

**Memorandum of Association
of the**



National Foundation for Communal Harmony

MINISTRY OF ADMINISTRATION
of the
National Foundation for Communal Harmony

**CERTIFICATE OF REGISTRATION
SOCIETIES REGISTRATION ACT XXI OF 1860**

No. S-22667 of 1992.

I hereby certify that National Foundation for
Communal Harmony.

has been registered under the SOCIETIES REGISTRATION ACT OF 1860.

GIVEN UNDER MY HAND AT DELHI on this 19th day of
February, one thousand nine hundred and
ninety two.

Registration Fee of
Rs. 50/- received.


Registrar of Societies
Delhi Administration
Delhi



**Memorandum of Association
of the
National Foundation for Communal Harmony**

Name

1. The Name *of* the Society shall be the "National Foundation for Communal Harmony" (hereinafter referred to as the "Foundation".)

Registered Office

2. The registered office *of* the Foundation shall be at Lok Nayak Bhavan, Khan Market, New Delhi or at any other place as the Governing Council may decide.

Objects

3. The objects *of* the Foundation are to:
 - *(i) Undertake programmes or projects for providing assistance to the children of families affected by communal violence, in particular for their education and/or vocational training;
 - *(ii) Undertake programmes or projects for assisting in the physical and psychological rehabilitation of the children, families or other victims of communal violence, and in their assimilation into the mainstream of society;
 - (iii) Promote or undertake activities for the promotion of communal harmony and national integration including, but not limited to scholarships, fellowships and studies;
 - (iv) Promote or undertake activities which will highlight and strengthen the bonds of unity and affinity between different religious and other groups in the country;
 - (v) Undertake and encourage activities which will promote belief in the principles of non-violence in resolving disputes between different religious and other groups in society;

* *Clause 3 (i) & (ii) substituted vide Appendix -I*

- *(vi) Institute awards or rewards for outstanding contributions to the cause of communal harmony and national integration;
- (vii) Cooperate with, and secure the cooperation of, the Central Government, State Governments, Union Territory Administrations, industrial and commercial organisations, and non-governmental, voluntary and other organisations and bodies in promoting the objects of the Foundation;
- (viii) Provide information services, set up libraries, bring out journals, books or other forms of literature to promote the objects of the Foundation;
- (ix) Do all such other lawful acts and things as may be necessary or conducive for furthering the objects of the Foundation.

Powers and functions

4. To carry out the objects mentioned above and for the management of the Foundation, the Foundation shall have the following powers and functions:
 - (i) To issue appeals and applications for money and funds in furtherance of the said objects and to accept gifts, donations and subscriptions of cash and securities and of any property, either movable or immovable;
 - (ii) To acquire, purchase or either own or take on lease or hire in the Union Territory of Delhi or out-side, temporarily or permanently, any movable or immovable property necessary or convenient for the furtherance of the objects of the Foundation;
 - (iii) To sell, mortgage, lease, exchange and otherwise transfer or dispose of all or any property, movable or immovable, of the Foundation for the furtherance of the objects of the Foundation;
 - (iv) To undertake and accept the management of any endowment or trust fund or donation;
 - (v) To undertake all such other incidental acts, deeds and things connected with, and/or germane to, the objects of the Foundation.

Clause 3 (vi) substituted vide Appendix. I

5. There shall be no discrimination on the grounds of religion, community, race, caste, creed or sex in carrying out the objects of the Foundation.

Application of Income

6. The income of the Foundation, howsoever derived, shall be applied towards the promotion of the objects as set forth in this Memorandum of Association subject to such conditions, as the Government of India may, from time to time, impose.
7. No benefaction shall be accepted by the Foundation, which, in its opinion, involves conditions and obligations opposed to the spirit and the objects of the Foundation.
8. No portion of the income of the Foundation shall be paid or transferred directly or indirectly by way of dividends, bonus, profit or in any manner, whatsoever, to the present or past members of the Foundation or to any person claiming through anyone or more of the present or the past members. No member of the Foundation shall have any personal claim on any movable or immovable properties of the Foundation or make any profit, whatsoever, by virtue of his membership.

Provided that nothing herein contained shall prevent the payment in good faith of remuneration to any member thereof or other person in return for any service rendered to the Foundation or for travelling, halting or other similar charges .

