

2020

INDIAN COAST GUARD

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[COAST GUARD FOUNDATION]

DRAFT MEMORANDUM OF ASSOCIATION FOR ESTABLISHING AN ORGANISATION UNDER THE SOCIETIES REGISTRATION ACT XXI OF 1860 AND GOVERNED UNDER THE AEGIS OF COAST GUARD HEADQUARTERS, NEW DELHI

DRAFT MEMORANDUM OF ASSOCIATION
FOR
COAST GUARD FOUNDATION

Memorandum of Association

Name

The name of the Society shall be "The Coast Guard Foundation".

Registered Office

The Registered Office of the Society shall be situated in the Union Territory of Delhi and at present is located at CG Veteran's Cell, Coast Guard Headquarters, National Stadium Complex, New Delhi - 110001.

Objects of The Foundation

The Coast Guard Foundation (hereinafter referred to as "The Foundation") shall be a secular and non-political body which shall not be affiliated directly or indirectly with any political Organisation or Institution. The objects of the Foundation are:-

- To provide facilities for those who have served in and retired from the Coast Guard to maintain contact and fraternal relationship between themselves,
- To acquire and share articles of historical and educational value concerning the Indian Coast Guard and other maritime subjects of interest, including maritime law and maritime law enforcement.
- To carry out charitable, social, philanthropic, cultural, educational and other activities for the benefit and to look after the interests generally to the beneficiaries, namely the retired Coast Guard fraternity and others.
- To provide assistance to the beneficiaries in matters concerning pensions, grants, gratuities, allowances, etc., in coordination with concerned directorate at CGHQ.
- To establish and manage alone or in cooperation with others, hostels, guest houses or such other establishments primarily for the benefit of the beneficiaries and other Coast Guard Personnel and their dependents.
- To establish, promote and manage recreational, canteens, community centres, clubs, sanatorium homes or other institutions or facilities for the physical, mental and moral well-being of the beneficiaries and for the care of the aged and invalid amongst them.

- To print and publish books, periodicals, pamphlets and any other publications and to undertake production of or assist in the production of media material, short films, scripts, dramas, cultural shows, etc., as may be considered necessary for the promotion of the objects of the Foundation.
- To promote interest in Maritime studies with particular reference to Coast Guard activities related to maritime safety, security and environment protection and other related maritime activities.
- To create amongst the public, interest in the Coast Guard and promote interest in maritime activities.
- To create trusts and or other similar institutions to award scholarships and financial assistance as deem fit for promotion of studies and research on maritime matters.
- To create awareness amongst the public about the problems of ex-Coast Guard personnel and their families and to enlist co-operation from other Institutions, organisations, establishments, departments and other bodies for their resettlement or otherwise to help them in solving their problems.
- To place at the disposal of the Government, the Services of the Foundation or any or its branches, to be utilised in the event of calamities, natural or otherwise, or for any emergencies whether local or at the National level.
- To hold periodical conferences, meetings, seminars, lectures, exhibitions, film shows on matters of interest to the Coast Guard or the ex-Coast Guard personnel and their families.
- To do all such other things as are incidental or conducive to the attainment of the above objects.
- Income of society shall be utilised for its objectives only.

The name, addresses and occupation of the present members of the Governing Council to whom the management of the affairs of the Association is entrusted, as required by Section 2 of the Societies Registration Act XXI of 1860 as extended to the Union

Territory of Delhi are as follows :-

We, the undersigned are desirous of forming into a Society, namely, "The Coast Guard Foundation" under the Societies Registration Act XXI of 1860 as extended to the Union Territory of Delhi in pursuance of this Memorandum of Association, and request that Association be registered

Sl. No	Name	Address & Occupation	Signature
1.	DGICG	CGHQ	
	DDG		
2.	(HRD)	CGHQ	
	DDG		
3.	BUVIK	MUMBAI	
4.	PD (ADM)	CGHQ	
5.	CLO	CGHQ	
6.	OIC CGVC	MEMBER SECY	

(OTHER FUNCTIONAL MEMEBERS AS REQUIRED)

Rules And Regulations Of The Coast Guard Foundation

CHAPTER - 1

Name

The name of the Society shall be "The Coast Guard Foundation", hereinafter referred to as "The Foundation".

