**RULES / BYE-LAWS OF**

**NAGALAND EKLAVYA MODEL RESIDENTIAL SCHOOLS MANAGEMENT SOCIETY**

**1**. **THE NAME OF THE SOCIETY :** “Nagaland Eklavya Model Residential Schools Management (NEMRSM) Society”.

**2. THE REGISTERED OFFICE** : Directorate of Tribal Affairs, Nagaland, Kohima.

**3. AREA OF OPERATION :** Nagaland State.

**4. AIMS & OBJECTIVES :** The objective of EMRS is to provide quality middle and high level education to ST students in remote areas, not only to enable them to avail of reservation in high and professional educational course and as jobs in government and public and private sectors but also to have access to the best opportunities in education at par with the non ST population.

**5. THE GOVERNING BODY:-**

1. **The Governing Body shall consist of the following members:**

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| 1 | Administrative Head of the Department,Tribal Affairs, Nagaland | Chairman |
| 2 | Administrative Head of the Department,School Education, Nagaland | Member |
| 3 | Administrative Head of the Department,Health & Family Welfare, Nagaland | Member |
| 4 | Additional Secretary/Joint SecretaryTribal Affairs, Nagaland | Member  |
| 5 | Representative from the Ministry of Tribal Affairs not below the rank of Under Secretary  | Member  |
| 6 | Head of the Department, Directorate of Tribal Affairs, Nagaland | Member Secretary |

1. **Functions, Powers and Duties of the Chairman:**

The functions, powers and duties of the Chairman are as follows:-

1. To preside over the meeting at least once a year to review and supervise over the activities of the Society and to regulate the proceedings of the meeting to set out the aims and objects of the Society and shall also permit for discussion (if necessary) any other agenda moved before him by the Members.
2. He/She shall give necessary directions and instructions to the Member Secretary for the proper and smooth working, management, supervision, and administration of the Society.
3. If, in the opinion of the Chairman, any emergency has arisen which require immediate action, he/she can take such action as he deems fit and necessary and
4. Inform the same to the members of the Governing Body and get it ratified in the next meeting in due course.
5. The head of the Society shall be the Chairman of the GoverningBody and will be assisted by Officers from School Education Department, Health & Family Welfare Department, representative from the Ministry of Tribal Affairs not below the rank of Under Secretary and HOD, Directorate of Tribal Affairs, Nagaland.
6. To preside over all the meetings of the Governing Body of which he/she is a member, to take votes, to declare the result of voting, to determine the order in which the several proposals should be laid before the Governing Body and generally to supervise the conduct of business.
7. To supervise, advice and direct all establishments belonging to the Society and Departments under the control of the Society.
8. To grant such scholarship awards, honours and commendation as he/she is empowered by the Society to do so by the condition of the award.
9. To perform such other functions /duties as may, from time to time, be entrusted to him by the Society.
10. In case of any member leaving the station or otherwise being unable to attend to her/his work, the Chairman shall make necessary arrangements for the performance of her/his duties, till the return of the members or till the next meeting of the Governing Body.
11. In addition to powers mentioned above, the Governing Body may by rules, guidelines, instructions etc, delegate additional powers to the Chairman, who may make such further delegation, if considered necessary, to any members/Head of the Department or any officers as deem necessary by him/her.
12. The decision of the Chairman on any question relating to the conduct of business at any meeting shall be final unless it is dissented by 2/3rd of the members present at the meeting. But votes shall not be taken on any such question by the Chairman unless a prior requisition is made in writing by at least 4 (four) members present for such voting.
13. **Member Secretary:**
14. The Member Secretary shall be over-all in charge of the records of the Governing Body and carry out all the correspondence of the Society.
15. He/She shall convene and arrange all the periodical and other meetings of the Society in consultation with the Chairman.
16. He/She shall prepare and present the Annual Report of the Society before the General Body during the meeting.
17. He/She shall maintain a register containing the names and addressed of all the Governing Body Members, Managing Board Members and the School Education Committee Members.
18. He/She shall be responsible for assigning the work of all activities of the Society and shall conduct correspondence on behalf of the Society.
19. Shall keep copies of all official records and documents related to the members of the Society.
20. The Member Secretary shall intimate the agenda/business to the members prior to the meeting.

