

MEMORANDUM OF ASSOCIATION
OF
Board of Apprenticeship Training
(Western Region) Mumbai



Board of Apprenticeship Training (Western Region) Bombay.

Chhatrapati Shivaji Maharaj Market
Building, Fourth Floor,
Palton Road, Bombay-400 001.

In the matter of Act XXI of 1860 being an Act for the Registration of literary, scientific and charitable societies, and in the matter of the Board of Apprenticeship Training, Western Region, Bombay, Society, hereinafter referred to as Society.

Memorandum of Association of the Board of Apprenticeship Training, Western Region, Bombay.

1. **NAME** : The name of the Society shall be Board of Apprenticeship Training, Western Region, hereinafter referred to as the Board.
2. **LOCATION:** The registered office of the Board shall be located at Bombay C/o Western Regional Office, Ministry of Education & Youth Services, Govt of India, Industrial Assurance Building, 2nd Floor, Vir Nariman Road, Churchgate, Bombay-20 (Present address).
3. **AIMS & OBJECTS:**
 - (i) The object of the Apprenticeship Training Scheme is to organise practical training for graduates and diploma holders in engineering & technology to equip them with practical experience for gainful employment.
 - (ii) to implement the provisions of the Apprentices Act 1961, so far as they relate to the training of graduate and technician apprentices in exercise of the powers conferred on the Board under the Act and within the limits specified in it.
 - (iii) to advise Apprenticeship Adviser and Central Apprenticeship Council on amendment of existing rules under the Act.
 - (iv) to create administrative, technical, ministerial and other posts to ensure proper and satisfactory

performances and to make appointments to the posts in accordance with Staff Service Rules and recruitment rules as approved by the Board and the Government of India.

4. **FUNCTIONS :**
- i) To establish permanent liaison between technical institutions and Industry located in Western Region, comprising the states of Maharashtra, Gujarat, Madhya Pradesh and the Union Territory of Diu, Daman & Goa.
 - ii) To secure and provide training facilities in different establishments both in the Private & public sectors including Public Sector organisations/Corporations for the products of technical institutions (Both Engineering & Technology);
 - iii) To select students trainees and arrange for their placements;
 - iv) To prepare programmes of training in consultation with the participating training establishments;
 - v) To supervise training with the help of training field officers appointed for the purpose;
 - vi) To award and to disburse stipends to the trainees at the rates to be prescribed for the purpose.
 - vii) To award certificates in accordance with the rules to trainees who complete their training.
 - viii) To arrange dissemination of information on various aspects of practical training through documentation of literature, lectures, films and other media of communications;
 - ix) To provide expert and advisory services in the areas of practical training to both technical Institutions and Industry.
5. Supervision and procedure of review – (The Government of India is the supervising and reviewing authority).

6. FUNDS : a) To maintain a Fund to which shall be credited :

- i) All amounts sanctioned by the Govt. of India;
- ii) All fees and/or other charges received by the Board (Society);
- iii) All moneys received by the Society by way of grants, gifts, donations, benefactions, bequests or from any other sources.

b)

- i) To disburse stipends etc. and to make such other payments as directed by Govt. of India from time to time.
- ii) To deposit all moneys credited to the Fund in Scheduled banks (approved by Government of India) or to invest them in such a manner as the Board may decide with the approval of Govt.
- iii) To draw, make accept, endorse and discount cheques notes or other negotiable instruments.
- iv) To pay all preliminary or incidental expenses in connection with the formation of the Board and its registration out of Funds.
- v) To meet the expenses of the Society out of the Funds to buy material, stores, furniture and consumables that may be necessary to maintain and to carry out the various activities of the Board as well as for buildings and equipments belonging to the Board.
- vi) To create with prior approval of the Govt. of India any reserve Fund, sinking funds, insurance fund, or any other special fund whether for repairs or depreciation, improving extending or maintaining any of the properties or rights of the Board and/or for recoupment of wasting assets and for any other purpose for which the Board deems it expedient or proper to create or maintain any such fund or funds.

vii) To acquire property by gifts, purchase, lease, hire exchanges or otherwise any lands, buildings, easements and any property movable and/or immovable and hold the same; with the prior approval of Central Govt. for acquisition of the said immovable property.

viii) To build and construct buildings and alter, extend improve, repair, enlarge, modify the same as and when required to suit the activities and day to day working of the Board;

ix) To sign, execute & deliver such contracts, deeds and instruments as may be necessary for the aforesaid purpose.

