

# **BENGAL ASSOCIATION**

(Registered under the Societies Registration Act XXI of 1860)

Established – 1958

## **Memorandum of Association**

(As Amended up to 29<sup>th</sup> May 2016)

1. Name The name of the Association shall be “BENGAL ASSOCIATION”.
2. Location The Office of the Association is located at “Banga Sanskriti Bhavan” at MUKTADHARA, 18-19, Bhai Veer Singh Marg, Gole Market, New Delhi - 110001.
3. Objects The objects of the Association shall be:
  - a. To foster educational, cultural, literary, artistic, social and humanitarian activities as well as games and sports including adventure sports and mountaineering amongst Bengalees and to encourage Member organisations and institutions with similar programmes.
  - b. To organise functions and sponsor institutions for promotion of such activities and for national integration.
  - c. To arrange facilities for teaching Bengali to Non-Bengalees; to sponsor organizations for promoting education through the medium of Bengali; to extend co-operation to the educational institutions in Delhi imparting education through the medium of Bengali with a view to achieving their growth and development as progressive centre of dynamic education.
  - d. To create trusts and to appoint trustees there to, (i) towards the maintenance and development of education, including educational institutions, which serve the Bengali-speaking community in and around Delhi, (ii) for protection and maintenance of property and assets of the Association and (iii) for any other purpose as may be considered necessary including execution of any contractual documents by the Association.
  - e. To raise, borrow, receive, establish and manage funds and accept money, gifts, donations, and subsidy and create endowments for the attainment of the aforesaid aims and objects.
  - f. (i) To acquire, develop any landed property in all over India, to construct and maintain a Cultural Complex Building exclusively by the Association from its own resources and/ or in collaboration with a Government/ Governmental Agency or any other Agency approved by the EC, including execution of contractual document(s) as may be considered necessary. (ii) To establish and run Guest House exclusively for service to the Members of the Association under Association’s own management or in collaboration with other affiliated organisations in all over India.
  - g. To take such steps from time to time as may be considered feasible by the Executive Committee for helping in educational, social and economic upliftment of the Members of the Bengali community.

- h. To perform such other activities which may contribute to the fulfilment of the above aims and objects of the Association.
- i. To take such steps from time to time as may be considered necessary by the Executive Committee to achieve the above objectives. This may include service-oriented project for Members also.

## **RULES OF BENGAL ASSOCIATION**

### **1. Membership**

- (a) Any person of not below 18 years of age who either speak, read or write Bengali and subscribes to the aims and objects of the Association shall be eligible for the Membership of the Association.
- (b) Any person eligible to be Member under sub-clause (a) shall be deemed to be
  - (i) Any individual seeking annual Membership of the Association and the same is accepted for Membership and has paid the annual subscription in full.
  - (ii) Life Member if he/ she applies for and is accepted for Membership on payment of Rs. 5,000/-.
- (iii) Any registered Association/ Club which subscribes to the aims and object of the Association and pay the prescribed Membership fee, may be admitted to the Institutional Membership.
- (iv) Any recognised educational institution situated in Delhi and its adjacent areas, subscribing to the aims and objects of the association may be admitted as Associate Member on payment of the prescribed Membership fee.

### **2. Admission to Membership**

- (a) Every candidate for admission to Membership shall be proposed and seconded in the prescribed form by a Life Member.
- (b) The Executive Committee shall have the power to admit a candidate to Membership by simple majority of votes by the Members present in the meeting.
- (c) Applications for new Membership from those falling under "Institutional" or "Associate" Membership shall have the power to admit them to Membership by simple majority of votes by the Members present in the meeting

### **3. Subscription**

- (a) (i) An Annual Member shall pay Rs. 100/- as admission fee (one time) and Rs. 1000/- as annual subscription. An individual seeking LIFE MEMBERSHIP shall pay Rs. 100/- as admission fee (one time) and Rs. 5000/- as Life Membership subscription. Every Associate and Institutional Member shall pay Rs. 100/- as admission fee (one time) and shall pay Rs.1000 as annual subscription.
  - (ii) (1) Every Associate Member shall be entitled to depute one representative who shall be entitled to exercise rights of full Membership of the Association.

