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CONSTITUTION

OF

BABA MAKHAN SHAH LOBANA FOUNDATION (Regd.)

CHANDIGARH - 2006

2006



Baba Makhan Shah Lobana Foundation

(Regd.)

CONSTITUTION

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- b) *Revised Constitution of B.M.S.L. Foundation (Regd.) Chandigarh approved by the General body of the Foundation as per its resolution No.4 dated 05-08-2006*

**CONSTITUTION OF
BABA MAKHAN SHAH LOBANA FOUNDATION (Regd.)
CHANDIGARH
MEMORANDUM**

1. NAME:

The name of the Foundation shall be "BABA MAKHAN SHAH LOBANA FOUNDATION" hereinafter referred to as the Foundation.

2. AFFILIATION:

The Foundation shall not pursue any political activity nor shall it associate itself with any political party.

3. LOCATION:

The Registered Office of the Foundation shall be located at BABA MAKHAN SHAH LOBANA BHAWAN, Sector 30-A, Chandigarh.

4. OBJECTS:

The Foundation aims at achieving the following objects:

- a) To promote the educational, social and cultural welfare of all the weaker sections of Indian society irrespective of caste, creed or race.
- b) To set up, in the first instance, at Chandigarh, Baba Makhan Shah Lobana Bhawan which will also serve as headquarters of the Foundation.
- c) To set up centres for the promotion of the objectives of the Foundation as outlined at a) at selected places within and outside the country.
- d) To bring out the biography of Baba Makhan Shah Lobana and other eminent personalities in Indian history or publish any other literature of historic or religious importance, journal or magazine.
- e) To institute and offer prizes, awards, scholarships stipends etc., and to give grants for furthering the objectives of the Foundation.
- f) To establish institutions of learning at suitable places for advancement in various fields of moral, social, healthcare and religious education with particular reference to the role of Baba Makhan Shah Lobana in Sikh history, philosophy and culture.
- g) To acquire, hold and dispose of property, both movable and immovable, in pursuit of the objects of the Foundation.

- h) To curb social evils prevalent in the society.
- i) To establish a subordinate trust or body or to associate with any other trust or body for furtherance and achievement of these objects and take action appertinent thereto.
- j) To approach the Central and the State Governments including the Union Territory of Chandigarh, government and semi-government undertakings, charitable and religious bodies and other such organizations as may help in the furtherance of aims and objects of the Foundation and
- k) To pursue any other activity consistent with the objectives of the Foundation and not violative of the basic tenets of Sikhism, with the approval of the Executive Committee.

RULES OF BUSINESS

5. **MEMBERSHIP:**

Except as otherwise stated, the membership of the Foundation shall be open to every sane and solvent person, not convicted of any offence involving moral turpitude, malfeasance or fraud within a period of 5 years preceding the date of application and of 18 years of age and above or to any organization registered under law. The grant of such membership shall be subject to the approval of the Working Committee and on such approval, membership will be deemed to be from the date of receipt of the application alongwith subscription in the office of Foundation.

6. **MEMBERSHIP DECLARATION FORM:**

Every member, other than an honorary patron, shall sign a membership declaration in the prescribed form given at Appendix A to the Constitution.

The application for the membership may be submitted to the office of the Foundation directly or through any member of the Executive Committee.

7. **CATEGORIES OF MEMBERS:**

There shall be the following categories of members;

- a) **Honorary Patrons:** The Executive Committee may, if it considers it to be in the interest of the Foundation, appoint, by a unanimous resolution, any person who has achieved distinction in any field in society, as an honorary patron of the Foundation subject to the condition that Executive Committee may, at any time, withdraw the distinction so conferred, if any act or any activity of any such patron, in its opinion, is found to be against the interest of the Foundation.