Aims And Objectives

The aims and objectives of the Foundation will be as set forth in paragraph 3 of its Memorandum of Association.

Membership

Eligibility

- Any person who has served in the Indian Coast Guard including Short Service Appointments (SSA) as an Officer, is solvent and of sound mind, and has not been convicted by a Court of Law in a criminal case, shall be eligible to become a member of the Foundation.
- Serving Coast Guard Officers whilst holding the appointments of Director General, Indian Coast Guard, Deputy Director General, (HRD), Deputy Director General (BUVIK), Principal Director (ADMIN), Chief Law Officer and the Officer-in-Charge CG Veteran Cell shall be the ex-officio members of the Foundation with full voting rights.

Categories Of Members

There shall be the following categories of members of the Foundation :-

Members

- Any person who is eligible to become member as mentioned above, may become a member for life on payment by him of the subscription as may be specified in these rules and regulations from time to time.

Honorary Members

- The Governing Council may at its discretion invite eminent armed forces and civilian persons who have been associated with the Indian Coast Guard and

other eminent persons of repute in maritime affairs to become Honorary Members of the Foundation. Honorary membership unless specified for a period will be for life. No subscription shall be payable for such membership.

Members With Foreign Citizenship

- Indian Coast Guard veterans who are a NRI or with foreign citizenship will continue to be enrolled members of the Coast Guard Foundation at any chapter. Should such veterans be in India and are in a position to attend an event being held in a Coast Guard or other Defence environment (eg. mess or service institution) their security clearance from CGHQ/RHQ will be sought by the concerned chapter.

Subscription

Members shall, at the time of admission, pay a fee of Rs. 3000/- . (Rs. 2,500/= as one time life membership fee and Rs. 500 towards entry fee) to be retained by the respective chapter. In the event of the member moving to another chapter within one year of retirement from the Coast Guard, the full amount is to be transferred from the old to the new chapter. On moving to another chapter after one year only the one time life membership of Rs. 2,500/= is to be transferred from the old to the new chapter.

Voting Rights

Members shall have voting right at the General Body Meetings of the Chapters. Honorary members and members with Foreign Citizenship may attend such meetings but shall have no rights to vote.

Cessation Of Membership

The membership of any person shall stand automatically terminated on his/her death or resignation.

The Executive Council shall be entitled to terminate the membership of any person, if a resolution is passed by it that a member has acted in a manner prejudicial to the aims and objects of the Foundation. The membership shall stand terminated from a date as specified in the resolution or from the date of passing of the resolution if no such date is stated.

In addition, the Executive Council may order the termination of membership of any person, if it is satisfied that:

- He/she has been found to be of unsound mind by a court of law, or

- He/she has been convicted by a criminal court of an offence involving moral turpitude, or
- He/she has been declared insolvent by a court of law.

Re-Admission

A person whose membership has been terminated or who has resigned may be required to pay the subscription again, if his re-admission is approved by the Executive Council.

Appeal

Any person whose application for admission or re-admission to membership has been turned down by the Executive Council, or any member who considers himself to be aggrieved by any order or action of the Executive Council may apply to the Governing Council giving full particulars of the case, and the Governing Council may take such action on it as they may deem fit.

Register Of Members

A register of Members of the Foundation, showing separately in respect of members and Honorary members, the dates of admission, personal particulars, and the dates, if any, on which the name of the members was struck off, together with reasons, therefore, shall be maintained by the Secretary and shall be open to inspection by members at all reasonable times, except during the period of 30 days immediately preceding the Annual General-Body Meeting. During this period of 30 days no new names shall be entered in the register. All enrolment cessation and transferring of memberships shall be intimated to CGHQ, OIC CG Veteran Cell.

Patrons

The President of India will be the Patron-in-Chief of the Foundation. All retired DGICGs shall be invited to be the patrons of the Foundation.

The Governing Council may invite such other dignitaries or persons of eminence as it considers appropriate to be the Patrons of the Foundation.

CHAPTER-2

Management

The Foundation shall have its Headquarters at New Delhi with chapters at such other place as authorised by the Governing Council. These chapters will be organised in regions under corresponding Regional Headquarters. The chapters shall be designated as follows:

The Coast Guard Foundation Mumbai, Chennai, Gandhinagar, Kolkotta, and Port Blair Chapter (Name of the station where chapter is located).

