

KASHMIRI SAMITI DELHI (Regd.)

**[Registered under the Societies
Registration Act XXI of 1860]**

MEMORANDUM OF ASSOCIATION AND RULES AND REGULATIONS As modified upto April 18, 2010

**KASHMIR BHAWAN
Amar Colony Lajpat Nagar-IV
New Delhi-110024**

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Memorandum of Association

1. Name of the Organisation :

The name of the organisation will be the **Kashmiri Samiti, Delhi** (Hereinafter referred to as **'the Samiti'**).

2. Registered Office :

The registered office shall situate at **Kashmir Bhawan, 4-Amar Colony, Kashmir Bhawan Marg, Lajpat Nagar-IV, New Delhi-110024.**

3. Aims and Objects :

The aims and objects of the Samiti are :

- (i) To take appropriate measures and steps to promote the Kashmiri language and preserve the cultural and social heritage of Kashmiris, to promote an understanding and enrichment of the moral values and cultural heritage of our society for the forthcoming generation; and to organise and celebrate social and cultural function with these ends in view.
- (ii) To promote brotherhood amongst the Kashmiris residing in Delhi.
- (iii) To set up educational institutions/schools for the benefit of poor and needy students.
- (iv) To sponsor housing and other co-operative societies for the benefit of the members.
- (v) To open and run rehabilitation centers for providing assistance and shelter to widows and orphans.
- (vi) To render financial and other assistance to needy Kashmiris.
- (vii) To provide guidance and help to Kashmiris seeking opportunities for employment.
- (viii) To acquire land by purchase, lease, mortgage, gift or otherwise, and to construct buildings in order to fulfill various objectives of the Samiti.
- (ix) To create Trusts to further and attain the sundry targets.
- (x) To undertake all such activities as are conducive to the above noted aims and objects of the Samiti.

4. Management

The management of the affairs of the Samiti shall vest with the Executive Council in accordance with the existing Rules and Regulations of the Samiti.

Rules and Regulations

1. Short Title :

These Rules may be called the **Rules and Regulations** of the Kashmiri Samiti, Delhi, hereinafter referred to simply as **'Rules'**.

2. Membership :

(a) Every person can become a member of the Samiti if he/she:

- (i) is a Kashmiri by descent or by marriage in case his/her spouse is a life member of the Samiti and he/she recommends his/her membership;
- (ii) at present resides in Delhi;

- (iii) has submitted his/her application in the form prescribed in the Appendix to these Rules, for membership of the Samiti and has been approved by the Executive Council. Not to apply in case of renewal of membership;
- (iv) pays Life Membership subscription of Rs. 200/- until the same is revised.
- (v) is above 18 years of age.
- (b) a person ceases to be the member of the Samiti on:
 - (i) his/her death;
 - (ii) his/her resignation submitted in writing and having been duly accepted by the Executive Council;
 - (iii) his/her expulsion by a resolution of the Executive Council as a disciplinary action for his/her activities prejudicial to the aims and objects of the Samiti.
 - (iv) his/her leaving the area of operation, i.e. Delhi.

3. Funds :

The funds of the Samiti will be made up of :

- (i) membership fee from members;
- (ii) donation from members and non-members;
- (iii) gifts from members and non-members;
- (iv) grants and subsidies from the Central and the State Governments and other institutions.

4. General Council :

- (a) All the members on or before **December 31st** before the meeting of the General Council shall be the members of the General Council.
- (b) The General Council shall meet at least once a year to conduct the following business :
 - (i) to receive and approve the report of the activities of the Samiti from the Executive Council and also the audited accounts for the year, or a part thereof, which shall be circulated to the members well in advance of the date of the meeting;
 - (ii) to appoint auditor(s) for the next year and to fix their remuneration;
 - (iii) to elect every alternate year President, two Vice-Presidents, one General Secretary from amongst those life members who shall have served atleast for two years as elected Executive Council member/office bearer of the Samiti in the past, and not more than 35 members from amongst the Samiti's life members enrolled till 31st December before the date of poll to function as the Executive Council. (The rise in executive memberships from existing 31 to 35 is based on the pattern of 100 life members or part their of should have one executive member in the KSD Executive Council to the maximum of 50 executive members at any given time.)
 - (iv) to lay down a plan of activities and policies to be implemented by the Executive Council for the next year;
 - (v) to nominate members from amongst the members of the Executive Council to represent the Samiti at other organisations;
 - (vi) to frame rules and regulations for conducting the business of the Executive Council and General Council; and
 - (vii) any other business that may be brought forward by any members or office-bearer with the permission of the Chair.
- (c) A person ceases to be an office bearer/member of the General council on -
 - (i) his/her death;
 - (ii) his/her resignation having been accepted by the General Council on the recommendation of the Executive Council;
 - (iii) his/her removal by the General Council on the recommendation of the Executive Council as a disciplinary action for undertaking any activity prejudicial to the aims and objects of the Samiti.

