

**CONSTITUTION
&
MEMORANDUM OF
ASSOCIATION**



**Central Himalayan Environment Association
NAINITAL (UTTARAKHAND)**

**Memorandum of Association of the
Central Himalayan Environment Association, Nainital**

As amended upto 26 September 2006

(Registered under the Societies Registration Act vide No.222/82-83)

(1) NAME OF THE ASSOCIATION

The name of the Association is the " CENTRAL HIMALAYAN ENVIRONMENT ASSOCIATION", hereinafter referred to as "CHEA".

(2) ADDRESS OF THE ASSOCIATION

The present address of the Association is - Central Himalayan Environment Association, 09 Waldorf Compound, Mallital, Nainital-263001

(However, the Council may change the location at any time, and such change or changes will be notified promptly to all members and to the Registrar of Societies).

(3) AREA OF ACTIVITY OF THE ASSOCIATION

The area of activities of the CHEA is the Himalaya and adjacent areas in general, and the Kumaon and Garhwal Himalaya and adjacent areas in particular.

(4) OBJECTIVES OF THE ASSOCIATION

The aims, objects and purposes of the CHEA are:

- (a) To create a love for the Himalaya, for Nature, and an Environmental Consciousness amongst people generally, in order to motivate them to preserve, protect, improve and defend their great natural heritage,
- (b) To propagate environmental knowledge and the principles of ecology, namely Interdependence, Diversity, Co- evolution, Equity, Sustainability, Flexibility, Partnership, Energy flows, and Ecological Cycles, especially amongst the peoples of the Himalayan region.
- (c) To promote the study of environmental sciences at all levels, formal and non formal, and to encourage studies on the Himalayan environment in general, and the Central region in particular,

- (d) Recognizing that the Himalayan people are agriculture dependent and that the fundamental cause of their poverty arises from a scarcity of biomass resources, to promote scientific rural development and empower the farmer through knowledge of integrated systems, as productivity is a multidimensional measure having a conservation aspect,
- (e) To develop human understanding and a rational and elevated outlook, recognizing that elimination of unjust structures depends on the emergence of an alternative, higher human consciousness,
- (f) To promote practical, useful, appropriate and especially low cost technologies to improve the productivity of natural resources, and so improve the lives, livelihoods, and living standards of hill people in the Central Himalaya,
- (g) Recognising the disproportionate burden on women in the rural mountain economy, to specially focus on ways and means to ease their lot,
- (h) To provide a small, low cost crucible for applying innovative ideas and experimentation in diverse environmental conditions,
- (i) To identify biophysical and socio-economic factors contributing to the ecological deterioration of the Central Himalayan Region, and so to help minimize the impact of soil erosion, water runoff, floods, land-slides and the loss of natural resources for development,
- (j) To encourage integrated studies of community managed institutions, of eco- development problems and of natural resource potentials, e.g. water, forests, minerals, wildlife, medicinal plants, aquatic life, soil, etc.,
- (k) To promote healthy eco- systems for higher sustainable productivity and for a higher quality of life,
- (l) To assist the advancement of geo- hydrological knowledge, especially for preservation and recharge of hill springs and other water sources,
- (m) To aid and undertake tree plantation programmes,
- (n) To publish its own literature, books, proceedings, newsletters or bulletins, especially pertaining to the Himalayan environment,
- (o) To provide consultancy services for projects relating to eco-development, and best use of natural resources,

- (p) To establish a data bank on the Central Himalayan environment and of organizations/ scientists/ activists etc. working in the field, with storage and retrieval systems to support an integrated approach for planning and economic and ecological regeneration,
- (q) To establish a library, particularly of environmental sciences, and reading room/s,
- (r) To encourage training of workers in environmental interdisciplinary pursuits, relevant to the needs of the region by supporting field trips, refresher and short- term courses, and seminars, workshops for the benefit of environmental scientists, planners and decision makers,
- (s) To institute and award fellowships, scholarships and studentships in accordance with rules,
- (t) To develop a spirit of unity and fellow feeling amongst members, and also with the members of other organizations with a similar focus,
- (u) To provide a forum for free discussion and expression of responsible opinion on matters of interest to members, and to provide opportunities and facilities for association amongst themselves, through regular meetings and by other means,
- (v) To organise various intellectual, cultural, social, scientific and promotional activities in furtherance of its aims,
- (w) To coordinate its efforts and to co- operate with Government, both Central and State, and other organisations to further the general cause,
- (x) To form or join federations, and form new branches and units at various levels, but only if the Council sanctions this expansion and prescribes rules for it,
- (y) To employ staff, to acquire, hold, possess and dispose of properties both moveable and immovable, to take loans, and to receive grants, bequests and donations, in order to further its objectives, and
- (z) To undertake such other activities as are conducive to the fulfilment of any or all the Aims, Objects and Purposes of the Association.

(5) Name, Addresses, Occupations of the Members of the Duly Constituted Governing Council of the Association:

Sn.	Name	Address	Office held in Governing Council	Occupation
1.	Shri A.D. Moddie	Savera, Bhimtal	Chairman	I.A.S.(Retd.)
2.	Prof. K.S. Valdiya,	9, Sleepy Hollow, Nainital	Secretary	Professor of Geology
3.	Dr. J.S. Singh Nainital	3A, Sleepy Hollow, Secretary	Joint Botany	Reader in
4.	Shri Akshobh Singh	Kashipur House, Ayarpatta, Nainital	Joint Secretary	Edit or, Business & Horticulturist
5.	Dr. Virendra Kumar	Consultant (Eco- development) Planning Commission, Youjana Bhawan, New Delhi-1	Member	Consultant (Eco- development)
6.	Dr.S.L. Shah	Emeritus Scientist Vivekanand Parvatiya Krishi Anusandhan Shala, Almora	Member	Emeritus Scientist
7.	Prof. B.P. Ghildyal	College of Agriculture G.B. Pant University of Agriculture and Technology, Pantnagar	Member	Professor of Eminence
8.	Prof. N. Balkrishna Nair	Department of Aquatic Biology and Fisheries, Kerala University, Trvandum	Member	Professor of Aquatic biology
9.	Shri C.L. Sah Thulgharia	Hutton Cottage, Ayarpatta, Nainital-1	Member	Social Worker and house Owner
10.	Shri D.P. Joshi	Jubilee Villa, Nainital-2	Member	IFS (Retd.)
11.	Prof. R.Mishra	C/o Dr. P.S. Tiwari D10-4 Pusa Indian Agricultural Research Institute Campus IARI New Delhi-110012	Member	Professor of Botany (Retd.)