- b) **Patrons:** Any person, body, organization or association, who subscribes to the aims and objects of the Foundation and donates Rs. 25, 000/- or more in lump sum or by instalments within one year, will be PATRON of the Foundation for life.
- c) **Donors:** Any person, body, organization or association, who subscribes to the aims and objects of the Foundation and donates a sum not less than Rs. 10, 000/- in lump sum or by instalments within one year, will be the DONOR member of the Foundation for life.
- d) **Members:** Any person, who subscribes to the aims and objects of the Foundation and donates a sum not less than Rs. 1000/- in lump sum, will be the member of the Foundation for life.
- e) **Institutional Member:** Any body, organization or association, by whatever name called and duly constituted under law and subscribing to the aims and objects of the Foundation, donating not less than Rs.11, 000/- in lump sum, will be an Institutional Member.

Note: The Executive Head of the member body, organization or association or any person duly nominated by it according to its own rules and regulations, shall represent it and shall be entitled to all the rights and privileges of the membership of the Foundation, including signing of declaration of membership required under Rule 6 above.

8. UPGRADING OF CATEGORY OF MEMBERSHIP:

A member in any category of membership may acquire membership of a higher category by paying the difference in the donation for the two categories.

9. CESSATION OF MEMBERSHIP OF THE FOUNDATION:

A person shall cease to be a member of the Foundation:

- i) on death
or
- ii) on resignation being accepted
or
- iii) on his being declared undischarged insolvent or of unsound mind by competent court or authority
or
- iv) on conviction for any offence involving moral turpitude, by a competent court or authority, after giving him notice regarding such conviction
or
- v) on removal under Rule 15 and acceptance of resignation from membership in

accordance with Rule 15A.

Note: A member ceasing under clause iv) may be enrolled as member, 5 years after the expiry of the sentence and under clause iii) if the disability ceases to exist.

10. **MODE OF PAYMENT OF SUBSCRIPTION, DONATION ETC:**

All kinds of payments to the Foundation shall be made in cash or by crossed bank drafts or cheques, drawn on any bank at Chandigarh, in favour of "Baba Makhan Shah Lobana Foundation (Regd.), Chandigarh" to an authorized representative of the Foundation.

11. **ORGANISATION:**

For the general conduct of business of the Foundation, the following bodies will be formed: -

- a) **General Body:** This will consist of all the Lobana Members of the Foundation as stated in Rule 7 above.
- b) **Executive Committee:** i) The control and management of the Foundation shall vest in the Executive Committee which will consist of 81 members including, ^{all the office} ~~at least~~ ^{bearer} ~~and of the~~ ten ladies,
ii) The members will be selected from amongst the paid patrons, donors and members.
iii) The President may co-opt new members in consultation with the Working Committee to fill any vacancy/vacancies occurring in the Executive Committee within six months.
- c) **Working Committee:** Working Committee shall consist of the President; Senior Vice-President (HQ); Vice Presidents (HQ); Regional Presidents of Chandigarh, Mohali and Panchkula; General Secretary; Finance Secretary; Secretary and a maximum of 15 members nominated by the elected Office Bearers of the Foundation from amongst members of the Executive Committee of whom at least 5 will be from the area outside Chandigarh, Mohali and Panchkula. In addition, the President may associate any member of the Foundation as special invitee in the interest of the working of the Foundation.
It will act as administrative organ of the Executive Committee to supervise and execute the various administrative functions and activities of the Foundation.
- d) **Finance Committee:** Finance Committee shall consist of the President, Senior Vice-President (HQ), Vice-Presidents (HQ), General Secretary, Finance Secretary and 5 other members duly nominated by the Executive Committee who shall not be members of the Working Committee. Finance Secretary will act as

Member Secretary of the Committee.

- e) **Regional Committee:** Regional Committee shall consist of Regional President and a minimum of 5 and a maximum of 7 members of the Foundation. The appointment of the Regional President shall be approved by the Executive Committee on the recommendation of the Working Committee. The members shall be recommended by the Regional President and duly approved by the Working Committee.

The Regional Committee shall adopt ways and means conducive to the interests and aims and objects of the Foundation in its region. It shall take steps to generate finances for the Foundation from the region and also look after the public relations work of the Foundation in its area.

Note: 1. Committees at c), d) and e) above shall be subordinate to the Executive Committee and shall work under its overall supervision, direction and control.