7. ADMINISTRATION: i) To create administrative, technical, ministerial and other posts under the Board and to make appointments thereto in accordance with the rules and regulations of the Board within the overall sanction of the Government of India.

ii) To constitute such committee or committees as Board may deem fit for the disposal of any business of the Board or for tendering any advise in the matter pertaining to the Board;

iii) To make rules and regulations and bye-laws for the conduct of the affairs of the Board and to amend, vary or rescind them from time to time with the approval of Central Government;

iv) To delegate its powers to the Board or any of the Committee or committees constituted by it.

v) To do all such things as may be necessary incidental or conducive to the attainment of all or any of the objects of the Board (Society).

vi) If on winding up or dissolution of the Society, there shall remain, after the satisfaction of all its debits and liabilities, any property wharsoever, the same shall not be paid to or distributed among the members of the Society or any of them but shall be dealt in such manner as the Central Government may determine.

8. CONSTITUTION OF THE BOARD :

The names, address and occupation of the first members of the Board to which the management of its affairs is entrusted in accordance with the Rules and Regulations of the Board are as follows :-

- | | | | |
|----|--|----------|------|
| 1. | Seth Lalchand Hirachand,
Premier Automobiles,
Construction House,
Ballard Estate, Bombay-400 001. | Chairman | Sd/- |
| 2. | Dr. Pranlal Patel,
Malleable Iron & Steel Casting Co. Ltd.,
Mathuradas Mill Compound,
Bombay-400 013. | Member | Sd/- |
| 3. | Shri RS Kenkre,
Joint Director of Tech. Edn.,
Elphinstone Tech. High School,
Bombay-400 001. | Member | Sd/- |
| 4. | Shri PS Kalwachwala,
Director of Technical Edn.,
Ahmedabad, Gujarat. | Member | Sd/- |
| 5. | Shri SR Beedkar,
Director of Tech. Education,
Madhya Pradesh, Bhopal. | Member | Sd/- |
| 6. | Prof. PJ Madan,
Vice-chancellor,
MS University of Baroda,
Baroda. | Member | Sd/- |
| 7. | Shri S.N. Awasthy,
Principal,
Government Polytechnic,
Khandwa. | Member | Sd/- |
| 8. | Shri RN Malhotra,
Principal,
College of Engineering,
Panaji-Goa. | Member | Sd/- |
| 9. | Shri KN Sundaram,
Dy. Educational Adviser (T),
Ministry of Education & Y.Ss.
Western Regional Office,
Industrial Assurance Bldg.,
2nd Floor, Churchgate,
Bombay-400 020. | Member | Sd/- |

Board of Apprenticeship Training (Western Region) Bombay.

RULES AND REGULATIONS

1. In these Rules :-
 - a) 'Society' means the Board of Apprenticeship Training, Western Region (Bombay) Society.
 - b) Board means the Board of Apprenticeship Training, Bombay.
2. The Registered offices of the Society shall be situated at Bombay.
3. The Board of Apprenticeship Training, Western Region, shall be composed as under :
 - i) Chairman to be suggested by the Chairman of the Western Regional Committee, All India Council for Technical Education and to be approved by the Central Government. 1
 - ii) One nominee of the Ministry of Education & Youth Services, Government of India. 1
 - iii-vi) One nominee each of the State Govt. of Maharashtra, Gujarat, Madhya Pradesh and Union Territory of Diu, Daman & Goa. 4
 - vii-x) Two nominees each of the Indian Engineering Association, Bombay and the All India Manufacturers Organisation, Bombay. 4
 - xi) One nominee of the Western Regional Committee All India Council for Technical Education. 1
 - xii-xv) Nominees of ministerial concerns in the Western Region including public sector undertakings, the names of the concerns being specified by the Chairman of Western Regional Committee. 4
 - xvi-xvii) One nominee each from the Ministry of Railways and Ministry of Defence. 2

xviii-xix) Two Heads of Technical Institutions in the Western 2
Region, the names being selected by the Western
Regional Committee of All India Council for
Technical Education.

xx) Director of Training (ex-officio Secretary) to be 1
selected by the Board and approved by the Central
Government.

The Board may co-opt not more than two other persons to be
members thereof.

