

## **Proposed Byelaws of KKS recommended by the Executive Council**

**1. Name of the Society:** KASHYAP KASHMIR SABHA

**2. Registered office of the Society:** RB 1- Sector-23-23A, Gurugram, Haryana-122017

**3. Definitions:**

(a) 'Society' means Kashyap Kashmir Sabha

(b) 'Act' means HARYANA REGISTRATION & REGULATION OF SOCIETIES ACT, 2012 as amended by Haryana Act No 14 of 2015

(c) Unless the subject of context otherwise required all Words and expressions used in these articles (Articles Of Association) shall bear the same meanings in the Act.

**4. Membership:**

(a) Every founder member of the society and every other member who may hereafter be willing to subscribe to the aims and the objectives of the society shall be the member of the society.

(b) Only those who are 21 years of age or more, residing in Gurugram and are not insolvent or of unsound mind, have not been convicted of an offense involving criminal or moral turpitude shall be eligible for membership.

(c) Pays one time life membership subscription of Rs. 2000/- covering subscription of his/her enrolment.

**5. Admission Procedure:**

(a) The membership shall be granted by the 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 comprise of President, Gen. Secretary and three members from the Executive Council. The said three members shall be elected by the Executive Council members.

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

**6. Rights and Obligation of Members:**

(a) Every member shall be bound by the vision statement of the Society as outlined in its Memorandum of Association and the Bye-laws of the Society 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 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 the meetings of the General Body or the minutes of the Executive Council, and/or the Register of members of the Society or all of these 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 members.

**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 become incapable to act

(c) Upon submission of his/her resignation and its acceptance by the Executive Council.

(d) His/her expulsion by a resolution of the Executive Council and approved by the General Body, as a disciplinary action for his/her activities prejudicial to aims and objectives of the Society.

(e) His/her leaving the area of operation, i.e. district Gurugram.

**8. General Body:**

(a) Every person admitted as a member shall be the member of the 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.

(b) Every member shall cast his vote in person and no proxy vote shall be allowed.

(c) The decision on any issue presented to the General Body will be decided by a majority vote of the members present.

**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 the General Body of the Society, called Annual General Meeting (AGM) will be held in a year, within six months of the close of the 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 1/10<sup>th</sup> 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 the 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 in the meeting;

Provided that if the meeting of the 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 a 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 and present.

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

#### **10. Powers, Functions & Duties of the General Body:**

- (a) To guide the Society in determining and fulfilling its Aims and Objectives.
- (b) To decide policy matters such as change of name of The Society, amendment in MOA and Rules of the Society and all such other acts as required under Haryana Regulations of Societies 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 the Executive Council against a casual vacancy.

#### **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) Two Vice Presidents
- (c) General Secretary

- (d) Two Secretaries
- (e) Treasurer
- (f) 14 Executive Members, based on the number of constituencies as defined in these Rules.

**(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 notification to the constitution of the Executive Council by the Returning Officer.
- (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 the General Body entitled to vote at least 45 days prior to the date of holding elections. The Governing Body shall also send notices to hold elections of the Governing Body to all the members conveying the date, time, venue and the manner with a copy of the notice to the District Registrar.
- (c) Any objections to the list of members of the Society entitled to vote shall be decided by the Returning Officer in consultation with the President and the General Secretary 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 to the office bearers and executive members of 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 the Executive Council of the Society. A list of elected office-bearers and executive members of the Executive Council, duly signed by the Returning Officer, will be filed with the District Registrar within 30 days from the date of completion of elections by the Returning Officer.
- (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 consecutively for more than two terms.
- (i) Any office-bearer failing to hand over complete charge of his tenure to his/her successor within a period of one month of declaration of results of election shall be debarred from contesting any election in the Society for 6 years, besides action under law after due process.

**(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 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 the Executive Council shall be held as and when required. Normally the Executive Council shall meet once in every month. The date of the meeting shall be fixed by the General Secretary in consultation with the President.
- (b) A clear notice of three days of every such meeting shall 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 percent of its members.
- (c) 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 paper 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.
- (d) The proceedings of every meeting of the Executive Council shall be recorded in the proceeding book separately maintained for this purpose and circulated within ten days of the meeting. Such minutes shall be signed by the Chairman of the meeting and the General Secretary of the Society. In case the Chairman and the General Secretary are not available to sign the minutes, these will be signed by two members present in the meeting as may be authorized by the Executive Council.
- (e) 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 and Duties of Executive Council/ Governing Body**

- (a) The Executive Council shall 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.
- (b) The Executive Council will be competent to raise funds and purchase property, movable and immovable, or freehold or lease basis, in the name of the Society.
- (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 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. Such standing or ad-hoc committee(s) shall have Terms of Reference like liaising with the Government or some agency, fund raising, approval of agency etc. Such a standing or ad-hoc committee shall have the President as Chairman. Other members of the standing or ad-hoc committee shall not be more than five (5). These members shall be taken from amongst Office-bearers, Executive members, members from General Body and Expert in the respective area from outside the Society.
- (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 eg. 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 right to vote. Number of such co-opted members shall not exceed five at any given time.
- (i) The Executive Council will be collectively responsible to the General body for all its activities & the businesses of the Executive Council will be decided by the majority of the vote of Executive Council members present subject to quorum.

