

RULES AND REGULATIONS OF
THE KASHYAP KASHMIR SABHA
GURUGRAM HARYANA (INDIA)

Article 1:

Name of the society : KASHYAP KASHMIR SABHA

Article 2:

The Registered office of Society shall be at RB1-Sector
23-23A, Gurugram, Haryana-122017

Article 3:

Definition

- (a) 'Society' means Kashyap Kashmir Sabha, Gurugram
- (b) : 'Act' means HARYANA REGISTRATION & REGULATION OF SOCIETIES ACT, 2012 as amended by Haryana Act No.14 of 2015
- (c) Unless the subject or context otherwise required, all Words and expressions used in these articles (Articles Of Association) shall bear the same meaning as in the Act.

Article 4:

Membership

- (a) Every founder member of the society and every other member who may hereafter be willing to subscribe to the aims and objectives of the society and its rules and regulation shall be member of the Society.
- (b) Only those who are more than 21 years of age, are not insolvent and of unsound mind, have not been convicted of an offence involving moral turpitude shall be eligible for membership.
- (c) Pays one time life membership subscription of Rs 2000/- covering subscription of his/her enrolment.

Article 5:

Admission Procedure

(a) The membership shall be granted by screening committee after screening the request for membership. The screening committee may accept/reject the request. The decision of the screening committee shall be final.

(b) The screening Committee shall consist of President, General Secretary and three members from Executive Council. The said three members shall be elected by Executive Council members.

(c) Every person admitted as a member will be issued an identity card containing his/her photograph, his/her brief particulars, duly signed by individual member and General Secretary of the Society.

Article 6:

Rights and Obligations of Members

(a) He/she shall be bound by the vision statement of the Society as outlined in its MOA and rules and regulations of the society as contained in its bye-laws as amended from time to time;

(b) Every member shall have the right to cast his vote at the elections of the society provided he/she is not a defaulter in payment of any dues of the Society.

(c) Every member of the society shall have the right to inspect the books of accounts, books containing the minutes of proceedings of general meetings, meetings of General Body and register of members of Society on any working day after giving a notice of two weeks.

(d) Every member shall inform the Society about any change in his address, which shall be duly recorded in the register of members of the Society. A fresh identity card shall be issued to such member.

Article 7:

A member admitted to the society shall cease to be so in any of the following events:

- (a) If he/she dies; or
- (b) If he/she become insane or otherwise becomes incapable to act; or
- (c) Upon submission of his/her resignation and its acceptance by Executive Council.
- (d) His/her expulsion by resolution of Executive Council and approved by General council; as a disciplinary action for his/her activities deemed prejudicial to aims and objects of the society.
- (e) His/her leaving the area of operation, i.e. District Gurugram.

Article 8:

General Body

- (a) Every person admitted as a member shall be the member of General Body of the Association and shall be entitled to cast his vote for the election of the Executive Council/ Governing Body of the Society unless he is in arrears of payment of any dues of the society. The business of the General Body will be decided by a majority vote of the members present.
- (b) Every member shall cast his vote in person and no proxy vote shall be allowed

Article 9:

Meetings of the General Body

- (a) A meeting of the General Body will be held as and when required. However, at least one meeting of GB of the Society, called as the Annual General Meeting (AGM) will be held in a year, within six months of the close of financial year for consideration and adoption of the duly audited annual accounts of the Society. Any other business of the Society as may be required including presentation of Annual activity report by Executive Council may also be transacted at this meeting. The audited annual accounts shall be circulated to the members well in advance of the date of AGM.

(b) The Executive Council/Governing body of the Society may convene an extraordinary meeting of the General Body of the Society at any time after giving due notice as prescribed hereunder, either of its own or within 45 days of receipt of written requisition along with the reasons for convening such meeting, from at least 1/10th of the members of the General Body.

(c) For any meeting of the General Body, a clear notice of at least 14 days along with a copy of agenda of the business to be transacted, date, time and venue of the meeting will be given to the members of General body. A copy of such notice will also be endorsed to the District registrar.