6. We, The Undersigned, Wish to Register An Association Under the Societies Registration Act XXI or 1860, In Accordance with the Above Memorandum of Association

Sn.	Signature	Name	Address
1. (Signed)	Prof. K.S. Valdiya,	9, Sleepy Hollow, Nainital	
2. (Signed)	Shri Akshobh Singh	Kashipur House, Ayarpatta, Nainital	
3. (Signed)	M.C. Pant	56, Sleepy Hollow, Nainital-26300	
4. (Signed)	R.P.Singh	Sajwan Bhawan Sukhatal, Nainital- 263001	
5. (Signed)	A.K. Saxena	9, New Republic Hostel, The Mall, Nainital	
6. (Signed)	S.P. Singh	Joint Directorate Health Building, B.D. Pande Hospital Campus, Nainital- 263001	
7. (Signed)	O.P. Goel	Sleepy Hollow, Nainital	
8. (Signed)	Shri C.L.S. Thulgharia	Hutton Cottage, Ayarpatta, Nainital	
9. (Signed)	Shri D.P. Joshi	Jubilee Villa, Nainital-2	

Date: 02/10/1981

**Constitution of the
Central Himalayan Environment Association
As amended upto 26 September 2006
(Registered Under the Societies Registration Act vide No. 222/82-83)**

1. NAME OF THE ASSOCIATION

The name of the Association is the "Central Himalayan Environment Association", hereinafter referred to as "CHEA"

2. FULL ADDRESS OF THE ASSOCIATION

The registered office of the CHEA shall be located at Nainital, Uttarakhand, India.

(The present office of the Association is located at 9 Waldorf Compound, Mallital, Nainital 263001. However, the Council may change the location at any time, and such change or changes will be notified promptly to all members and to the Registrar of Societies)

3. AREA OF ACTIVITY OF THE ASSOCIATION

The area of activities of the Association is the Himalaya and adjacent areas in general, and the Kumaon and Garhwal Himalaya and adjacent areas in particular.

4. AIMS & OBJECTIVES OF THE ASSOCIATION

The aims, objects and purposes of the CHEA are:

- (a) To create a love for the Himalaya, for Nature, and an Environmental Consciousness amongst people generally, in order to motivate them to preserve, protect, improve and defend their great natural heritage,
- (b) To propagate environmental knowledge and the principles of ecology, namely Interdependence, Diversity, Co- evolution, Equity, Sustainability, Flexibility, Partnership, Energy flows, and Ecological Cycles, especially amongst the peoples of the Himalayan region.
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scarcity of biomass resources, to promote scientific rural development and empower the farmer through knowledge of integrated systems, as productivity is a multidimensional measure having a conservation aspect,

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- (n) To publish its own literature, books, proceedings, newsletters or bulletins, especially pertaining to the Himalayan environment,
- (o) To provide consultancy services for projects relating to eco- development, and best use of natural resources,
- (p) To establish a data bank on the Central Himalayan environment and of organizations/ scientists/ activistsetc. working in the field, with storage and retrieval systems to support an integrated

- approach for planning and economic and ecological regeneration,
- (q) To establish a library, particularly of environmental sciences, and reading room/s,
 - (r) To encourage training of workers in environmental interdisciplinary pursuits, relevant to the needs of the region by supporting field trips, refresher and short-term courses, and seminars, workshops for the benefit of environmental scientists, planners and decision makers,
 - (s) To institute and award fellowships, scholarships and studentships in accordance with rules,
 - (t) To develop a spirit of unity and fellow feeling amongst members, and also with the members of other organizations with a similar focus,
 - (u) To provide a forum for free discussion and expression of responsible opinion on matters of interest to members, and to provide opportunities and facilities for association amongst themselves, through regular meetings and by other means,
 - (v) To organise various intellectual, cultural, social, scientific and promotional activities in furtherance of its aims,
 - (w) To coordinate its efforts and to co-operate with Government, both Central and State, and other organisations to further the general cause,
 - (x) To form or join federations, and form new branches and units at various levels, but only if the Council sanctions this expansion and prescribes rules for it,
 - (y) To employ staff, to acquire, hold, possess and dispose of properties both moveable and immovable, to take loans, and to receive grants, bequests and donations, in order to further its objectives, and
 - (z) To undertake such other activities as are conducive to the fulfilment of any or all the Aims, Objects and Purposes of the Association

5. MEMBERSHIP AND CATEGORIES OF MEMBERSHIP

Organizations and individuals who agree with the general aims of CHEA and who agree to abide by its Constitution, rules and regulations, may on completion of the required procedures, be admitted by the Council to membership.

The fees payable for the various categories of membership will be as prescribed by the Council.

CHEA shall consist of VOTING MEMBERS and NON VOTING MEMBERS, and only the voting members will have the constitutional right to attend General Meetings and to vote.

(a) Voting Membership

Each applicant for any category of voting membership shall be proposed by two voting members and additionally supported by two voting members on a form prescribed for this purpose. Of these at least one will certify from personal knowledge of the eligibility of the applicant to be a member of CHEA.

The Executive Committee will review the applications received, which it will forward to the Council.

Admission of voting members will be effected only at meetings of the Council, and not by delegation of authority or circulation of papers. But if the prescribed fees are not paid within three months of intimation of the applicant's election as member, such election shall become inoperative.

