



GOVERNMENT OF KERALA

Abstract

Planning & Economic Affairs Department - Formation of "Hill Area Development Agency" (HADA) - under Travancore Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 - Bye-Law and Governing Body and Executive Committee of the HADA - approved - Orders issued.

Planning & Economic Affairs (E) Department

G.O.(MS) No.60/11/Plg.

Dated, Thiruvananthapuram, 14/11/2011

ORDER

Sanction is accorded for the Formation of an Agency named Hill Area Development Agency (HADA) and to be registered under the Travancore Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 under the Planning and Economic Affairs Department for the development of Hill regions of the state covering an area of about 28000 Sq. Km. in 31 Taluks. The Hill Area Development Agency will have a Governing Body and an Executive Committee. The Minister of (RD,P&C) will be the Chairman of the Hill Area Development Agency and the Registered Office of the Agency will be at Thiruvananthapuram. Government hereby approve the Bye-Law and constitution of the Governing Body and Executive Committee of the Agency (Annexure). The activities of the Agency will be governed by the Bye-Law given below. Orders issued accordingly.

(By Order of the Governor)

SUBRATA BISWAS

Principal Secretary to Government

To

The Principal Accountant General (Audit) Kerala,
Thiruvananthapuram

The Accountant General (A&E) Kerala, Thiruvananthapuram

The Commissioner of Rural Development.

The Project Director, AHADS.

The Joint Director, Western Ghat Cell

The Chief Conservator of Forests (Development)

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The Chief (Agricultural Division) State Planning Board.
The General Administration (SC) Department
The Local Self Government Department
The Information & Public Relations Department
The Secretary (Legislature)
The Finance Department (vide 86370/Dev.3/11/Fin. dated 4-11-11)
The Law Department (vide 21585/D3/11/Law dated 28/10/2011)
The President and Secretary District Panchayat Association.
President and Secretary Block Panchayat Association.
President and Secretary Grama Panchayat Association.
SF/OC.

Forwarded/by Order

Section Officer

Copy to: PS to Minister (RD, Plg &C).

PA to Principal Secretary (Plg)/(Finance), (LSGD), (SC/ST)
(Agriculture) (Forest) (Rural Development)

BYE LAW OF THE HADA

ANNEXURE

1. NAME OF SOCIETY : HILL AREA DEVELOPMENT AGENCY (HADA)

The name of the Agency shall be the HILL AREA DEVELOPMENT AGENCY (HADA). It shall be a society registered under the Travancore Cochin Literary, Scientific and charitable Societies Registration Act, 1955.

2. OFFICE ADDRESS:- Thiruvanthapuram

The registered office of the Agency shall be situated at Thiruvananthapuram.

3. Territorial Jurisdiction : Kerala State

4. Objectives:-

The object of the Agency is to play a central role in catalyzing and facilitating development of the hill regions of the State as defined by Government through more coherent planning appropriate to the locality through identification of special problems and addressing them and through galvanizing the existing agencies of development working in the area like local Governments, Government Departments, Western Ghats Cell, AHADS and other Autonomous Agencies of the State.

5. Functions :-

In particular, the functions are:

1. To prepare project reports for the development of Hill areas covering roads, Hospitals, Educational Institutions, Water Supply Schemes, Agriculture and other critical areas.

2. to submit reports on the possibilities and suggestions on dovetailing the projects into the departmental plan.

3. to implement special projects for hill areas

4) to formulate strategy to have more investment

5) to improve the efficiency in the implementation of plan relating to tribal.

6) to identify sources of finance for more investment form NABARD, LIC, external agencies like World Bank, JBIC, ADB, Banks, Government of India and State.

7) without prejudice to the generality of the above and for effectively carrying out those objects, the 'Agency' shall have the power to acquire, hold and receive property of any kind, including securities and negotiable instruments, to construct and maintain buildings, including the right to alter and improve and to equip them suitably to manage, to sell transfer or otherwise dispose of or deal with property of any kind belonging to the 'Agency', to enter into contracts or any of the purposes for the 'Agency' and on its behalf to raise money and funds from both national and international agencies, in such a manner as may be deemed fit for and on behalf of the 'Agency'.

