

Valmiki Tiger Conservation Foundation Rules

BIHAR

India

Valmiki Tiger Conservation Foundation Rules

Rule VALMIKI-TIGER-CONSERVATION-FOUNDATION-RULES of 1800

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Valmiki Tiger Conservation Foundation RulesLast Updated 4th February, 2020Under the provisions made in section 38 X of the Wildlife (Protection) Act 1972 (53 of 1972) (amended in 2006) the government has constituted the Valmiki Tiger conservation Foundation/Trust to facilitate Tiger and Bio-Diversity conservation, management and eco-development of Valmiki Tiger Reserve. For carrying out the functions of the Foundation smoothly and to effectively utilize the powers conferred in the relevant sections of the above mentioned Act the following rules are made in light of the guidelines issued by the Government of India:

1.

1. Title.

- These Rules shall be called "Valmiki Tiger Conservation Foundation Rules."1.2Extent. - These Rules shall extend to all the units of the Foundation and to activities sponsored and executed by or on behalf of the Foundation.1.3Commencement. - These rules shall come in to force from the date on which the Rules are notified by the Government.1.4Definitions. - In these rules, unless there is anything repugnant in the subject of context-(a)"Officers and staff" shall mean all full time employees of the Trust/Foundation appointed by the Executive Committee or by any authority or officer delegated with the powers to do so and would include consultants, contracted professionals, staff on deputation and village facilitators.(b)"Director" shall mean the Field Director, Valmiki Tiger Project, Bettiah, West Champaran appointed by the Government of Bihar.(c)"Government " means Government of Bihar.(d)The Chairman shall mean the President of the Governing Body of the Foundation who has been appointed by the state government.1.5Functions of the foundation. - 1.5.1 In pursuance of the above objectives, the Foundation shall be take up all such necessary activities as are required to fulfill its objectives. The basic role of the Foundation is to support the management of Valmiki Tiger Project in biodiversity conservation initiatives and it shall not in any way be directly involved in the implementation process.1.5.280 Eco-Development committees have been

constituted in Valmiki Wildlife Sanctuary and its adjoining areas are confederated under two confederations which are working as registered societies named as Forest Development Agency- Bettiah-1 and Forest Development Agency- Bettiah-2. This foundation shall cooperate both the Forest Development Agencies and Valmiki Tiger Project management and assist them in direction and supervision of the Eco- Development works carried out by these Eco-Development Committees.

1.6 Property, Assets and Liabilities. - The income and property of the foundation, howsoever, derived shall be used solely towards promotions of the objectives as set- forth above, subject to the condition that in respect of expenditure of grants made by the Govt. of Bihar, they will be used subject to such limitation as the Government may impose from time to time. No portion of the income or property of the Foundation shall be paid or transferred by way of dividend or otherwise, howsoever by way of profit to the persons who at any time have been members of the Foundation or any person claiming through them provided that nothing here on contained shall prevent the payment of remuneration, traveling allowance or other charges to any member thereof or other persons in return for any service rendered to the Foundation.

1.7 Powers of Government. - State Government may appoint one or more persons to review the work and progress of the Foundation and to hold enquiries in to the affairs thereof and to report thereon to the Government. Upon receipt of any such report, the Government may take such action it deems fit and issue such directions it may consider necessary in respect of any matter dealt with in the report after giving the Foundation an opportunity of being heard and the Foundation shall be bound to comply with such directions. The Government may by special order dissolve or extend the existence of the Foundation, if necessary, keeping in view the performance of the Foundation in achieving the objective assigned thereto. The power to create any posts for the Foundation is vested with the Government.

1.8 Dissolution. - Foundation is a permanent institution, but due to any special circumstances if a decision is taken to wind up or dissolve the Foundation place, the remaining assets and properties after completely meeting all its debts and liabilities shall not be paid to or distributed among the members of the foundation but shall be disposed off in such manner as the state government may determine.