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

**(i) President:**

- (a) To preside over all meetings of the General Body and Executive Council and regulate the proceedings of such meetings.
- (b) To undertake all such activities as may be authorized 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 the Rules framed there under.
- (f) To supervise and guide overall activities and achievement of Aims and Objectives of the Society.

**(ii) Vice- Presidents:**

- (a) To assist the 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 the 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 and place recommendations for membership of the screening committee before the Executive Council and to enter the name of approved members, in the register of members under his initials and to intimate the new members about approval of their membership and issue identity cards to members so admitted.
- (c) To convene meetings of the General Body and the Executive Council with approval of the President and serve proper notices as prescribed under these Rules.
- (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 an 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 the 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 placed before the Executive Council.
- (j) Act as overall in-charge of the administration and execution of all 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 authorized by the 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 assets, credits and liabilities. He may keep with himself cash not exceeding Rs 20,000/- (Rs Twenty Thousand) only.
- (b) To get the accounts of the Society audited by the Chartered Accountant appointed by the Executive Council at the end of the Financial year, every year.
- (c) To submit to the Executive Council through the General Secretary, the audited annual accounts of the Society, well in advance of the date of Annual General Meeting.
- (d) 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.

## **12. 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 Rules.
- (c) If he is removed by a resolution passed in the meeting of the General Body.
- (d) If he/she is absent continuously in three Executive Council meetings without information/ any valid reason; after giving him/her a notice regarding the operation of this clause.
- (e) Members of NGO cannot be office bearers

## **13. Exclusion 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 dependent or family member or close relative of the office bearers and members of the 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.

## **14. Amendment in the Memorandum of Association, Bye-laws, Name of the Society, etc.**

Any amendment in the Memorandum of Association and Rules, or change of name, amalgamation or division of the Society will be done only with the approval of the 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 Haryana Registration and Regulation of Societies Act 2012 and the Rules made there under.

#### **15. 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 scheduled banks on interest. Loans from scheduled banks on interest will be taken only on 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 the 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 President along with any one of the following office bearers as may be decided by the Governing Council:-
  - The General Secretary
  - Vice-President nominated for the purpose or
  - Secretary.
- (d) All assets and funds will belong to the society and vest in the Society.
- (e) 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.
- (f) Executive Council will appoint a Chartered accountant who shall not be a 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.

#### **16. Accounts of the Society.**

- (a) The Treasurer of the Society will be responsible for keeping and maintaining proper books of accounts ie. Cash book, ledger etc. as required under the provisions of Income tax laws and or any other authority including the Institute of Chartered Accountants 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 the Registrar General/ District Registrar of the societies, Government of Haryana and by any member or member(s) of the Society.
- (c) The annual accounts of the Society will be signed by the Treasurer and The President and General Secretary of the Society.

### **17. Amalgamation of the Society**

The Society may amalgamate itself with any other Society established with the identical Aims and Objectives 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.

### **18. 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 distribute amongst the members of the Society.
- (c) The assets and properties shall be first used to liquidate any liabilities and the left over assets/ properties, if any, shall be considered for transfer to any other Society established with identical aims and objectives or to the District Collector for use thereof in public interest.

### **19. Common Seal**

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

### **20. General Provisions**

- (a) All documents shall be executed in the name of the Society through
  - President or Vice- President;
  - General Secretary or any one of the two Secretaries
- (b) Society may sue or be sued in the name of President, General Secretary or any office-bearer authorized 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 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 is completed.

- (d) The financial year of the Society shall start from 1<sup>st</sup> April each year and end on 31<sup>st</sup> 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) The readmission of any person who cleared to be a member on account of his/her suspension and/or expulsion or on account of his leaving the area of jurisdiction shall be considered and decided on the basis of merits of each case by a committee comprising the President and four other EC members as nominated by Executive Council.
- (g) Any resolution passed by the Executive Council or the General Body, as the case may be, which is not consistent with the provisions of the Act or the Rules framed there under, shall be invalid.