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NATIONAL INSTITUTE OF SOCIAL DEFENCE

MEMORANDUM OF ASSOCIATION
AND
RULES AND REGULATIONS

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NATIONAL INSTITUTE OF SOCIAL DEFENCE
MEMORANDUM OF ASSOCIATION AND RULES AND REGULATIONS

MEMORANDUM OF ASSOCIATION

1. Name of the Society *NISD - New Delhi*

1.1 The name of the Society shall be National Institute of Social Defence. *R.K. Puram New Delhi*

2. The registered office of the Society shall be located in the National Capital Territory of Delhi and is presently at the following address:

National Institute of Social Defence
West Block 1, Wing 7, Ground Floor
R.K. Puram, New Delhi.

3. Aims and objectives of the Society

3.1 The aims and objectives for which this Society is established are as under:

- (i) to review policies and programs in the field of social defence;
- (ii) to anticipate and diagnose social defence problems;
- (iii) to develop preventive, rehabilitative and curative policies in the field of social defence;
- (iv) to identify and develop the instruments for realising the objectives of social defence policies;
- (v) to review and evaluate the implementation of social defence policies and programs; and,
- (vi) to develop and promote voluntary effort in social defence.

3.2 For the realization of its objectives, the Institute will undertake:

- (i) to carry out research on social defence;
- (ii) to compile, process and analyse statistics on social defence;
- (iii) to develop, promote, sponsor and undertake training/orientation in the field of social defence;
- (iv) to draft model legislation and rules in the field of social defence;
- (v) to advise the Central and State Governments /Union Territory Administrations on social defence problems and provide technical service facilities for preparation of model rules and regulations in the field of social defence;
- (vi) to provide a forum for the exchange of information on social defence amongst States/Union Territories and voluntary organisations and thus to serve as a clearing house for information in the field of social defence;

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- (vii) to create public awareness on social defence problems specially in regard to preventive and rehabilitative role of the community;
 - (viii) to assist the Government of India for the exchange of information on social defence with other countries and with the United Nations for their specialised agencies;
 - (ix) to organise conferences/seminars/workshops on social defence;
 - (x) to establish liaison with universities, research institutes and voluntary organisations for appropriate attention to social defence; and
 - (xi) to bring out publications in the field of social defence, both popular and scientific.

3.3 All the income earning, moveable or immoveable properties of the Societies shall be solely utilized and applied towards the promotion of its aim and objects only set forth in the Memorandum of Association and no profit on thereof shall be paid or transferred directly or indirectly by way of dividends, bonus, profit or in any manner whatsoever to the present or past member of the Society or to any person claiming throughout any or more of the present or past members. No member of Society shall have any personal claim on any moveable or immoveable properties of the Society or make any profit, whatsoever by virtue his membership.

4. Executive Council

4.1 The names, addresses, occupations and designations of the present members of the Executive Council to whom the management of the affairs of the Institute is entrusted as required under Section 2 of the Societies Registration Act XXI, 1860 according to the Rules of the Institute are as follows:

S.No.	Name	Designation & Address	Description
1.	Smt Jayati Chandra	Joint Secretary, Ministry of Social Justice & Empowerment, Government of India, New Delhi.	Chairman
2.	Shri Lokesh Jha	Director, Ministry of Social Justice & Empowerment, Government of India, New Delhi.	Member
3.	Shri S.K. Dev Verman	Secretary, CARA & Officiating Director (NISD).	Member-Secy. (till the Dir. is appointed)

5. Signatories to the Memorandum of Association.

5.1 We, the persons whose names and address are given below, have associated ourselves for the purposes described in the Memorandum of Association, do

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hereby subscribe our names to this Memorandum of Association and set our hands hereunto and form ourselves into a society under the Societies Registration Act (XXI of 1860 Punjab Amendment Act 1975) as extended to the Union Territory of Delhi in pursuance of this Memorandum of Association.