The following are the categories of voting membership:-

- (i) LIFE MEMBERS:** Every Life Member shall pay the prescribed fee in one lump sum or in installments within three months, and shall not pay any more membership fees during the member's lifetime.
- (ii) ASSOCIATE MEMBERS:** Every Associate Member shall pay an admission fee, and an annual subscription to renew and continue the membership.
- (iii) INSTITUTIONAL MEMBERS:** Institutions/ organisations may be elected as Institutional Members and will be represented in the General Body by one person nominated by the Head of the Institution/ organisation. Every Institutional Member will pay an admission fee and an annual subscription to renew and continue its membership.

(b) Non- Voting Membership

Non- Voting members shall not have any right of vote at General Meetings, but will have all other privileges of membership. The Council may, however, invite any non- voting member or other expert to participate in General Meetings so that CHEA may benefit

from their experience and knowledge. The following are the categories of non-voting membership:

- (i) **HONORARY MEMBERS** : The Council may nominate and elect Honorary Members for life by virtue of their outstanding contributions to eco-development, environmental sciences, or significant services to CHEA, or to civil society.

Every Honorary Member will be presented with a citation stating the conspicuous services rendered by him, for which the honour is being conferred.

No membership fee shall be paid by Honorary Members.

- (ii) **STUDENT MEMBERS**: Bonafide students of any recognized educational institution may become Student Members on terms and conditions prescribed by the Council from time to time. Every Student Member shall pay an affordable admission fee and an annual subscription to renew and continue his membership, which shall however cease if the member ceases to be a bonafide student.

- (iii) **COUNCILLOR MEMBER** : Any person appointed as a Council member, who is not a member of CHEA, shall be deemed to be a Councillor Member without payment of any subscription. Such Councillor Membership of CHEA shall however cease if the member ceases to be a member of the Council.

6. TERMINATION OF MEMBERSHIP

- (a) Membership of the CHEA shall cease if the member becomes of unsound mind, become insolvent or is convicted by a competent court of any criminal offence involving moral turpitude

- (b) If a member is in arrears of membership dues for more than one year, then his name may be struck off the rolls by the Council.

Members in arrears shall have no right of vote and will stand suspended from other rights and privileges of membership.

- (c) Membership of the CHEA shall be subject to the approval of the Council, which shall have the power to remove any member not found suitable in the interests of CHEA.

- (d) A member may at any time, after paying all dues and all arrears, withdraw his membership from the CHEA by giving written notice to the Council at least one month prior to the date of withdrawal, but shall have no right to claim any refund of donations, fees or subscriptions paid.

7. BODIES OF THE ASSOCIATION

There shall be a **General Body** consisting of all voting members of the CHEA, and a **Council** consisting of 12-14 members, to manage and administer its affairs. The five office bearers of the Council namely, Chairman, Vice Chairman, Secretary, Two Joint Secretaries and additionally the Executive Director shall form an **Executive Committee** to oversee the regular functioning of the CHEA on behalf of the Council.

8. GENERAL BODY

- (a) **Composition:** The General Body of the CHEA shall consist of all the voting members of the CHEA.
- (b) **Meetings (General And Special)**
 - (i) The Council may call General Meetings, and shall call a General Meeting with all convenient speed on receiving a requisition stating an agenda and signed by at least one-fourth of the total number of the voting members on roll.
 - (ii) The General Body shall meet as and when called for special purposes in accordance with the provisions of this Constitution.
 - (iii) The Chairman shall preside at General Body Meetings and conduct the proceedings. In his absence the Vice Chairman will preside and in his absence also, the Council will nominate one of its members to preside.
 - (iv) Except where otherwise provided, decisions at General Body Meetings shall be taken by a simple majority of votes cast, every voting member having one vote. In the event of a tie in voting the Chairman may exercise, in addition, a casting vote.
 - (v) A Voting Member of the Association may cast his vote by proxy at General Body Meetings in the following manner:
 - That the member fills up and signs a proxy vote form in the presence of a witness clearly mentioning his own name and the name of any member of the CHEA whom he

wishes to authorise to vote on his behalf, and in turn the proxy vote form is signed by the witness who shall state his full name and address. In addition the stamp duty prescribed by law must also be duly affixed to the proxy voteform.

However, proxies will not count for purposes of quorum.

(c) Period Of Notice Of Meetings

At least 30 days advance written notice under the signature of the Secretary shall be given to the voting members of all General Meetings, and this notice shall state all necessary details including time, place and date of the General Meeting.

(d) Quorum

Twenty voting members present in person shall constitute a quorum for General Meetings.

Provided that if there is no quorum within half an hour of the time fixed for the commencement of the General Meeting, then it will be adjourned for one hour before re- convening and such Adjourned General Meeting shall require no quorum.

(e) Special Annual Meeting

The General Body shall meet at least once every year in an Annual General Meeting of the CHEA to be held preferably in the month of October or November.

(f) Functions Of The General Body

- (i) The business of the General Body shall be transacted at its duly convened meetings except for electing the elective Council members by postal ballot.
- (ii) The General Body shall appoint the Auditors of the CHEA for a term of one year and fix their remuneration.
- (iii) The General Body shall receive and may discuss and by vote pass the audited accounts and Auditors Report at the Annual General Meeting.
- (iv) The General Body by vote may amend this Constitution in accordance with the procedure laid down herein.
- (v) The General Body may discuss and direct the general policies of the CHEA.

- (vi) The General Body may discuss any other matter with the permission of the Chair, for which due and sufficient notice has been given to the Council.

9. COUNCIL

(a) Composition

Any person who has been member of the Council for three consecutive terms, or part thereof, shall not be eligible to be elected/ appointed/ co-opted for a fourth consecutive term. However, after a "cooling off" period of one term such person shall again become eligible to be a member of the Council.

Subject to the above provisions, the Council shall consist of 12-14 persons and shall be constituted as follows:-

- (i) The Council will hold office for a fixed term of THREE YEARS commencing from 01 October of the year of its constitution, upto 30 September of the year when its term is to expire, before which all processes for its reconstitution must be completed in a timely, systematic and transparent manner.

It shall be the prime duty of each Council to ensure that its successor Council is fully formed before expiry of its term.