(2) Every Institutional Member shall be entitled to depute to the General Body of the association two representatives who shall be entitled to exercise rights of full Membership of the Association.

- (a) The year for which subscription is to be paid and other business of the Association conducted shall be counted to begin from the first day of April.
- (b) The payment of the annual subscription shall be made within the 15<sup>th</sup> April each year and in case of new Members subscription shall be paid along with the application.
- (c) Subscriptions from Life Members shall be maintained as a reserve fund.

#### **4. Termination of Membership**

- (a) Any Member may resign his/her Membership of the Association by signifying his/her wish to do so in writing to the General Secretary and paying all subscriptions and moneys due by him/her to the Association till that date.
- (b) If the annual subscription of any Member is in arrears for three months, his/her name shall be liable to be removed from the rolls of the Association by the Executive Committee.
- (c) The Executive Committee, if it is satisfied in respect of any Member or authorised representative that he/she has wilfully disobeyed the rules of the Association and if for any other reasons his/her continuance as a Member is likely to be detrimental to the attainment of the aims and objects of the Association, may recommend his/her removal, to the General Body. If two-thirds of the Members present on the General Body meeting vote for his/her removal, he/she shall cease to be a Member of the Association. However, before any such decision is taken, the Member shall be given a reasonable opportunity of making representation before the General Body.

#### **5. Rights and Privileges of the Members**

- (a) Annual Member, Life Member and every authorised representative of Institutional or Associate Members shall be entitled to be present at all Annual and Extra ordinary General Body Meetings.
- (b) Annual Members whose subscription is in arrears till 15<sup>th</sup> April of the Election Year and the Members who have not completed at least one year of his/her or their Membership as on 15<sup>th</sup> April of the Election year shall not be eligible to vote in Ordinary or Extra-ordinary General Body Meeting or to propose or second a candidate for Membership or to hold any office of the Association.
- (c) All other Members except those mentioned in the preceding clause will have the right
  - (i) To be present and vote at all General Body Meetings and
  - (ii) To propose and second candidates for Membership or to hold any office of the Association

#### **6. Management of the Association**

The management of the Association shall be vested in an Executive Committee which shall hold office for three years or till the constitution of new Executive Committee restricted

to not more than two consecutive terms on the basis of election of thirty three Members including at least two lady Members of the Executive Committee by the General Body.

The elected Members of the Executive Committee shall at its first meeting elect the President and shall co-opt five Members of the Executive Committee.

## **7. (a) The Constitution of Executive Committee**

The Executive Committee shall consist of

- (i) President elected by the thirty three elected Members of the Executive Committee
- (ii) Thirty three Members of the Executive Committee elected every three years by the General Body as under:
  - (1) Each of the Eight Associate Members shall depute one representative who shall be entitled to exercise the rights of full Membership of the Association as well as shall exercise the rights of the Member of the Executive Committee. (In case of increase in number of Associate Member, decision to include the representative of the new Member in the Executive Committee will be taken in Ordinary or Extra-ordinary General Body Meeting by simple majority. In that case lesser number of Members can be co-opted.)
  - (2) Ten shall be elected by the Institutional Members from amongst the authorised representatives of Institutional Members
  - (3) Fifteen shall be elected from amongst the Life Members of the Association
- (iii) Five Members to be co-opted by the Executive Committee in its first meeting out of whom at least two Members will be from amongst Members of Parliament, elected from West Bengal.