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S.No.	Name	Occupation & Address	Signature
1.	Shri C. Gopal Reddy	Secretary, Ministry of Social Justice & Empowerment Govt. of India, New Delhi.	<i>C. Gopal Reddy</i>
2.	Smt Jayati Chandra	Joint Secretary, Ministry of Social Justice & Empowerment Govt. of India, New Delhi.	<i>J. Chandra</i>
3.	Sh. Lokesh Jha	Director, Ministry of Social Justice & Empowerment Government of India, New Delhi.	<i>Lokesh Jha</i>
4.	Sh. Satyendra Prakash	Deputy Secretary, Ministry of Social Justice & Empowerment Government of India, New Delhi.	<i>S. Prakash</i>
5.	Sh. S.K. Dev Verman	Secretary, Central Adoption Resource Agency (CARA) Ministry of Social Justice & Empowerment, New Delhi.	<i>S.K. Dev Verman</i>
6.	Sh. W.L. Hangshing	Director, Ministry of Social Justice & Empowerment Government of India, New Delhi.	<i>W.L. Hangshing</i>
7.	Shri C.S. Mahapatra	Director, Ministry of Social Justice & Empowerment Government of India, New Delhi.	<i>C.S. Mahapatra</i>

Witnesses to the above signature:

S.No.	Name	Occupation & Address	Signature
1	Shri Khaleeq Ahmad	Under Secretary, Ministry of Social Justice & Empowerment Government of India, New Delhi.	<i>Khaleeq Ahmad</i>
2	Shri A. Goswami	Desk Officer, Ministry of Social Justice & Empowerment, Government of India New Delhi.	<i>A. Goswami</i>

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**RULES AND REGULATIONS OF THE
NATIONAL INSTITUTE OF SOCIAL DEFENCE**

1. Definition:-

1.1 In these rules unless there is anything repugnant to the subject or context:

- (a) The Institute means the National Institute of Social Defence.
- (b) The President means the President of the General Council.
- (c) The 'General Council' means the General Council of the Institute.
- (d) The 'Executive Council' means the Executive council of the Institute.
- (e) The 'Chairman' means the Chairman of the Executive Council.
- (f) 'Memorandum' means the Registered Memorandum of Association and Rules of the National Institute of Social Defence, as may be amended from time to time by the society.
- (g) The 'Rules' means rules registered, along with the Memorandum of Association as may be amended by the Society from time to time.
- (h) 'Society' means the society forming the Institute.
- (i) 'Office Bearers' means the President or the Chairman, Member-Secy. Or any other who may be designated by the President or the Chairman.
- (j) 'Government' means the Central Government.
- (k) 'Year' means the financial year of the Central Government.

2. Authorities of the Institute:

2.1 The following shall be the authorities of the Institute:

2.2 General Council

2.3 Executive Council

2.4 Such other Authorities as may be prescribed from time to time by the General Council

3. General Council:

3.1 The Composition of the General Council shall be:

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| 1 | (a) Secretary
Ministry of Social Justice & Empowerment
Government of India | -President |
| 2 | (b) Joint Secretary concerned with the subject in the
Ministry of Social Justice & Empowerment
Government of India. | -Member |
| 3 | (c) Financial Adviser to the
Ministry of Social Justice & Empowerment
Government of India. | -Member |
| | (d) Joint Secretary, Ministry of Home Affairs
Government of India. | -Member |
| | (e) Six specialists/representatives of voluntary
organisations/social workers in the field (to be
nominated by the Govt. of India). | -Member |
| 4 | (f) A nominee of the Department of Women &
Child Development, Government of India | -Member |
| 5 | (g) A nominee of the Ministry of Health,
Government of India | -Member |
| | (h) A nominee of the Department of Education,
Government of India | -Member |
| | (i) A nominee of the Department of Youth Affairs,
Government of India | -Member |
| 6 | (j) A nominee of the Ministry of Labour,
Government of India | -Member |
| 7 | (k) A nominee of the Department of Revenue,
Ministry of Finance, Government of India | -Member |
| | (l) A nominee of the Ministry of Law & Justice,
Government of India | -Member |
| | (m) Director General, Narcotics Control Bureau | -Member |
| 8 | (n) Secretary of Social Welfare Deptt.
NCT of Delhi. | -Member |
| 9 | (o) Director of the Institute. | -Member-Secretary |

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- 3.2 The General Council will have the power to coopt from time to time for such period as they deem fit representative or representatives of such other organisations or institutions and individuals as they deem desirable in the interests of the Institute. The co-opted member shall have the right to participate in the discussion but not to vote.