- (ii) In May/ June of the year when the term of the Council is scheduled to expire, it shall appoint an eminent member of CHEA, preferably based at Nainital, as the RETURNING OFFICER. Such Returning officer shall become ineligible for becoming a member of the incoming Council.
- (iii) FOUR voting members of CHEA will be elected as incoming Members of the incoming Council, by the voting members through open election by secret postal ballot conducted by the Returning Officer through the CHEA office. The Council may frame election rules for this purpose as a Bye- Law. This election should be completed by 01 September.
- (iv) FOUR Members of the incoming Council will be elected by the current Council by a 2/3rd majority of members present and voting, from amongst good professionals in the relevant fields of environmental science, ecology and eco-development, and such persons need not be members of CHEA at the time of election. If possible, one or more ladies should be elected. This election should be completed by 01 September, and the result notified to the Returning Officer.

- (v) On a pre- determined date fixed and notified in the election schedule by the Returning Officer, he will convene a meeting of the eight incoming electees, elected vide clauses (iii) and (iv) above.

At such meeting the incoming electees, by a two- thirds majority of electees present and voting, will further co- opt FOUR persons of good standing in civil society, including academicians, scientists, doctors, social activists, or any other eminent person, as incoming Members of the incoming Council, and such co- opted members need not be members of CHEA at the time of their co- option. If possible, one or more ladies should be co- opted.

- (vi) On a later predetermined date fixed and notified in the election schedule by the Returning Officer, he will convene a meeting of the incoming Members of the incoming Council, constituted vide clauses (iii), (iv), and (v) above.

At such meeting the incoming Members will elect from amongst themselves the incoming Chairman and incoming Vice Chairman, by a two- thirds majority of Members present and voting.

The incoming Chairman, with the approval of the incoming Council, will then nominate the incoming Secretary from amongst the ten remaining members.

The incoming Chairman, in consultation with the incoming Secretary and with the approval of the incoming Council, will nominate two incoming Joint Secretaries from amongst the nine remaining members.

- (vii) The above processes should be completed latest by 30 September.

The Returning officer will certify this complete list of the incoming Council including incoming officer bearers, and submit it to the current Council, with a copy to all voting members of CHEA. The Returning Officer will then demit office.

- (viii) With effect from 01 October, the incoming Council so constituted will assume office for a term of three years as the Council of CHEA.

If possible, a meeting of the Council should be held on 01 October itself.

- (ix) The Council may later co- opt by a two- thirds majority of members present and voting, upto two more persons who in the opinion of the Council would be of great use to it and to CHEA, as Members of the Council for the remainder of its term.

(b) Meetings Of The Council (General And Special)

- (i) The Council shall hold at least THREE meetings in a year, one of which will be held normally in March or April at the commencement of the field season, one in mid-season, and one in October or November towards the close of the field season.
- (ii) The Chairman, through the Secretary, may call meetings of the Council and shall call a meeting of the Council on receipt of a requisition stating an Agenda and signed by at least three Council members, and every notice calling a meeting of the Council shall state the agenda, date, time and place at which such meeting will be held.
- (iii) Every meeting of the Council shall be presided over by the Chairman, in his absence by the Vice Chairman, and in his absence also, by a member chosen to preside for the occasion by the members present at the meeting from amongst themselves.
- (iv) Except where otherwise provided, any business which it may be necessary for the Council to perform, may be carried out by circulation of papers amongst all its members, and any resolution so circulated and approved by a majority of the members shall be as effectual and binding as if such resolution had been passed at a meeting of the Council, provided that at least 8 members have recorded their views on the resolution.
- (v) After giving notice of one clear week or with the permission of the Chairman, a Member can move resolutions at a meeting of the Council.
- (vi) The Secretary shall keep a record of the proceedings of the Council and a copy thereof may be sent to members of the Council.
- (vii) Matters requiring approval of the major funding agencies of the Government or non-official funding agencies shall be submitted to them by the Secretary on behalf of the Council, giving full exposition thereof.
- (viii) The Members of the Council and of any Committee appointed by the Council shall be entitled to such travelling and daily allowances in respect of the journeys undertaken to attend the Meetings in connection with the

business of the Committee or the Council, as may be provided in the rules. Till such time as rules are framed, the rules applicable to Kumaon University shall prevail. No other remuneration shall be payable to the members of the Council or Committee for discharging such membership.

- (ix) A member of the Council may record a minute of dissent if he dissents from his colleagues, and such minute of dissent will form part of the record of the meeting.

(c) Period Of Notice

At least fifteen days advance written notice shall be given to all members of the Council, of all Council Meetings.

Provided that the Chairman may in emergent cases, for reasons to be recorded in writing, convene meetings of the Council at shorter notice.

(d) Quorum In Meetings

- (i) Five members of the Council present in person shall constitute a quorum.
- (ii) Each member of the Council including the Chairman shall have one vote.
- (iii) Except where otherwise prescribed, decisions will be taken by majority vote, of the members present and voting
- (iv) If there is an equality of votes on any question to be decided by the Council, the Chairman shall, in addition, have a casting vote.

(e) Filling Of Vacancies

Any vacancy in the Council may be filled by nomination by the Council for the remainder of the term, by a two thirds majority of the members present and voting.

(f) Functions Of The Council

- (i) The superintendence, control, direction and management of the affairs of the CHEA shall, subject to law and this Constitution, be vested in the Council, which shall for the purposes of the Societies Registration Act be the body in which the entire properties of the CHEA are vested.
- (ii) The Council has the sole power to admit voting members and it shall have powers of the management of all the affairs, properties and funds of CHEA.

(iii) The Council is charged with the responsibility of taking actions to realise the Aims and Objectives of CHEA as expressed in its memorandum.

(iv) The Council may appoint subordinate Committees or subcommittees for any purpose within its competence, frame rules for the functioning of such subordinate authorities, and delegate functions and powers to them.

Provided that the five office bearers of the Council, namely, Chairman, Vice Chairman, Secretary, two Joint Secretaries, and additionally the Executive Director will form an Executive Committee to oversee the functioning of CHEA on a regular basis. The Executive Committee will regulate its own functioning, but all its decisions will be placed before the Council for ratification.

