

BHATIA ASSOCIATION (UK)

CONSTITUTION

1. NAME

The name of the Association shall be "BHATIA ASSOCIATION (UK)" herein after referred to as "The Association".

2. ADDRESS

The Association shall have its Registered Office in the United Kingdom.

3. OBJECTS

The objects of the Association are:-

- a) To promote and advance Hindu Religion.
- b) To promote goodwill, race relations, and harmony and foster good relations with other communities without distinction of class, cast, creed, race or religion.
- c) To relieve poverty, sickness and distress generally.
- d) To promote and support Charitable activities generally.

4. MEMBERSHIP

- a) The membership shall be open to any person interested in furthering the above objects.
- b) Membership shall be open to individuals of eighteen years and over who have paid the annual subscription as laid down from time to time.
- c) The Executive Committee shall have absolute right to refuse such application for membership if it considers that the application is not in the general interest of the Association. The Committee's decision on any such application shall be final.
- d) Individuals who display exemplary contribution to the community may be nominated by any member to the Executive Committee as Honorary members and approved by the members at the Annual General Meeting. Honorary members shall not be entitled to vote.

5. THE RIGHTS OF MEMBERS

All members who have paid their subscriptions in full,

- a) Shall have the right to participate at any Annual General Meeting (AGM) or Special General Meeting (SGM) of the Association on all matters on the agenda with the permission of the Chairman.
- b) Shall be eligible for election .
- c) Shall have the right to vote in person or by proxy.

6. VOTING QUALIFICATIONS

If any member is in arrears of the subscription immediately preceding AGM, SGM of the Association he shall not be entitled to vote at such a meeting nor shall be eligible for election.

7. TERMINATION

a). Dismissal of Members

A member may be disqualified or dismissed from membership, if he violates the provisions and bye-laws, if any, of the Association's Constitution and that his actions or behaviour is detrimental to the interest of the Association.

Any member complained against, shall be notified of proposed disqualification or dismissal 14 days prior to the meeting of the Executive Committee at which such matter is to be discussed. The member shall have a right to defend himself at the said Executive Committee meeting. A decision for disqualification or dismissal of a member shall be approved by two thirds majority of the Executive Committee and ratified at the next Annual General Meeting of the Association.

b) **Resignation of Members**

Any member resigning from the Association shall submit his resignation in writing to the Secretary but shall continue to be liable for any subscription in arrears or any other claim or action.

8. **SUBSCRIPTIONS**

The annual subscription fee shall be recommended by the Executive Committee from time to time and shall be approved by the members at the Annual General Meeting. Subscriptions for the calendar year will be payable in advance on or before the 30th June each year.

The annual subscription fee will be non refundable.

In addition, a member may become a life member of the Association by paying the appropriate subscription as recommended by the Executive Committee and amended from time to time and approved by the members at the Annual General Meeting.

9. **EXECUTIVE COMMITTEE**

- a) The Executive Committee of the Association shall be elected every second year at the AGM and shall consist of:-

Deleted: annually

- i) President
 - ii) Vice President
 - iii) Secretary
 - iv) Treasurer
as Office Bearers and
 - v) Eight additional members.
- b) The members of the Executive Committee shall perform such duties as are usually performed by the holders of such offices, provided however, that such duties shall be subject to such limitations imposed in the objects and directions given by the Executive Committee.
- c) The duties of Office Bearers of the Association shall be:
- i) **President**
 - 1. The President shall be the head of the Association and shall preside over all the meetings and functions of the Association.
 - 2. The President shall have powers to call meetings of the Association as required for the proper management of the Association.
 - 3. The President shall be an ex-officio member of all the Committees.
 - 4. In case of equality of votes the President shall have a casting vote.
 - ii) **Vice President**

The Vice President shall assist the President in the execution of his duties. In the absence of the President, the Vice President will preside over all the meetings and functions and will manage the affairs of the Association with the same powers as the President.
 - iii) **Secretary**
 - 1. The Secretary shall maintain a register of all members, keep proper records of all proceedings and communications, attend to correspondence, keep minutes of all meetings and prepare and submit Annual Report to AGM.
 - 2. The Secretary shall convene the meetings of the Association as and when required for the well governing of the Association.
 - 3. The Secretary shall be an ex-officio member of all the Committees.

iv) **Treasurer**

1. The Treasurer shall maintain a proper set of books of account and shall place before the AGM audited accounts and balance sheet made up to the end of each financial year ended 31st December.