- (d) The Executive Council, through the General Secretary, shall be responsible to call the meetings of the General council giving a clear ten (10) day's notice. The General council meetings will be presided over by the President or in his absence, by any one of the two Vice-Presidents or in the absence by any member elected by the General Council. The above business of the General council will be decided by a majority of votes of the members present. Each member will have one vote but the Chair will have a casting vote in addition. The quorum of the meeting of the General council will be one-fifth of the total members on roll or twenty-five whichever is the less. In case of lack of a quorum, the meeting will be adjourned, but can be held half an hour later on the same day without any restriction of quorum.
- (e) An extraordinary meeting of the General Council can be called :
- (i) on requisition to that effect by at least 25% the total members on that particular date giving clear seven (7) days notice to the Executive Council.

5. Executive Council

- (a) (i) The Executive Council shall consist of the President, two Vice-Presidents, one General Secretary and not more than 35 other members elected by the General Council; and its term of office shall be two years from that date of the announcement of their having been elected at the alternate annual meeting of the General council till the new Executive council take over, which normally shall synchronise with the two financial years of the Samiti. The President, two Vice-Presidents and one General Secretary shall not be eligible to contest for these posts after completion of two terms i.e. maximum period of four years.
- (ii) The executive council shall by a majority vote, elect from amongst its elected members/two secretaries, one treasurer, two members for the financial committee and such other office bearers as may be deemed necessary.
- (b) Executive Council shall meet as often as possible and necessary, but at least once in a month. The Executive Council shall at its meetings conduct the following business :
- (i) decide matters of day-to-day business of the Samiti and delegate such powers as may be necessary to the office-bearers and other members of the Executive Council:
- (ii) fix up the meeting of the General Council;
- (iii) approve the accounts of the Samiti for the month;
- (iv) Co-opt members from the General Council and entrust them with such functions as may be required from time to time. Such co-opted members can participate in the meetings of the Executive Council but will have no vote. The number of such co-opted members shall not exceed ten at a given time; and
- (v) any other matter that may be brought before the council by any member with the permission of the Chair.
- (c) The General Secretary with the approval of the President shall call the meetings of the Executive Council giving clear five days a notice or call meetings at a shorter notice in emergent cases. The quorum for the Executive Council meeting shall be ten from amongst the elected members and office bearers. In case quorum is not complete, the meeting shall be adjourned but can be held half an hour later on the same day and at the same place without giving notice to the absentee members.
- (d) A person ceases to be the members of the Executive on:
- (i) his/her death;
- (ii) his/her resignation having been accepted by the Executive Council;
- (iii) his/her removal by a majority vote of the members of the Executive Council present at the meeting as a disciplinary action for undertaking any activity prejudicial to the aims and objects of the Samiti;
- (iv) his/her ceasing to be a member of the General Council;
- (v) his/her failure to attend three consecutive meetings of the Council without valid reasons after giving him/her a notice regarding the operation of this clause. Provided that in the case of President/Vice-President/General Secretary, the matter will be referred to the General Council for appropriate action.
- (vi) shall be responsible to keep check of the financial activities of the Samiti. They alongwith General Secretary who will be its **Member** Secretary and Treasurer shall act as a financial team

- (a) To keep control of Samiti's finances and report to the Executive Committee their opinion and suggestion for greater transparency of financial accounting.
 - (b) Shall conduct internal auditing from time to time.
- (e) In case one or more members of the Executive Council cease(s) to be its member(s) the vacancies can be filled up by the Executive Council by cooption from the members of the General Council, except in the case of President/Vice-President and the General Secretary whose vacancies shall be filled by the General Council.
- (f) The executive Council will be collectively responsible for all its activities to the General Council.