1.9 Composition of Governing Body. - The Governing Body will consists of the following members (1) Hon'ble Minister Environment & Forest, Govt. of Bihar - Chairman (2) Principal Secretary to Govt. (Env. & Forests) Bihar - Vice Chairman (3) Principal Secretary to Govt., Finance, Bihar - Member (4) Principal Chief Conservator of Forests, Bihar - Member (5) Chief Wildlife Warden, Bihar - Member Secretary (6) Field Director, Valmiki Tiger Project, - Member (7) Deputy Director, Valmiki Tiger Project Division-1 - Member (8) Deputy Director, Valmiki Tiger Project Division-2 - Member (9) One Member of legislative Assembly (from Ramnagar, Bagaha and Gaunaha constituencies to be nominated by the state Government) Member (10) Chairman, District Three Tier Panchayat Board, W. Champaran - Member (11) An expert in wild life conservation and one experienced scientist to be nominated by the state government Members.

1.10 Cessation of Membership. - (a) The tenure of the nominated members shall be three years from the date of his nomination. (b) A member of the Governing Body who becomes a member by reason of the office or appointment he holds, his membership of Governing Body shall terminate when he ceases to hold that office or appointment.

1.11 Powers and Functions of the Governing Body. - The Governing Body shall have the following powers and functions: - (a) To formulate the policies of the Foundation in line with the provisions of the Wildlife (Protection) Act 1972. (b) To consider and approve the balance-sheet and audited Account of the Foundation. (c) To consider and approve the Annual report of Foundation. (d) To approve the flow of funds, work plan and annual budget. (e) To

amend, if found necessary, the Rules of Foundation in anticipation of approval of Govt.(f)To Approve the Steering Rules of the Foundation.(g)To facilitate effective coordination between different government departments, other government institutions and non governmental organizations for achieving the objectives of the foundation(h)To frame such Rules and Regulations in conformity with general provisions of Trust Deed for the better management of the Foundation.(i)To take policy decisions in all matters relating to enhancing the funds, investment and Budget of the foundation.(j)To, suspend or terminate the certain project or work of the foundation or effect of any other procedures.(k)To convene meetings of the Governing body to achieve the objectives of the Foundation whenever necessary.(l)Any other works which may be useful and necessary for achieving the objectives of the foundation.

1.12Proceedings of the Governing Body. - (i) The meetings of the Governing Body shall be held at least twice a year at the time, date and place as may be determined by the Chairman.(ii)The Member Secretary of the Governing body will issue a written notice 15 days prior to the date of meeting to all the members and in case of any special meeting too notice shall be given at least 15 days in advance. A summary of the business to be transacted at the annual and other meetings be circulated among the members in advance.(iii)Delayed or non-receipt of the notice of any meeting by any member shall not invalidate the proceedings of the meeting.(iv)In absence of Chairman, Vice-Chairman will chair the meetings of Governing Body.(v)One third of the members of the Governing Body present in person shall form a quorum at every meeting of the Governing Body and the quorum of any adjourned meeting shall be determined by persons present in the meeting.(vi)In case of a dispute on any matter in the meetings of the Governing Body, the matter shall be decided by vote and in case of a tie, the chairman will have the casting vote.

1.13Office and Authorities of the Governing Body. - (1) Field Director Valmiki Tiger project shall be the head of the office of the Foundation who shall be known as Executive Director and he will be assisted by such other persons as may be designated as such by the Governing Body(2)Board of Trustees who are members by virtue of their office shall be the permanent members of the foundation till such time as they hold the respective posts.(3)Field Director Valmiki Tiger project shall be the Executive Director of the Board of Trustees constituted for the purpose of the formation of the Foundation.(4)The Executive Director shall carry out the administrative functions of the Foundation.(5)There shall be an Executive Secretary to assist the Executive Director in carrying out the day to day affairs of the Foundation.(6)The Executive Secretary shall be an executive professional officer with sufficient back ground, aptitude and experience in matters related to management and financial matters.(7)Executive Secretary shall be appointed on contract basis on such remuneration and terms as decided by Executive committee.(8)Executive Secretary shall abide by the directions and orders of the Executives Director. He shall look after such responsibility and works as are allotted to him by the Executive Director.