4. The Central Government may at any time appoint any other
person or persons to be member or members of the Society.

5. The general superintendence, direction and control of the affairs
of the Society and its income and property shall be vested in Board which
shall be called Board of Apprenticeship Training, Western Region,
Bombay, Society, hereinafter called "The Board."

6. The Society shall keep a roll of members and every member of
the Board shall sign the roll and state therein his rank or occupation and
address. No person shall be deemed to be a member or be entitled to
exercise the rights and privileges of a member unless he has signed
the roll as aforesaid.

7. If a member of the Society shall change his address, he shall
notify his new address in the roll of members, but if he fails to notify his
new address, the address in the roll of members shall be deemed to be
his address.

8. DURATION OF APPOINTMENT

a) Members appointed or nominated by the Central or State
Governments shall hold office for such period as may be specified at the
time of their appointment or nomination or at any time thereafter.

b) Where a person is appointed as member of the Society by
the reason of office or appointment he holds, his membership of the
Society shall terminate when he ceases to hold that office or appointment.

9. Non-official members of the Society shall hold office for period
of three years from the date of their appointment, but shall be eligible
for re-appointment.

10. If casual vacancies arise within the three years tenure the persons appointed for the vacancy shall hold office for the unexpired period of the tenure.

11. A member of the Society shall cease to be a member on the happening of any of the following events;

a) If he dies, resigns, becomes of unsound mind, becomes insolvent or be convicted of a criminal offence involving moral turpitude.

b) If he does not attend three consecutive meetings of the Society without proper leave of the Chairman.

c) The first member of the Board shall hold office till a new Board is constituted. The new Board shall be constituted as soon as may be after the date of registration of the Board;

Provided that the intervening period between the constitution of the first Board and that of the new Board shall not exceed two months except with the approval of the Central Government.

12. a) The Chairman of the Society may resign from his office by a letter addressed to the Central Government, his resignation taking effect from the date it is accepted.

b) A member of the Society (other than an ex-officio member or a member representing the Central Government or state Governments) may resign office by a letter addressed to the Chairman and such resignation shall take effect from the date of its acceptance by the Chairman.

13. Any vacancy in the membership of the Society caused by any of the reasons mentioned in rule 12 shall be filled up by the organisation whom he was representing.

14. The Society shall function, notwithstanding that any person who shall be entitled to be a member by reason of his office, is not a member of the Society for the time being and notwithstanding any other vacancy in its body whether by non-appointments or otherwise and no act or proceeding of the Society shall be invalidated merely by reason of the happening of any of the above events or of any defect in the appointment of any of its members.

15. Authorities of the Society (Board).

The following shall be the authorities of the Society :

- i) The Board
- ii) The Chairman
- iii) The Director

16. The Director shall be the principal Executive officer of the Board.

17. OFFICE OF THE BOARD

The office of the Society shall for the time being be located at 2nd floor, Industrial Assurance Bldg., Vir Nariman Road, Bombay-400 020.

18. a) An annual General Meeting of the Society shall be held at such place, date and time as may be determined by the Chairman;

b) Except as otherwise provided in these rules all meetings of the Society shall be called by notice under the hand of the Director.

19. The Chairman may convene a special meeting of the Society whenever he thinks fit.

20. Every notice calling a meeting of the Society shall state the date, time and place at which such meeting will be held and shall be served upon every member of the Society not less than 14 days before the day appointed for the meeting.

21. The Chairman shall preside over all the meetings of the Society (Board). However, if the Chairman is not present at any meeting of the Society the members of the Society present shall choose one of the members present to be the Chairman of that meeting.

22. No business shall be discussed at any meeting of the Society except the election of a Chairman whilst the Chair is vacant.

23. One third of the Members of the Society present in person, including the Chairman, shall form a quorum at every meeting of the Society.

24. All disputed questions at the meeting of the Society shall be determined by majority vote.

25. Each member of the Society shall give only one vote.

26. In case of the equality of votes, the Chairman shall have a casting vote.

27. A Note/Notices (Agenda) may be served upon any member of the Society either personally or by sending it by post in an envelope addressed to such member at his address as recorded in the roll of members.

28. Any notice so served by post shall be deemed to have been served on the day following that on which the envelope containing the same is posted and proof that the envelope containing notice was properly addressed and duly posted will be sufficient proof of such service.