(d) A meeting of the General body may also be convened at a shorter notice, if agreed to, by a majority (above 50%) of the total members of General Body.

(e) The quorum for the meeting of the General Body shall not be less than 40% of the total members entitled to vote and present provided that if the meeting of General Body is adjourned for want of quorum, the quorum for an adjourned meeting shall not be less than 25 % of the members entitled to vote and present. Provided further that in case such meeting is adjourned for a second time for want of reduced quorum of 25%, the quorum for such adjourned meeting shall be 15% of the members entitled to vote/present.

(f) The proceedings of all meetings of the General Body will be recorded in the minute book, maintained separately for the purpose by General Secretary/ Secretary and such minutes shall be signed by the chairman of the meeting and the General Secretary/ secretary of the Society.

Article 10:

Powers, Functions & Duties of the General Body

- (a) To guide the Society in determining and fulfilling its aims and objects.
- (b) To decide policy matters such as change of name of society, amendment in the MOA and bye-laws of the society and all such other acts as required under HR&R Act and rules 2012.
- (c) To elect members of the Executive Council/ Governing Body

- (d) To remove any member of the Executive Council/ Governing Body and accord approval to the continuation of a person appointed as member of Executive Council against a casual vacancy.

Article 11:

Executive Council/ Governing Body

1) **Composition:** The Executive council/ Governing Body of the Society shall consist of a total of 21 office-bearers and executive members as under:-

(a) President

(b) Vice Presidents - (two)

(c) General Secretary

(d) Secretary- (two)

(e) Treasurer

(f) Executive Members – (14) based on number of constituencies as defined in the articles, including co-opted members.

(2): Election of the Executive Council/ Governing Body:

(a) The term of the executive Council/ Governing Body shall be three years from the date of approval of its election by the District Registrar.

(b) The Governing body will declare the Schedule of Elections and appoint the Returning Officer for conduct of elections and also notify/ display a list of members of General Body entitled to vote at least 45 days prior to the date of holding elections. The Governing Body shall also send notices for holding elections of the Governing Body to all the members, conveying the date, time, venue and the manner. Copy of this notice shall also be sent to District Registrar.

(c) Any objections qua the list of members of the Society entitled to vote shall be decided by the Returning Officer in consultation with the office bearers of the Society. However, the decision of the returning Officer shall be final in the event of any difference of opinion. The Returning Officer shall, thereafter, invite nominations to be filed within the period, prescribed in the schedule of elections, scrutiny and withdrawal of nominations, if any, for election of the office bearers and executive members of the Executive Council/ Governing body.

(d) The Returning Officer will display a list of contesting members on the notice board of the Society. The Returning Officer will conduct the elections on the notified date. The members eligible to vote will be allowed to cast their vote in person, and wherever disputed, on the production of identity card issued by the Society.

(e) After closing hours on the date of poll, the Returning Officer will declare the results and constitute Executive Council of the Society. A list of elected office- bearers and executive members of Executive Council, duly signed by the Returning Officer, will be filed with the District registrar within 30 days, who shall accord his approval of the same on his satisfaction.

- (f) A minimum of 30 members of the General body residing in a well demarcated area shall form a constituency for election of executive members. The Executive Council shall nominate three members (amongst itself) to take up the work of determination of constituencies and each constituency will be represented by an executive member who will be elected by the members residing in that particular constituency.
- (g) The office- bearers of the society shall not be entitled to any remuneration for rendering service to the Society.
- (h) No member of the society shall hold the post of office- bearer or member of the Executive Council for more than two terms consecutively.
- (i) Members or their associates having business interest in KKS shall not be eligible for election as office- bearer of KKS

(3): Filling of any casual vacancy on the Executive Council.

Any vacancy arising on account of resignation, death of any member of Executive Council/ Governing Body or for any other reason, may be filled- up by the Governing Body, if required, among the members of the General Body on ad hoc basis till the holding of next AGM of the Society. Such ad hoc member of the Governing Body shall cease to be a member of Governing Body on the date of next AGM, if his appointment is not approved by majority vote in the Annual General Meeting.