1.14Executive Committee. - The affairs of the foundation shall be administered subject to the rules and regulations and orders of the Foundation, by an Executive Committee which shall consist of the following:-(1)Conservator of Forests-cum-Field Director Valmiki Tiger Project - Chairman(2)Divisional Forest officer -cum-Deputy Director, Valmiki Tiger Project , Division -1, Bettiah - Member(3)Divisional Forest officer -cum-Deputy Director, Valmiki Tiger Project , Division-2, Bettiah - Member(4)One member each from Executive Committee of Forest Development Agency Bettaih-1 and Bettiah-2 to be nominated by the Chairman, Forest Development Agency - Member(5)Two person from field staff of Valmiki Tiger project as nominated by Governing Body. - Member(6)Assistant Conservator of Forest, Office of the Field Director

Valmiki Tiger Project, Bettiah. The tenure of the nominated members shall be two years from the date of nomination. -Member Secretary

1.15 Functions and Power of Executive Committee. - (a) It shall be the responsibility of Executive Committee to achieve the objectives of the Foundation and discharge all its functions. For this Executive committee shall exercise all administrative and financial power including powers to engage person of all descriptions and make appointments there on in accordance with regulations.(b)Executive Committee shall control the management of all the affairs and funds of the foundation.(c)Executive committee shall engage with other public and private organizations for cooperation in fulfilling its objectives.(d)The Executive committee shall have powers for raising funds, securing and accepting endowments, grants-in-aid, donations or gifts to the Foundation on such mutually agreed terms and conditions which shall not be inconsistent with the objectives of the Foundations and interest of government or with provisions of these Rules subject to the approval of the Governing Body.(e)The Executive Committee shall have the power to take over, acquire in the name of Foundation by purchase, gift or otherwise from government and other public bodies or private individuals, any movable and immovable properties on such terms and conditions which shall not be inconsistent with the objectives of the foundations and within the provisions of these rules subject to the approval of the Governing Body.(f)The Executive Committee shall take all necessary steps to support the biodiversity conservation initiatives of Valmiki Tiger project.(g)Perform any other works assigned by the Governing Body.

1.16 Other works of Executive Committee. - (a) Facilitate co-ordination with other Works Departments for Valmiki Tiger Project management.(b)Have a General review of overall management of Valmiki Tiger Project and make suggestions.

1.17 District Level Coordination. - Eco Development aspects and components shall be included in the projects at district level. In this matter Executive Committee shall coordinate with district level departments so that this aspect is included in projects inside and around Valmiki Tiger Project and adjacent areas. The executive committee shall carry out tri monthly review to sort out problems in implementation at the local level.

1.18 Proceedings of the Executive Committee. - 1. Every meeting of the Executive committee shall be presided over by the Chairman and in his absence the senior Deputy Director of Valmiki Tiger project shall chair the meeting.

2. One third of the members of the Executive Committee present shall constitute a quorum at any meeting of the Executive Committee provided that no quorum shall be necessary in respect of any adjourned meeting.

3. Not less than seven clear days notice of every meeting of the Executive committee shall be given to each member of the Executive Committee, provided that:-

(a)The chairman may call special emergency meeting at the notice of three days.(b)Any inadvertent/unavoidable omission in giving notice of the meeting to any member shall not invalidate the proceedings of the meeting.

4. Every notice calling a meeting of the Executive Committee shall state the date, time and place at which such meeting will be held which shall in accordance with these Rules.

5. The Executive Committee shall meet as and when necessary but shall meet at least once in every three months.

6. Each member of the Executive Committee including the Chairman shall have one vote and if there is a tie in the number of votes on any subject to be decided by the Executive Committee, the Chairman will have the decisive vote.

