

MEMEORANDUM OF ASSOCIATION

- 1. **Name of the Society** :W/S Association
- 2. **Office** : The registered office of the organization shall Function.
At - GP-
P.O- P.S. -
Block-, Dist-
- 3. **Jurisdiction** : The activities and operation of the association/ Organization shall be the Watershed area of the Surrounding Village identified as
.....
.....
- 4. **Aims and Objectives** :

The objectives of the Association are: -

- A. To promote the economic development of the village community, through:
 - Optimum utilization of the Watershed natural resources like land, water, vegetation etc., that will mitigate the adverse effect of drought & prevent further ecological degradation.
 - Soil and moisture conservation in the catchment area and reducing silt accumulation in the reservoir and reduction in surface run-off.
 - Conservation of bio diversity and increase in bio-mass production
 - Diversified agriculture (integrated farming system) and productivity enhancement. Promotion of livelihood diversity and also to reduce biotic pressure on natural resources.
 - Promotion of sustainable participatory and community based natural resource management
 - Employment generation and development of the human beings and other economic resources of the Watershed in order to promote savings and other income generating activities.
- B. To encourage restoration of ecological balance in the Watershed area through: -
 - Sustained community action for the operation and maintenance of assets created and further development of the potential of the natural resources in the Watershed.
 - Simple, easy and affordable ecological solutions and institutional arrangement that make use of and build up a local technical Knowledge with available materials.
- C. Special emphasis to improve the economic and Social condition of the recourse poor and the disadvantaged section of the Watershed Community and women through:-
 - More equitable distribution of the benefit of Land and water resources development and the Consequent bio-mass production.
 - Creation of additional income generating opportunities and focus on the human resources Development.
- D) The activities for the overall socio-economic development to the watershed area will be done through self help group, user's group and other community activities.

5) The present watershed committee consists of the following members.

Sl.No.	Name	Occupation	Signature

6) We the undersigned are forming a society / Association an.. at ... desirous of getting the society registered under the Society Registration Act. XXI of 1860 in pursuance of the memorandum of association and herewith file a copy in the manner prescribed by the above Act and the rules and regulation of the society.

Sl.No.	Name	Occupation	Signature

Bye-Law of Watershed Association (WA)

Under Catchment Area Treatment Plan , OFSDS

- 1. Name :
Watershed Association (WA)
- 2. Registered Office : The registered office of the association shall be
Situated in Village.....
G.P.....P.O.....
Via.....
OfBlock, Dist-
- 3. Aims and Objective : Same as mentioned in the memorandum.

4. Interpretation:

In the memorandum and rules otherwise excluded by repugnant & or inconsistent with the subject or contest, the following definition and interpretation shall hold good.

- (a) The 'association' shall mean the
Watershed association or in short (WA) which is essentially an operational body primarily concerned with execution of Watershed Development programme.
- (b) Member shall mean the members of the association.
- (c) The 'watershed committee' (WC) shall mean the Governing Body of the association constituted as provided by these rules and regulation.

5. Watershed Association (WA)

The association will meet at least twice a year (February and August) to evoke/improve the watershed development plan, monitor and review its progress, approve the statement of account, formation of user group, self help group and also resolve differences and disputes between different user groups. Self help groups of amongst members, take concrete resolution if any, to finalize the allegations against the WC; any allegation by any individual or a group will be first reported to the President of WA or to the PIA, which will be put up before the special General Body to decide the same or to take action against the defaulters, approve the arrangement for the collection of public / voluntary donation and contribution from the community and individual

members, lay down procedure for the operation of maintenance of assets created, approve the activities that can be taken up with the money available in the Watershed development funds, nominate members of the WC from among the users' group, self help group, by a system of rotation and take disciplinary action of removal of groups and may take other disciplinary action wherever it deems fit. The Watershed association will elect / select the WC members. The elected or selected members by the WA will elect / select their own President and Secretary from among them. The Watershed Secretary shall assist the President of WA in the discharge of the responsibilities trusted to the watershed association.

Membership

WA Membership:

There would be three types of membership of the WA.