4. Term of Office.

- 4.1 The tenure of office of the Members and Office Bearers of the General Council except that the President shall be two years or until their successors are nominated, whichever is later, and they shall be eligible for re-nomination.

- a. The tenure of office of the member of the General Council shall be at the pleasure of the Central Govt. It can be reduced and extended at the pleasure of the Central Government.
- b. An Ex-officio member shall automatically cease to be a member of General Council on vacating office.

5. Meeting of the General Council.

- 5.1 The Annual General Meeting of the General Council shall be called by the President every year after giving at least 21 days written notice of the date, time, place and agenda and at such meeting it shall transact the following business:

- (a) Consideration of the Annual Report.
- (b) Consideration of the Balance Sheet and the Audited Accounts for the previous year.
- (c) Receipt and consideration of budget proposals for the following year; and
- (d) Such other matter or matters as the President may direct.

- 5.2 The President may convene a special meeting of the General Council whenever he/she thinks it necessary to do so by giving not less than 14 days notice and indicating the purpose of the meeting.

- 5.3 At such Special Meetings of the General Council convened by the President no business other than the business included in the notice of the meeting shall be conducted.

5.4 Powers and duties of the President of the General Council shall include:

- (h) Calling and presiding over all meetings of the General Council; and
- (ii) Moving the Executive Council to take into consideration his views in regard to any matter which is required to be considered by it.

6. The Executive Council.

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6.1 The composition of the Executive Council shall be:

- ✓ (a) Joint Secretary concerned with the subject in the Ministry of Social Justice and Empowerment, Govt. of India. -Chairman
- ✓ (b) Financial Adviser, Ministry of Social Justice & Empowerment, Govt. of India. -Member
- ✓ (c) Two specialists/representatives of voluntary organisations/social workers in the field (to be nominated by the Government of India. -Member
- ✓ (d) Director of the Institute -Member-Secy.

6.2 The Chairman of the Executive Council may invite any person to, attend any particular meeting or meetings as he/she thinks it desirable.

6.3 Powers and duties of the Chairman of the Executive Council:

- (i) To preside over the meetings of the Executive Council.
- (ii) To take emergent action whenever exigencies of the situation demand it in the interests of the Institute and to have the same ratified by the Executive Council at its next meeting.

7. Tenure of Office

7.1 Member nominated under clause 3.1(e) and under clause 6.1(c) shall hold office for a period of two years from the date of nomination. The members shall be eligible for re-nomination.

7.2 Where a member of General Council/Executive Council becomes such member by reasons of the office he holds, his membership shall be terminated when he ceases to hold that office.

7.3 If a member of the General Council/Executive Council changes his address, he may notify to the Member-Secretary his new address; but if he fails to notify such address, his address as recorded on the roles of the members shall be deemed to be his address.

8. Ceasation or termination of Membership

8.1 A member of the General council or Executive Council shall cease to be such a member if he (a) dies or (b) resigns his membership, or (c) become of unsound minds, or (d) becomes insolvent or (e) is convicted of a criminal offence involving moral turpitude or (f) is removed by the Central Government from the membership or (g) except in the case of Director of the Institute, accepts a full-

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time appointment in the Institute or (h) fails to attend three consecutive meetings, without the leave of the President of the General Council or Chairman of the Executive Council as the case may be.

- 8.2 A member of the General Council or Executive Council (other than ex-officio member or a member representing the Central Government) may resign office by a letter addressed to the President of the General Council or to the Chairman of the Executive Council whatever the case may be and such resignation shall take effect from the date it is accepted by the concerned President/Chairman.

9. Casual vacancy.

- 9.1 Any casual vacancy in the General Council or in the Executive Council shall be filled by the appointment or nomination of a member by the appropriate authority entitled to make such appointment or nomination and the member appointed or nominated to fill such casual vacancy shall hold office for the remainder of the term, if any, of the member in whose place he has been appointed or nominated.

- 9.2 The General Council or the Executive Council shall function notwithstanding any vacancy therein and notwithstanding any defect in the appointment or nomination of any of its members, and no act or proceedings of the General Council or Executive Council shall be called in question merely by reason of the existence of any vacancy therein or of any defect in the appointment or nomination of any of its members.