1.19 The Power of the Executive Director. - The Executive Director shall execute all decisions taken by the Governing Body and Executive Committee. For this he shall have the following powers. 1.20 The Executive Director shall have the following power. - (a) To accept contributions on behalf of the Foundation either in cash or in kind from a person or institution on such terms which are in conformity with the objectives of the Foundation and on the general conditions laid down by the government. (b) To purchase, acquire, take on lease any movable and immovable property (Furniture, fixtures, books, conveyance) for the purpose of the Foundation in a legal manner as decided by the Governing Body or Executive Committee. (c) Control on general administration of the Foundation including powers to control staff and the workers of the Foundation and payment of their remuneration. (d) To open and operate accounts with banks and have power to sign and endorse cheques, securities and other negotiable financial instruments. (e) To steer prosecution on behalf of Foundation, protect the interests of the Foundation in legal cases, arbitration or compromise and to protect or forgo any claim of the Foundation as directed by the Executive committee for which he will have the power sign all such documents and affidavits as will be necessary. 1.21 The Executive Director shall be the Chief Executive Officer of the Foundation and he shall carry out all administrative functions of the Foundation and shall be the custodian of all the records, assets and belonging to the Foundation. 1.22 The Executive Director shall keep and circulate the minutes of the General Body meeting, Sub-committee meetings and maintain all the registers, records of the Foundation. 1.23 The Executive Director can delegate his office and duty if it becomes necessary unless it is so delegated procedural and administrative routines will be stalled. Such delegation of duty shall be in regular course of the business, shall be expressed on clear terms which shall be immediately communicated to the Executive Committee. 1.24 Other Matters. - (a) Executive Director shall have powers to organize seminars, workshops etc. and can publish books and research material of the Foundation. (b) The Executive Director shall formulate projects and programmes for submission to various funding agencies for financial support. (c) The Executive Director shall have powers to interact with national and international agencies which have similar objectives as that of the Foundation. (d) The Executive Director shall maintain a data bank regarding Valmiki Tiger Reserve and develop suitable systems and techniques for the same. 1.25 Funds of the Foundation. - (a) The Foundation shall make an arrangement for raising funds for various works from national as well as international sources to achieve the objectives and goals of the foundation. Funds will be for