29. The General Superintendence, direction and control of the affairs of the Society and its income and property shall be vested in the Board which shall be called, Board of Apprenticeship Training (Western Region) hereinafter referred to as the Board.

30. Provided that the Central Government may terminate the membership of any member or at one and the same time all members other than the ex-officio members of the Board upon such termination the vacancies shall be filled in accordance with the relevant provision of the Rules. The members whose membership is so terminated shall be eligible for re-appointment.

31. The membership of the Board shall normally be for a period of three years from the date of appointment. If a member ceases to be a member of the Society, he shall automatically cease to be a member of the Board of Apprenticeship Training (Western Region) Bombay.

32. The Board of Apprenticeship Training (Western Region), shall function notwithstanding that any person who is entitled to be a member by reason of his office, is not a member of the Board for the time being and notwithstanding any other vacancy in its body whether by the authority, entitled to make the appointment or otherwise and no act or proceeding of the Board shall be invalidated merely by reason of the happening of any of the above events or of any defects in the appointment of any of its members

33. **PROCEEDINGS OF THE BOARD OF APPRENTICESHIP TRAINING (WESTERN REGION) BOMBAY.**

Every meeting of the Board shall be presided over by the Chairman and in his absence by a member chosen by the meeting to preside for the occasion.

34. One-third of the members of the Board including the Chairman, present in person shall constitute a quorum at any meeting of the Board.

35. Not less than fifteen days notice of every meeting of the Board shall be given to each member to his address as entered in the roll of members.

36. a) At least three meetings of the Board shall be held every year.

b) For the ordinary and special meetings of the Board atleast 15 days notice in advance shall be given.

c) In case of urgent or extra-ordinary meetings, notice may be given such period in advance as the Chairman may decide taking into consideration the urgency of the matter and also the convenience of the members.

37. For the purpose of the last rule each year shall be deemed to commence on the first day of April and terminate on the 31st day of March of the following calendar year.

38. The Chairmen of the Board may himself call or by a requisition in writing signed by him require the member Secretary to call a meeting of the Board at any time.

39. Each member of the Board including the Chairman shall have one vote and if, there shall be an equality of votes on any question to be decided by the Board, the Chairman shall in addition have a casting vote.

40. Any business, except such as the Board may by general or special order direct to be placed before the meeting, may be carried out by circulation amongst all its members and any resolution so circulated as approved by a majority of the members signing, shall be as effectual and binding as if such Resolution has been passed at a meeting of the Board provided that atleast one-third of the members of the Board have recorded their views on the Resolution.

41. Where there is a difference of opinion among the members of the Board, opinion of the majority shall prevail subject, however, to the vote of the Central Government which shall be communicated to the Chairman within 30 days of such decision.

The Chairman of the Board may refer to the Central Govt. any question, which in his opinion is of sufficient importance for the decision of the Central Government and the decision of the Central Government shall be binding on the Society and its Board.

POWERS AND FUNCTIONS OF THE BOARD

42. Subject to the provisions of the Memorandum, the Board shall have full powers and authority to do all acts, matters, things and deeds which may be necessary or expedient for the purpose of the Society and without in any manner derogating from the generality of their powers, in particular the followings :—

i) To prepare and execute detailed plans and programmes for the establishment of the Board of Apprenticeship Training and to carry on its administration and management after such establishment.

ii) To look after and manage the Board and properties of the Society and to spend moneys required for that purpose.

iii) To receive grants and contributions and to have custody of the funds relating to the Board.

iv) To prepare the budget estimates of the Society for each year and to sanction the expenditure within the limit of the budget approved by the Central Government.

v) To prescribe and conduct courses of training in the Board.

vi) To prescribe rules and regulations for the selection of candidates for training for the various courses.

vii) To lay down the procedures in respect of services on technical advice to be rendered to the industry by the Society.

viii) To lay down the procedure for judging the competence for the award of certificates after completion of training.

ix) To lay down procedures for appointment of officers and staff under the Society; and terms, and tenure of appointment, emoluments,

allowances and rules of discipline and other conditions of service for the officers and staff of Society.

x) To create administrative, technical, ministerial and other posts to ensure proper and satisfactory performance and to make appointments to the posts in accordance with Staff Service Rules and recruitment rules as approved by the Board and the Government of India.