(4): Meetings of the Executive Council/ Governing Body:

(a) The meetings of Executive Council will be held as and when required. However, the Council shall meet at least once in every quarter and there will be a minimum of four meetings of Executive Council in a financial year.

(b) A clear notice of three days of every such meeting will be given by the General Secretary of the Society to the office bearers and executive members before the date earmarked for the meeting. However, the Executive Council may meet at shorter notice, wherever so required, with the consent of at least fifty per cent of its members.

(d) The quorum shall be at least 40% of the total members of the Executive Council, subject to a minimum of 5 members. In case quorum is not present, the meeting shall be adjourned to another date for which a proper notice shall be issued. The members

present in the adjourned meeting, subject to a minimum of three members, shall form the quorum of the adjourned meeting.

(e) The proceedings of every meeting of the Executive council will be recorded in the proceeding book separately maintained for this purpose. Such minutes shall be signed by the Chairman of the meeting and the General Secretary of the Society. In case the Chairman and the Secretary are not available to sign the minutes, these will be signed by two members present in the meeting as may be authorised by the Executive Council.

(f) The minutes of every meeting of the Executive Council will be placed for confirmation in the succeeding meeting of the Executive Council.

(5): Powers, Functions & Duties of Executive Council/ Governing Body:

(a) The Executive Council will be responsible for achieving the aims and objectives of the Society and shall work in the best interest of Society, for which it will be empowered to deploy the funds and assets of the Society for the stated objectives.

(b) The Executive Council will be competent to raise funds and purchase property, movable and immovable, on freehold or lease basis, in its name as decided by it.

(c) The Executive Council shall have full charge of all immovable properties and movable assets belonging to or vested in the Society and these shall be managed in such a manner as it considers appropriate subject to the overall control and directions of the General Body of the Society.

(d) The Executive Council shall be competent to invest the funds in the manner it considers appropriate in the best interests of Society.

(e) Executive Council shall be competent to constitute various standing or ad hoc committees for looking after such functions as may be assigned from time to time.

(f) To create provision for engagement of regular or part-time employees of the Society to look after the secretarial, accounting and other functions of the Society.

(g) To outsource certain functions e.g. cleaning, security and similar other maintenance activities on the premises of the Society.

(h) The Executive Council may co-opt members from the General Body and entrust them with such functions as may be required from time to time. Such co-opted members can participate in the meeting of the Executive Council but will have no vote. Number of such co-opted members shall not exceed five at any given time.

(6): Powers, Functions & Duties of individual members of Executive Council/Governing Body.

(i) President:

a) To preside over all meetings of General Body and Executive Council and regulate the proceedings of such meetings.

b) To undertake all such activities as may be authorised by the General Body and Executive Council from time to time.

c) To allow or disallow discussion on any matter which is not included in the agenda.

d) To ensure proper and transparent functioning of the Society and the Executive Council.

e) To ensure strict compliance of the provisions of the Haryana Registration and Regulation of Societies Act 2012 and rules framed there under

f) To supervise and guide overall activities and achievement of aims and objectives of the Society

g) In any meeting which requires voting, president shall exercise a casting vote in case of a tie.

(ii). Vice-Presidents:

a) To assist president in carrying out his duties.

b) In absence of the President, to act on his behalf and perform all duties and exercise all powers of president.

- c) To do all such acts, deeds and things as may be authorized by the Executive Council.