(v) The Council may create positions of all categories for conducting the affairs of the CHEA, fix the amount of their remuneration and define their duties,

Provided that a full time Executive Director will be appointed to run the Central Office of CHEA and to oversee projects on a day to day basis.

(vi) The Council may frame rules and regulations consistent with law and this Constitution, and alter, amend and rescind them from time to time for the administration and management of the affairs of the CHEA.

Without prejudice to the generality of the foregoing provisions such rules and regulations may provide for the following matters:

- The preparation and sanction of budget estimates, making and execution of contracts, the investment of the funds of CHEA and the sale or alteration of such investments, and accounts and audit.
- Procedure for appointment of the officers and the staff of CHEA.
- The term and tenure of appointment, emoluments, allowances, rules of discipline and other conditions of service of the officers and staff of CHEA.
- Terms and conditions governing courses, scholarships, refresher / summer schools, research schemes and projects, and usage of the library.
- Such other matters as may be necessary for the

furtherance of the objectives and the proper administration of the affairs of CHEA.

- (vii) The Council may delegate to the Executive Director or any of its members and /or any other officer or authority of the CHEA such administrative and financial powers and impose such duties as it deems proper and also prescribe limitations within which their powers and duties are to be exercised or discharged.
- (viii) The Council shall plan the requirements and allocation of financial resources on a long term and short term basis.
- (ix) The Council shall perform such functions as are required of it under law and this Constitution and it shall have all necessary powers for this purpose.

(g) Tenure

- (i) The term of the Members of the Council shall ordinarily be THREE YEARS, w.e.f. 01 October of the year of election, upto 30 September of the year in which its term is to expire.
- (ii) The Chairman may resign his office by a letter addressed to the Council and the resignation shall take effect from the date it is accepted by the Council.
- (iii) A member may resign his office by a letter addressed to the Chairman and such resignation shall take effect from the date it is accepted by the Chairman.
- (iv) A member of the Council shall cease to be such member if he resigns as above, becomes of unsound mind, becomes insolvent or is convicted of a criminal offence involving moral turpitude,

If he is convicted of any offence in connection with the formation, promotion, management or conduct of the affairs of a society or of a body corporate,

If he does not attend any meetings of the Council held in a full calendar year, even if he has sought proper leave of the Chairman for any or all these meetings,

If he accepts a fulltime appointment in the CHEA.

10. DUTIES AND POWERS OF THE OFFICE BEARERS AND MEMBERS OF THE COUNCIL

Subject to the overall and overarching general control of the Council jointly, the office bearers/ members will perform the following functions:

(a) Functions Of The Chairman

The Chairman will be the “first among equals” and he/she will

- (i) Provide leadership, counsel and guidance to the CHEA, to the Council and to his colleagues,
- (ii) Take steps for the promotion of the objectives of CHEA, and for the raising of funds for the advancement of these objectives,
- (iii) Ensure that the decisions of the Council and the General Body are implemented,
- (iv) Establish and maintain contacts with Government authorities, other institutions, organisations and individuals in order to promote the aims of CHEA,
- (v) Preside over and conduct the meetings of the General Body and the Council,
- (vi) Exercise such special powers as may be conferred upon him by the Council in the interest of the working of CHEA,
- (vii) Perform other functions as required under law and this Constitution, or as may be delegated to him/ her by the Council.

(b) Functions Of The Vice Chairman

The Vice Chairman will:

- (i) Perform the duties and functions of the Chairman in his/ her absence,
- (ii) Remain in contact with the Chairman and assist him/ her in the discharge of his/ her duties,
- (iii) Assist in initiating, formulating and executing policies of CHEA,
- (iv) Advance the aims and objectives of CHEA,
- (v) Perform other functions as may be delegated to him/ her by the Council or the Chairman, or required under law and this Constitution.

(c) Functions Of The Secretary

The Secretary shall be the Chief Executive Officer of CHEA, and in cooperation/ consultation with the Executive Committee generally and the Chairman in particular he/ she will:

- (i) Supervise, monitor and oversee the regular activities of CHEA and of special projects being undertaken by it or under its aegis,
- (ii) Remain in overall charge of the central office of CHEA,

- (iii) On behalf of the Council, function as the custodian of the moveable and immoveable properties of CHEA,
- (iv) Be the reporting authority for the full time Executive Director of CHEA,
- (v) Administer and regulate the field activities, training programmes, stores, library and reading room/s of CHEA,
- (vi) Publish the publications and literature issued by CHEA,
- (vii) Cause to be maintained :
 - Ø Updated Registers of Membership,
 - Ø Proper books of Accounts,
 - Ø Record of business transacted at General Meetings and by the Council,
 - Ø Record of outstanding dues
 - Ø Records of the properties of CHEA, both moveable and immoveable
 - Ø Other Registers, forms and documents as may be required,
- (viii) Inform the Registrar of Societies of all matters which, under law, require to be communicated to him, and take timely action/ follow up for renewal of the Certificate of Registration of CHEA,
- (ix) Submit timely FCRA returns, and Income Tax returns annually to the appropriate authorities, and take necessary and timely steps for renewal of tax exemption certificates,
- (x) Ensure annual audit of CHEA and project accounts,
- (xi) Prepare the Annual Report and an Annual Budget for the consideration of the Council, incur expenditure sanctioned by the Council and ensure prudent financial planning for future needs, with estimates of income and expenditure,
- (xii) Exercise disciplinary control over the staff, subject to rules,
- (xiii) Establish contacts with Government, other organisations, and individuals in order to promote the objectives of CHEA.
- (xiv) Give effect to the decisions of the General Body and the Council,
- (xv) Sign vakalatnamas, appoint advocates and legal and financial advisors, file and defend suits, submit papers in courts and before other judicial authorities on behalf of CHEA, with the approval of the Council,
- (xvi) Coordinate the various activities of CHEA, and ensure its harmonious functioning,

(xvii) Perform other functions as may be delegated by the Council, the Executive Committee and the Chairman, or required under the law and this Constitution,

(xviii) Exercise all powers necessary for the proper discharge of his duties and functions.