Direction by the Government

9. The Government of India shall have the power to issue such directives as it may consider necessary from time to time to the Foundation for the purpose of carrying out or continuing the objects set out in this Memorandum of Association.

Governing Council

10. The names, addresses, occupations and designations of the first members of the Governing Council to whom by the Rules of the Foundation, the management of the Foundation's affairs is entrusted as follows :-

S.No.	Name	Address	Occupation	Designation
1.	S.B. Chavan	Home Minister, Ministry of Home Affairs, New Delhi.	Agriculture	Ex-Officio Chairman
2.	Madhav Godbole	Secretary, Ministry of Home Affairs, New Delhi.	Government Service	Ex-Officio Member
3.	M.S. Agwani	Vice-Chancellor, J.N. University, New Delhi.	Educationist	Member
4.	Usha Vohra	Secretary, Ministry of Welfare, New Delhi.	Government Service	Ex-Officio Member
5.	A.M. Khusro	11, Chirag Enclave, New Delhi.	Eminent Person	Member
6.	Anil Bordia	Secretary, Department of Education, New Delhi.	Government Service	Ex-Officio Member
7.	Vinod Dhall	Joint Secretary, Ministry of Home Affairs, New Delhi.	Government Service	Ex-Officio Member

11. Copy of the Rules of the Foundation certified to be correct copy by three members of the Foundation is filed along with this Memorandum of Association.

Desirous Persons

We, the undersigned, are desirous of forming a society namely the “National Foundation for Communal Harmony” under the Societies Registration Act, 1860 in pursuance of this Memorandum of Association of the Society:-

S.No.	Name	Address	Occupation	Signature
1.	S.B. Chavan	Home Minister, Ministry of Home Affairs, New Delhi.	Agriculture	Sd/-
2.	Madhav Godbole	Secretary, Ministry of Home Affairs, New Delhi.	Government Service	Sd/-
3.	M.S. Agwani	Vice-Chancellor, J.N. University, New Delhi.	Educationist	Sd/-
4.	Usha Vohra	Secretary, Ministry of Welfare, New Delhi.	Government Service	Sd/-
5.	A.M. Khusro	11, Chirag Enclave, New Delhi.	Eminent Person	Sd/-
6.	Anil Bordia	Secretary, Department of Education, New Delhi.	Government Service	Sd/-
7.	Vinod Dhall	Joint Secretary, Ministry of Home Affairs, New Delhi.	Government Service	Sd/-

Rules of the National Foundation for Communal Harmony

Short Title

1. These Rules shall be called the "Rules of the National Foundation for Communal Harmony".

Definition

2. In these Rules, hereinafter, unless the context otherwise requires, the expression:

- (i) 'Foundation' shall mean the National Foundation for Communal Harmony.
- (ii) 'Government' shall mean the Government of India.
- (iii) 'Ministry of Home Affairs' shall mean the Ministry of Home Affairs, Government of India.
- (iv) 'Chairman' shall mean the Chairman of the Governing Council of the Foundation as mentioned in Rule 4 below.
- (v) 'Governing Council' shall mean the Governing Council of the Foundation constituted as in Rule 6 below.
- (vi) 'Executive Council' shall mean the Executive Council constituted as in Rule 9 below.

Members and Chairman of the Foundation

3. The Foundation shall consist of the Chairman and not more than forty members who shall be nominated by the Ministry of Home Affairs as may be required from time to time. The Chairman and the members so nominated shall constitute the general body of the Foundation.
4. The Union Minister of Home Affairs shall be the Chairman of the Foundation and of its Governing Council. He shall preside over the meetings of the Governing Council and the general body, and exercise such powers as may be prescribed in these Rules and in the Bye-laws.
5. (i) The members of the Foundation shall hold office for such period as the

Ministry of Home Affairs may decide in this regard. The Ministry of Home Affairs can also terminate the Membership at any time without assigning any reason. Where a person becomes a member of the Foundation by reason of the office of appointment he holds, his membership of the Foundation shall terminate when he ceases to hold that office of appointment.

- (ii) A Member, other than an ex-officio member, may resign his office by a letter addressed to the Chairman and such resignation shall take effect from the date it is accepted.

Governing Council

6. There shall be a Governing Council of the Foundation, which shall ordinarily consist of not more than twenty five members of the Foundation to be nominated by the Ministry of Home Affairs.

