

Kerala Rural Water supply and Sanitation Agency
Memorandum of Association

1. Name of the Society: The name of the society shall be Kerala Rural Water Supply and Sanitation Agency (hereinafter referred to as “KRWSA”)

2. Location: The KRWSA shall have its head office at Thiruvananthapuram in the State of Kerala and may establish one or more subordinate offices or outlets elsewhere in the state, if required.

3. Address of the society: PTC Towers Thampanoor, Thiruvananthapuram-1.

4. Area of Operation: The area of operation of the society shall be the State of Kerala

5. Principles and Objectives: The KRWSA shall act as an independent and autonomous body to manage the implementation of Rural Water Supply and Environment Sanitation Projects including the World Bank assisted Kerala Rural Water Supply and Environmental Sanitation Project (hereinafter referred to as “ the Project”).

The following are the developmental objectives of the KRWSA:

- 1 To assist the Government of Kerala in improving the quality of rural water supply and environmental sanitation service delivery.
2. To achieve sustainable health and hygiene benefits to the rural population through improvements in water supply and environmental sanitation services.
3. To provide an alternative to the current supply driven delivery mechanism in Kerala and promote sanitation and gender awareness.
4. Offer expertise developed through such implementation as an independent consultant in the areas of sector reform and local, state level, national and international projects.
- 5 To act as a data warehouse of information in the sector and specialize in training and development of water and sanitation sector professionals to suit the needs of the state.
6. To promote the long-term sustainability of the rural water supply and sanitation sector by providing assistance to Government of Kerala to identify and implement an appropriate policy framework and strategic plan.

These objectives will be achieved by and large through:

- a. Phased implementation of appropriate policy and institutional reforms.
- b. Delivery of demand responsive and sustainable service to project communities in selected districts in Kerala State.

6. Components:

The Project has three main components: (A) Institutional Building; (B) Technical Assistance; and (C) Infrastructure Development

Project Component A: Institution Building

A1: KRWSA Operations :consists of the setting up and operation of a Project Management Unit (PMU), three Regional Project Management Units (RPMUs),and Grama Panchayat Support Teams (GPSTs).

A2: Project Management: comprises payment to firms or consultants for project related activities .

A3: Capacity Building: intends to build and improve stakeholders' knowledge, skills, and practices in technical, institutional, financial, and management spheres.

A4: Sector Development: the subcomponents will be implemented under the KRWSA–KWA partnership programme includes setting up of resource centre , Deveopment of Sector Information Management yatem (SIMS) , State water quality surveilliance lab, Technical assistance for state-wide study of water resources, reduction of nonrevenue water in multi GP schemes etc

Project Component B: Technical Assistance

B1: For Intra-GP RWS Schemes The subcomponent will finance staff costs of SOs and GPATs/ engineering consulting firms towards their community support services, community mobilisation, reparation of engineering designs, technical support for the implementation of various components

B2: For Multi-GP Scheme Rehabilitation and Modernisation The subcomponent will finance consultancy and technical support costs for rehabilitating and modernising bulk water supply schemes (by the KWA) and distribution (by the GPs) in the 10–12 multi-GP schemes proposed in line with the new GOI guidelines.

B3: For Sanitation Schemes This sanitation subcomponent provides for consultancy and technical support for the design and implementation support for the community level sanitation activities .

B4: GP Incentive Fund The subcomponent provides for a flexible fund and salary for project assistants positioned in the GP.

Component C: Infrastructure Development

C1: Intra-GP RWS Schemes: The subcomponent will be used mostly for constructing new, rehabilitation small and large piped water supply schemes and ground water recharge activities; under the project GPs

C2: Multi-GP Schemes Rehabilitation and Modernisation Ten–twelve multi-GP schemes are proposed in line with GOI guidelines. Thus, GPs will implement and manage the internal water distribution system, whereas the KWA implements and manages the bulk water supply system from source to the GP entry points, and collects bulk water tariffs from the GPs as determined by GOK.

C3: Sanitation Schemes :This sanitation subcomponent provides for safe disposal of human excreta, safe disposal of solid waste, and safe disposal of liquid waste.

(i) Institution Building:

- (a) setting up of state and district level project institutions and their capacity building in adopting demand responsive approach and participatory processes.
- (b) health, sanitation and hygiene education;
- (c) capacity building of Gram Panchayats, Non-governmental Organizations, Community Based Organizations, and private sector,
- (d) capacity building of Beneficiary Committees to plan, implement schemes and manage service delivery on a sustainable basis; and
- (e) supporting women development initiatives.