6. Function of Office Bearers :

(a) The President and Vice-Presidents : The President and in his absence, any of the two Vice-Presidents shall be responsible for all activities of the Samiti to the Executive Council. He shall direct and guide the execution of various activities for which powers have been delegated to him by the Executive council of the General council. He shall preside over all the meetings of the General Council and the Executive Council. He shall be authorised to incur an expenditure upto Rs. 1,000/- in any calender month in anticipation of the approval of the Executive Council. The approvals of the Executive Council for such expenditure will be obtained at the next meeting.

(b) General Secretary and any of the two Secretaries : The General Secretary and, in his absence, any of the two secretaries shall be responsible for maintenance of records of the Samiti. He shall record minutes of the meetings of the General and Executive Council. He shall with the approval of the President and other office bearers fix the date, time and place and issue notice for the meetings, respectively of the Executive Council & General Council. He shall be responsible for the execution of the decisions of the Executive and General Councils and shall also be responsible for all day-to-day activities of the Samiti and such other activities which may specifically be assigned to him. The General Secretary shall be assisted by the two secretaries in the activities for which the General Secretary may require assistance.

(c) Treasurer : The Treasurer shall maintain the accounts of the Samiti and shall be responsible to Executive Council for proper rendering of accounts. He may keep with himself cash amounting to an extent of Rs. 1,000/- (Rupees one thousand only), depositing the balance in a scheduled bank, approved by the Executive Council. The bank accounts, shall be operated jointly by the Treasurer and any of the following;

- The President;
- One of the two Vice-Presidents nominated for the purpose; and
- the General Secretary.

The **Treasurer** shall be responsible for presenting the accounts of the Samiti at the meetings of the Executive Council for approval. The approved accounts will then be signed by the Chair, the General Secretary and the Treasurer and the approved accounts shall form part of the minutes of the Executive Council.

(d) Financial Committee Members : Shall be responsible to keep check of the financial activities of the Samiti. They along with General Secretary who will be its member secretary and treasurer shall act as a financial team.

- (i) To keep control of Samiti finances and report to the executive committee their opinion and suggestion for greater transparency of financial accounting.
- (ii) Shall conduct internal auditing from time to time.

7. General :

(a) All documents shall be executed in the name of the Samiti through :

- (i) President or a Vice-President;
- (ii) General Secretary or any of the two secretaries;
- (iii) One of the members of the Executive Council to be nominated by it.

(b) The Samiti may sue or be sued in the name of the President/General Secretary.

(c) The Samiti can join Association, Institutions/Schools, Co-operatives or otherwise, and Federation of Associations, having similar aims and objectives.

- (d) Separate rules and regulations will be framed by the Executive Council for conducting elections to the Executive Council and the various offices of the Samiti from time to time and place before the General Council.
- (e) Separate rules and regulations will be framed by the Executive Council for creation, management and working etc. of the Trusts for various purposes of the Samiti.
- (f) Separate rules and regulations will be framed by the Executive Council for the grant of financial assistance (grants and loans) to needy Kashmiris.
- (g) The financial year for the Samiti shall start from the 1st April each year and end on March 31 of the next year.

8. Board of Patrons :

Such of the eminent Kashmiris as evince keen interest in the activities, aims and objectives of the Samiti, may be invited by the Executive Council to form a Board of Patrons for the Samiti.

9. Amendment to the Memorandum of Association and Rules and Regulations :

An amendment to the Memorandum of Association and these Rules may be initiated by the Executive Council or by any member of the General Council for consideration at a meeting of the General Council. Except in case of an amendment initiated by the Executive Council, the notice of an amendment supported/by five other members of the General Council shall be given by the member in writing to the General Secretary/President of the Samiti. The amendment initiated by the member or the Executive Council itself shall be considered by the Executive Council in the first instance. The amendment, together with the opinion of the Executive Council thereon, shall thereafter, be circulated to all the Members of the General Council at least ten days before the meeting of the General Council. If the Motion is adopted by a majority of two thirds of the members present and voting at the meeting of the General Council, the Memorandum of Association or rules and Regulations as the case may be, shall stand amended in accordance with the terms of the motion, provided that the quorum for such meeting is fifty.