8) To establish linkage with Grama Panchayats, Block Panchayats and District Panchayats for effective coordination and implementation of selected projects.

9) To prepare projects for Natural Resource Management including poverty alleviation and effective coordination of implementation of development project.

10) Take programmes covering distributive justice particularly SC/ST and other weaker sections.

6. The management and control shall be entrusted with the Governing Body and shall be carried on in accordance with the Rules and Byelaws. The name, address and designation of the present members of the Governing Body shall be as follows:

- 1) Minister for Rural Development and Planning -
Chairman

- 2) Vice Chairman (Non Official) - to be nominated by Government.
- 3-8) Presidents and Secretaries of Grama/Block/District Panchayat Association
- 9-15) Seven Non official Members - to be nominated by Government (One member should be woman and one from ST)
- 16-22) Seven Government Secretaries - Secretary (Finance) , Secretary (Planning), Secretary (LSGD), Secretary (SC/ST), Secretary (Agriculture) Secretary (Forest) & Secretary (Rural Development).
- 23) Commissioner, Rural Development
- 24) Project Director, AHADS
- 25) Joint Director (Western Ghats Development Project)
- 26) Chief Conservator of Forests (Development)
- 27) Chief (Agriculture Division), State Planning Board
- 28) Secretary of the Hill Area Development Agency

7. **Membership:-**

1. The term of appointment of non official member is ordinarily for a period of 3 years or till the Agency reconstituted whichever occurs earlier.
2. The membership of the non official member cease to exist when the resignation tendered by the member is accepted by the chairman.

8. **General Meeting** :-The Governing body of Agency shall meet at least once in a calendar year.

9. **Annual General Meeting** :- Annual General Meeting of the Agency shall

be held once at least in every calendar year
and not more than 15 months after the holding
of the preceding meeting.

10. **Extra ordinary General Meeting:-** The Chairman of the Agency may convene Extraordinary General Meeting of the Agency to consider any matter of special importance or urgency or on the written requisition of not less than ten members of the Agency specifying the purpose for which the meeting is proposed to be held.

11. We, the several personal whose signatures, occupation and addresses are given hereunder are desirous of being formed in to an association, in accordance with the Travancore Cochin Literary, Scientific and Charitable Societies Act, 1955 in pursuance of the memorandum of Association and in testimony of this, subscribed our respective names and signatures here unto on this the Thiruvananthapuram.

Sl.No.	Name, Occupation & Address	signature
1.		
2.		
3.		

Witnesses

Sl.No.	Name, Occupation & Address	signature
1.		
2.		
3.		

**RULES AND REGULATIONS OF THE HILL AREA
DEVELOPMENT AGENCY (HADA)**

1. DEFINITIONS

1) ' Agency' means Hill Area Development Agency (HADA), Kerala

2) ' Hill Area ' means "any place in Kerala, which is above 600 metres contour. Thirty one (31) Taluks covering an area of about 28,000sq kilometers come under the Hill Area. For the purpose of the Agency it is suggested that Grama Panchayats and Municipalities attracted by the same definition could be included as hill areas provided at least 25% of the area of these bodies is above 600 mtrs. contour".

10. Governing body

1. Chairperson

The Minister, Rural Development and Planning shall be the Chairperson

2. Vice Chairman

There shall be a Vice Chairman for the General Council, a non-official *member* nominated by Government of Kerala. He shall act as the Vice Chairman of the Agency.

3. Secretary

There shall be a Secretary for the Agency who shall be appointed by the Government of Kerala.