10. Meetings of the Executive Council.

- 10.1 The Executive Council of the Institute shall meet at least once in every three months.

- 10.2 The meeting of the Executive Council may be convened by the Chairman of the Executive Council or any other member of the Executive Council who may be authorised by him in this behalf.

- 10.3 The meeting of the Executive Council may be convened by the Chairman of the Executive Council or any other member elected by the members present shall function as Chairman for that particular meeting.

11. Powers and functions of the Executive Council

- 11.1 Subject to general control and directives of the General Council, the Executive Council shall be responsible for the management and administration of the affairs of the Institute in accordance with the Memorandum of Association, the Rules and Bye-laws made thereunder for the furtherance of the objects and shall have all powers which may be necessary or expedient for the purpose including:

- (a) to lay down broad policy to carry out the purposes of the Institute.
- (b) to review and sanction budget estimates

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(c) to sanction expenditure as defined in financial bye-laws.

(d) To invest the funds of the Institute

(e) To borrow on terms and conditions expedient

(f) To create posts and recruit and appoint staff

11.2 The appointment of the Director shall be made with the prior approval of the Government.

11.2 (a) Creation and appointment to all such posts as carry an initial monthly pay of Rs.8,000 or above shall be done with prior approval of the Government.

11.3 Creation and appointment of other posts shall be made by the Executive Council.

11.4 The Director of the Institute shall be in-charge of the management of the Institute and shall exercise such powers in respect of the affairs of the Institute as may be delegated to him by the Executive Council from time to time.

11.5 The Executive Council may by resolution appoint one or more committee or committees or sub-committees for such purposes and with such power as may be specified by it.

11.6 The Executive Council of the Institute may, by resolution, delegate separately to the Chairman or the Director or jointly to both of them such of its powers as it may deem fit for the conduct of business.

11.7 The Executive Council may with prior approval of the Government alter or repeal or frame new rules.

12. Funds for the Institute, Accounts and Audit.

12.1 The funds of the Institute shall consist of the following:

(a) grants made by or through the Government of India or any State Government.

(b) donations and contributions from other source; and

(c) other income and receipts of the Institute.

12.2 The funds of the Institute shall be deposited on a bank to be named by the Executive Council and funds received shall be paid into the Institute's account maintained in such a bank and shall not be withdrawn except on cheque signed by two persons designated by the Executive Council and authorised to function on their behalf.

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12.3 The Institute shall maintain proper accounts including a balance sheet in such forms as may be prescribed under the bye-laws.

12.4 The accounts of the Institute shall be audited annually in such manner as the Central Government may direct and any expenditure incurred in connection with the audit of the accounts of the Institute shall be payable by the Institute. The auditors shall have the right to demand production of books 'accounts' vouchers and other documents and papers and to inspect the office of the Institute.

12.5 Within six months after the close of every financial year the Institute shall submit to the Central Govt. the audited statement of accounts of the previous year.

12.6 The financial year of the Institute shall be from the first of April to the thirty-first of March of the following year.

13. The Institute shall invest and deal with funds and moneys of the society and shall have the rights:

- (a) to issue appeals and applications for money and funds in furtherance of the said objectives and to raise or collect funds by gifts, donations, subscriptions or otherwise of cash and securities and any property either movable or immovable and to grant such rights and privileges to the donors, subscribers or otherwise of cash and securities and any property either movable or immovable and to grant such rights and privileges to the donors, subscribers and other benefactors as the society may consider proper;
- (b) to acquire purchase or otherwise own or take on lease or hire temporarily or permanently buy any movable or immovable property necessary or convenient for the furtherance of the object of the society;
- (c) to borrow and raise money with or without security or on the security of mortgage charge or on the security hypothecation or pledge of all or any of the movable or immovable properties belonging to the society or in any other manner whatsoever, provided prior approval of the Govt. of India is obtained in that behalf;
- (d) to sell assign, mortgage lease exchange and otherwise transfer or dispose of all or any property movable or immovable of the society for the furtherance of the objects of the society provided prior approval of the Government of India is obtained (in writing) for the transfer of the immovable property.
- (e) to enter into any agreement, with any government or authority, municipal, local or otherwise to obtain from such Govt. or authority any rights, privileges, concessions, fiduciary or otherwise that the society may deem desirable to obtain and carry out, exercise and comply with such arrangements and rights, privileges and concessions;