Office Bearers

- President
- Secretary
- Treasurer

For the management of the Foundation, there shall be:

- A Governing Council, and
- An Executive Council

The Governing Council

The Governing Council shall consist of:-

- The President of the Foundation – Director General, Indian Coast Guard.
- The Vice President – Nominated by the President.
- Secretary of each Regional Governing Council (RGC)
- Four members (one per RGC) as nominated by respective RGC.
- Legal Member – Chief Law Officer
- The Secretary – O i/c, CG Veteran Cell
- The Treasurer – PD (ADMIN)
- Special Invitees.

Any member of the Governing Council, who fails without seeking leave of absence to attend three consecutive meetings of the Council shall unless dispensation is granted by that Council, cease to be a member of the Governing Council.

The tenure of elected members above shall be until the expiry of a period of twelve months from the date they assumed office or till the date on which the next General Body Meeting after the expiry of the said twelve months is held, whichever is later.

The existence of a vacancy in the Governing Council shall in no way invalidate its constitution or any of its acts.

The Director General, Indian Coast Guard shall be the ex-officio President of the Coast Guard Foundation. Principal Director (ADMIN), Chief Law Officer and the Officer-in-

Charge CG (Veteran Cell) CGHQ, shall be, Treasurer and Legal member and ex-officio Secretary respectively.

The President shall nominate one of the elected members of the Governing Council as the Vice President of the Governing Council. The President may, if required also nominate a serving ADG to preside in his absence over the meetings of the Governing Council, Executive Council and Annual General Body Meeting.

The Powers Of The Governing Council

The Governing Council shall be responsible to regulate the affairs of the Regional Chapters in furtherance of the aims and objects mentioned in the Memorandum. In furtherance thereof, the Governing Council shall have the powers to:

- Enforce these rules and regulations and the resolution passed by the General Body.
- Authorise opening of a new chapter of the Foundation and provide for its management.
- Hold in trust any moveable/immovable assets on behalf of the Foundation or any of its constituent affiliated Societies.
- Scrutinise for approval the application of any Society or other body of persons for affiliation with the Foundation.
- Appoint committees/sub-committees from amongst the members of the Foundation and delegate suitable functions and powers to them.
- Fill any vacancy which may be caused in any committee or sub-committee,
- Nominate any member to represent the Foundation in any conference or assembly of ex-CG veterans in India or abroad, and, if necessary, authorise expenditure in this connection,
- Authorise any member or person to represent the Foundation in any legal proceedings and incur expenditure in this connection,
- Acquire and execute any trust, and appoint trustees and fix their remuneration and in accordance with trust deed, if any, remove anyone or all of them, if necessary,

- Allocate/disburse funds to chapters from time to time,
- Subject to approval of the General Body, frame bye-laws from time to time

Meetings Of The Governing Council

The Governing Council shall ordinarily meet at least once in 12 months at such time and place as decided by its president. The President may however call a special or emergency meeting of the council if circumstances so warrant. At least 15 days and 7 days notice shall be required to be given to the members for ordinary and special meetings respectively. For emergency meeting, the period may depend on the situation warranting such a meeting,

Quorum

Presence of one third members with voting rights shall constitute the quorum. There will be no quorum for an adjourned meeting due to lack of quorum.

Chairing Of Meeting

The President shall be the Chairman at all the meetings. In his absence the Vice President shall act as the Chairman.

Decisions

All issues in the Governing Council meetings shall be decided by majority of votes. In the event of a tie, the Chairman shall have a casting vote. A declaration by the Chairman that a resolution has been passed or lost followed by an entry to that effect in the Minutes Book of the Governing Council shall be the conclusive evidence of that fact.

Passing Of Resolution Without Meeting

If it is considered inexpedient to hold the Governing Council meeting, the President may cause a resolution to be circulated to all members of the Council. Thereafter on receipt of assent from majority of members having the voting rights, the President may declare the resolution passed at a duly constituted Governing Council meeting.