- i. General: All adults of the watershed are eligible to become members of the WA.
- ii. Nominated: These members would be nominated by either WA General Body or by the Project Implementing Agency. Such members will not have voting right, usually people like local school teacher, representative of other NGO working in that area, local health worker, Anganwadi worker, line department officers, can be considered for such membership.
- iii. Ex-officio: PIA or his representative will act as Ex. officio members of the WA. These members shall not have voting right.
- iv. The Watershed Committee can decide by majority vote to terminate a member after giving him an opportunity once to prove its position.
- v. On termination of the Membership, a member can't have right of claim whatever privileges of membership or to any property of the association.

6. Means:-

For the assignments of the above said objective in the memorandum of the association, this association will be empowered.

- (a) To receive donations, subscription, gifts, in shape of cash, kind or any other form of assistance from individual, association, private or Govt. agencies.
- (b) To accept any request, gifts, donation, subscription or award so as to accumulate and provide a fund to invest the same and apply the income arising there, for any of the objectives of the association as decided in the WC.
- (c) For the Watershed development, mostly the amount will be received from the Odisha Watershed Development Mission, Bhubaneswar, Odisha, for the attainment of the objectives as per need of the watershed committee and the amount will be placed in a joint savings bank account. This account will be called as Watershed project account and opened in a nationalised bank. This account will be opened upon jointly by the President, Secretary and PIA.

- (d) The money received from sources other than Integrated Watershed Management Project (IWMP) scheme shall be kept in a separate bank account named as 'Watershed Development Funds'. This account shall be operated jointly by the President and Secretary of the Watershed committee. After completion of the project period the 'watershed development fund' account will be operated jointly by the President and the Secretary of the WC or as per common watershed guidelines.

7. The Executive Body (Watershed Committee):

Executive Committee of watershed association is called as **Watershed Committee (WC)** which shall comprise of elected representatives of WA, and ex-officio / nominated members. One watershed committee will be constituted for each micro watershed area.

A. The day to day affairs of the 'WA area to be managed by the Executive body in which

- (a) The President Presides over the meetings
- (b) The Secretary has to keep a safeguard of all level documents of the WA

B. The Office bearers of the Executive body will be elected by the General Assembly for a period of three years.

C. The Executive Body has to meet at least once a month.

WC should have elected members, ex-officio members and nominated members but in decision making processes, only elected members would have voting rights. However, in the meeting, views of all the members would be recorded and considered.

The WC will comprise of at least ten members, half of the members shall be representatives of SHG and User Groups, SC/ST community, women and landless persons in the village. One member of the WMT shall also be represented in the WC. While making nomination, it may be ensure that the committee at least one - third representation of women. There should be adequate representation from the Scheduled Caste/ Scheduled tribes as well as landless dwellers.

The composition of WC, as follows,

President/Chairman	1	Elected/Selected in WA
Secretary	1	Elected/Selected in WA
Members	(10-12)	Elected/Selected in WA

-members from users group (4-5)

-SHG representative (3-4)

Ward members/PRI members (all villages)

Ex. officio members

Watershed Management Team member (1)

Ex. officio members

Line Department personnel/others

Nominated

The WC will be responsible to manage day to day activities of WA, to take decision and implementation of such decisions as may be authorised by the GB of watershed association, and shall act as the intermediary between WA and CATP represented by the SNU/ PMU. Before holding General Body meeting for Constitution of WC of water association (WA), and after Constitution of watershed committee a letter of intimation should be sent to the Gram Panchayat for records and information.

One Micro Watershed (MWS) area might be covering more than one village, covering part or full Reserved Forests (RF) also.

Similarly, some village level organisation (VLO) with its committee for the whole village might have been also constituted and would be functioning for community development purpose. They may be subcommittee of Gram Sabha/ Palli Sabha, Village Development Committee (VDC), Gaon Kalyan Samiti (GKS), Forests Rights Committee (FRC), Vana Surkshya Samiti (BSS), Biodiversity Heritage Committee (BHC) and others. It would be prudent to utilise the strength and constitution of functioning committee of Village for Watershed Committee to both synergise developments with participation and to avoid proliferations of Committees to have a cohesive participation.