(ii) Construction of schemes:

Within the project Grama Panchayats

- (a) construction of new/augmentation/rehabilitation of drinking water schemes,
- (b) drainage schemes,

- (c) household latrines, and
- (d) environmental management and watershed development schemes.
- (iii) State wide sector development:
 - (a) State wide sector development studies and programs
 - (b) Implementation of derived policy to improve the service delivery of institutional players in the rural water supply sector.
 - (c) deleted

7. Scope of work:

The KRWSA, which will initially be responsible for managing the World Bank assisted project, is also empowered to expand its scope of work beyond the project Grama Panchayats to the whole state

8. Functions:

To achieve the above objectives the KRWSA shall carry out the following functions, namely.

- (a) to undertake all activities that may be necessary for the implementation of the projects and in particular for the achievement of the principles and objectives referred to in article 6 above.
- (b) coordination and monitoring of the activities for implementation of the project.
- (c) to hire private consultants for all project related work.
- (d) coordination and management of training programs for KRWSA and others e.g. beneficiary groups, grama Panchayats, Grama Panchayat Action Team, non-governmental organizations (NGOs), consultants etc. and others as may be required.
- (e) to secure active involvement and participation of NGOs committed to the cause of decentralized rural water supply and environmental sanitation.
- (f) To implement, manage and monitor water supply schemes in rural areas through beneficiary committees or user groups.
- (g) to organize conferences, symposia, workshops etc. on matters related to the project;
- (h) to make rules and regulation for the conduct of the affairs of the KRWSA and add or amend, vary or rescind them from time to time;
- (i) to establish its own salary and benefit structure and to employ, retain or dismiss personnel as required in KRWSA and district project management units.
- (j) to accept, make, enclose or otherwise execute cheques, drafts, receipts, bills of exchange or other instruments and securities as required for the conduct of the KRWSA's business;
- (k) to undertake any legal action that may be necessary to ensure the fulfillment of contracts made between the KRWSA and others;
- (l) to enter into contracts;
- (m) to accept or to provide any grant of money, loan securities or property of any kind and to undertake and accept the management of any endowment trust, fund or donation not inconsistent with the objectives of the KRWSA;
- (n) to incur expenditure after drawing up a budget and with due regard for economy and propriety;
- (o) to prepare annual report and accounts of the KRWSA;
- (p) to purchase, hire, take on lease, exchange or otherwise acquire property, movables or immovable and construct, after and maintain any building or buildings as may be necessary for carrying out the objectives of the KRWSA;
- (q) to take all such action and to enter all such actions as may appear necessary or incidental for the achievement of the objectives of the KRWSA;

9. Management:

The management of the affairs of the society shall be vested with the General Body, Governing Council and Executive Director of the society as enshrined in the rules and regulations framed for the purpose

10. Founding Members:

The name, occupation and address of the signatories to the Memoranda of Association are as follows.

1. Mr. Elias George : Secretary to Government, Irrigation & Water Supply
2. Mr. S.M.Vijayanand : Secretary to Government, Local Self Government
3. Dr.K.M.Abraham : Secretary to Government, Finance (Resource)
4. Mr. James Varghese : Executive Director, Kerala Rural Water Supply & Environmental Sanitation Agency (KRWSA)
5. Mr. N.S. Balachandran Nair: Managing Director, Kerala Water Authority
6. Mr. Balagangadharan Nair, : Director, Ground Water Department
7. Dr. K.N. Panicker : Director, Socio-Economic Unit Foundation

11. The society hereby constituted by the founding members has as per the requirement of Rule contained as hereinafter appearing has duly decided upon the first Governing council as follows:

1. Mr. Elias George : Secretary to Government, Irrigation & Water Supply
2. Mr. S.M.Vijayanand : Secretary to Government, Local Self Government
3. Dr. K.M. Abraham : Secretary to Government, Finance (Resources)
4. Mr. James Varghese : Executive Director, Kerala Rural Water Supply & Environmental Sanitation Agency (KRWSA)
5. Mr. N.S. Balachandran Nair: Managing Director, Kerala Water Authority

12. We the several persons whose addresses as given below having associated ourselves for the purpose described in this Memorandum of Association, do hereby subscribe our names to this Memorandum of Association and set out several and respective hands hereunto and form ourselves into a Society, under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 (Act XII of 1955).