**6. THE MANAGING BOARD:-**

1. **The Managing Board shall consist of the following:**

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| 1 | Head of the Department, Directorate of Tribal Affairs, Nagaland | Chairman cum-Ex-Officio Chief Executive Officer |
| 2 | Assistant Director/Project Officer,Directorate of Tribal Affairs, Nagaland | Member Secretary |
| 3 | 1(one) NGOs nominated by the State Government | Member |
| 4 | 1(one) NGOs nominated by the State Government | Member |
| 5 | Office Superintendent, Directorate of Tribal Affairs | Treasurer |

1. **Meetings of the Managing Board:-**
2. The meetings of the Board shall be held at least once in three months. The Board shall at least send 7 days notice for such meeting to its members along with agenda notes.
3. The Chairman, however, may call an emergency meeting, at a short notice as deem necessary by him in the interest of the Society duly informing all members of the Managing Board Body.
4. Notice of the meetings of the Board shall be issued by the Member Secretary with the approval of the Chairman at least 7 days before the meeting.
5. **Recording of proceedings of meeting:-**
6. The proceeding of every meeting of the Managing Board shall be duly recorded by the Member Secretary in a proceeding book under the signatures of Chairman and Member Secretary of the Managing Board.
7. The minutes of such meetings shall be communicated to all the Members within 30 days of the said meetings.
8. **Quorum and Notice of General Body Meetings:**
9. The quorum for the Managing Board meeting shall be at least two-third of its members.
10. The Board shall at least send 7 days notice for such meetings to its members along with agenda notes, meeting may be called by serving notice through e-mail or any other mode of communication available.
11. **The powers and function of the Chairman cum-Ex-Officio Chief Executive Officer:**
12. To preside over the periodical/quarterly meetings of the Managing Board and to exercise general supervision over the activities of the Board and to regulate the proceedings of the meeting to set out the aims and objects of the Society and shall also permit for discussion (if necessary) any other subject items moved before him by the Members.
13. He/She shall be treated as the ‘Head of Managing Board’ and shall decide any matter by voice vote of tie. The Chairman -cum -CEO shall convene meeting of the Managing Board in the event of resignation, insolvency or insanity of any members within the period of a week of all or 2/3rd Members of the Managing Board shall be invited for the meeting.
14. Subject to the regulation and the general control and supervision of the Managing Board, the entire executive, administrative and financial authority to manage the affairs of the Managing Board shall vest in the CEO.
15. To carry out day-to-day administration and all affairs of the Managing Board.
16. The Chairman shall have the power to relinquish his/her membership in the event of being absent in 3 consecutive meetings.
17. The CEO may, sanction all expenditure within the budget or as per delegation by the Managing Board in consultation with the Member Secretary and Treasurer and in anticipation of the approval of the Managing Board, incur/sanction all or any such expenditure in case of urgency or otherwise, not covered by the sanctioned budget.
18. **Member Secretary:**
19. The Member Secretary shall be over-all in charge of the records of the Managing Board.
20. Shall keep copies of all official records and documents related to the members of the Society.
21. The proceeding of every meeting of the Managing Board shall be duly recorded by the Member Secretary in a proceeding book under the signatures of Chairman of the Managing Board.
22. The Member Secretary shall intimate the agenda/business to the members of the Managing Board with the approval of the Chairman at least 7 days before the meeting.
23. **Treasurer:**

The Treasurer shall be over all in-charge of the cash transactions and accounts of the Society:

1. He/She shall be responsible for the proper maintenance of the Accounts of the Society i.e. prepare and finalize the Annual Statements of Accounts at the end of every financial year and submit it in the Annual General Body meeting of the Managing Board after its approval from the Managing Board duly audited (along with the Auditor’s report and comments thereof, if any).
2. To keep and update the accounts of the Managing Board on regular basis pertaining to all transactions of money received and paid; and he/she shall be responsible for the proper maintenance of the accounts of the Managing Board and for this purpose, he/she shall record all the receipts/payments of income and expenditure regularly in the cash book and shall placed it before the Managing Board in its next meeting.
3. Shall deal with the Bank(s) and all financial institutions according to the directions of the Managing Board of the Society with the approval of CEO of Managing Board.
4. Shall be responsible for making all collections, receipts or cash/cheque from members of Managing Board as subscription/registration fees, fines, penalties and other payments and receipts of any other financial and non-financial assistance from the Centre or State Government/NGOs/National or International Agencies/Bank Company and any other legal entity or individual and issue receipts thereof on behalf of the Society.
5. The Treasurer may keep cash in hand as prescribed by the Managing Board and deposit the remaining or surplus amount in the bank.
6. **Members of the Managing Board :**
7. The Assistant Director/Project Officer in-charge of EMRS from the Directorate of Tribal Affairs, Nagaland shall be a Member of the Managing Board.
8. 2 (two) recognized NGOs from Nagaland nominated by the State Government shall be Members of the Managing Board. The tenure of the two NGOs as Members in the Managing Board shall be for a period of 3 (three) years (subject to extension on special case).

**7. POWERS AND FUNCTIONS OF THE MANAGING BOARD:**

1. To admit new members and to remove or expel existing members subject to approval of Governing Body of the Society.
2. To raise funds as per provisions of its Bye-Laws and Registration Societies Act (Nagaland Third Amendment), Act, 2008 (Act No. 1 of 2009).
3. To invest funds for furtherance of the objectives of the Society.
4. To appoint salaried or non-salaried officers for the conduct of working of the Society in accordance with the rules framed by Society for the purpose and to define their duties.
5. To institute, defend or compromise legal proceedings etc subject to approval of Managing Board of the Society.
6. To dispose of applications of membership.
7. To maintain true accounts of money received and expended and accounts of the assets and liabilities.
8. To prepare for submissions to the General Body Meeting:-
9. Prepare annual budget and annual report of the Society for approval.
10. Annual works programme for approval.
11. To table Audited Utilization Certificate from all the EMRS for approval.
12. To maintain a register of members up-to-date.
13. To examine and take prompt action in cases of all arrears and defaults of the Society.
14. In general to carry out the management of the Society in accordance with its byelaws.

**8. CESSATION OF MEMBERSHIP:**

1. A member ceases to be a member of the Managing Board, if he/she:-
2. dies or become unsound mind, or declared as bankrupt.
3. is convicted by any Court of Law.
4. willingly resigns from the membership.
5. is absent in 3 consecutive meetings.
6. is removed by the State Government from the membership of the Society.
7. Any member of the Governing Body, Managing Board or the School Education Committee of the Society representing any Department of the State Government shall continue to be such member during the pleasure of the Government.
8. A member can be expelled from the membership of the Managing Board by the Chairman on the advice of Governing Body subject to the subsequent approval of its general body for carrying out activities prejudicial to the interest of the Society or harm/defame the reputation of the Society after affording him/her an opportunity of being heard.
9. A membership of the Governing Body and Managing Board is by designation/post and ceases to be a member in case of transfer or promotion.

**9. THE MANNER OF MAKING, ALTERNING AND RESCINDING REGULATIONS:**

No proposal for any amendment in the Memorandum of Association or Regulations thereto shall be done. If such provisions have not been approved by a majority of two-third members present in the Managing Board meeting called specially for such purpose and in accordance of provisions laid down under the Registration Societies Act (Nagaland Third Amendment), Act, 2008 (Act No. 1 of 2009).