(d) Functions Of The Joint Secretaries

The Joint Secretaries will:

- (i) Remain in regular contact with the Secretary and actively assist him/ her in the performance of his/ her duties,
- (ii) Perform the functions, and carry on the current duties of the Secretary in his/ her absence,
- (iii) In consultation with the Secretary, take primary responsibility for selected activities of CHEA or as may be assigned to them,
- (iv) Maintain regular contacts with the membership of CHEA, and take initiatives in consultation with the Chairman and the Secretary, to organise talks, slide shows, and field trips, seminars and other activities for members and friends of CHEA,
- (v) Maintain regular contacts with the print and electronic media in order to promote the ideals, aims and objectives of CHEA,
- (vi) Perform other functions as delegated by the bodies of CHEA and the Secretary, or required under law and this Constitution.

(e) Functions Of The Members Of The Council

All the members of the Council, including the above mentioned office bearers will:

- (i) Take steps for the advancement of the aims and purposes of CHEA,
- (ii) Propagate by example the ideals of CHEA,
- (iii) Assist in collection of news, suggestions and information of interest,
- (iv) Assist the various office bearers in the performance of their duties,
- (v) Perform other functions as may be delegated to them, or required under law and this Constitution.

11. AMENDMENTS OF THE CONSTITUTION OF THE ASSOCIATION.

- (a) An amendment to this Constitution may be initiated only by the Council. Proposed amendments if approved by an absolute majority of the total membership of the Council shall be

forwarded to a Special General Meeting for consideration, and detailed general notice of the proposed amendments shall be issued to all members of the General Body.

- (b) The General Body, after due consideration at the Special General Meeting, shall by vote either wholly accept or wholly reject the amendments proposed by the Council, without alteration.
- (c) Proposed amendments shall require to be passed by a three fifths majority of the votes cast at the Special General Meeting.
- (d) In the event of a proposed amendment being duly passed this Constitution shall forthwith stand amended accordingly.
- (e) The Registrar of Societies, Uttaranchal, shall be duly informed of all amendments to this Constitution.
- (f) Amendments to the Memorandum of Association shall be as herein and also in accordance with the further provisions of the Societies Registration Act.

12 . FUNDS OF THE ASSOCIATION (BOOKS OF ACCOUNTS.

- (a) The funds of the Association received as block grant shall be utilized solely for the realization of the objectives of the CHEA.
- (b) The income and property of the CHEA, howsoever derived, shall be applied towards the promotion of its objects, subject to such conditions or limitations as the Council may impose from time to time. No part of the income and property of the CHEA shall be paid or transferred directly or indirectly by way of dividends, bonus or other profit to the persons who are or at any time have been members of the CHEA or Council or to any persons claiming through them, provided that nothing contained here shall prevent the payment, in good faith, of remuneration, honoraria or perquisites to any member or other persons in return for any service rendered to the CHEA or for travelling allowance, halting or other similar charges.
- (c) The Council shall maintain or cause to be maintained necessary books of accounts of income and expenditure, and shall prepare annually :
 - (i) A balance sheet containing a summary of the properties, assets and liabilities of the CHEA and financial statement for the previous financial year;
 - (ii) Budget estimates of the probable income and expenditure for the ensuing financial year and;

- (iii) A report of the working of the CHEA for the previous financial year, for presentation at the Annual General Meeting of the CHEA and for submission to funding agencies or Government, certified by the duly appointed Auditors of the CHEA together with their audit report.
- (d) The CHEA shall open accounts with, and deposit funds (except such sums as may be required for current expenses) in any scheduled bank.

The signatories and manner of operation of such accounts will be as decided by the Council from time to time

13. AUDIT OF INCOME AND EXPENDITURE OF THE ASSOCIATION

There shall be an audit at the end of every financial year which shall be from the 1st of April up to the next 31st of March of the next following year. The accounts of the CHEA as also the balance sheet and annual financial statement shall be audited by the duly appointed Auditors of the CHEA.

14. RESPONSIBILITIES OF LEGAL ACTION BY OR AGAINST THE ASSOCIATION AND LEGAL PROVISIONS.

(a) Suits

The CHEA shall sue or be sued in the name of the Secretary, and the Courts at Nainital shall have jurisdiction.

(b) Non-Invalidation Of Bonafide Acts

The CHEA and its subordinate authorities shall function notwithstanding any vacancy in any office or inadvertent defect in the appointment or nomination of any of its members, and no proceeding or act shall be invalidated for the above reasons or because of non- receipt of notice duly sent in good faith, by any member.

(c) Contracts

- (i) All contracts for and on behalf of the CHEA shall be expressed to be made in the name of the Secretary and shall be executed by the Secretary and one other member appointed by the Council by a resolution in that behalf.
- (ii) No contract for the sale or purchase or supply of any goods or material shall be made or financial agreement entered into for and on behalf of the CHEA with any member of the CHEA Council, or the Executive Director, or their relatives, a firm in which such member, Executive Director or their relatives, is a partner or shareholder, or any other

partner in such a firm, or a private company of which the member or Executive Director is a member or Director.

15. RECORDS OF THE ASSOCIATION

The CHEA shall maintain or cause to be maintained all such Registers, forms, and documents as may be required or necessary, including:

- (a) The CHEA shall maintain a Register of Membership containing a record of the names, addresses, dates of election or admission, photographs and signatures of voting members and other members in token of formal admission to the CHEA. If a member of the CHEA changes his address, he shall notify his new address to the Secretary who shall then enter his new address in the Roll of Members. But if he fails to notify his new address, the one given in the roll of Members shall be deemed to be his address.
- (b) Record of proceedings of the General Body and the Governing Council.
- (c) Register of staff.
- (d) All necessary financial registers and records, Cash Book etc.
- (e) Registers of moveable and immoveable properties including Stock Registers.

16. DISSOLUTION OF THE ASSOCIATION AND DISPOSAL OF ASSETS AND PROPERTIES

In the event of the dissolution of the CHEA in accordance with the Societies Registration Act, Sections 13 and 14, or its becoming defunct, its assets and properties remaining after meeting all its liabilities and obligations shall stand transferred to the Kumaun University, Nainital.