*7. The Governing Council shall review from time to time the broad policies of the Foundation and suggest measures for achieving its objects. It shall have the overall supervision and superintendence of the Foundation. It shall also consider and approve the annual budget, the annual report, annual accounts and audit report. *It shall appoint a Chartered Accountant or a firm of Chartered Accountants for auditing the accounts of the Foundation.*

- 8. (i) The Governing Council shall meet as often as necessary but not less than once in a year.
- (ii) The Chairman of the Foundation may whenever he thinks fit or shall upon requisition in writing signed by not less than one third of the members of the Governing Council convene a special meeting.
- (iii) The Secretary shall circulate a notice of the meeting of the Governing Council at least 7 days before the date fixed for such meeting. The Chairman may direct, in case of emergency, special meeting to be called at a short notice.

*Clause 7 substituted vide Appendix-II

- (iv) The presence of one third of the then existing members will form the quorum, provided that no quorum shall be necessary for an adjourned meeting.
- *(v) Any business which may be necessary for the Governing Council to perform, except such as may be placed before its meeting, may be carried out after approval of members by circulation among all of its members and any resolution so circulated, and approved by a majority of the members signing shall be as effective and binding as if such resolution had been passed at the meeting of the Governing Council.
- *(vi) Decisions at the meeting of the Governing Council shall be taken unanimously or by majority of the members present. In the event of a tie, the Chairman shall have a second or casting vote.
- *(vii) The members of the Governing Council and or Committee appointed by the Governing Council shall be entitled to such allowances or remuneration in respect of the journeys or any other work undertaken for the Governing Council or the Committees or for attending the meetings of the Governing Council or the Committees as the case may be, as may be decided by the Governing Council in this behalf.
- *(viii) The meetings of Governing Council shall be attended by the Members themselves and not by any of their representatives.
- *8A. No action or proceeding of the Governing Council shall be invalid or called in question merely by reason of the existence of any vacancy or vacancies among its members, or any irregularity in the nomination etc. of any of its members.

Executive Council

9. There shall be an Executive Council consisting of not more than nine members of the Foundation. It shall include the Secretaries to Government, who are ex-officio members of the Governing Council and such other members of the Governing Council as may be nominated by the Ministry of Home Affairs. The Secretary, Ministry of Home Affairs shall be the Chairman of the Executive Council.

*Clause 8 (v), (vi), (vii), (viii) and Rule 8A inserted vide Appendix-II

10. Subject to the provisions of the Memorandum of Association and the overall supervision of the Governing Council, the Executive Council shall carry on the management and administration of the Foundation, and shall exercise all the powers and do all deeds and things as may be necessary for the purpose. The Executive Council shall have the power to spend amounts as may be required in this behalf. Without prejudice to the general powers conferred on the Executive Council, the Executive Council shall, *inter alia*, be entitled to :

- (i) receive donations in any form, to purchase or take on lease lands, buildings, equipment, materials and things, to erect and maintain buildings and other constructions and to sell, mortgage, dispose of or otherwise deal with all or any of the same as may be deemed fit;
- (ii) grant loans or borrow moneys as it may think, fit and proper, and control and manage the assets of the Foundation;
- (iii) sell, purchase, exchange and deal with any stocks, funds, shares, bonds, debentures, debenture stocks and other securities to draw, make, accept, endorse, discount, negotiate, execute and issue promissory notes, bills of exchange, hundies, cheques, government securities and other negotiable instruments;
- (iv) borrow from time to time such sums of money at such reasonable rate of interest for such period, and on such terms, with or without security, movable or immovable, and to secure payment thereof with interest by mortgage or by bond, promissory note, bills, hundies and other negotiable securities or by issue of debentures, as it may decide;
- (v) institute, conduct, defend, compound, withdraw, compromise, adjust, refer to arbitration or abandon any legal or other proceedings, claims or disputes, by or against the Foundation or members or against its officers or employees concerning the affairs of the Foundation, and to sign and verify vakalats, plaints, written statements, execution petitions, affidavits and other documents;
- (vi) appoint such staff for administering the Foundation affairs on such terms as it may decide;
- (vii) insure and keep insured, if deemed expedient, all or any of the buildings and other assets of the Foundation and invest in securities approved by