**10. DISTRICT LEVEL SCHOOL EXECUTIVE COMMITTEE**

**The composition of the District Level School Executive Committee shall be as follows:**

1. Deputy Commissioner : Chairman.
2. Project Director, DRDA : Member.
3. District Education Officer : Member.
4. Chief Medical Officer : Member.
5. Two eminent educationists from the District to be

nominated by the Chairman : Member.

1. Principal/Administrator EMRS : Member Secretary.

(One Principal/Administrator shall be nominated as Member Secretary

of the DLC on an annual rotation basis, in case of more than one School in a District).

1. The Society shall select a School Executive Committees for day to day affairs of Eklavya Model Residential Schools for each EMRS. The School Executive Committee shall exercise such powers as may be delegated to it by the Governing Body of the Society consisting of at least 5(five) members by resolution.
2. The Managing Board of the Society may increase the number of School Executive Committees members as per requirement from time to time.
3. The management of the affairs of the School Executive Committees shall be vested with the Governing Body of the Society and shall exercise such powers and perform such functions as may be imposed or conferred by these bye-laws or the Registration Societies Act (Nagaland Third Amendment), Act, 2008 (Act No. 1 of 2009).
4. The School Executive Committee is empowered to set up a Committee for the admission process which shall be intimated to the Managing Board.
5. The School Executive Committee will submit the yearly audited report by the Charted Account to the Managing Board for approval.
6. **DUTIES OF THE SCHOOL EXECUTIVE COMMITTEE:**

It will be the key role of the School Executive Committees to provide strategic guidance for the School and to effectively oversee and review the School Management. Governance practices require the Schools to formalize and disclose the roles and responsibilities of the School Executive Committees and its Members.

1. The School Executive Committees shall perform the following functions: -
2. Adapt to the distinctive characteristics of an environment and act in a way that exemplifies and reinforces the EMRSs core values and ethos.
3. Oversee all aspects of the EMRS including its control and accountability systems and provide ongoing support and supervision.
4. Handle grievances concerning the staff working in the EMRS and students studying in the Institutions and intimate to the Managing Board.
5. Develop and maintain healthy relationships with key stakeholders including effective communication channels.
6. Ensure a strategic approach to the school’s future by setting major goals, policy frameworks and strategies and intimate to the Managing Board for approval.
7. Administer the funds of the Schools and manage the properties of the Schools and to approve the annual budget and review of expenditures in quarterly meetings.
8. Determine the procedure to enter into agreements for and on behalf of the Schools with the approval of Managing Board.
9. Discharge such other functions as may from time to time be assigned to it by the NEMRST Society.
10. Prepare and execute detailed plans and programmes for the furtherance of the objectives of the Schools.
11. Set the tone and ethical standards of the EMRS and monitor adherence to them; review plans and budgets established by the School Management, approve all material expenditure outside the budget. Anticipate problems as much as possible and act to diffuse issues, be attentive to the matter of succession Establish School Level Committees where appropriate review and monitor adherence to system of risk management, governance and legal compliance, monitor organizational, conduct an annual review of the EMRS’s progress and performance in meeting its objectives, establish a whistleblower procedure and maintain the solvency of the EMRS.
12. Effectively implement the curriculum, syllabus as laid by the Affiliating Board i.e. CBSE or NBSE.
13. Determine and organize co-curricular activities evaluation procedure and other similar academic programmes to be followed in the EMRSs managed by or affiliated to the NEMRST Society.
14. Determine the duration of the Seminars, Curriculum, and Courses etc that may be conducted for the benefit of the staff and students as well of the EMRS.
15. To give views and comments about the new subjects/courses to be introduced in the EMRS from time to time.
16. Decide on academic programmes like quick research investigations into the practical problems faced by the School Teachers and students with a view to obtaining research solutions for them with concurrent from Managing Board.
17. Organization of orientation programmes for the teaching staff of the EMR School in latest methodologies and trends of education and develop instructional material according to the academic needs of the School identified from time to time.
18. To get the educational institutions i.e. Eklavya Model Residential School being run by the NEMRST Society affiliated to the Central Board of Secondary Education (CBSE) or the Nagaland Board of School Education (NBSE).
19. To prepare Audited Utilization Certificate and submit to Managing Board.
20. To prepare Annual Report and submit to Managing Board.
21. **THE APPOINTMENT AND REMOVAL OF STAFF OF THE SOCIETY:**
22. All persons who are paid out of funds of the Society, engaged on permanent or temporary basis or any other salaried persons shall be the employees of the Society. Such rules, instructions, and guidelines as are framed/issued by the Society from time to time shall govern them.
23. The Managing Board may appoint such administrative, technical, ministerial or any kind of staff as is required to run the office or other establishments run under or by the Society and to fix such term and conditions of service including pay, allowances benefits etc as is determined either by regulations, instructions, guidelines or other appropriate way as well as the classification, control, conduct and appeal mechanism of the employees from time to time.
24. The posts categorized under Group- A, B & C except Group D shall be advertised for recruitment in the EMRS schools as and when a vacancy arises.
25. All posts in the Society shall be classified into the groups as specified in the table below and the appointing authority in respect of categories of posts shall be the authority specified in the corresponding entry in column.