10. Dissolution of the Samiti :

The Samiti can be dissolved by a 3/4th (three-fourth) majority of members on roll, present at a meeting of the General Council, and the disposal of the assets and liabilities of the Samiti shall be made in accordance with section 14* of the Societies registration Act XXI of 1860. The quorum of such meeting shall be 3/4th of the members on roll. If the quorum is not present for such three consecutive meetings the matter will be decided at the fourth meeting by a majority of votes on roll. The interval between such adjourned meetings will be least one month. The notice for motion of dissolution by members shall be addressed to the President, giving clear three months notice.

Section 14 reads as under :

If upon the dissolution of any society registered under this Act there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the said society or any of them, but shall be given to some other society, to be determined by the votes of not less than three fifths of the members present personally or by proxy at the time of the dissolution, or in default thereof, by such Court as aforesaid;

Provided, however, that this Clause shall not apply to any Society which shall have been founded or established by the contributions of share holders in the nature of Joint Stock Company.

Election Rules

(Framed Vide Rule 7(d) of the Rules & Regulation of the Samiti)

The Samiti Election Rules were first framed by the Election Sub-Committee in pursuance of the Resolution of the Executive Council of the Samiti, dated 23-2-1959. These Rules have further been amended and revised by the General Council of the Samiti from time to time. The election rules as amended upto date in the General Council meeting on April 18, 2010 are:

1. Short Title

These Rules may be called the Samiti Election Rules, 1972, and shall come into effect from May 1, 1972.

2. Date of Election

The Samiti's Elections will be held every alternate year on the day fixed by the Executive Council for holding the Annual Meeting of the General Council. The elections will be held for the offices of the President, two Vice-President, one General Secretary and thirty five members of the Executive Council of the Samiti.

3. Electorate

- (a) The Electorate for the election to the above offices of the Samiti will consist of all the members of the General Council who are on roll on or before 31st December before the date of poll.
- (b) Each Elector shall have one vote in respect of election to the office of President two votes in respect of two Vice-Presidents (it is mandatory to use two votes for two Vice-Presidents otherwise the vote shall be presumed to be invalid) one vote in respect of the General Secretary and as many votes as there are seats allotted to the electoral area in which he or she resides.
- (c) General Secretary of the Samiti shall make available to the Returning officer by the date he issues election notification, two copies of the duly authenticated list of voters electoral area-wise as on 31st December of the proceeding year. Besides the names, the list will indicate their residential addresses in the electoral area.

The General Secretary shall be responsible for the accuracy of the list. The Returning Officer will be guided only by this list in accepting or rejecting a nomination paper. He will not entertain any objection with regard to the accuracy or otherwise of the list. Copies of Rules and Regulations of the Samiti and Samiti Election Rules shall also be made available to the Returning Officer by the General Secretary.

The General Secretary will also make available authenticated copies of the list and the Election Rules to the area representative for the perusal of the electorate, on the price as decided by the Executive Committee.

4. Electoral Areas :

- (a) On the basis of the strength of membership in different areas of operation of Samiti, Delhi will be divided into such number of electoral areas (or constituencies) as may be considered necessary by the Executive Council from time to time for adequate representation in the Executive Council of the Samiti.
- (b) On the basis of the present strength of membership in various electoral areas, the thirty three members of the Executive Council will represent the sixteen electoral areas.

5. Returning Officer and Polling Officers :

- (a) The Returning Officer for conducting elections shall be appointed by the Executive Council from amongst the members of the General Council of the Samiti. Two Assistant Returning Officers shall be nominated by the Executive Committee and / or the Returning Officer for smooth conduct of the elections. The Returning Officer and two Asstt. Returning Officers shall not themselves be candidates or proposer or seconder of any candidate for any office for which they will conduct elections.
- (b) If the Returning Officer is unable for any reason to perform any of the duties under these Rules, he shall designate any other member of the General Council to perform all or any of such duties instead; Provided that any person so designate by the Returning Officer, shall not himself be a candidate or a proposer or a seconder of any candidate or a proposer or a seconder of any candidate for any office for which he will conduct elections.
- (c) The Returning Officer shall appoint from amongst the members of the General Council, such members as Polling Officers as he may consider necessary, to assist him in conducting the elections