The Executive Council

The Executive Council shall consist of:-

- The Secretary of Foundation – PD (Pers)
- The Treasurer of Foundation – PD (Admin)
- Joint Secretary of Foundation – O I/c CGVC

Powers And Duties Of The Executive Council

The Executive Council shall:

- Carry out any task and assume responsibilities as assigned to it by the Governing Council from time to time,
- Deal with all matters relating to administration, membership and acts of routine nature and to make recommendations to the Governing Council or the President on matters as may be considered necessary,
- Deal with routine financial matters not exceeding the following monetary limits at any one time:
 - Rs, 1,00,000/- where specific budgetary provisions have been made,
 - Rs. 50,000/- where no specific budgetary provision exists. All such cases shall be submitted to the Governing Council for subsequent ratification.
 - The Secretary shall have powers to incur expenditure upto Rs. 10,000/- on each occasion on routine affairs of the CG Foundation subject to maximum expenditure of Rs. 50,000/- in a financial year.
- Examine and make recommendations on the budget, the Annual Accounts, Balance Sheet, the Annual Report and any other proposal required to be submitted to the Governing Council or the General Body,
- Subject to the approval of the Governing Council, fill any vacancy that may arise in any of the committee/sub-committee otherwise than any vacancy of the Executive Council.
- Take decisions or action on any matter not specifically provided above, where the matter is of urgent nature and cannot wait until next Governing Council Meeting, provided all such decisions and actions shall be reported for ratification at the next meeting of the Governing Council.

The Executive Council shall be responsible to the Governing Council for its actions and

decisions.

Committee/Sub-Committee

The Governing Council may appoint committees or sub-committees as considered necessary and delegate to them functions, powers and duties accordingly.

The Office Bearers Of Governing Council

The President

The President shall:

- Preside over all General Body and Governing Council meetings. His ruling on point of procedure or as to the result of voting at a meeting shall be final.
- Be empowered to take a decision on any urgent matters, which shall be submitted to the next Governing Council/ Executive Council meeting for ratification.
- Be authorised to sign jointly with Secretary or one other member of the Governing Council/Executive Council all contracts, suits, documents and deeds requiring the signatures of a person(s) on behalf of the Foundation.

The Vice President

All functions of the President during his absence, shall, unless otherwise provided, be performed by the Vice President. In the event of the office of the President falling vacant for any reason, the Vice President shall assume the office of President till such time the vacancy is filled. The President may assign any specific duty to the Vice President. Vice President will continue to officiate as President for two months while the change is effected by the next set of office bearers.

The Secretary

The duties and responsibilities of the Secretary shall be:

- To manage the office and staff; if any, at the headquarters of the Foundation.
- To record or cause to be recorded, minutes of the meeting of the General Body/Governing Council/ Executive Council.
- To ensure that proper records of all decisions given and resolutions passed at the above meetings are maintained and appropriate follow-up action taken for their implementation.
- To advise President on all matters of administration and policy of the Foundation,

- To sign jointly with the President or one other member from the governing/Executive Council documents of financial nature, deeds, suits contracts, etc.
- To maintain all books and records of the Foundation and conduct correspondence on behalf of the Foundation,
- To maintain an up-to date register of members and to issue membership cards to new members on enrolment.
- To be in charge of all movable/immovable assets of the Foundation and ensure its upkeep,
- To draft annual or other reports of Foundation for submission to the Executive Council/Governing Council and the General Body Meetings,
- To file annually with the Register of Societies, Delhi a nominal roll of the names, address and occupation of the members of the Governing Council as required by section 4 of the Societies Registration Act 1860 Act XII of 1957 as extended to Delhi,
- To carry out such other duties as may be assigned to him by the General Body, Governing Council or the Executive Council.

The Treasurer

The Treasurer shall be the custodian of all the funds of the Foundation and shall receive monies or make payments on behalf of the Foundation, He shall be responsible for:-

- Safe custody of the cash, cheque books, seals and securities of the Foundation
- Correct and up-to-date maintenance of the accounts,
- Keeping the Governing Council/Executive Council informed about the state of the finances of the Foundation
- Performing such other functions pertaining to the finances of the Foundation as may be assigned to him by the President, the Governing Council or the Executive Council.

Chapter – 3

Regional Organisation

Regional Governing Councils:-

Regional Governing Councils will be constituted as follows:-

- North Region - Delhi
- North East Region - Kolkata
- Eastern Region - Chennai.
- West Region – Mumbai
- Andaman & Nicobar Islands – Port Blair

Regional Commanders will be the Regional head of all the Coast Guard Foundation Chapters under their jurisdiction area (geographical location wise) and will provide all the Administrative support to them.