two purposes:-I. To plan, design, develop and execute projects for Valmiki Tiger Project and its adjacent areas for the management of Bio- diversity, village eco-development, extension & research and public awareness.II To develop and manage a Corpus Fund for Bio-diversity conservation in Valmiki Tiger Reserve and its adjacent areas.(b)May accept and utilize grants, donations or assistance of any kind from foreign governments, institutions and agencies subject to government rules and procedures.(c)The assets of Valmiki Tiger project shall continue to be those of the state government.1.26The Executive Committee shall select the bankers of the Foundation. All funds shall be deposited in to bank account of the Foundation and shall be withdrawn through cheques signed by such officer as may be duly empowered by the Executive Committee.1.27Accounts & Audit. - (a) The Foundation shall maintain proper accounts and other relevant records and prepare annual accounts comprising the receipt and payment accounts, statement of liabilities in such form as may be prescribed.(b)The accounts of the Foundation shall be audited annually by chartered accountant or any agency so authorized by the Governing Body.(c)The audited accounts shall be submitted to the Governing Body which shall submit a copy of Audit Report along with its observations to the state government within 30 days from the receipt there of.1.28Annual Report of the Foundation. - The Annual Report on the working of the Foundation showing the work undertaken by it during the previous financial year together with balance sheet and audited accounts, shall be prepared by Executive Committee for information of the Governing Body. A draft of Annual Report along with the audited accounts of the Foundation and the auditor's reports there on shall be placed before the Governing body in its Annual General Meeting.1.29Financial Regulations. - Power of Field Director, Valmiki Tiger Project:-The Field Director, Valmiki Tiger Project shall be the Executive Director of the Foundation and shall be responsible for proper administration of the affairs and funds of the Foundation and efficient implementation of various activities of the Valmiki Tiger Project management in a mission mode under the directions and guidance of the Governing body. The Executive Director of the Foundation shall exercise technical, administrative financial and disciplinary powers exercised by the Head of the Department. He shall also continue to perform the duties and exercise the powers as may be or may have been assigned to him by the Govt./Governing body/Executive committee.1.30Annual General Meeting of Governing Body's Executive Committee shall be organized every year. In this meeting audited Account of previous year's budget and current year shall be discussed and accepted. The quorum for the Annual General Meeting shall be half of the total members.1.31The minutes of the proceedings of every meeting of the Governing Body and Executive Committee shall be kept separately in a book that purpose and the business and other matters transacted at such meeting shall be recorded therein. Such minutes when signed by the Chairman shall be conclusive proof of the business transacted.1.32As a representative of the Foundation, the Executive Committee will be the custodian of the monies and assets accumulated from time to time through grants, gifts and other financial instruments and will be responsible for the same.1.33The Executive Committee can appoint a sub-committee for the assessment and evaluation of any project or any programme that is being implemented, if found necessary.1.34The Governing Body shall have power to discontinue the flow of funds and initiate actions as deemed necessary where allocation are used for the purpose not endorsed by the Governing Body. Before taking such actions as stated above, an opportunity of being heard shall be given to the project or programme implementing agency or the person concerned.1.35The Financial year of the Foundation shall be from 1 April to 31 March.1.36In carrying out various activities of the Foundation provisions of the Bihar Financial Rules and Bihar Service Rules shall be strictly observed wherever they are

relevant.1.37The Executive Committee may delegate to the Field Director, Valmiki Tiger Project or to a member of the Committee or any other officer of the Foundation such administrative and financial powers and entrust such duties as it deems proper.2.1Amendments in the Rules.- With prior approval of the Governing Body, the Foundation may alter, extend and amalgamate the rules of the Foundation.2.2As and when there is any change in the nomenclature of Departments, institutions and designations mentioned in the Rules, such changes shall automatically stand incorporated in these Rules.2.3Regulations. - The Foundation shall have power to frame and amend regulations not inconsistent with these rules, under specific directions, for the administration and management of the affairs of the Foundation and without prejudice to the generality of this provisions, such Regulations may provide for the following among other matters:-(I)Prior permission of the government shall be obtained in service matters of officers and staff including creation of posts, qualifications, selection procedures, service conditions, pay and emoluments, discipline and control.(II)Important financial aspects including formulation of budget, purchase procedures, delegation of financial powers, investment of Funds, maintenance of accounts, audit etc.(III)Such other matters as may be necessary for the furtherance of the objectives and the proper administration of the affairs of the foundation provided that for the purpose of this Rule following guide lines would be kept in view while creating the post and formulating the service and financial Regulations:-(A)Scales of pay in respect of the posts to be created by the Governing Body shall correspond, as far as possible, to the scales of pay of the state Government. However, depending on the professional competence and experience additional remuneration can be decided subject to the approval of the Governing Body.(B)Mode of recruitment in respect of the posts to be created for the foundation shall be on transfer, deputation or short-term contract. For work related specific assignments, persons would be deployed on fixed emoluments on contract basis with provision for revision each year if considered appropriate.(C)Consideration of financial discipline, prudence and economical efficiency shall be kept in view.2.4Power of Government. - State Government shall review the working pattern of the Foundation time to time and may issue such directions as necessary.Before the witness here underThe Trustees have executed these presents on the day, month and year above mentioned to register this deed.Signature's name of the
Trustee-----WitnessSignatures
names AddressAbove mention proposals has been approved by the Hon'ble State Minister
(Independent charge) Forests & Environment Department.Approval of cabinet is required on the section 1 to last section of the proposal.