RIGHTS, DUTIES AND POWERS OF THE OFFICE BEARERS

General

1. Chairperson

- a) to preside over the meeting of the Governing Body
- b) to exercise such rights and powers as provided by the regulations

2. Vice Chairman

- a) to preside over the meeting of the Governing Body in the absence of Chair person
- b) to exercise such rights and powers as provided by the regulations

3. Secretary

- a) to issue notice for all meetings of the Governing Body
- b) to keep the minutes of the Governing Body
- c) to sign all documents and correspondence for and on behalf of the Agency,
- d) to maintain records of the Agency.
- e) to make all disbursements on proper vouchers and receive all money on proper receipts for and on behalf of the Agency.
- f) to open and operate bank accounts on behalf of the Agency.
- g) to perform all such acts and duties and exercise all such powers under the regulations of the Agency assigned to him by the Governing Body.

4. Composition of the Governing Body

- 1) Minister for Rural Development and Planning -
Chairman
- 2) Vice Chairman (Non Official) - to be nominated by Government.
- 3-8) Presidents and Secretaries of Grama/Block/District Panchayat Association
- 9-15) Seven Non official Members - to be nominated by Government (One member should be woman and one from ST)
- 16-22) Seven Government Secretaries - Secretary (Finance), Secretary (Planning), Secretary (LSGD), Secretary (SC/ST), Secretary

(Agriculture) Secretary (Forest) & Secretary
(Rural Development).

- 23) Commissioner, Rural Development
- 24) Project Director, AHADS
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- 26) Chief Conservator of Forests (Development)
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- 28) Secretary of the Hill Area Development Agency

5. RIGHTS, POWERS AND DUTIES OF GOVERNING BODY

- a) All properties, movable, immovable or of any other kind shall vest in the Governing Body
- b) The business and affairs of the Agency shall be carried on and managed by the Governing Body
- c) The Governing Body shall have all such powers other than those specifically assigned to Government of Kerala and shall perform all such functions as are necessary or proper for the achievement or the furtherance of the objects of the Agency
- d) Without prejudice to the generality of the foregoing provisions, the Governing Body shall have the following powers and rights.
 - i. to acquire, by gift, purchase, exchange, lease or otherwise lands, buildings or other immovable properties together with all rights appertaining thereto;
 - ii. to construct and maintain buildings including right to alter or improve them and to equip them suitably;
 - iii. to manage properties of the Agency
 - iv. to raise funds for the Agency by gifts, donations or

otherwise;

- v. to receive money, securities, instruments and or any other movable property for and on behalf of the Agency.
- vi. to enter into agreement for and on behalf of the Agency
- vii. to sue and defend all legal proceedings on behalf of the Agency.
- viii. to grant receipt, to sign and execute instruments and to endorse, or discount cheques or other negotiable instruments through its accredited agents
- ix. to make, sign and execute all such documents, and instruments as may be necessary or proper for carrying on the management of the property or affairs of the Agency.
- x. to invest the money and funds of the Agency and to vary the investments as and when it may seem necessary or proper.
- xi. to manage, sell, transfer or otherwise dispose of any property, movable or immovable of the Agency.
- xii. to assign from time to time such functions and duties and delegate such powers as it may deem fit to the execution of the functions.
- xiii. to consider and approve the annual budget of the Agency for getting clearance of the Government.
- xiv. to perform all such acts and do all such things as may be necessary for the proper management of the properties and affairs of the Agency

6. Composition of the Executive Committee

- 1) Vice Chairman - Non Official
- 2) President of Grama Panchayat Association
- 3) President of Block Panchayat Association
- 4) President of District Panchayat Association

5) Secretary (Planning)

6-10) Five Non official Members - to be nominated by Government

11) Chief Conservator of Forests (Development) - ex- officio member

12) Representative from LSGD - ex-officio member.

The administrative matters guidelines for formulation and approval of scheme, decision on implementation of schemes, project preparation and implementation of other decision of the Governing Body will be vested with the Executive Committee, Monitoring and review of all schemes will be done by the committee.

7. Quorum

1/5th of the total members constituting the General Body and Executive Committee shall be quorum for any meeting provided that, if a meeting is once adjourned for want of quorum, a subsequent meeting called on the basis of the same agenda shall not require a quorum.