17. MISCELLANEOUS

(a) The Logo

The logo of CHEA is two oak leaves and an acorn in front of twin peaks, with the full name of CHEA written around, and the abbreviation "CHEA" written underneath.

(b) The Colours

The colours of CHEA are

- Blue, representing the Himalayan skies,
- White, representing the snow clad Himalaya,
- Green, representing the Himalayan meadows and forests,
- Brown, representing the land and its fauna,
- Blue, now representing the life giving rivers flowing from the mountains.

BYE LAW 1: ELECTION RULES

Framed by the Council under Article 9 (a) (iii) read with Article 9 (f) (vi) of the CHEA Constitution.

- RULE 1.** A RETURNING OFFICER, appointed by the Council under **Article 9 (a) (ii)** of the CHEA Constitution will oversee/ coordinate the entire process of constituting the incoming Council whenever elections become due .
Such Returning Officer shall not be a sitting member of the Council, or full time employee of CHEA.
The decision of the Returning Officer on any matter concerning these Rules will be final and binding.
- RULE 2.** The Returning Officer may appoint a maximum of two voting members as SCRUTINEERS to assist him/ her in performing his/ her duties.
- ◆ The Scrutineers shall not be sitting members of the Council, candidates for election/ cooption/ appointment to the incoming Council, or full time employees of CHEA.
 - ◆ The term of the Scrutineers will be co- terminus with the term of the Returning Officer.
 - ◆ In case the Returning Officer himself / herself is unavoidably absent for any event, a Scrutineer will perform his/ her duties
- RULE 3.** The CHEA office shall extend all possible help and courtesies to the Returning Officer/ Scrutineers to enable them to perform their duties.
- RULE 4.** The Returning Officer will commence the process of constituting the incoming Council by issuing an "ELECTION SCHEDULE" and a " CALL for NOMINATIONS " to all voting members of CHEA.
- RULE 5.** The Election Schedule will indicate the following :-
- ◆ Date for posting/ issue of the " Call for Nominations",
 - ◆ Last date/ time for receiving Nomination Forms at the CHEA Office, which may also be sent by e-mail,
 - ◆ Date/ time for scrutiny of nominations,
 - ◆ Last date/ time for withdrawal of candidature,
 - ◆ Last date for posting/ issue of Postal Ballots and electoral instructions to all the voting members,
 - ◆ Last date / time for receipt of post- voting postal ballots from the voting members,
 - ◆ Date/ time for counting of postal ballots received in time,

and declaration of the electoral results,

- ◆ That the last date for the sitting Council to inform the Returning Officer of the names, addresses and contact details of the FOUR persons elected by it to the incoming Council under Article 9 (a) (iv) is 01 September, as prescribed by the CHEA constitution,
- ◆ Date/time/venue of the Co-option Meeting of the incoming eight members of the incoming Council, elected vide Article 9 (a) (iii) and Article 9 (a) (iv), to additionally co-opt four incoming members in accordance with Article 9 (a) (v),
- ◆ Date/ time/ venue of the Meeting of all the twelve elected/ co-opted incoming members of the incoming Council, to elect FIVE office bearers from amongst themselves, in accordance with Article 9 (a) (vi),

Note:- There should be a reasonably sufficient time gap between the Co- option Meeting as above, and this subsequent Meeting, to enable any outstation co- optee/s to take notice of the meeting, and attend it if so desired,

- ◆ Date for the Returning Officer to issue his certified list of the fully formed incoming Council to the sitting Council, and to all voting members,

Note:- The last date prescribed by the CHEA constitution is 30 September,

- ◆ Date/ time/ venue/ brief Agenda of the first Meeting of the newly reconstituted Council

Note 1: The preference expressed in Article 9 (a) (viii) to be taken into account,

Note 2: The pre- circulated brief Agenda may include

(a) Taking charge of CHEA (b) Appropriate revision of Bank Mandate/s (c) Certified List of the Council signed by the members, and countersigned by the outgoing members of the Council, for submission to the Registrar of Societies (d) Calling the next Annual General Meeting (e) Any other matter with the permission of the Chair,

RULE 6. All the voting members of CHEA, and especially the various electees /co-optees will take careful note of the Election Schedule, as the Returning Officer shall not be required to issue separate written notice/s of the various meetings to them, and it is for the concerned persons themselves to comply with this Schedule.

RULE 7. The "Call for Nominations" may be issued along with the Election

Schedule, or at a later date, and will consist of the following:-

- ◆ A letter from the Returning Officer calling on the voting members to nominate candidates of their choice for election to the incoming Council, under Article 9 (a) (iii), specifying that FOUR voting members are to be directly elected to the new, incoming Council,
- ◆ One copy of a blank Nomination Form.

RULE 8. Only voting members with no outstanding membership dues will be eligible to nominate candidate/s, to second, to vote and to be candidates for election under Article 9 (a) (iii).

RULE 9. Every nomination form duly proposed and seconded by voting members, accepted by the candidate himself / herself, AND ACCOMPANIED BY A SHORT CURRICULUM VITAE (CV) of the candidate, should be received at the CHEA office by the last date/ time for receipt of nominations including by e-mail. Any nomination form not received as above shall be rejected by the Returning Officer who will record his reasons in writing.

RULE 10. On the date/ time fixed for this purpose, the Returning Officer will scrutinize the nominations received.