In the following scenario, following actions for constitution of Watershed Committee of a Watershed Association of a Micro Watershed are to be guided:

VSS Existing:

1. **If Micro watershed comprises only one village with a functional VSS**, in such cases, the executive body of the VSSs shall be remodelled / reorganised to add the required number of additional members as below for organisational identity and orientation to act as a watershed committee simultaneously. Following members are to be added:
 - a) If 11 elected members of VSS in its execute committee do not represent User Groups of Watershed area resources including those having certain entitlements like Forest Rights/Usufruct sharing rights, Self-Help Groups (SHG) with their collective action on their own resources or external resources, and landless persons, the deficient groups representatives up to 6 in number are to be added for WC.
 - b) In case their represented 11 members elected to EC of VSS, it is only to be seen that WC has one-third members from women.
2. **If Micro watershed comprises of more than one VSS and additional village**, the Executive Committee(S) of VSSs shall become part of watershed committee in total and would jointly elect a President / Chairman of Watershed Association and Place the same in GB for approval / ratification.

Subsequently to this, they would at following members as representative of each VSS/Village from GB meeting;

- a. If elected members of VSSs in its Executive Committee do not represent User Groups of watershed area resources including those having certain entitlements like Forest Rights/Usufruct sharing rights, Self-Help Groups (SHG) with their collective action on their own resources or external resources, and landless persons, the deficient groups representatives up to 6 in number are to be added for WC.
- b. In case their represented 11 members elected to EC of VSS, it is only to be seen that WC has one-third members from women.
- c. **Only Forest Existing Micro watersheds having only forest area** can implement the entire programme through the existing adjacent VSS (Remodelled to WC as mentioned above for existing VSS) or watershed committee with a separate account and other books of accounts as decided by the PIA of the cluster for effective implementation .

4. Other Committees existing: If Micro watershed comprises of one other Committee or more than one village, the Executive Committee (s) of such VLO for GB shall become part of Watershed Committee in total and would elect a president / Chairman of Watershed Association and place the same in GB for approval/ratification. Subsequent to this, they would add members as representative of each Village from GB meeting for number of persons to make the fully constituted committee for organizational identify and orientation and to act as a Watershed Committee simultaneously.

8. Power of Watershed Committee:

The Watershed committee shall have to do all such things or required to carry out of objectives of the association and as per the guideline and instruction of Govt. In the General Body meeting the Watershed association may amend or repeal the rules and regulation for the transaction of the business or administration only when a direction comes from the Govt. through PIA or government officials.

9. Power of Office Bearer:

President: President of the Watershed Association shall be selected / nominated by the watershed Association. S/ he would also remain the president of the Watershed Committee. S/he shall preside all the meetings of the watershed committee and the WA. **S/He shall not be paid any honorarium for this.**

Secretary of watershed Committee:

The Secretary would be selected / elected for a maximum period of 3 years. But the watershed committee can terminate the secretary before the end of the tenure if it felt that s/he is not performing her/his duty properly. The secretary of the WC will be a paid functionary of the WC. S/he should preferably be a matriculate from the same village or at least from a nearby village and agree to live in the watershed village during the project period. In case of non-availability of such a person, a moderately educated person of the village with good writing and reading skills sufficient for

maintaining records and accounts of the project may be engaged to function as Watershed Secretary. In case of micro watersheds having more than one VSS of other Committees, in such circumstances, the general body of the watershed (WA) shall select/elect a secretary from the current secretaries of the existing VSS/other committees.

The secretary will work under the direct supervision of the President of the watershed committee and will work as mentioned in the common watershed Guidelines.

- S/he will be responsible for convening meeting of the WA and the WC.
- Place the accounts of the watershed annually before the qualified Chartered Accountant for audit.
- Carry out the decision of the WC and WA.
- S/he will also help the Users Groups, Self Help Groups for proper execution of their group activities.

10. Meeting and Quorum: The watershed association shall meet twice in every year (February and August) for the following purpose,

1. Receive and approve the annual activity report, receive and payment accounts, audited report prepared by the Chartered Accountant.
2. Elect / select the members of the watershed committee or terminating services of any of its members.
3. To advise, suggest or recommend the watershed Committee about the policies of the association and its day to day functioning
4. To consider or decide any matter which may be brought before the general meeting in the permission of the president or the person presiding over the meeting.