- law relating to the Foundation or in such manner as the Executive Council may think fit and proper in the best interest of the Foundation;
- (viii) open and close accounts in the name of the Foundation in any Scheduled Bank, Post Office or in any other financially sound institution, and to operate such accounts and otherwise deal with the same; and
 - (ix) undertake other acts, deeds or things connected with incidental to and germane to the objects of the Foundation.
11. The Executive Council may constitute Committee or Committees which may be deemed necessary to assist it in any matter relating to the Foundation.
 12. The Executive Council may, subject to such conditions and limitations as it may deem fit, delegate any of its functions to the Secretary or any other officer or employee of the Foundation, or to any other Committee.
 13. The Executive Council may, subject to approval or ratification by the Governing Council, allow and permit any other Foundation, Society, Trust, Institution or Charity, in any local area or areas whose objects are similar to those of the Foundation to the intent and effect that such other Foundation, Society, Trust, Institution or Charity shall be deemed to be a part and parcel of the Foundation, provided that no conditions are accepted which are inconsistent with or repugnant to the objects of this Foundation.
 14.
 - (i) The Executive Council shall meet as often as required but not less than thrice a year.
 - (ii) The Secretary shall ordinarily circulate among the members a notice of meeting of the Executive Council not less than five days before the date fixed for such meeting. The Chairman of the Executive Council may direct, in case of emergency, special meeting to be called at a short notice.
 - (iii) At every meeting of the Executive Council, one third of the then existing members shall form the quorum, provided that no quorum shall be necessary for an adjourned meeting.
 - (iv) Any business which may be necessary for the Executive Council to perform, except such as may be placed before its meeting, may be carried

- out after approval of members by circulation among all of its members and any resolution so circulated and approved by a majority of the members signing shall be as effective and binding as if such resolution had been passed at the meeting of the Executive Council.
- (v) Decisions at the meeting of the Executive Council shall be taken unanimously or by majority of the members present. In the event of a tie, the Chairman shall have a second or casting vote.
 - (vi) The members of the Executive Council and or Committee appointed by the Executive Council shall be entitled to such allowances or remuneration in respect of the journeys or any other work undertaken for the Executive Council or the Committees or for attending the meetings of the Executive Council or the Committees as the case may be, as may be decided by the Executive Council in this behalf.
 - (vii) The meetings of Executive Council shall be attended by the Members themselves and not by any of their representatives.

15. No action or proceeding of the Executive Council shall be invalid or called in question merely be reason of the existence of any vacancy or vacancies among its members, or any irregularity in the nomination etc. of any of its members.

Direction by the Government

16. The Government may at any time, after consultation with the Foundation, appoint one or more persons to review and report on the work and progress of the Foundation. On receipt of any such report, the Government may, on broad questions of policy and matters of general interest, issue suitable directions to the Foundation which the Foundation shall comply with.

Secretary

17. (i) The Executive Council shall appoint a Secretary of the Foundation and determine the terms on which and the period for which he will hold office.
- (ii) The Secretary shall be the Principal Executive Officer of the Foundation. He shall be responsible for the proper administration of the affairs of the Foundation under the direction and control of the Executive Council.

(iii) The Secretary shall, in all matters under his charge, have the powers and duties assigned to him in these Rules and the Bye-laws that may be framed or such powers and duties as may be delegated further to him by the Executive Council.

Bye-Laws

18. (i) The Executive Council shall have power to make and frame Bye-laws not inconsistent with the Memorandum of Association and the Rules of the Foundation and to alter, amend and rescind the Bye-laws from time to time for the administration and management of the affairs of the Foundation.

(ii) Without prejudice to the generality of the foregoing provisions, such Bye-laws may provide for the following matters:

a) the preparation and approval of the budget, the sanctioning of expenditure, making and execution of contracts, the investment of the funds of the Foundation, the preparation and approval of the accounts and the audit of the accounts;

b) the procedure for appointment of the officers and staff of the Foundation;

c) the terms and tenure of appointment, emoluments, allowances, rules of discipline and other conditions of service of the officers and staff of the Foundation; and

d) such other matters as may be necessary for the furtherance of the objects and proper administration of the affairs of the Foundation.

Dissolution of the Foundation

19. The Foundation may be dissolved in accordance with the provisions of the Societies Registration Act, 1860, as applicable to the Union Territory of Delhi. In the event of dissolution, after the satisfaction of its liabilities, all assets including movable and immovable properties whatsoever remains, shall vest absolutely in the Government of India, who would be empowered to decide the future use of them.