The Regional Governing Council shall consist of:-

- President – Serving Regional Commander
- Vice President – CSO(P&A) of respective Regions
- One representative of each Managing Committee.
- The Secretary – Regional Welfare Officer

Meetings Of The Regional Governing Council

The Governing Council shall ordinarily meet at least once in 12 months at such time and place as decided by its president. The President shall be the Chairman at all the meetings, in his absence the Vice President shall act as the Chairman.

Chapters Of The Foundation

The chapters shall be governed by this constitution but will have autonomy of local functioning. Each of the chapters shall have an elected Managing Committee consisting of at least the following members:

- Regional President
- Secretary, and
- Treasurer.
- Additional members as decided by AGM be elected after promulgation in their working rule.

Term Of Office

Managing Committee should be elected for a term of three years.

Each chapter will frame its own working rules and forward a copy to the NF HQ Governing Council and Regional Governing Council.

The corpus funds given to the charters shall be invested only in nationalised banks and Public sector Undertakings and only interest accrued thereof shall be used for day to day expenses. The accounts of each chapter shall be audited once a year by an outside agency and a copy of the Statement of Accounts shall be forwarded to the Governing Council by 31 May of each year.

Meeting Of The General Body

Annual General Meeting

The first Annual General Meeting shall be held within six months from the date of registration of the Foundation. Thereafter these meetings shall be held once in each year at such time and place as the Governing Council may decide.

Transaction At The Annual General Meeting

The following business shall be transacted at the Annual General Meeting;-

- Presentation and adoption of the Annual Report of the Governing Council and the audited balance sheet and accounts for the previous year. At the first AGM however, only initial financial report shall be placed for adoption.
- Election of members to the Governing Council for the ensuing year as are required to be elected, the voting shall be by a secret ballot.
- Any other business as may be placed on the agenda or permitted by the Chairman.

Notice For The Annual General Meeting

A minimum notice of sixty days shall days be given for the AGM.

Preparation Of Agenda

Any member proposing to move a motion shall give a written notice of the same to the Secretary duly seconded by at least one member entitled to vote, at least thirty days prior to the date of the AGM. In preparing agenda for the AGM the Governing Council shall have right to :-

- Determine the sequence in which the business included in the agenda is to be considered.

- Co-ordinate into one or more resolutions, items covering the same subject wholly or in part.
- Frame and introduce any resolution which may be considered necessary for consideration of the General Body.
- Reject any motion which may be considered inconsistent with the aims and objects of the Foundation or irregular or out of order.

Circulation Of Agenda

The agenda shall be circulated to all members at least fourteen days in advance. It shall also be displayed prominently at the registered office of the Foundation and its chapters, if any.

Conduct Of The AGM

The President or in his absence the Vice President shall act as the Chairman of the General Body Meeting, In case both are not present, members present shall choose one of their members to be the Chairman,

Quorum For The AGM

One third of the number of members entitled to vote, present at the AGM, shall constitute the quorum for the meeting. If the quorum is not complete the meeting shall be adjourned to such time and place as the Chairman of the Meeting may decide,

Decision On Motions

Every motion submitted to the meeting shall be decided by a majority of votes. In case of equality of votes, the Chairman shall have casting vote.

Extraordinary General Meetings

Authority To Convene

The Governing Council or the President may convene an extra-ordinary general meeting if considered necessary. The meeting shall also be called by the President on presentation to him of a written requisition by not less than 30 members for considering such matters as may be specified in the requisition.

Notice And Conduct Of Meeting

The rules for the conduct of AGM shall also apply to extra-ordinary general meeting except that the period of notice in this case shall be 30 days. The notice shall specify the specific purpose for which the meeting is being convened and no other business other than the one notified shall be transacted at such meeting without the sanction of the President.

Lack Of Quorum

If at the time fixed for an extra-ordinary general meeting convened on requisition, the quorum is not present, and the number of members present remains below the quorum for the next 60 minutes, the meeting shall, unless the Chairman decides otherwise for any reasons to be recorded, stand dissolved,

Proceedings And Their Evidence

All minutes, proceedings, resolutions etc. of the General Body Meetings, meetings of Governing Council, Executive Council and other committees/sub-committees signed by the Secretary and countersigned by the President/ Chairman shall be the evidence of matters stated therein.