The Secretary may invite the WC meeting at least once in every month. The quorum of the WC meetings shall be at least 50% of member and for the General Body meeting of the WA the quorum shall be attained if 10% of the members are present. The Secretary in consultation with the President of the WC shall call a meeting on three days' notice however ,in case of emergency; a 24 hours notice may also be given for convening such meetings. In the event of there being no quorum in General Body of the association/WC, it shall stand adjourned to a future day of which notice shall be given in the prescribed manner and no quorum shall be necessary for any such adjourned meeting.

The President shall preside over all the meeting of the Watershed committee. In case of a tie up in voting, the ex-officio member(s) may exercise his/their vote. Where there is any difference in opinion, the matter is put to the simple majority to decide.

11. Law Suits:-

The association shall sue or to be sued in the name of the Secretary and President of the association jointly.

12. Accounting system:

The WC shall follow cash accrual system of accounting with all books of accounts shall be maintained at the WC level. There should be two accounts for each watershed i.e. project account and WDF account. The said accounts should be opened in a nearby nationalised bank. The Secretary shall maintain the cash book as well as all the records of WC as communicated by the OWDM/Odisha Forestry Sector Development Society (OFSDS).

- (a) The WC keeps all the accounts of money and proportional contribution received and expenses by the association and of the matter in respect of which such receipt and liabilities of the association.
- (b) The watershed project account and watershed development fund must be audited as per the provisions in IWMP Guidelines.
- (c) One of the mandatory conditions for the selection of villages for watershed projects is people's contribution towards the Watershed Development Fund (WDF). Contributions, user charges, sales proceeds and other contributions, disposal amounts of intermediate usufruct rights shall be deposited in the WDF bank account. Income earned from assets created under the project on common property resources shall also be credited to WDF.
- (d) The WC would ensure that the contributions collected from the users are as per the common watershed guidelines.

The PIA and the WC as the case may be shall ensure that account of their activities and expenditure are maintained in printed cash book and all vouchers are preserved for audit as per provisions in IWMP Guidelines.

13. Withdrawal of Membership

In the event of a member opting for withdrawal of his membership from WC the WC can decide by majority vote his withdrawal or otherwise, after giving him/her an opportunity to prove his/her stand.

Odisha Watershed Development Mission /Odisha Forestry Sector Development Society/The District Collector or any person authorized by them on this behalf shall have the power to supervise the activities and accounts of the watershed with prior intimation. If the works of the Watershed Association is found to be unsatisfactory, the Odisha Watershed Development Mission /Odisha Forestry Sector Development Society/The District Collector shall cancel the registration of the association. However, before this action is taken, the Association shall be given proper opportunity to place argument in their favour.

14. Amendment:

No amendment or alteration shall be made on the purpose of the association unless it is voted by two thirds of the members present at General Body meeting convened for the purpose and

confirmed by three fifth of the members present at a second General Body special meeting. However, any such amendment can be made as only in pursuance to para 8 of these bye laws.

15. Monitoring and Review:-

WC shall submit a monthly and quarterly report to the PIA for scrutiny and onward submission to the concerned higher authority.

The WC shall be under the administrative and financial control of the Project Managers, CATP/ PD Watersheds. All the copies of the resolutions passed in any General Body meeting or specially convened meetings must be sent to the Project Managers, CATP/ PD Watersheds through PIA.

16. Arbitration:-

Whenever a decision shall be put up before the special General body meeting to confirm it, and the special General Body meeting decides the same, it shall be final and binding on all the persons concerned. Any dispute or difference arising during the execution of the project work however; will be referred to the Project Managers, CATP/ PD Watersheds.

17. Dissolution:

In case of dissolution of the Organisation / Association in accordance with a provision of the Registration Act after meeting all the debts, the property and all assets of the association shall be given to other such association or to the Gram Panchayat as per the decisions of the Project Managers of concerned CATP / PD Watershed of District concerned.

Certified that the above is the true and correct copy of the rules and regulation of
.....WA.

Further, certified that there is no other registered association in the same name at the same address.