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| **GROUPS** | **POSTS** | **APPOINTING AUTHORITY** |
| Group-A | Principals/Vice-Principals EMRSs | Managing Board |
| Group-B | Post Graduate Teachers | Managing Board |
| Group-C | Trained Graduate TeachersLibrariansHostel WardensAccountantClerksLab. AssistantsPharmacist/Staff NurseDrivers & other Group-C posts. | Managing Board  |
| Group-D | Peon-cum-SweepersCooks/Mess Helpers/Watchmen | Managing Board |

1. Recruitment to the posts in the office of the Society and EMRSs shall be made:
2. By direct recruitment through open advertisement for engagement with the approval of the Government at par with State Government or School Education Department. This is notwithstanding the fact that the staff hired/recruited by Society would be Societies own staff and not Government staff as per guidelines of the Government.
3. It should be clearly understood that the staff of the Society belonging to this Society only, which has a separate legal entity. State Government would not agree to any proposal for permanent absorption of such staff in Government Departments.
4. In case of dissolution of Society, the services of the employees of Society would stand automatically dispensed with.
5. Managing Board may decide mode of recruitment of staff through Public Service Commission or constitute a Selection Committee amongst its Members.
6. Managing Board may frame its own Recruitment and Promotion Rules for appointment of above mentioned staff and if required shall constitute a Committee amongst its Members for this purpose.
7. No proceedings of a Selection Committee shall be invalid on the ground of absence of any its Members at any meeting of the Committee.
8. The Selection Committee shall examine the credentials of all candidates possessing the requisite qualifications and may interview all or any of the candidates as it thinks fit.
9. Notwithstanding anything contained in the foregoing clauses, a Selection Committee may, in such cases as it thinks fit, dispense with the procedure laid down in clauses of appointment to any above mentioned posts.
10. An appointment for a period not exceeding six months (stop gap arrangement) to fill any vacancy may be made by the Chairman or if so authorized by him.
11. Provided that the normal age of superannuation of the staff is 35 years of service or 60 years of age, whichever is earlier.
12. The services of employees of Society would stand automatically dispensed with as the staff of the Society belongs to this Society only, which is a separate legal entity and State Government would not agree to any proposal for permanent absorption of such staff in any Government Department.
13. Provided further that the Chairman may delegate his/her all or specific powers to such officers of the Society, for the control of the administration of the staff, as deems fit. The competence for removal of staff and officers shall vest in the Managing Board after affording adequate opportunity of being heard, on the following grounds if he/she is found guilty.
14. For misconduct, violation of the Rules and Regulations and misappropriation/ embezzlement of funds/properties of the Society.
15. On conviction for a cognizable offence and sentenced to a term exceeding 3 months.
16. For in-discipline and breach of trust etc, the Society shall provide in the service rules of employees the provisions prohibiting sexual harassment against women and for appropriate penalties against the offender. The Society shall also constitute a Committee for redressal of complaints regarding sexual harassment of women at workplace as per guidelines and norms issued by the Hon’ble Supreme Court in the case titled Vishakha and others v/s State of Rajasthan and others and strictly adhere to the provisions of Sexual Harassment of Women at Workplace Act.