1. Mr. Elias George, Secretary to Govt. Irrigation.
2. Mr. S.M.Vijayanand, Secretary to Govt. Local Self Government.
3. Dr. K.M. Abraham, Secretary to Govt. Finance (Resources)
4. Mr. James Varghese, Project Director, Kerala Rural Water Supply & Environmental Sanitation Project.
5. Mr. N.S. Balachandran Nair, Managing Director, Water Authority.
6. Mr. Balagangadharan Nair, Director, Ground Water Department.
7. Dr. K.N. Panicker, Executive Director, Socio Economic Unit Foundation.

DECLARATION

We, the several persons whose address as given below having associated ourselves for the purpose described in this Memorandum of Association, do hereby subscribe our names to this Memorandum of Association and set out several and respective hands hereunto and form ourselves into a society, under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 (Act XII of 1955).

Mr. Elias George.

Mr. S.M.Vijayanand.

Dr. K.M. Abraham

(Signed)

Mr. James Varghese

Mr. N.S. Balachandran Nair.

Dr. K.N. Panicker.

Byelaws

Rules and Regulations of the Kerala Rural Water Supply and Sanitation Agency

1. Name of the Society: The name of the society shall be the “ Kerala Rural Water Supply and Sanitation Agency” (hereinafter referred as KRWSA)

2. Headquarter of the Society: The KRWSA shall have its head office at Thiruvananthapuram in the State of Kerala and may establish subordinate offices or outlets elsewhere in the state, if so required.

3. Address of the Society : PTC Towers, Thampanoor , Thiruvananthapuram-1

4. Short Title: The Rules and Regulations may be called The Rules and Regulations of Kerala Rural Water Supply and Sanitation Agency.

5. Scope and Application:

- (i) These Rules shall extend to all the units and activities of the KRWSA.
- (ii) These Rules shall come into force from the date on which the KRWSA is registered under the Travancore-Cochin Literacy, Scientific and Charitable Societies Registration Act, 1955 (Act XII of 1995).

6. Definitions:

In these rules unless the context otherwise requires

- a) “Chairman” means the Secretary to Government ,Water Resources in Government of Kerala
- b) “Eligible GP/BC” means a Gram Panchayat/ Beneficiary Committee having a need for and willing to share in costs of a water supply and sanitation scheme, which is technically feasible, economically viable and sustainable.
- c) “Executive Director” means the officer appointed by Government of Kerala who will be the member secretary of General body and Governing council of the society and the chief executive officer for projects and programmes implemented by the society
- d. “General Body” means the general body of the society as constituted under the Rules and Regulations.
- e. ”Governing Council” means the Executive Council of the KRWSA as constituted under Rule 11
- f. Local Self-Government” means Local Self-Government Department of Government of Kerala.
- g “Member” means any person admitted to the membership of KRWSA as per rules provided and not resigned or disqualified from membership following due process thereafter.
- h. “Other GP” means the grama panchayaths not selected for project implementations
- i. “President” means the Minister of Water Resources in Government of Kerala.
- J ”Project” means the Kerala Rural Water Supply and Environmental Sanitation Project as formulated by the State Government and includes the project as modified and elaborated by the State Government from time to time on the basis of reviews
- k. “Project GP” means the grama panchayaths wherein the project is implemented by virtue of its selection by KRWSA by following due selection procedure specified in Project appraisal document (PAD) and amended from time to time.
- l. “Secretariat” refers to the Executive Director and the staff of the Society who are responsible for implementation of all the activities of the KRWSA.
- m. “State Government” means the Government of Kerala.

- n. Society “means the Kerala Rural Water Supply and Sanitation Agency registered under the Travancore –Cochin Literacy, Scientific and Charitable Societies Registration Act, 1955 (Act XII of 1995).