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- (f) to draw, make, accept, endorse, discount, execute, sign, issue and otherwise deal with cheques hundis, drafts, certificates, receipts, Government securities, promissory notes, bills or exchange or other instruments and securities whether negotiable or transferable or not;
 - (g) to build, construct, maintain, repair, alter, improve or develop or furnish any buildings or works necessary or convenient for the purpose of the society;
 - (h) to undertake and accept management of any endowment or trust fund or donation to further the objects of the society;
 - (i) to appoint, or employ temporarily or permanently any person or persons that may be required for purposes of the society and to pay them or other persons in returns for services rendered to the society, salaries, wages, honoraria, fees, gratuities, provident funds and pensions;
 - (j) to mobilize available expertise in the field of the Social Defence and to offer technical and consultancy services with or without payment of remuneration as necessary;
 - (k) to establish a provident fund and other benefits for its employees of the society;
 - (l) to institute, offer, or grant, prize, awards, scholarships, fellowships and stipends in furtherance of the objects of the society; and
 - (m) to receive and accept grant/donations and other contributions.

14. Government of India may appoint one or more persons to review the work and progress of the Institute and to hold inquiries into the affairs thereof and to report thereon in such manner as the Government of India may stipulate; and upon receipt of any such report, the Government of India may take such action and issue such directions as it may consider necessary in respect of any of the matters dealt within the report and the Institute shall be bound to comply with such directions.

14.1 The Government of India may give from time to time such directions to the Institute as it deems fit and these shall be binding on the Institute.

14.2 The Institute shall be open to persons of either sex, and of whatever race, creed, caste or class, and no test or conditions shall be imposed as to religious belief or profession in admitting trainees/students or appointing members, teachers and other technical and non-technical staff of the Institute.

14.3 No benefaction shall be accepted by the society which in its opinion, involves condition or obligations opposed to the spirit and object of the society.

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14.4 In case the Government of India is satisfied that the Institute is not functioning properly, the Government of India shall have the power to take over the administration of the Institute and to appoint an administrator for this purpose. During the period such an order is subsisting the General Council and Executive Council shall vest in the administrator.

15. Bye-laws

- (a) with the previous approval of the Govt. of India the society shall have power to frame and amend bye-laws not inconsistent with Memorandum of Association and the rules, for the administration and management of its affairs.
- (b) Without prejudice to the generality of the foregoing provision such regulations may provide for the following matters:
 - (i) The preparation and sanction of budget estimates, the sanctioning of expenditure, making and execution of contracts, the investment of the funds of the society and the sale or alteration of such investment and accounts and audit.
 - (ii) Powers, functions and conduct of business of such committees or advisory panels as may be constituted from time to time.
 - (iii) The procedure, terms and tenure of appointments, emoluments, allowances, rules of discipline and other conditions of service of the officers and staff of the society.
 - (iv) Terms and conditions governing scholarship, fellowship, deputation, grant-in-aid, research schemes and projects;
 - (v) Such other matters as may be necessary for the furtherance of the objectives and proper administration of the affairs of the society.

16. Quorum

- 16.1 1/3 members of the General Council shall constitute a quorum at a General Council meeting or a special meeting of the General Council.
- 16.2 1/3 members of the Executive Council shall form the quorum at any meeting of the Executive Council.
- 16.3 If at any meeting of the General Council or Executive Council there is no quorum the members present shall constitute the quorum.
- 16.4 A written notice shall be sent to every member of the General Council or Executive Council, as the case may be, either personally or through post under certificate of posting at address mentioned in the latest roll of members.

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16.5 Any notice so sent by post shall be deemed to have been duly served and in providing such services, it shall be sufficient to show that cover containing such notice was properly addressed and put into the Post Office under a certificate of posting.

16.6 Non-receipt of the notice of any meeting of the General Council or Executive Council by any members shall not invalidate the proceeding of the meetings:

16.7 The minimum period of notice for meeting of the General Council/Executive Council shall be as follows:

(a) for the Annual General Meeting of the General Council-21 days.

(b) for special meeting of the General Council - 14 days;

(c) for ordinary meeting of the Executive Council- 14 days; and

(d) for extraordinary meetings of the Executive Council - 7 days.