**13. FUNDS:**

The Managing Board shall have full power of supervision and control over the receipts and expenditures and entire funds of the Society shall be used solely and only for the purpose of the aims and objects of the Society.

**I4. PROPERTY:**

The property, moveable or immovable, belonging to the Society shall be deemed to be vested in the Managing Board by their proper title. No immovable property shall be acquired or transferred by way of sale, gift or otherwise without the previous approval of general house and such information shall be passed on and got recorded with the Registrar within a period of l5 days.

**I5. BANKING OPERATIONS:**

1. The Society shall open its current Account at State level in a ScheduledCommercial Bank and such Account shall be jointly operated by the HOD and DDO of Tribal Affairs.
2. The School Executive Committees shall also open its SavingAccounts for each EMRS in a Scheduled Commercial Bank and suchAccount shall be operated under the joint signatures of concerned Chairman and Principal/Administrator of theCommittee subject to the approval of theexpenditure by the Executive Committees in subsequent meetings.
3. The interest accrued on the amounts available in Saving Account shall be theincome of the Society/School Executive Committees shall be used for solely andonly for the purpose of the aims and objects of the Society.

 **16. BOOKS OF ACCOUNTS:**

1. The Society shall keep its head office proper books of accounts in which following shall be entered accurately:-
	1. All sums of money received and the source thereof, and all sums of money expended by the Society and the objects or purposes for which such sums are expended;
	2. the assets and liability of the Society; and
	3. details of immoveable property acquired by the Society

**I7. ACCOUNTS AND AUDIT:**

1. The financial year of the Society shall start from 1st day of April to 31st day of March of the following year.
2. An Auditor appointed by the Managing Board shall audit the accounts of the Society and subordinate offices at least once in a year.
3. Chartered Accountant appointed by the Chairman cum CEO and approved by Managing Board meeting will do auditing of accounts.

**18. INTERPRETATION:**

In case of any question of doubt arising from the interpretation of these Act/rules, it shall be referred to the Government and the decision of the Government shall be final.

**19. DISPUTE:**

Any dispute of the Society shall be dealt in accordance with the provisions of Registration Societies Act (Nagaland Third Amendment), Act, 2008 (Act No. 1 of 2009).

**20. MATTERS TO BE PROVIDED BY BYE-LAWS:**

The Bye-Laws of the Society may provide for the regulations as envisaged in Section 23 of the Registration Societies Act (Nagaland Third Amendment), Act, 2008 (Act No. 1 of 2009) and Society shall, deliver a copy of its Bye-Laws to each member of the Society at the time of admission as per provisions laid down in Section 23 of the Registration Societies Act (Nagaland Third Amendment), Act, 2008 (Act No. 1 of 2009). All members shall have to abide by the provisions of the Bye-Laws.

**21. SURPLUS/PROFIT:**

The Society shall not distribute surplus/profit, if any, among members. The same shall be utilized for the furtherance of the aims and objectives of the Society.

**22. APPLICATION OF ACT:**

All the provisions of the Registration Societies Act (Nagaland Third Amendment), Act, 2008 (Act No. 1 of 2009) shall be applicable to the Society.

The Society shall be governed as per the instructions from the State Government from time to time.

The Bye-Laws of the EMRS Society shall be renewed by the State Government every 5 (five) years.

Certified to be true copy of original, which is in safe custody of the Member Secretary of the Society.

**( I. SINO PHOM )**

Joint Director & Head of Department,

Directorate of Tribal Affairs, Nagaland : Kohima