7. Membership of the Society:

7.1. The membership of the society of the following members

7.1.1. (deleted)

7.1.2. General Body

The General Body of the KRWSA shall consist of the following members:

1. Minister in charge of Water resources Government of Kerala as President, General body
2. Secretary to Government, Water resources
3. Secretary to Government, Local self Government (Rural)
4. Secretary to Government, Planning Department
5. Secretary to Government, Finance Resources Department
6. Director, CWRDM, Calicut.
7. Managing Director, Kerala Water Authority
8. Director, Ground Water Department
9. Director, Socio Economic Unit Foundation
10. Three Presidents of Project GPs, one of whom shall be a woman to be nominated by the Government.
11. One President of a District Panchayat wherein the project is implemented to be nominated by the Government.
12. Two representatives of NGOs which have acted as SOs in the KRWSA project to be nominated by the Government.
13. Two eminent health and hygiene experts one of whom shall be a woman to be nominated by the Government.
14. The Executive Director KRWSA as Member Secretary
15. In addition, three persons not below the age of 21 years who is in agreement with the aims and objectives of the society as set out in the Memorandum of Association, nominated by Government upon a majority decision of the General Body provided it is duly recommended by the Governing council. Each application for membership should be proposed and seconded by members of the Society

7.2. Loss of Membership:

7.2.1. Termination:

Membership of the society shall ipso facto terminate if a member

1. Ceases to hold the office by virtue of which he was member and his successor to the office shall become such member; or
2. Dies, or permanently leaves India, or
3. Tenders his/her resignation in writing to the society or
4. Is declared insane by a competent authority.

7.2.2. Removal:

Any member may be removed by the General body for good and sufficient cause after an opportunity of hearing is given to the member

8. Roll of Members:

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

9. Change of Address :

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

10. Vacancy:

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

11. Governing Council: The Governing Council shall consist of the following members:

1. Chairman – Secretary to Government, Water Resources (Ex-officio)
2. Executive Director of KRWSA (Ex-officio) –Member Secretary
3. Secretary to Government (Finance – resources) (Ex-officio)
4. Secretary to Government (Local Self Government) (Ex-officio)
5. Managing Director, Kerala Water authority (Ex-officio)
6. One president of a project GP nominated by Government.
7. One representative of an NGO which has acted as Supporting Organization in the KRWSA project nominated by Government.
8. One eminent health and hygiene expert as in clause 7:1:13 duly nominated by Government.

11.1 deleted

11.2 The term of the first Governing Council shall be a period of three years from the date of constitution and the period of membership of nominated members shall be three years unless otherwise specified.

11.3 Deleted

12. Meeting and Proceedings:

a) The General Body of the KRWSA shall ordinarily meet once in every year and the Governing council shall meet at least once in a quarter at Thiruvananthapuram or at such other convenient place as may be fixed by the President and Chairman, respectively. Provided that the Chairperson of the respective committee may whenever he thinks fit, direct the Executive Director to call a special meeting.

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

(c) Every meeting of the General Body of KRWSA shall be presided over by the President and every meeting of the Governing Council shall be presided by the Chairman. In the absence of either in the respective meetings, one of the other members present shall be elected to preside from among themselves.

13. Quorum :

13.1. The quorum at all general or extra-ordinary general body meeting of the society shall be one-third of the total strength of the members.

13.2. The quorum for the meeting of the Governing council shall be three members.

13.3. In case the quorum is not met, an adjournment meeting must be convened by the Executive Director. At such 'adjourned meeting' no quorum shall be necessary and the members present may transact the business for which the meeting was called.

13.4. Should a person who is a member of the KRWSA(ex-officio) is unable to attend a meeting of the General Body or of the Governing council, a substitute to take his place at the meeting may be nominated by him. Such a substitute will be entitled to take part in the proceedings of that meeting for which he has been nominated and will also have the right to vote.

13.5. Each member including the member presiding at the meeting of the General Body or of the Governing council shall have one vote but the presiding member shall also have a casting vote in addition to his vote as a member in case of equality of votes. All the matters shall be decided by a majority of votes.

14. Resolution:

a) A member after giving notice of fifteen days or with the permission of the Chairperson can move resolution at a meeting of the General Body or of the Governing council.

b) Approval for any urgent business by the Governing Body or the Governing council can be conducted by a written resolution among all its members. Any such resolution circulated and approved by a majority of the members recording their consent of such resolution had been passed at the meeting of the Governing Body or the Governing council as the case may be.

c) Proceedings of every meeting signed by the Chairperson shall be properly kept by the Executive Director and shall be read out at its next meeting and confirmed either with or without amendments as the case may be.

