held once in a year which shall transact the following business:

i) Receive and adopt the accounts of Society together with the Annual Report of the Governing Body;

ii) Elect eligible members of the Governing Body and the internal auditor as and when their term expires

iii) Transact any other business brought forward by any eligible member of the Society, notice of which has been given to the Governing Body at least 30 days before the date of the meeting.

## **XIII. NOTICE OF THE MEETING**

i) The General Assembly Meeting shall be called by a notice of 15 days. The Governing Body may be called by a clear notice of one week. An emergency meeting of the Governing Body Office Bearers may be called at three to six days notice respectively.

ii) The service of the notice may ordinarily be by post with certificate of posting or in such other manner as may be decided from time to time.

#### **XIV. QUORUM**

Office Bearers

ii) More than 50% of the members shall form the quorum of the General Body meeting.

iii) A meeting adjourned for want of quorum shall be adjourned to the next day, same time and place and it shall not be necessary to give notice to member who are absent of any such adjournment. At the adjourned meeting, the members present will form the quorum. If the President of the Society decides to adjourn the meeting to a different date, notice of adjourned meeting shall be given to the eligible members and at the adjourned meeting the members present will form the quorum.

#### **XV CIRCULAR RESOLUTION**

In case of necessity, the President can direct the Secretary to circulate any proposal for the opinion of the members of the Governing Body or the Office Bearers giving a week's time for the receipt of their opinion from the date of dispatch of the proposal. If no dissent to the proposal contained in such circular is received within the stipulated period, the proposals shall be deemed to have been carried. All decisions taken by circular should be forthwith reported in writing to all members of the Governing Body or Office Bearers as the case may be and shall be placed before the following meeting of the Governing Body or the Office Bearers as the case may be.

#### **XVI. VOTING**

All questions put to vote at a meeting shall be decided, unless otherwise provided for, by simple majority, the President having the right of a casting vote.

#### **XVII SOURCE OF INCOME AND UTILISATION OF FUNDS**

The sources of income of the Society shall comprise of donations and grants from individuals, bodies corporate, charitable institutions or Governmental authorities, interest or other income from its investments or property, membership fees and such other income.

The funds shall be utilised for the objectives of the Society.

#### **XVIII. TERMINATION AND CESSATION OF MEMBERSHIP**

a) The membership of the Society shall cease in the following events:

(i) Death

(ii) Resignation

b) The membership may be terminated on the following grounds by the Governing Body :

(i) Misbehaviour or misconduct or any active violence or working against the interests of the Society or in any manner prejudicial to the Society.

(ii) On being convicted of a criminal offence.

### **XIX SUSPENSION AND SHOW CAUSE NOTICE**

The Secretary may with the approval of the Governing Body place a member under suspension and issues him/her a show cause notice for termination of membership. Within 30 days the matter shall be put up to the Governing Body along with the Member's reply, if any, for decision

### **XX MEMBERSHIP REGISTER**

The Secretary of the Society shall maintain a complete register of the names and addresses of the Members of the Society. Members are notified about the entry of their name in the register.

#### **Membership Rights, Privileges and Obligations**

(a) Every Member shall have the right to vote at the General Assembly meeting on the basis of one member one vote.

(b) Every member shall have the right to avail of the facilities of the Society and participate in its activities.

(c) Every member shall abide by the rules and regulations and act in such a manner as to uphold the fair names of the Society and achievement of the aims and objects of the Society.

### **XXI. PROPERTY AND INCOME**

The property and income of the Society shall be applied solely towards the promotion of the objectives of the Society as set forth in the Memorandum of Association and no portion thereof shall be paid transferred directly or indirectly by way of bonus, dividend or otherwise howsoever by way of profit to the Members of the Society provided that nothing herein contained shall prevent the payment to any member in good faith of remuneration to or the reimbursement for any officer or employees of the expenses previously authorised and actually incurred for the purpose of the Society.

**XXII Amendments**

The amendments (Rules and Regulations) will be carried out with 3/5 majority as per section 12 and 12A of the SR Act, 1958

The statutes can be changed by the General Body with simple majority.

**XXIV ANNUAL LIST OF THE GOVERNING BODY**

Once in every year, a list of the officer Bearers and Members of the Governing

Body shall be filed with the Registrar of Societies, as required of the Societies' Registration Act, 1958.

**XXV DISSOLUTION OF THE SOCIETY AND ADJUSTMENT OF ITS AFFAIRS**

If the Society needs to be dissolved it shall be dissolved as per provision laid down under sections of the Societies' Registration Act, 1958.

**XXVI. SUITS BY AND AGAINST THE SOCIETY**

The Society may sue or be sued in the name of the president as per provisions laid down under section of the Societies' Registration Act, 1958 .

**XXVII. APPLICABILITY OF THE ACT**

All the provision of the Societies' Registration Act 1958.

**CERTIFICATE**

Certified that the above is true and correct copy of the Rules and Regulations of the Society.

President----- Vice President-----  
Secretary-----