6. Election Notification

The Returning Officer shall by a circular letter to the members issue a notification relating to the Elections or have it published in the 'KOSHUR SAMACHAR' for the information of all members of the General Council. The notification will inter-alia contain information regarding date, place and hours of polling, last date and

hour for filing of nomination papers, date and hour of scrutiny of nomination papers, last date and hour of withdrawals of candidature, the place of filing of nomination paper and scrutiny of nomination papers. The notification will be issued and circulated at least 15 days before the date of poll. A copy of the notification together with 'Directions' and 'Sample Nomination Form' will be got displayed at the Samiti's Notice Board at Kashmir Bhawan by the Returning Officer through the General Secretary of the Samiti.

7. Filling of Nomination Papers :

- (a) The Nomination Form shall indicate the name of the candidate, his/her proposer and seconder; their residential addresses and the electoral area in which they reside and the particular office to which the nomination of the candidate is proposed. The Form shall also bear the signatures with date of the candidate, the proposer and the seconder.
- (b) The candidates for election to various Offices of the Samiti shall be Life Members of the General Council on the date of filing nomination papers as well as on the date of poll.
- (c) The candidates for election to President/Vice-President/General Secretary shall have served as elected executive member/office bearer of the Samiti for at least two years in the past.
- (d) The proposers and seconds of any candidate shall be members of the General Council on the date of filing nomination papers.
- (e) In the case of President, two Vice-Presidents and General Secretary, the candidate, proposer and the seconder may belong to the same electoral area or to different electoral area. Provided that a member may not propose or second more than one person for the offices of the President, two Vice-Presidents and the General Secretary.
- (f) In the case of nomination in respect of the election as a member of the Executive Council, the candidate, the proposer and the seconder shall be members from the same Electoral area:
- (g) A nomination paper which has been duly proposed or seconded on the date of filling the same will be accepted, if otherwise in order notwithstanding the fact that the proposer or seconder might cease to be member of the General Council or a member from the particular electoral area in the case of the member of the Executive Council. In the case of the candidate contesting for membership of the Executive Council, he/she shall continue on the date of the poll to be member of the General Council from that particular electoral area from where his/her candidature is proposed.
- (h) A member of the General Council who is an office bearer in any other Social, Cultural, or Political Organisation will not be eligible for election to any of the offices of the Samiti or hold such an office after proclamation.
- (i) A member of the General Council who holds a paid job, whether full time or part time, under the Samiti on the date of Returning Officer issues the notification for election, shall not be eligible to be a candidate, a proposer or a seconder for election to any office under the Samiti he/she shall, however be entitled to vote as a member of the General Council.
- (j) The last date of filing nomination papers with the Returning Officer at the address indicated in the election notification, shall be at least six clear days after the date of issue of notification and at least five clear days before the date of poll. No nomination shall be considered valid if received by the Returning Officer after the specified time and date.
- (k) The Returning Officer may, in his own discretion, extend the final date for receiving the nomination papers in the case of those electoral areas from where no nomination may have been received or the number of nomination papers may be less than the number of members to be elected from that electoral area. Such an extension of time may also be granted by the Returning Officer in the case of nomination papers for the offices of the President, Vice-Presidents and the General Secretary.
- (l) The President, Two Vice-Presidents and One General Secretary shall not be eligible to contest for these posts after completion of two terms i.e. maximum of four years.

- (m) A member of General Council seeking re-election for the Executive Council shall not be eligible to contest if he/she does not have at least 75% attendance in the Executive meetings, events and functions conducted by the KSD in previous tenure of which he/she have been a member.
- (n) A member of General Council seeking election for the post of Office bearers which includes Presidents, Two Vice-Presidents and a General Secretary can contest only for the post of one of the above mentioned offices. Similarly a member cannot contest elections for both Executive member as well as office bearer.

8. Withdrawal of Candidature

The last date of withdrawal of candidature shall be at least two clear days after the last date for filing nomination papers. Notices of withdrawal shall be signed by the candidate and presented to the Returning Officer by the specified time on that date.