15. Minutes :

A copy of the minutes of the proceedings of each meeting of General Body and Governing Council shall be furnished to the General body members and Governing Council members, respectively as soon as possible after the completion of a meeting

16. T.A. Rules:

The Governing council will make rules for traveling and daily allowances in respect of the journeys undertaken by employees, members of the KRWSA or the Governing council, or the committees, sub-committees in connection with the business of the KRWSA or the Governing council

17. Functions and powers of the Governing council:

(i) Subject to the provisions of the Memorandum of Association and the Rules and Regulations, the Governing council shall have the control and management of the business and affairs of the Society and shall have all advisory, executive and financial powers to conduct the affairs of the society through its Executive Director. All the duties, powers, function and rights, whatsoever, consequential and incidental to the carrying of the objectives of the KRWSA shall only be exercised or performed by the Governing Council.

(ii) In particular and without prejudice to the generality of the foregoing provision, the Governing Council may:
(a) make, amend or repeal any by-laws relating to administration and management of the affairs of the KRWSA with the approval of the General Body.

(b) consider and pass the annual budget and the annual action plan, placed before it by the Executive Director from time to time and pass it with such modifications as the Governing council may think fit for placing before the General Body for approval (Whenever there is a deficit in the budget, it will be approved after obtaining, the prior approval of the Government if the deficit is expected to be met by the Government). However, the budget and annual action plan may be deemed approved upon passing by the Governing Council for implementation in case the General Body could not be convened due to any reason.

© accept donations and endowment or give grants upon such terms and conditions as it may think fit;

(d) delegate its powers, other than those of making rules, to the Chairman,

(e) appoint committees, sub committees, expert panels, task force, working or study groups and Boards, etc. for such purpose and on such terms as it may deem fit, and to remove any of them;

(f) create posts of various cadres required for the running of the society and also for the implementation of various projects implemented by the society with the staff pattern as approved by the General Body. However, approval of the Government may be obtained for the creation of posts of the regular staff for the society, whereas it shall have full powers for the creation of posts required for the implementation of various projects;

(g) set policy consistent with the principles and objectives enunciated in the MOA of the KRWSA;

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

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

18. Powers and Duties of Chairman (Governing Council):

18.1. The Principal Secretary/ Secretary to Government, Water Resources Department, Kerala, shall be the Chairman of the Governing Council, KRWSA and shall preside all meetings of the Governing Council

18.1.a. The Minister, Water Resources Department, ,GoK shall be the President of the General Body and shall preside over all meetings of General Body of KRWSA.

18.2. The respective Chairperson may himself call, or by a requisition in writing signed by him, ask the Executive Director to call, a meeting of the general Body or the Governing council at any time and on the receipt of such requisition the Executive Director shall forthwith call such a meeting

18.3. The Chairman, Governing Council will have powers to:

18.3.1. Appoint all categories of professional staff required for the society and to fix their remuneration and to define their powers and duties. However, approval of the Government may be obtained for the creation of posts of regular staff required for the society.

18.3.2 Sanction expenditure above 100 lakh and upto Rs.300 lakhs (Rupees three hundred lakhs) and above that with the approval of the Governing council.

18.3.3. Appoint members of the sub committees with due approval from the Governing council.

18.3.4. Authorize acquisitions by gift, purchase, lease or otherwise any property, movable or immovable, for the purposes of the society and to construct, alter and maintain any building or buildings for purposes of the society all as deemed appropriate by the Governing council.

18.3.5. Authorize investment of the funds of the society in securities and/or to sell or transfer such investments in such a manner as the Governing council may consider for the safety and benefit of the society and to convert or change such investments, as required by the Governing council, subject to the laws applicable.

18.3.6. Such other powers as may be delegated to him by the KRWSA and the Governing Council.

19. Appointment, Powers and Duties of the Executive Director:

19.1. The Executive Director of KRWSA will be appointed by the State Government. The Chairman in consultation with the Governing council, shall have the power to appoint an Executive Director whenever the regular appointee is not in place. The Executive Director shall be the Member Secretary of the Governing council and the General Body.

19.2. The Executive Director will liaise with the State Government, the Government of India and the World Bank and other agencies for any matter pertaining to the day-to-day operation of the KRWSA and its Secretariat.

19.3. The Executive Director will be the Chief Executive of the Society. His remuneration, perquisites or benefits of any nature as well as conditions of work and service shall be determined by the Government on the recommendation of the Governing council. The Executive Director will be supervised by and responsible solely to the Governing council.