Accounts and Audit

20. (i) The Foundation shall maintain proper accounts and other relevant records and prepare the annual accounts.
- (ii) The accounts of the Foundation shall be audited by a Chartered Accountant or a firm of Chartered Accountants appointed by the Governing Council. In the event of grants being received by the Foundation from Government, the provisions relating to audit as may be prescribed by Government would be followed.

Amendment of Memorandum of Association and Rules

21. (i) Subject to the provisions of the Societies Registration Act, 1860 the Foundation may alter, extend or abridge the purpose for which the Foundation is established with the previous concurrence of the Government.
- (ii) The Rules of the Foundation may be altered at any time by a resolution passed by a majority of the two-third members of the Governing Council present at any meeting of the Foundation duly convened for the purpose.

Legal Proceedings

22. The Foundation may sue or be sued in the name of the Secretary in accordance with the provisions laid down in the Societies Registration Act, 1860 as applicable to the Union Territory of Delhi.

Application of the Act

23. All the provisions of the Societies Registration Act, 1860, as applicable to the Union Territory of Delhi, shall apply to this Foundation.
24. We, the following members of the Foundation certify that this is a correct copy of the Rules of the Foundation.

S.No.	Name	Designation	Signature
1.	S.B. Chavan	Home Minister, Ministry of Home Affairs, New Delhi.	Sd/-
2.	Madhav Godbole	Secretary, Ministry of Home Affairs, New Delhi.	Sd/-
3.	Vinod Dhall	Joint Secretary (NI) Ministry of Home Affairs, New Delhi.	Sd/-

Appendix - I
Amendment of clause 3(i), (ii) and (vi) of the Memorandum of Association of the NFCH

For clause 3(i), (ii) and (vi) of the Memorandum of Association, the following clause shall be substituted namely :

- (i) Undertake programmes or projects for providing assistance to the children of families affected by communal, caste, ethnic and any other form of violence/clashes which fractured social harmony as may be decided by the Governing Council from time to time, in particular for their education and/or vocational training:
- (ii) Undertake programmes or projects for assisting in the physical and psychological rehabilitation of the children, families or other victims of communal, caste, ethnic and any other form of violence/clashes which fractured social harmony as may be decided by the Governing Council from time to time, and in their assimilation into the mainstream of society:
- (vi) Institute award or rewards for outstanding contributions to the cause of caste, ethnic and communal harmony and national integration.

The above amendments incorporated in the MOA with the approval of Registrar of Societies, Delhi Administration, Delhi vide No. S-22667 dated 28.4.1999.

Appendix-II
Amendment of Clause 7 & 8 of the Memorandum of Association of National Foundation for Communal Harmony

For Clause 7 & 8 (v) of the Rules of the National Foundation for Communal Harmony (Memorandum of Association of National Foundation for Communal Harmony), the following Clauses and new Rule 8A shall be substituted namely.

7. The Governing Council shall review from time to time the broad policies of the Foundation and suggest measures for achieving its objects. It shall have the overall supervision and superintendence of the Foundation. It shall also consider and approve the annual budget, the annual report, annual accounts and audit report. *It shall appoint a Chartered Accountant or a firm of Chartered Accountants for auditing the accounts of the Foundation.*

8.(v) Any business which may be necessary for the Governing Council to perform, except such as may be placed before its meeting, may be carried out after approval of members by circulation among all of its members and any resolution so circulated, and approved by a majority of the members signing shall be as effective and binding as if such resolution had been passed at the meeting of the Governing Council.

(vi) Decisions at the meeting of the Governing Council shall be taken unanimously or by majority of the members present. In the event of a tie, the Chairman shall have a second or casting vote.

(vii) The members of the Governing Council and or Committee appointed by the Governing Council shall be entitled to such allowances or remuneration in respect of the journeys or any other work undertaken for the Governing Council or the Committees or for attending the meetings of the Governing Council or the Committees as the case may be, as may be decided by the Governing Council in this behalf.

(viii) The meetings of Governing Council shall be attended by the Members themselves and not by any of their representatives.

8A. No action or proceeding of the Governing Council shall be invalid or called in question merely by reason of the existence of any vacancy or vacancies among its members, or any irregularity in the nomination etc. of any of its members.

The above amendments incorporated in the MOA with the approval of Registrar of Societies, Delhi Administration, Delhi vide No. S-22667 dated 5.2.2004.