2. All moneys payable to the Association shall be received and accounted for by the Treasurer who shall issue a proper receipt for any moneys received. All funds so received shall belong to the Association and shall be deposited in a bank and/or building society in the name of the Association. Expenditure of any amount under £200.00 (two hundred pounds) may be approved by any two of the following:

President
Vice President
Secretary
Treasurer

and it shall be placed before the first meeting of the Executive Committee thereafter, for its ratification. All expenditure over £200.00 must be presented for prior approval to the Executive Committee.

3. The Treasurer and Secretary shall jointly keep inventory of all moveable assets of the Association whether bought or donated, and be responsible for hire or letting of such assets as directed by the Executive Committee, and they may with the approval of the Executive Committee delegate these powers to a member/s of this Association.

4. Capital expenditure over £1000 shall be incurred with the approval of the Executive Committee and authorised by the members.

d) Any individual member of the Executive Committee who has been convicted of a crime involving fraud or dishonesty or against whom a receiving order has been made shall cease to be a member of the Association's Executive Committee or any of its Sub Committee, and his post will there upon be deemed to be vacant.

10. ELIGIBILITY FOR ELECTION OF THE OFFICE BEARERS

a) A person shall not be eligible for election as an Office Bearer of the Association unless such a person has been an elected member of the Executive Committee for eleven consecutive months, any time during the last five years immediately preceding the General Meeting at which such person offers himself as a candidate for the post of an Office Bearer. If there are no such nominations for office bearers meeting this criteria, then any paid member may be nominated as a candidate.

b) Should it be necessary in the best interests of the Association, then any person who has been President can be removed from office by a vote of No Confidence at an Annual General Meeting.

c) An absent member may stand for and be elected provided a written consent from him is produced at the meeting.

11 MEETINGS OF THE EXECUTIVE COMMITTEE

a) The Executive Committee shall hold at least 4 ordinary meetings each year.

b) Notices will be circulated to members of the Executive Committee 14 days prior to the meeting. The meeting will be convened by the Secretary at the request of the President of the Association.

c) At least 2/3rd of the members of the Executive Committee may call a meeting if not called for by the President.

d) The Secretary of the Association shall maintain minutes of each meeting and record them for approval at the next Executive Committee meeting.

12 VACANCIES IN THE EXECUTIVE COMMITTEE

a) If and when any Executive Committee member fails to attend three consecutive meetings without a valid reason, he shall be notified of this by the Secretary in writing on or before the calling of the fourth meeting and if the member in spite of such notice and without a valid excuse remains absent from that meeting, he shall be considered to have automatically ceased to be a member of the Executive Committee.

b) In the event of any of the office bearers posts becoming vacant, the Executive Committee shall appoint from within a member to fill such a vacancy, for the remaining term. However if the President's post becomes vacant, then the Vice President will be deemed to assume the responsibility.

c) In the event of the simultaneous resignation of :-

(i) Either the President or the Secretary and five other Executive Committee members; or

(ii) All the Executive Committee Members, a Special General Meeting shall be convened within one month to elect new Executive Committee members to fill these vacancies. Such members shall continue to hold office until the next Annual General Meeting.

Deleted: Any person who has been President for two consecutive terms shall not be eligible to be re-elected as a President, at the Annual General Meeting immediately following the second term of his office as President. On the expiration of such a period, a further year must elapse before any former President shall be eligible for re-election.