8. Approval of schemes and projects

The existing procedure of issuing administrative sanction of schemes and projects by the departmental working group and special working group will be followed.

9. WORKING FUNDS AND BUDGETS

(i) The funds of the Agency shall consists of the following:

(a) Grants from the Government and other State

Governments and Government of India

(b) Grants and contributions from other corporate bodies, agencies, institutions and person;

(c) Loans from the Governments and other financing institutions.

- (d) Grants and loans from institutions like LIC, NABARD, World Bank, ADB, JBIC etc.
 - (e) Plan support from Local Self Government institutions for coordinated projects.
 - (f) Miscellaneous receipts of the Agency.
- (ii) surplus funds not needed for immediate works of other purpose will be invested by the Agency only in deposits of Government Treasury, State Bank of India and its associate banks or Nationalized Banks.
- (iii) (a) once in every year before the commencement of the next financial year the Governing Body shall frame budget of the estimated income and expenditure of the Agency and place it before the Governing Body at its annual meeting for consideration and adoption.
- (b) Once in every year, the accounts of the Agency shall be audited.
- (c) A statement of the accounts so audited together with the auditors report shall be placed before the Governing Body, as far as practicable, in its annual meetings and if the statement of audited accounts are not ready by the date of the annual meeting it should be placed before the Governing Body at a subsequent meeting called for the purpose.
- (iv) The Governing Body shall at some days not later than 12 months after the registration of the Agency and subsequently one at least in every year place before the Governing Body meeting the Balance Sheet and Income and Expenditure account for the period. In the case of ~~the~~ account, the account shall cover the period from the date of registration to

the closing period and in any other case for a period of one year from the last closure of accounts.

- (v) The Balance sheet and Income and Expenditure Accounts shall be audited by the Auditor appointed in the case of the first Balance Sheet and then by an Auditor appointed by the Governing Body meeting for the subsequent years.
- (vi) The secretary shall prepare and present before the Governing Body the annual budget for consideration and approval. The Governing Body will also submit to the State Government copy of the budget estimate by such due date as may be fixed by the State Government.

10. Establishment

The Agency will be coming under the Planning and Economic Affairs Department. The Agency shall have powers to create posts with the approval of Government. Initially Western Ghat Cell will act as the Secretariat of the Agency until a full fledged administrative set up is established.

Purchase of Vehicles, Appointment of Chief Executive officer, amendment of any of the Rules and Regulations, Pay Revision and all other matters requiring policy decision should be sent to Government for obtaining approval.

11. Records to be maintained by the Society:-

1. Books of Accounts, Vouchers and Bills
2. Minutes of Governing Body and Executive Committee
3. Register of Assets and Liabilities
4. Any other records necessary or as per the decision of Governing Body and Executive Committee.

12. Assets of the Society:-

Working Funds of the Society :-Any asset and property of the Society, whatsoever, the same shall not be paid or distributed among the members of the Society or any of them.

13. Submission of Annual Returns:- The Annual Returns are to be filed to the District Registrar, Government and other authorities as per rules.

14. Amendment of Bye Law:-

1. Amendments any of the Clauses of the memorandum of Association and Rules and Regulations may be made through a Resolution approved by simple majority of the members of the Agency present and voting in the meeting specially convened for the purpose provided that the members voting in favour of the amendment shall constitute not less than $\frac{1}{3}$ of the total number of the members of the Agency at that time.
2. The amendments shall take effect after Government approves it.

15. Termination:- If on the winding up or dissolution of the Agency there shall remain, after satisfaction of all its debts and liabilities, any assets and property whatsoever, the same shall not be paid to or distributed among the members of the Society or any of them but shall be given to the Government upon such terms and conditions as may be stipulated by Government.

All conditions stipulated in the Travancore Cochin Literary Scientific and Charitable Societies Registration Act 1955 shall be applicable to this society.