## **(b) Powers, functions and duties of the Executive Committee:**

The powers, functions and duties of the Executive Committee are-

- (i) To elect from amongst the Members of the Executive Committee the following office bearers:-
  - (a) Three Vice Presidents
  - (b) One General Secretary
  - (c) One Additional Secretary
  - (d) One Treasurer
  - (e) One Assistant Treasurer
  - (f) Five Joint Secretaries
- (ii) To appoint Sub-Committees for special purpose as and when required.
- (iii) To frame bye-laws for any of the matters as may be required
- (iv) To appoint from time to time, such and so many employees and on such terms and conditions as it may deem fit for carrying on the management of the Association.

- (v) To appoint signatories for the Bank accounts operated under the name of the Association, provided that there are at least two co-signatories authorised to operate any bank account.
- (vi) **Budgetary Control**
  1. The Executive Committee shall approve the Annual Budget of the Association on the basis of the activities proposed approved by the sub-committees. A vote on account shall be passed before the end of April to authorise receipts and expenses till the annual Budget is adopted.
  2. The Executive Committee shall exercise the budgetary system of control over income and expenditure.
- (vii) The Executive Committee shall hold office for three years only. But the Members may be re-elected at the General Meeting.
- (viii) Any casual vacancy occurring in the Executive Committee may be filled up by the Executive Committee for the period of vacancy.
- (ix) **Panel of Advisors.** The Executive Committee may in each term form a panel of Advisors of eminent persons who shall help the Association with their advice on the issues referred to it by the Executive Committee.
- (x) **Secretariat.** The Clause Deleted (Amended 28.06.2015)
- (xi) Any Associate or Institutional Member may, if it is of the opinion that it is expedient in the interests of such Member so to do, at any time by a resolution duly passed by it, and communicated to the Association, re-call any representative deputed by it to the Bengal Association and may, by the same resolution or subsequent resolution, depute any other representative to the Executive Committee of the Association. Also, the Executive Committee by simple majority can decide to request Associate or Institutional member to replace their representative in case of habitual absence in Executive Committee meetings. Whereas, in case of Individual member of the Executive Committee is absent in more than four meetings of Executive Committee, Executive Committee may show cause the member and if not satisfied, may remove the member from Executive Committee, by more than 2/3rd of majority present in the meeting. The member will continue to hold Life-Membership / Ordinary Membership of the Association. Executive Committee, at any time can co-opt a member to fill the vacancy in Executive Committee. Any Member of the Executive Committee or of any Sub-Committee appointed by the Executive Committee will be liable to be removed from the concerned Committee by the E.C. If he/she fails to attend three consecutive meetings of the said committee without any information to the Secretary or the in-charge of the Committee concerned.

## 8. Powers and Duties of Office-bearers

- (i) The President shall be the head of the Association and shall direct all activities of the Association with the help of the Executive Committee. He shall preside at all meetings of the Association including the Executive and the General Body.
- (ii) In the absence of the President, any of the vice Presidents may be proposed to perform the function of the president.
- (iii) The General Secretary shall be the Chief Executive Officer of the Association. Subject to the general control and direction of the Executive Committee, he/she shall
  - 1. Take action to give effect to all decisions of the Executive Committee
  - 2. Cause minutes of all meetings to be correctly recorded and kept; convene meetings of the Executive Committee at least once in every three months or earlier as and when necessary
  - 3. Operate bank accounts of the Association in accordance with the decision of the Executive Committee and shall be responsible for the income and expenditure of the Association along with the Additional Secretary, Treasurer and Assistant Treasurer.
  - 4. Cause the accounts of the Association to be audited by an auditor duly appointed at the Annual General Meeting.
  - 5. Manage the affairs of the Association and do all the necessary things in the name and on behalf of the Association, and
  - 6. Represent the Association in a court of law in the event of any litigation involving the Association
- (iv) In the absence of General Secretary, Additional Secretary shall perform the duties of General Secretary. Besides this, Additional Secretary shall look after the day to day activities of the Association as well as any other duties as assigned by the General Secretary.
- (v) The Treasurer shall be in charge of and be responsible for all property belonging to the Association, the collection of all amounts due and payable to the Association and the preparation of Annual statement of Accounts and the payable disbursement of all sums on behalf of the Association.
- (vi) Cause the accounts of the Association to be audited by an Auditor duly appointed at the Annual General Meeting.
- (vii) Assistant Treasurer shall assist the Treasurer in his work and will perform any additional work as assigned by the General Secretary and the Treasurer.
- (viii) A person shall not hold office of the General Secretary or Treasurer consecutively for more than four terms in the same capacity.