(iii) General Secretary:

- a) To conduct, organize, supervise and manage the affairs of the society and do all such acts and perform all such duties for the working of the society as may be assigned by the President/ Executive Council.
- b) To receive, scrutinize and place applications for membership of the Society before the Executive Council and to enter the name of approved members, in the register of members under his initials and to intimate the members about the same and issue identity cards to members so admitted.
- c) To convene meetings of the General Body and the Executive Council with the approval of the President and serve proper notices as prescribed under these bye-laws.
- d) To attend all the meetings of the General Body/ executive Council and assist the President in conducting the meetings and record proceedings of all the meetings.
- e) To prepare annual report of the society and place it before the Executive Council along with audited annual accounts of the Society, for approval to place the same before the General Body of the society in the Annual general Meeting.
- f) To keep and preserve the records of the Society/ Executive Council.
- g) To ensure timely filing of all statutory returns/ documents in the office of the District Registrar and such other authorities as may be prescribed under the Haryana Registration and Regulation of societies Act, 2012 and rules made there under.
- h) To conduct correspondence on behalf of the Society/ Executive Council and to sign letters and papers on its behalf and to ensure that all statutory registers and records are properly kept and maintained.

- i) To prepare before announcing the date of election and the AGM, the list of all members eligible to vote, duly updated and place it before the Executive Council.
- j) Act as over-all in-charge of the administration and execution of all the programmes of the Society and take action as may be necessary in the furtherance of the aims and objectives of the Society in accordance with the delegations made by the Executive Council from time to time and where no such delegations is specifically made, in consultation with the President of the Society.

(IV) Secretary:

- a) To assist the General Secretary of the Society in carrying out his functions and duties.
- b) To discharge the functions and duties of the General Secretary of the Society in his absence to the extent authorised by Executive Council.
- c) To discharge such functions and duties and exercise such powers as may be assigned and delegated by the Executive council from time to time.

(V) Treasurer:

- a) To keep accounts of all financial transactions of the Society and of all sums of money received and spent by the Society and maintain records of receipts and expenses and of assets, credits and liabilities.
- b) To get the accounts of the Society audited by the Chartered Accountant appointed by the Executive Council at the end of financial year, every year.
- c) To submit to the Executive Council through General Secretary, the audited annual accounts of the Society, well in advance of the date of Annual General Meeting.
- e) To act as overall custodian of all the books of accounts of the society, financial statements, receipt books, expense vouchers, bank pass books and cash etc.

Article12:

Cessation of members of Executive Council.

An office bearer/executive member of the Executive Council / Governing Body shall cease to be an office-bearer or executive member:-

- a) Upon submission and acceptance of his resignation;
- b) If he ceases to be a member of the Society in accordance with the relevant provisions of these bye-laws.
- c) If he is removed by a resolution passed in the meeting of the General Body.
- d) If he/she absents himself/herself continuously in four Executive Council meetings without information/ any valid reasons ; after giving him/her a notice regarding the operation of this clause.
- e) In order to avoid any conflict of interest; members of the Society / or their family members who are running NGOs / family trusts will not be eligible to hold any post of office- bearer in the Society.

Article13:

Exclusions from the Employment of a Society.

- a) No member of the Society shall be in full-time or part-time employment of the Society.
- b) No dependant or family member or close relative of the office bearers and members of executive council shall be engaged as an employee of the society during his term.
- c) Every office-bearer and member of the Executive Council shall make a declaration in case any person in the employment of the Society is his close relative.

Article14:

Amendments in the Memorandum of Association, Bye-laws, Name of the Society, etc.

Any amendment in the Memorandum of Association and Bye-laws, or change of name, amalgamation or division of the Society will be done only with the approval of General Body by way of a special resolution. The intimation of any such amendment or change, along with attested copies of relevant documents, shall be filed in the office of District Registrar by the General Secretary within such time as prescribed under the Haryana Registration and Regulation of Societies Act, 2012 and the rules made there under.

Article15:

Management of Assets and Funds of the Society.

- a) The source of income of the Society will include receipts on account of membership fee, donations, interest, gifts, grants, annual subscription, rent from property etc. The Society can also raise funds through short term loans from its members or from schedule banks on interest. Loans from scheduled banks on interest will be taken only for creation of capital assets and not for meeting any recurring revenue expenditure.
- b) The Executive Council will prepare and approve an annual budget of the Society on the basis of its estimated income and capital / revenue expenditure during the first quarter of financial year and place a copy thereof before the General body in the AGM.
- c) The Bank accounts of the Society will be jointly operated by Treasurer and any one of the following office bearers as may be decided by the Governing Council;-
 - The President or
 - Vice-President nominated for the purpose or
 - General Secretary.
- c) All assets and funds will belong to the society and vest in the Society.