19.4. The Executive Director shall have the power to:

19.4.1. Appoint such person or persons as the Governing council may deem fit for the purpose of representing the society and/or the Governing council of the society in any legal or other proceedings to be instituted by or against the society and pay the fee/remuneration thereof, as authorized by the Chairperson.

19.4.2. Secure and accept endowments, grants-in-aid, donations or gift on mutually agreed terms and conditions as also donations from well-wishers and benefactors from abroad and in India as authorized by the Chairperson.

19.4.3. Draw, make, accept, endorse, discount and negotiate Government of India and other agencies, promissory notes, bills of exchanges, cheques and other negotiable instruments.

19.4.4. Sanction expenditure up to ₹.100 lakhs (Rupees one hundred lakhs) at a time. S/he will be competent to hire consultants or procure goods, works or services also up to this limit at a time.

19.4.5. Invest the funds of the society in such securities and/or to sell or transfer such investments in such a manner as the Chairperson/Governing council may consider necessary, for the safety and benefit of the society to convert or change such investments, if required by the Governing council, subject to the laws as applicable.

19.4.6. Take over and acquire by purchase, gift or otherwise, from Government of India, State Governments or any other public bodies, bilateral or international agencies 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 as authorized by the Chairperson/Governing council.

19.4.7. Receive, charge, hire, mortgage, manage properties movable or immovable and sell movable properties in furtherance of the objects of the society with the approval of Governing body

19.4.8. Appoint ministerial staff and supervisory staff for the society and for the projects implemented by the society. However approval of the Government shall be obtained for the creation of regular posts in the society. The Executive Director shall have powers to initiate and finalize disciplinary actions. Terminate the services of any support staff in the interest of the society subject to the laws as applicable and in the case of Directors in the project management unit with the approval of the Governing council.

19.4.9. Negotiate and enter into contract with any other like-minded organizations or persons for promoting or fulfilling objectives of the society.

19.4.10. Perform any of the emergency functions within the competency of the Governing council with the approval of the Chairman, during the interval between meetings of the Governing council where it is expedient to do so and place a report in respect thereof, before the Governing council for its consideration/ratification

19.4.11. The Executive Director shall be responsible for the management of day-to-day affairs of the society. He will have overall responsibility for planning and executing the work of the Secretariat, for supervising the work of the technical units, directing and overseeing implementation through the Secretariat, financial and technical officers. The management and control of the day-to-day administration and control of finances within

sanctioned budgets of the society shall be vested with the Executive Director of the Society. Executive Director shall be responsible for the execution of all policies laid down by the General Body as the case may be and shall attend to statutory requirements imposed on the function.

19.4.12. All documents and proceedings requiring authentication by the society shall be signed by the Executive Director. The Executive Director shall also represent the society in business and legal transactions, shall receive on behalf of the society and disburse all funds of the society and shall sign all necessary documents including bank cheques and other negotiable instruments on behalf of the society, as authorized by the chairperson of the Governing council.

19.4.13. The Executive Director as Member Secretary shall, in consultation with the chairman/President convene the meetings of the Governing council and General Body at stipulated intervals or otherwise.

19.4.14. The bankers of the KRWSA shall be appointed by the Executive Director with the approval of the Governing council. All funds of the KRWSA shall be paid into the KRWSA's account with the said bankers.

19.4.15. The Executive Director shall also perform such functions as may be delegated to him by the KRWSA, Chairperson and or Governing council from time to time.

20. Funds:

1. The funds of the KRWSA shall consist of the following:

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

(b) Income from investment.

(c) Income from other sources.

(d) Grants, donation or assistance of any kind from foreign Government and other concerned agencies with prior approval of the Central Government.

2. There shall also be a 'special fund' which would consist of:

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

b) Such other amount as General Body may decide to divert from the regular fund to the special fund to be used in the manner specified in clause(a)

(3) Deleted.

21. Operation of the Funds and Accounts:

The funds and bank/treasury account of the KRWSA shall be operated jointly by the Executive Director and Finance Director of the KRWSA, who may hereafter, be appointed by the KRWSA

22. Audit:

22.1. The financial year of the Society shall begin on the first day of April and ends on the 31st day of March.

22.2. The Society shall maintain proper accounts and other relevant records as well as documents and prepare annual accounts comprising the receipt and payment of accounts, statement of assets and liabilities and balance sheet.