13 POWERS OF THE EXECUTIVE COMMITTEE

In furtherance of the objects but not otherwise the Executive Committee may exercise the following powers:

- a) arrange social, cultural and religious functions for the benefit of the Association;
- b) to raise funds and to invite and receive contributions provided that in raising funds the Executive Committee shall not undertake any substantial permanent trading activities and shall conform to any relevant requirements of the law;
- c) to employ such staff (who shall not be members of the Executive Committee) as are necessary for the proper pursuit of the objects, and to make all reasonable and necessary provision for the payment of pensions and superannuation for staff and their dependants;
- d) to co-operate with other charities, voluntary bodies and statutory authorities operating in furtherance of the objects or of similar charitable purposes and to exchange information and advice with them;
- e) to establish or support any Charitable Trusts, Associations or institutions formed for all or any of the objects;
- f) to appoint and constitute such advisory Committees as the Executive Committee may think fit;
- g) to co-opt not more than 3 (three) members in all to serve on the Executive Committee, (or any of the sub Committees appointed by the Executive Committee), but the presence of such co-opted persons shall not be counted for the purpose of the quorum and they shall have no voting rights.

Subject to the approval of the members and any consents required by law ,

- h) to buy, take on lease or exchange any property necessary for the achievement of the objects and to maintain and equip for use;
- i) to sell, lease or dispose of all or any part of the property of the Association;
- j) to borrow money and to charge all or any part of the property of the Association with repayment of the money so borrowed;
- k) make bye-laws for governing the use of premises or property of the Association and which shall be binding on all members and persons.
- l) to do all such other lawful things as are necessary for the achievement of the objects;

14. TRUST PROPERTY

- a) Subject to the provisions of sub-clause (b) of this clause, the Committee shall cause the title to:
 - i) all land held by or in trust for the Association which is not vested in the Official Custodian for the Association, and
 - ii) all investments held or on behalf of the Association;to be vested either in a corporation entitled to act as custodian trustee or in not less than three individuals appointed by them as holding trustees. Holding trustees may be removed by the Committee at their pleasure and shall act in accordance with the lawful directions of the Committee. Provided they act only in accordance with the lawful directions of the Committee, the holding trustees shall not be liable for the acts and defaults of its members.
- b) The holding trustees shall be entitled to an indemnity out of the property of the Association for all expenses and other liabilities properly incurred by them in the discharge of their duties.

15. RECEIPTS AND EXPENDITURE

- a) The funds of the Association, including all donations contributions and bequests, shall be paid into an account operated by the Executive Committee in the name of the Association at such bank and / or Building Society as the Executive Committee shall from time to time decide. All cheques drawn on the account must be signed by at least two office bearers.
- b) The funds belonging to the Association shall be applied only in furthering the objects.
- c) Any funds received for a specific project shall first only be applied towards that particular project. A surplus arising on completion of the project shall be transferred to the General Fund, subject to receiving approval of the members at the next Annual General Meeting.

16. **(1) ACCOUNTS/ ANNUAL REPORT/ ANNUAL RETURN**

The Executive Committee and the Holding Trustees shall comply with their obligations under the Charities Act 1993 (or any statutory re-enactment or modification of that Act) with regard to :

- a) the keeping of accounting records for the Association;
- b) the preparation of annual statement, report and returns of accounts, for the Association;
- c) the auditing or independent examination of statement of accounts of the Association; and
- d) the transmission of the statement of accounts, report and returns of the Association to the Commissioners.

(2) AUDITORS

- a) The Auditors shall be appointed for the following year at the AGM and shall be responsible for auditing the accounts of the Association.
- b) No person other than a qualified accountant or a person pursuing a profession of an auditor and an accountant with sufficient experience in such profession shall be eligible for an appointment.
- c) An Auditor so appointed shall have access to all the books of accounts and other relevant documents at any time and shall certify the annual statement of accounts.
- d) The Auditor, if member of the Association shall not be an Office Bearer or a member of the Executive Committee or a Holding Trustee.