16.8 In case of difference of opinion among the members of the General Council or the Executive Council at any meeting, the opinion of the majority shall prevail. Each member other than coopted members of the General Council or of the Executive Council, as the case may be, including the President shall have one vote and if there be equality of votes on any question, the Presiding Officer shall in addition have a casting or second vote.

17. Roll of Members

17.1 The Institute shall keep a roll of members and their addresses and occupations.

18. Resolution by circulation.

18.1 Any business in respect of which the Chairman is satisfied that the matter is urgent and that it is not possible to hold a meeting of the Executive Council in the near future, may be carried out by circulation among all its members of the Executive Council and shall be effective and bindings as if such resolution has been passed at a meeting of the Executive Council.

19. General

19.1 All contracts shall be executed on behalf of the Institute by the Director in consultation with the Chairman, as per rules defined in the financial bye-laws to be framed by the Society.

19.2 For the purpose of Section 6 of the Societies Registration Act, as applicable to the Union Territory Delhi the person in whose name, the Institute may sue or be sued shall be the Director of the Institute.

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20. Income and Property:

20.1 The income and property of the society, howsoever derived, shall be applied towards the promotion of the objects thereof as set forth in the Memorandum subject nevertheless to the conditions the Government of India may, from time to time, impose in respect of expenditure or grants made by them. No portion of the income and property of the Society shall be paid or transferred directly or indirectly by way of dividends, bonus, or otherwise, howsoever by way of profit to the persons who at any are or have been members of the society or to any of them or to any persons claiming through them or any of them provided that nothing therein contained shall prevent the payment in good faith of honoraria to a member thereof or remuneration to any officer in the Institute in return for any service rendered to the Society or for travelling allowance halting allowance or other similar charges. If, however, a member of the Society is a member of Parliament he shall be paid only the compensatory allowance as provided under the Parliament (Prevention of Disqualification) Act, 1959 until he ceases to be a Member of Parliament.

21. Alteration of Memorandum of Association and Rules and Regulations.

21.1 Whenever it shall appear to the General Council of the Institute that it is advisable to alter, extend or abridge such purpose or for other purposes specified in Section 12 of the Registration Societies Act, 1860, the General Council with the prior approval of Central Government, may submit the proposition to the members of the Institute in a written or printed report, and may convene a special general meeting for the consideration thereof according to the rules and regulations. No such proposition shall be deemed to have been approved unless such report has been delivered or sent by registered post to every member of the Institute 10 days previous to the date of the special general meeting convened by the General Council for the consideration thereof, and unless such proposition shall have been agreed to by the votes cast in favour of the proposition by member who being entitled to do so and such votes are not less than three-fifth of the members delivered in person or by proxy so entitled and voting and confirmed by similar majority of votes at a second special general meeting convened by the General Council after an interval of one month after the former meeting.

21.2 Whenever it shall appear to the General Council of the Institute to alter, extend or abridge such purpose or for other purposes within the meaning of the Act or to amalgamate such society either wholly or partially with any other society the General Council may submit the proposition to the members of the Institute either in written or printed report and may convene a special meeting for the consideration thereof according to the rules and regulations. But no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every member of the society ten days previous to the special meeting convened by the governing body for the consideration thereof, nor unless such proposition shall have been agreed to by the votes of three-fifths of the members delivered in person or by proxy and confirmed by the votes of three-fifths of the members present at a second special meeting convened by the governing body at an interval of one month after the former meeting.

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| (a) Secretary,
Ministry of Social Justice and Empowerment,
Govt. of India. | President |
| (b) Joint Secretary,
Ministry of Social Justice and Empowerment,
Govt. of India. | Member |
| (c) Financial Advisor,
Ministry of Social Justice and Empowerment,
Govt. of India. | Member |
| (d) Representative from Ministry of HRD,
Govt. of India. | Member |
| (e) Representative from Health & Family Welfare,
Govt. of India. | Member |
| (f) Secretary, Social Welfare Deptt. NCT of Delhi | Member |
| (g) Director General, Narcotics Control Bureau | Member |
| (h) Director of the Institute | Member
Secretary |
| (i) Four Nominated Persons from Voluntary
Organisations/Social Workers/Specialists/Experts | Member |