22.3. The accounts of the KRWSA shall be audited by a Chartered Accountant to be appointed by the Governing council. The nature of the audit to be applied and the detail arrangement to be made in regard to the form of accounts and their maintenance and the presentation of the accounts for audit shall be prescribed by the

bye-laws to be framed by the Governing council. The Auditor shall also submit a report showing the exact state of financial affairs of the KRWSA. The auditor shall certify the copies of the balance sheet and the auditors report and shall be placed for ratification before the General Body.

22.4. The Accountant General shall have powers to conduct a supplementary or test audit of the KRWSA accounts by such person or persons he may authorize in this behalf.

23. Annual Report:

23. An annual report of the proceedings of the Governing council and all work undertaken during the year shall be prepared by the Executive Director. This report and the duly audited annual accounts of the KRWSA shall be placed before the Principal Secretary to the Government (Finance) after duly approved by the Governing council.

The annual report and annual accounts as approved by the Governing council along with the comments of the Principal Secretary to Government (Finance) shall be placed before the General Body before the 30th September of every year. A copy of the Annual report and annual accounts as approved by the General Body may be forwarded to the Government within 30 days.

Within 30 (thirty) days after holding an Annual General Meeting these shall be filed with the Registrar of Cooperative Societies, Kerala along with:

- 1). a list of names, addresses and occupation of the office bearers of the KRWSA,
- 2) an annual report of the previous year. Both the list and the annual report shall be certified by the Chairperson and the Executive Director, and
- (3) a copy of the balance sheet and of the auditors report certified by the auditor.

24. Annual General Body Meeting:

Annual general body meeting of the society shall be held at such time and place as the Executive Director may determine, in consultation with the Chairperson for the following purposes:

- 24.1. Review the progress of the society during the year and suggest improvements/modifications in furtherance of organizational objectives;
- 24.2. Elect members of the Governing council as and when necessary;
- 24.3. Consider and approve accounts and the auditors report therein;
- 24.4. Appoint auditors for the audit of the accounts for the next financial year and fix their remuneration;
- 24.5. Consider and decide the appropriation of surplus/deficit;
- 24.6. Seek advice on any emergency matter related to the functioning of the society, and;
- 24.7. Discuss and approve the programmes for the next financial year.

25. Properties of the KRWSA:

All properties of the KRWSA shall belong to the KRWSA itself.

The income and the property of the KRWSA will only be utilized towards the promotion of the objectives as set forth in the Memorandum of Association of the KRWSA. It will be subject to terms and conditions as the Governing council may impose in respect of expenditure to be incurred from grants sanctioned to the KRWSA from time to time. The KRWSA shall:

- a) seek and receive grants, loans and such other goods and materials as the Government of India/State Government may sanction from time to time;
- b) provide funds to the relevant units of KRWSA for disbursement to public and private sectors;

- (c) organize and arrange for supply of equipment and other inputs to appropriate organizations;
- d) arrange and organize training and infrastructural support to appropriate organizations and individuals;
- e) draw, accept, make endorsements, discount and negotiate with the Government of India and other authorities, promissory notes, bills of exchange, cheques or other negotiable instruments;
- f) invest the funds or the money entrusted to the KRWSA as it deems fit subject to the specific terms of grants received, if any;
- g) purchase, take on lease, accept as gift, construct or otherwise acquire any property, movable or immovable, wherever suitable, which may be necessary;
- h) employ directly or indirectly by grants to other institutions/persons to further the program to be undertaken/supported by the KRWSA;
- i) to enter into contract with any Government or Authority, Local Self Government, Non-Government organization or otherwise to obtain from such Government or Authority, Local Self Government and/or Non-Government organization any rights, privileges, concessions, financing or otherwise that the KRWSA may deem desirable to obtain and carry out, exercise and comply with the agreements, rights, privileges and concessions so required in furtherance of the objects of the KRWSA;
- j) do all other things as may be considered necessary by the KRWSA and may be incidental or conducive to the attainment of its objectives.

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

26. Suits and Proceedings:

The KRWSA may sue or be sued in the name of the KRWSA through its Executive Director.