17 **ANNUAL GENERAL MEETING**

- a) The Executive Committee shall convene the AGM on the date fixed by it on or before the 31st March every year by giving at least twenty one (21) days notice for the following purposes:-
 - i) To pass minutes of the last meeting.
 - ii) To receive and adopt the Annual Reports, and the Audited Accounts for the preceding year, which will be made available to the members present at the AGM.
 - iii) To decide on any resolution which may be duly submitted to the meeting as hereinafter provided
 - iv) Any other business with the permission of the Chairman
 - v) To elect Office Bearers and members of the Executive Committee, in accordance with clause 9(a)
 - vi) To appoint an auditor , and fix his remuneration.
- b) Any member of the Association who wishes to move any resolution at the AGM other than for the purposes of clauses 22 and 23, may do so by giving written notice thereof, duly seconded by another member to the Secretary not less than seven(7) days before the date of such meeting.
- c) In default of an AGM being held on or before the 31st March of a year, the same may be convened in the following month by a written requisition of one third of the paid members or 75 paid members whichever is less, in the same manner as that in which the AGM is to be convened by the Executive Committee.

18. **SPECIAL GENERAL MEETINGS**

Special General Meeting may be called by the Executive Committee or on requisition to the Secretary in writing by at least 1/3rd of paid members of the Association, whose names, addresses and signatures should be handed to the Secretary at least twenty eight (28) days prior to the meeting. At least 2/3rd of such signatories should be present at the meeting. At least twenty one (21) days notice shall be given for a SGM Such notice shall contain an agenda for the meeting, and notice of any resolutions to be passed at such meetings.

19. **QUORUM**

- a) Two third of the members or six whichever is less shall form a quorum at an Executive Committee meeting. One third of the paid members or seventy five members whichever is less shall form a quorum at general meetings.
- b) If there is no quorum at a general meeting within 45 minutes of the specified time; the meeting shall be adjourned for 15 minutes and then re-convene. The quorum at such an adjourned meeting shall be thirty paid members.

20 **AFFILIATION**

The Executive Committee may at any time affiliate to or accept affiliation on such terms as it thinks fit from other communal or religious Associations or (without seeking any reason) disaffiliate from or disaffiliate any such other organisation.

Deleted: meeting within the three hours of specified time; the meeting shall be adjourned to a later date, within 28 → days. There shall be no requirements of a quorum at an adjourned meeting.

21. **NOTICES**

Any notice required to be served on any member of the Association shall be served by the Secretary or the Executive Committee on any member either personally or by sending it through the post in a prepaid letter addressed to such member at his or her last known address in the United Kingdom, and any letter so sent shall be deemed to have been received within 10 days of posting.

22. **AMENDMENTS**

The rules embodied in this Constitution may be amended, added to or repealed by a resolution at any Annual or Special General Meeting, provided that no such resolution shall be valid unless notice of the intention to propose such amendment has been given to all paid members, at least twenty one clear days before the meeting and the resolution is carried by a majority of three quarters of the paid members present at such a meeting and voting thereon.

23. **DISSOLUTION**

A resolution for the dissolution of the Association shall not be valid unless at least twenty one clear days written notice shall have been given to all paid members of the Association, and the meeting is attended by a minimum of 75% of the paid members. The resolution to dissolve the Association shall be valid only on a majority vote of 75% of those members eligible for voting and present at such meeting.

If a motion to dissolve the Association is carried by the paid majority, the surplus funds, property and assets (if any) after payment of all debts and liabilities shall be donated to other Bhatia Associations or other charitable organisations as shall be resolved by the majority of the members present and voting at the meeting at which the resolution for the dissolution is passed.

APPROVED: 21 April 1997

OFFICE BEARERS

.....
P G Nanavati - President

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Mrs V Ashar - Vice President

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Mrs A J Swali - Secretary

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Mrs K Dhutia - Treasurer

CONSTITUTION SUB COMMITTEE

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B S Champsi - Chairman

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S V Sampat

.....
A V Mulji

.....
J Ved

.....
N Bhatia

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H Ashar