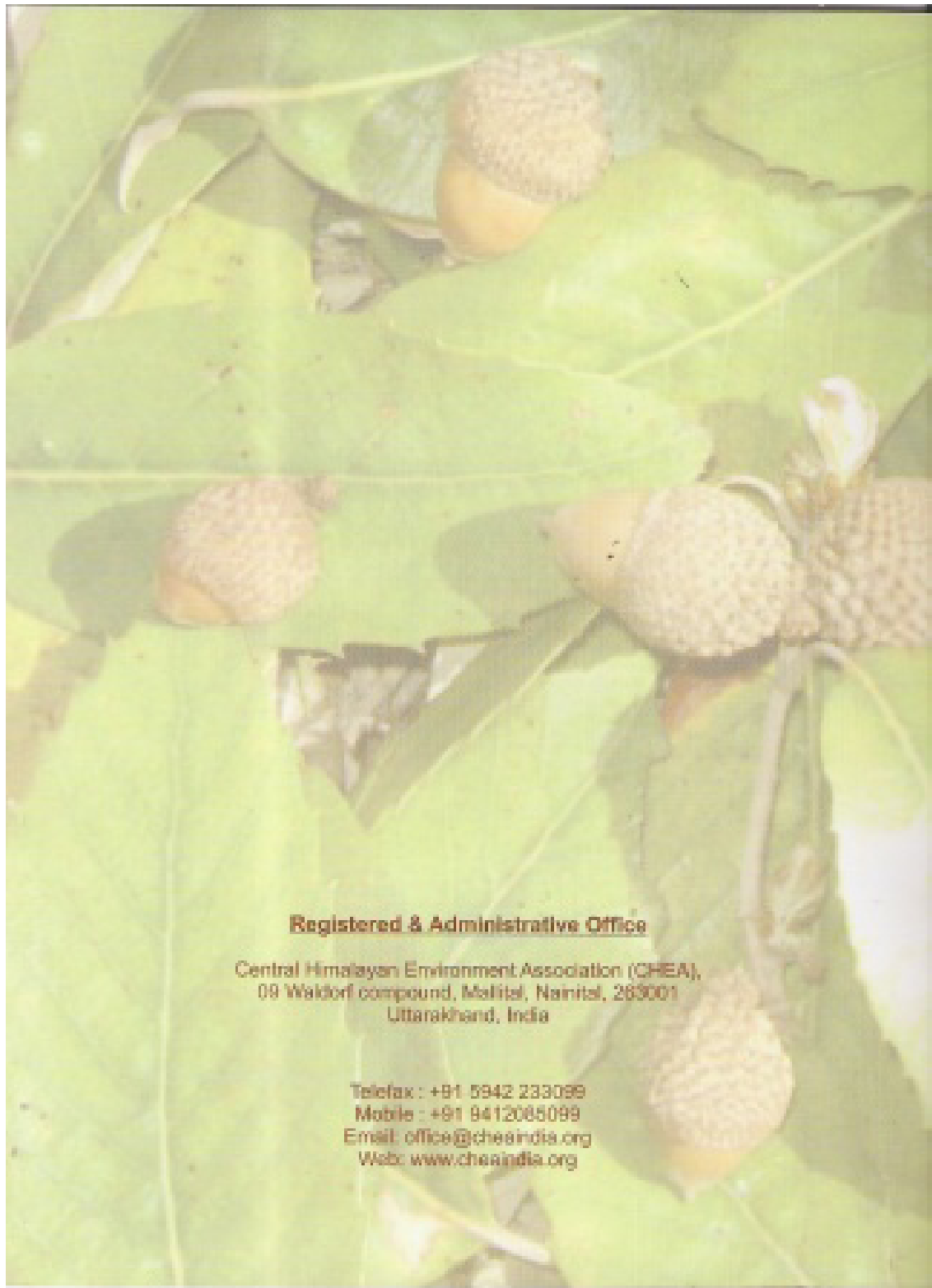
In case four or less valid nominations remain at the close of the time for withdrawal of candidature, the Returning Officer will dispense with the balloting process given below, and will declare all such candidates as duly elected as incoming electees to the incoming Council. Any remaining vacancy, if any, will remain vacant and may be filled by the incoming Council, after it assumes office, in accordance with the provisions of Article 9 (e).

RULE 11. In case more than four valid nominations remain at the close of the time for withdrawal of candidature, the Returning Officer will issue to each voting member, at his last known address, an authenticated POSTAL BALLOT PAPER, giving the names of all the eligible candidates, another paper giving their collated "CVs", an OFFICIAL ENVELOPE to enclose and return the completed ballot paper to ensure secrecy of vote, and a pre-stamped/ pre addressed POSTAL ENVELOPE to enclose and return the official envelope.

RULE 12. A member may vote for a MAXIMUM of FOUR candidates by marking the authenticated postal ballot paper appropriately, and should return this postal ballot paper only in the official envelope after properly sealing it, and further placing this inside the postal envelope

The postal envelope should be appropriately signed in full by the respective member, also giving his full name / address in the appropriate columns.

- RULE 13.** Ballot papers sealed in the official envelope and further enclosed in the postal envelope, may be returned by post, or by registered post/ speed post/ courier at the additional expenses of the member concerned, or by deposit in a locked and sealed box kept for this purpose at the CHEA office, and should be received at the CHEA office by the last date/ time as indicated in the Election Schedule. Any ballot paper not received as above shall be rejected by the Returning Officer, who will record his reasons in writing.
- RULE 14.** On the counting day, the Returning Officer, in the presence of candidates and / or ONE authorised representative of each candidate, will first confirm the signature of each member on each returned postal envelope.
- ◆ The enclosed official envelope would then be drawn out and separated from each postal envelope.
 - ◆ After mixing the official envelopes, the enclosed postal ballot papers would be drawn out, unfolded and votes for each candidate would be counted.
- RULE 15.** The FOUR candidates receiving the highest number of votes cast shall be declared by the Returning Officer as incoming electees to the incoming Council under Article 9 (a) (iii).
In case two or more candidates with the least votes, receive the same number of votes, a draw of lots will decide the incoming electee.
- RULE 16.** The Returning Officer will preside as non voting Convenor, at the various subsequent meetings to be held according to the Election Schedule till the incoming Council is fully constituted.
- RULE 17.** The above processes should be completed by the date/s indicated in the election schedule.
- ◆ The Returning Officer will, by 30 September, certify this complete list of the incoming Council, and submit it to the sitting Council, with a copy to all voting members of CHEA.
 - ◆ The Returning Officer and Scrutineers will then automatically demit office.
- RULE 18.** With effect from 01 October, the incoming Council so constituted will assume office for a term of three years, upto 30 September of the year of reconstitution.
- RULE 19.** These Election Rules will be read along with, and subordinate to, the various electoral provisions in the CHEA Constitution.



Registered & Administrative Office

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