- a) No suit or proceeding shall abate by reason of any vacancy or change in the holder of the office of the Chairperson, the Executive Director or any office bearer authorized in this behalf
- b) Every decree or order against the KRWSA in any suit or proceeding shall be executable against the property of the KRWSA and not against the person or the property of the Chairperson, the Executive Director or any office bearer.
- (c) Nothing in sub-rule (b) above shall exempt the Chairperson, the Executive Director or office bearer of the KRWSA from any criminal liability under the act or entitle him to claim any contribution from the property of the KRWSA in respect or any fine to be paid by them on conviction by a criminal court

27. Modifications of the Objectives of the KRWSA:

.KRWSA may alter or extend the purpose for which it is established as per the provisions of the Travancore Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 and on the fulfillment of the following conditions:

- b) Governing council submits the proposal for such alteration or extension as aforesaid to the members of the KRWSA in a written or printed report;
- c) Governing council convenes a special General Meeting of the members of the KRWSA according to these Rules for the consideration of the said proposition;
- d) The report is delivered or sent by post to every members of the KRWSA ten clear days prior to such special General Meeting as aforesaid;
- e) The proposal is agreed to by three-fifths of the vote of the members of the KRWSA delivered in person at such special General Meeting as aforesaid; and
- f) The proposal is confirmed by the votes of three-fifths of the members of the KRWSA present at a second special General Meeting convened by the Governing council at an interval of one month after the former meeting.

g)The proposal will take effect from the date on which the Government approves the same or such other dates as decided by them.

28. Modifications of the Rules:

Subject to the provisions of the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955, the Society may amend, add to, alter or delete any of these rules by a resolution passed at a special meeting of the Governing council, duly convened for the purpose and approved at a general body meeting of the Society duly convened for the purpose. Any such amendments, alterations, additions or deletions shall be made only with the prior approval and consent of the Commissioner of Income Tax, Thiruvananthapuram. These Rules or any Rules made by the KRWSA hereafter may be altered or cancelled following due process laid down by the Government. The modified rules will be deemed to have come into force in accordance with the provisions of the Act

29. Bye-laws:

29.The Governing council shall, frame bye-laws not inconsistent with these Rules for the affairs of the KRWSA and may likewise add, amend, alter or rescind any bye-law so framed with approval of the general body.

30. Contracts:

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

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

31. Common Seal:

31.The KRWSA shall have a common seal of such make and design as the Governing council may approve.

32. The State Government can issue directions to the KRWSA on any matter that it deems fit and all such directions shall be binding on KRWSA

33. Notice:

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

34. Records of the society:

34.The KRWSA shall keep in its registered office proper books of accounts, in which should be entered accurately:

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

b)the KRWSA's assets and liabilities.

The other records will be:

- (i) Agenda Register
- (ii) Membership Register.
- (iii) Proceedings Register.
- (iv) Cash Book.
- (v) Records of the employees of the KRWSA.
- (vi) Records of the Accounts and Claims.
- (vii) Stock Register.
- (viii) All other Records required for the proper and systematic running of the society.

35. Dissolution of the KRWSA:

35.1. Subject to the provisions of the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955, the Society may be dissolved by a resolution passed at a special meeting of the general body of the Society duly convened for the purpose and supported by at least three-fifths of the total members of the Society. On such resolution all the assets and liabilities of the Society shall or can be given over to organizations with similar aims and objectives as that of the Society on the recommendations of the Governing council, strictly in accordance with the provisions of the Societies Registration Act or surrendered to the Government. In either case the decision of the Government shall be final

35.2. Nothing contained herein the rules and regulations and notwithstanding the provisions of the laws applicable there would be no attempt to import – expressed or implied, anything repugnant or contrary to the intentions of this Society as expressed in the Memorandum of Association.

We, the following members of the Governing Council, certify that the above is correct copy of the Rules of the KRWSA.

Sl.No. Name and address.

Signature.

1. Mr. Elias George, Chairperson – Secretary to Government
(Irrigation & Water Supply) (Ex-officio)
2. Mr. James Varghese, Executive Director, Rural Water and Sanitation Agency (Ex-officio)
3. Dr. K. M. Abraham, Secretary to Government (Finance-Resources) (Ex-officio)
4. Mr. S. M. Vijayanand, Secretary to Government (Local Self Government) (Ex-officio)
5. Mr. N. S. Balachandran Nair, Managing Director, Kerala Water Authority (Ex-officio)