43. Subject to these rules and the bye-laws, the Board shall have the powers to appoint officers and staff for conducting the affairs of the Society and to fix the amount of their remuneration and to define their duties.

44. The Board shall have the power to enter into arrangements with the Central Government, State Governments and other Public or Private organisations or individuals for securing and accepting endowments, grant-in-aid, donations or gifts, to the Society on mutually agreed terms and conditions provided that the conditions of such grant-in-aid, donation or gifts, if any, shall not be inconsistent or in conflict with the nature or objects of Society or with the provisions of these rules.

45. The Board shall have the power to take over and acquire by purchases, gift or otherwise from the Government and other public bodies or private individuals willing to transfer, movable and immovable properties, endowments or other funds together with any attendant obligations and engagements not inconsistent with the objects stated in the Memorandum of Association and the provisions of these rules.

FINANCIAL AND OTHER COMMITTEES

46. The Board shall have the power to appoint financial and other committees or sub-committees for carrying out the objects of the Society.

47. The Board may by resolution delegate to the Director such of its powers for the conduct of business as it may deem necessary.

APPOINTMENT OF DIRECTOR

48. Appointment to the post of Director shall be made by the Board with the approval of the Central Government and on such terms and conditions as the Central Government may stipulate.

FUNCTIONS AND POWERS OF THE DIRECTOR

49. The Director will be ex-officio Member Secretary of the Board. He shall receive such remuneration as may be decided by the Chairman of the Board with the approval of the Central Government.

50. Subject to the Rules and other conditions of the services as may be decided by the Board as per 42 (ix) above, the Director in all other matters under his charge shall have powers similar to the Head of the Department.

51. He shall prescribe the duties of all officers and staff of the Society and shall exercise such supervision and disciplinary control as may be necessary in accordance with these rules.

52. It shall be the duty of the Director to co-ordinate and exercise general supervision over all activities of the Society.

53. The Director shall exercise his powers under the direction, superintendence and control of the Chairman of the Society.

54. The Director shall maintain a record of the proceedings of the Society and of the Board and shall perform the duties pertaining to his office

ACCOUNTS AND AUDIT

55. i) The Society shall maintain proper accounts and other relevant record and prepare annual statement of accounts in such form as may be prescribed by the auditors appointed by the Board.

ii) The accounts of the Society shall be audited annually by auditors and any expenditure incurred in connection with the audit of accounts of the Society shall be payable by the Society.

iii) The auditors shall have the same rights, privileges and authority in connection with the audit of accounts to the Society as the Controller and Auditor General of India has in connection with the audit of Government accounts and in particular shall have the right to demand the production of books, accounts connected vouchers and other documents and papers and to inspect any of the offices of the Society.

iv) The accounts of the Society as certified by the auditors together with the audit Report thereon shall be forwarded annually to the Central Government.

v) The accounts of the Board shall be open for a test check by the Comptroller and Auditor General at his discretion.

ANNUAL REPORT

56. The Annual Report and the yearly accounts of the Society shall be prepared by the Board and placed before the Society at its Annual General Meeting for consideration and approval. Copies thereof as finally approved by the Society shall be supplied to the members of the Society. The proceedings of the Society together with the Annual Report shall be sent to the Government of India and to the members of the Society for information.

ALTERATION OR EXTENSION OF THE PURPOSE OF THE SOCIETY

57. With the prior approval of the Central Government the Society may alter or extend the purposes for which it is established in accordance with the provisions of the Societies Registration Act, 1860.

ALTERATION OF THE RULES

58. The prior sanction of the Central Government shall be obtained before the Rules and Regulations of the Society and any amendments to them are brought into force.

The income and property of the Society, however, derived, shall be applied towards the promotion of the objects as set forth in the Memorandum of Association subject never the less in respect of the expenditure of grants made by the Government to such limitations as the Government of India may from time to time impose. 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 persons who at any time are or have been members of the Society, or to any of them, provided that nothing herein shall prevent the payment in good faith of remuneration to any member or other person in return for service rendered to the Society or for travelling allowances halting allowance and other similar charges.

DISSOLUTION OF THE SOCIETY

59. The Society shall not be dissolved without the consent of the Central Government and on such dissolution the assets of the Society shall be dealt with in accordance with the provisions contained in the Society Registration Act, 1860.

Certified that the above are the correct Rules and Regulations of the Board of Apprenticeship Training (Western Region).