Raising Of Funds

The Foundation and its chapters may raise funds to achieve aims and objects of the Foundation by any of the means consistent with the memorandum of Association including :-

- By appeals to the Union and State Governments.
- By appeals to the general public and other institutions for contributions, gifts or donations.
- By organising sports maritime activities, water sports, fetes and other entertainment as permitted by law.
- By publication and sale of books, magazines, journals and periodicals.
- By any other activities which are conducted in a legally legitimate manner.

Financial Year

Financial year of the Foundation shall be the year commencing 01 April of the year to 31 March of the year following.

Accounts & Audit

Accounts

The Governing Council shall cause true accounts to be kept of all financial transactions carried out by the foundation and shall lay before the Annual General Meeting an income/expenditure account and balance sheet duly audited once in a year as provided by these rules. A copy each of such accounts balance sheet shall be displayed on the notice boards at the registered office of the Foundation at least 14 days prior to the date at which the same is presented to the General Body. All the funds of the Foundation shall be deposited in a nationalised bank as decided by the governing Council. The bank accounts shall be operated under the joint signatures of the two Governing Council members.

Audit

A duly qualified Chartered Accountant shall be appointed by the Governing Council in an honorary or paid capacity as appropriate as the Auditor of the Foundation. The Auditor shall have the right of access to all the books of accounts, vouchers and other financial documents of the Foundation. He shall be afforded any other assistance in the form of information or explanations to enable him perform his functions properly.

Alteration Of Rules And Regulations

These rules and regulations may be altered by the vote of a majority of members present and voting at any General Body Meeting provided that notice of such alteration is given to all members of the Foundation at least fourteen days before the date of the meeting.

Alteration Of Memorandum Of Association

If in the interest of Foundation, the Governing Council considers it advisable to change the objects of the Foundation or its name as contained in the Memorandum of Association, or amalgamate the Foundation wholly or partially with any other society, the President shall after having the resolution passed at the Governing Council, inform the members of the Foundation in writing and convene a special meeting of the General Body for its consideration. This information shall be delivered or sent by post / e-mail to all members at least ten days prior to the date of the special meeting. Any amendment in the Memorandum or Rules will be carried out in accordance with procedure laid down under Section 12 & 12A of Societies Registration Act, 1860.

The resolution to be considered passed by the General Body shall be approved by votes

of 3/5 of total members delivered in person or by proxy and again confirmed by the votes of 3/5 of members present at a second special meeting of the General Body convened by the President on behalf of the Governing Council at an interval of one month from the first meeting.

Registrar of Societies shall be delivered a copy of the resolution thus passed. Change of name of the Foundation shall only be made after the Registrar of Societies, New Delhi has registered the change of name and issued a certificate of registration altered to meet the circumstances of the case.

Dissolution

Should it become necessary to dissolve the Foundation at any future date, this will be done after approval by the General Body at a specially called meeting for this purpose. The Foundation shall not be dissolved unless three fifths of the total members having voting rights shall have expressed a wish for such dissolution by votes either delivered in person or by proxy at the special meeting of the General Body convened for this purpose. Section 13 & 14 of the Societies Registration Act 1860, as applicable to the UT of Delhi shall apply for dissolution.

Upon dissolution of the Foundation, the Governing council shall take all necessary steps for disposal and settlement of the property of the Foundation, its claims and liabilities according to these rules and regulations as may be applicable, if any, and if not, then as the Governing Council shall find expedient.

If any property is left after the satisfaction of all the Foundation's debts and liabilities, the same shall be given to CGBA (a society registered under the Societies Registration Act 1860) or to some other Society as may be determined by the votes of not less than three fifths of the members present personally or any proxy at the time of dissolution.

Suits By Or Against The Foundation

A suit by or against the Foundation shall be filed in the name of President or in the name of such other persons as may be appointed by the Governing Council for this purpose as per the provisions of Section 6 of the Societies Registration Act 1860, as applicable to UT of Delhi.

Operation Of Rules

All the provisions of the Societies Registration Act XXI of 1860 as extended to the Union Territory of Delhi shall apply to the Foundation. The Foundation has been registered vide Certificate No. -----dated ---- 2020.

Rules & Regulations Of The Foundation

Certified that this is the correct copy of the rules and regulations of the Foundation.