## **9. (a) General Body**

- (i) The General Body of the Association shall comprise all enrolled and eligible Annual and Life Members of the Association and all authorized representatives of the Associate and Institutional Members.
- (ii) It will be responsible for twenty five Members of the Executive Committee by a simple majority of votes of the Members present and voting at the meeting from General and Institutional Members. There shall be no election for the Associate Members, who shall nominate one person from the teachers in their payroll to the General Body as well as Executive Committee of the Association.
- (iii) Unless otherwise directed by the General Body, all powers of the General Body including policy matters shall be exercised by the Executive Committee amongst three Annual General Meetings.

## **(b) General Meeting**

- (1) The Annual General Meeting of the Association shall be held on such date, not later than 30<sup>th</sup> day of June as may be specified by the Association to transact the following amongst other business :-
  - (i) Confirmation of the minutes of the last meeting.
  - (ii) Consideration and adoption of the General Secretary's report on the progress and achievement of the Association.
  - (iii) Consideration and passing of the accounts for the year.
  - (iv) Appointment of the auditor.
  - (v) Amendment to the Memorandum of Rules, if any
  - (vi) Election of the Members of the Executive Committee (to be held once in every three years).
- (2) The Executive Committee on its own authority and on the written requisition of at least two thirds of the general Membership shall call an Extra-ordinary General Meeting.

## **(c) Election Process**

- (i) The Executive Committee shall appoint a person of repute, who is not or has not been Office bearer of Bengal Association as the Returning Officer in April of the Election year, he/she can take assistance of two/ three persons for conduct of the Election.
- (ii) The draft Electoral Roll consisting of eligible Members shall be prepared and put up on the Notice Board of the Association at Banga Sanskriti Bhawan at least 30 days before the officially announced Election date. Objections for inclusion/ deletion of any name shall be given within next 5 days and the final Electoral Roll shall be notified and be placed before the Executive Committee at least 20 days before the officially announced Election Date.
- (iii) The Returning Officer shall start the Election process on the basis of the above Electoral Roll for election of thirty three Members of the Executive Committee.

- (iv) Nominations shall be called in the prescribed form at least four weeks before the date of election coinciding with the date of the Annual General meeting of the Association. Nominations duly signed by a proposer and a seconder Member whose names appear in the Electoral Roll are to reach the Association office on or before a date to be fixed by the returning officer. Nomination paper will also be signed by the nominee as token of his consent. Nomination paper shall be deemed to be invalid if the names proposed in the Nomination paper are more than the number to be elected; or the names and/or addresses are different from those in the Electoral Roll.
- (v) No person shall be eligible to be nominated in more than one way as mentioned in Clause 7(a) (ii).
- (vi) The Returning officer shall scrutinise the nomination papers on the prescribed date and notify the list of candidates on the Notice board of the Association. Three days shall be given for withdrawal of candidature and the final list of candidates shall be put up on the notice board at least seven days before the date of election.
- (vii) Vote by ballot will be taken between 10.00 am and 3.00 pm on the date of election and counting done immediately thereafter.
- (viii) The Returning Officer shall declare the results before the General Body at the Annual General Meeting.

## **10. Notice of Meetings**

- (a) The notice of the Annual General Meeting of the General Body shall be sent to each Member at least 15 days before the day of meeting. In case of an Extra Ordinary General Meeting only 7 days' notice will be deemed sufficient.
- (b) A notice of 4 days shall suffice in the case of a meeting of the Executive Committee.