- d) All receipts and payments of the society shall be made through bank instruments/ on-line facilities including all receipts towards Membership Fees etc. However, the Executive Council may determine the limits of financial transactions which may be conducted in cash in other cases.

Article 15:

Accounts of the Society.

- a) The Treasurer of the Society will be responsible for keeping and maintaining proper books of accounts i.e. Cash book, ledger etc, as required under the provisions of Income tax laws and or any other authority including the institute of Chartered Accounts of India, at its registered office with respect to all sums of money received and spent by the Society and its assets and liabilities.
- b) The books of account of the Society shall be open to inspection during the business hours by the Officers of registrar general/ district registrar of societies government of Haryana and by any member of the society.
- c) The annual accounts of the society will be signed by the Treasurer and any two authorised office- bearers of the Society.
- d) Executive council will appoint a Chartered accountant, who shall not be a member of the executive Council, or family member of any member of Executive Council, for auditing the accounts and filing of income tax return of the Society for each financial year, at such remuneration as may be determined by the Executive Council.

Article 16:

Amalgamation of the Society

The society may amalgamate itself with any other Society established with the identical aims and objects or allow any other Society to amalgamate with itself by a Special Resolution passed in this behalf in accordance with the Provisions contained in section 51 of the Act and rule 25 made there under.

Article 17:

Dissolution of the Society.

- a) The society may resolve to dissolve itself in accordance with the provisions contained in the Act and rules there under in case it becomes difficult to carry on with the operations of the Society, or it becomes insolvent or for any pressing or unavoidable reasons;
- b) In the event of dissolution of the Society, no assets of the Society shall devolve on or distributed amongst the members of the Society;
- c) Its assets and properties shall be first used to liquidate any liabilities and the leftover assets/properties, if any, shall be considered for transfer to any other Society established with identical aims and objects or to the District collector for use thereof in public interest.

Article 18:

Common Seal

The society will have a common seal which shall be kept in the safe custody of General Secretary/ Secretary and shall be affixed wherever it is required in accordance with the authorisation of executive Council.

Article 19:

General Provisions.

- (a) All documents shall be executed in the name of the Society through
 - President or Vice-President;
 - General Secretary or any of the Two Secretaries
- (b) Society may sue or be sued the name of the President, General Secretary or any office-bearer authorised by the executive council in this behalf and may bring any suit to defend any action or other legal proceedings touching or concerning any property or any rights or claim of the Society. No suit or proceeding shall abate by reason of any vacancy or change in the holder of the office of President, General Secretary/Secretary or any other office-bearer

(c) Separate rules and regulations will be framed by the Executive Council for grant of financial assistance (grants/ loans and scholarship) to needy people/students. Separate rules will also be framed by the Executive Council for regulating the use and recovery of rent/ user charges for community centre and temple assets as and when the construction of the same is completed.

(d) The financial year of the Society shall start from 1st April each year and end on 31st March of next year.

(e) The Society created is non-profitable with charitable purpose and therefore, Society shall be covered by Section 80 (G) of the Income Tax Act.

(f) Resolutions of the Association passed in the General Body or Executive Council shall require approval by a majority of members present and voting subject to fulfilment of conditions of quorum etc as prescribed in HR&RS Act, 2012 and rules there under.

(g) General Body, after proper enquiry by Executive Council, can debar any member, who had earlier been member of ex Council, and found to have indulged in financial irregularities or misconduct etc, from contesting elections of the Society.

(h) Executive Council shall discharge its functions and duties following the principles of collective responsibility and designation of any office- bearer are not meant to create any hierarchy.

(i) These bye-laws are set forth to comply with the requirement of the HR&RS Act, 2012 and rules framed there under. In case of any inconsistency between the bye-laws and provisions of Act and rules, the provisions of Act will apply.