9. Scrutiny of Nomination Papers

- (a) The Scrutiny of nomination papers shall take place indicated by the Returning Officer in the election notification in the presence of candidates proposers, seconders, polling agents and such other person authorised by him on the date at least 24 hours before the last date of withdrawal of candidature.
- (b) The decision of the Returning Officer with regard to the acceptance or rejection of the nomination papers, shall be final. The Returning Officer may, in exceptional cases, withhold his decision till the date and time fixed by him for want of further information needed by him from the candidate, proposer or seconder of the nomination papers or from the General Secretary of the Samiti.
- (c) At the time of scrutiny of nomination papers, the Returning Officer shall record on each nomination paper his decision with regard to the acceptance or rejection of the paper;
Provided that in the case of nomination papers rejected by him, he shall record the reasons for rejecting the paper.

10. List of Candidates :

The Returning Officer shall get the list of candidates for election to various offices, displayed at the Samiti's Notice Board at KASHMIR BHAWAN through the General Secretary of the Samiti.

11. Method & Procedure of Voting :

- (a) The voting at election shall be by secret ballot :
Provided that in the case where candidates are proposed and seconded at the meeting of the General Council for election to those offices from where no nomination papers are received or where the number of nominations is less than the number of members to be elected, the voting shall be by show of hands.
- (b) The poll, if necessary, shall take place between the hours fixed by the Returning Officer in the election notification. In Exceptional Cases, the Returning Officer may extend the time of poll if he is satisfied that sufficient number of voters have not cast their votes.
- (c) The poll for the election of the office-bearers, shall if necessary, be held in the manner prescribed hereafter;
A ballot paper, containing the names of the candidates contesting elections to different offices, will be issued at the place of poll to every voter who desires to vote at the elections. The ballot paper shall not be issued to a voter until he/she has signed the list of voters in token of having received the ballot paper. The voter shall, thereafter, mark his/her votes on the ballot paper against the names of the candidates of his/her choice. The votes having marked his/her vote on the ballot paper shall fold the same and put it in the ballot box at his/her respective polling station.
- (d) An authenticated list of voters, list of candidates and Election Rules shall be displayed prominently at the place of poll for the convenience of voters.

12. Counting of Votes

The counting of votes shall take place at Kashmir Bhawan, Lajpat Nagar as soon as the ballot boxes from other polling centres are received.

13. Polling Agents

The Returning Officer may allow duly authorised polling agents nominated by the candidates to be present at the time of polling and counting of votes.

Provided that any person appointed as polling Agent shall not himself be a candidate or a proposer or a seconder of any candidate in the elections.

14. Declaration of Results

As soon as the counting of votes is completed in respect of all the offices for which elections have been held, the Returning Officer shall declare all the results of the election (including those uncontested) at the meeting of the General Council. Candidates securing majority of the votes polled will be declared elected.

15. Disputes Relating to Elections

- (a) *Pre-electoral disputes.* To be settled by Returning Officer assisted by two Returning Officers in consultation with the complainants.
- (b) Disputes relating to election results shall be decided at the meeting of the General Council at which results have been declared by the Returning Officer.

16. Publication of Results

The results of the election declared by the Returning Officer shall be displayed at the Office of the Samiti and/or published in 'KOSHUR SAMACHAR' for the information of the members of the General Council.

17. General :

- (a) The procedure to fill a seat falling vacant during the course of the two year term, shall be the same as prescribed in these Rules for the election.
- (b) If no nomination paper is received for an office or where the number of nominations is less than the number of members to be elected, nominations may be invited on the spot, if so decided at the meeting of the General Council. The method of voting at such election shall be by show of hands. Before the actual voting take place, the Returning Officer will ensure that the candidate, proposer and the seconder fulfill the condition prescribed in these Rules:

Provided that the Executive Council may be authorised at the meeting of the General Council to fill in those vacancies by co-option.

- (c) The General Secretary of the Samiti will provide all facilities needed by the Returning Officer for conduct of election.

18. Amendments to Election Rules

Amendments to these Rules may be made by Executive Council on its own initiative or on the initiative of any member of the General Council. The amendments made by the Executive Council shall be placed before the General Council at its meeting for approval.