## **11. Quorum at Meetings**

- (a) One Seventh of the total number of Members or thirty whichever is less present in person, shall be the quorum for and General Body Meeting of the Association.
- (b) In case of a meeting of the Executive Committee, eleven shall form a quorum,
- (c) No quorum shall be necessary at the adjourned meeting of the General body or the Executive Committee.

## **12. Chairman at Meetings**

At the meetings of the Association the President and in his absence one of the Vice Presidents, proposed to perform the function of the President, shall preside. In the absence of the President and the Vice President the Members present at the meeting shall elect one of the Members present as the chairman of the meeting.



### **13. Vote**

- (a) All question in debate before any meeting of the General Body or Executive Committee shall be decided by a majority of the Members present.
- (b) Each Member including the representatives of Associate and Institutional Members except an honorary Member shall have at any General Body Meeting one vote. Provided that where an authorised representative or as a Member but he shall not have a right to vote as both,
- (c) If there is an equality of votes the chairman at the meetings shall have a casting vote.
- (d) Vote shall ordinarily be taken by show of hands, but if the General Body or the Executive Committee so decide votes may be taken for the decision of any question at any meeting of the General Body or the Executive Committee by Ballot Votes by proxy will not be allowed in any meeting.

### **14. Amendments of the Memorandum and the Rules**

The Memorandum and the Rules may at any time, be altered or added to or deleted by a resolution passed at an Annual general Meeting or Extra-ordinary General Body Meeting by a two-thirds majority of the Members present and voting, provided that a Member seeking to amend the Memorandum or the Rules shall give 30 clear days' notice to move such a resolution in writing addressed to the Honourable General Secretary. Provided further that on receipt of such a Resolution, a copy of the amendment proposed should be circulated amongst Members of the Association at least seven days before the meeting.

### **15. Funds and Accounts**

- (a) The Executive Committee shall ensure proper accounts to be kept of all sums of money received for or expended on behalf of the Association
- (b) A balance sheet, an income expenditure account and audit report, and an annual report of the activities of the Association shall be prepared and placed before the Annual General meeting of the Association by the Executive Committee.
- (c) An amount of Rs. 20000/- may be kept as imprest money with the General Secretary for meeting essential organisational expenditure of the Association. Expenditure incurred may be recouped by submission of details thereof.
- (d) The Authorised signatory at the Bank will be any two of The President, The General Secretary and The Treasurer. Additional Secretary and The Assistant Treasurer will be authorised to sign, provided that any one of The President, The General Secretary and The Treasurer is the other signatory.

### **16. Banga Sanskriti Bhavan Trust**

The Banga Sanskriti Bhavan Trust was created for the protection and maintenance of Banga Sanskriti Bhavan. There shall be ten trustees out of which five will be nominated by the Bengal Association and the other five by the Government of West Bengal.

The President of the Bengal Association shall be the Chairman of the Trust and he shall have a Casting Vote.

The Trustees shall make their own Rules and Regulations for the proper protection and management of the Banga Sanskriti Bhavan. The Trustees shall have the power to appoint sub-committees for the execution and management of the Trust activities.

The Trust shall make available the facilities of Banga Sanskriti Bhavan and shall provide financial support for the activities of the Bengal Association.

The Trust shall make available the facility of Banga Sanskriti Bhavan for the activities of affiliate Schools/ Clubs/ Associations on mutually agreed terms and conditions,

Certified that this is the correct copy of the Memorandum and the Rules of Bengal Association inclusive of all amendments passed at the Annual General Meeting of the Association held on 18/12/2011, 29/06/2014, 28/06/2015, 29/05/2016, and confirmed at the Annual General Meetings.

Sd/-  
D.P. Mukherjee  
President

Sd/-  
Tapan Sengupta  
General Secretary