2. Regional President of each region shall be Ex-officio Vice-President of the Foundation.

12. TERM OF EXECUTIVE COMMITTEE AND OFFICE BEARERS:

- a) The term of the Office Bearers and the Executive Committee shall be three years. The process of their election shall be initiated at least 2 months prior to the expiry of the term and Election Committee will be formed accordingly. In case the election is not possible for any sound reason, the existing Office Bearers and the Executive Committee shall continue to function for a further period not exceeding three months within which the new Office Bearers and the Executive Committee shall be positively elected and given charge, failing which the existing Office Bearers and the Executive Committee shall become defunct and patrons shall assume its powers, functions & duties and any three out of the five Patrons senior in age may call a meeting at headquarters and they shall exercise powers of superintendence and control of the administration of the Foundation and also be a custodian of its assets and they shall elect an ad-hoc Committee in a meeting called by any one or more of them.

Ad-hoc Committee shall consist of seven members with a Working President and Working Finance Secretary from amongst themselves and this ad-hoc committee shall carry out routine duties including administrative expenditure, and they shall also appoint an election committee consisting of a convener, two members and also an observer and get the election process completed within 60 days.

- b) No member shall be eligible to hold the same office of President or General Secretary for consecutive terms and either of them for more than two terms in all.

13. DISSOLUTION OF THE EXECUTIVE COMMITTEE:

The Executive Committee may be dissolved in case there is internal strife amongst its members and its continuance as such is prejudicial to the interest of the Foundation. The President may call an emergent meeting of the General Body, suo moto or on receipt of requisition from 100 members or 10% of the total members of the General Body, whichever is more, within a period of fifteen days of the receipt of requisition, to consider and decide the dissolution of the Executive Committee. In case the President fails to call the requisitioned meeting within the stipulated period, the members signing the requisition may collectively call an emergent meeting of the General Body. Quorum for this meeting will be 200 members or 20% of the total members, whichever is less.

The General Body, in the emergent meeting so convened, may dissolve the Executive Committee by two third majority of members present and voting. On the Executive Committee being dissolved, the General Body will appoint an ad-hoc body of members to look after the functioning of the Foundation till the new Executive Committee is formed. The General Body shall elect a Convener and two members for conducting election within 3 months' period in accordance with the election rules made in this behalf.

14. CESSATION OF MEMBERS OF EXECUTIVE / WORKING / FINANCE COMMITTEE:

A person shall cease to be a member of the Executive Committee or the Working Committee or the Finance Committee, if;

a) he / she ceases to be a member of the Foundation

or

b) he/she resigns from the membership of the Executive Committee or the Working Committee or the Finance Committee and his/her resignation shall take effect on the expiry of 15 days from the date of its submission to the President unless withdrawn before the expiry of the said period

or

c) he/she fails to attend three consecutive meetings of the Executive Committee without sufficient cause, provided that a notice asking such person to show cause for such absence from the meeting shall be issued and the Executive Committee shall take a decision after considering his explanation. This is also applicable in respect of the Office Bearers.

15. REMOVAL OF THE MEMBERS OF THE EXECUTIVE COMMITTEE AND FOUNDATION:

On receipt of complaint of misconduct against a member of the Executive Committee or Foundation, the Executive Committee shall constitute a disciplinary committee of three members to enquire into the charges against such member of the Executive Committee or member of Foundation. On receipt of the report, the Executive Committee, after giving notice to the concerned member, may call an emergency meeting to take decision for the removal or otherwise of such member by 2/3rd majority of the members present and voting and the quorum for such meeting shall be 50% of the total strength of the Executive Committee.

The Executive Committee may suspend the membership of such a person pending enquiry against him.

15A Resignation:

(1) A member or an office bearer of the Foundation, or a member of the Working Committee or Finance Committee may tender resignation as under: -

- i) The President to the Senior Vice-President (HQ)
- ii) The Honorary Patrons, Senior Vice-Presidents, Vice-Presidents, Regional Presidents, General Secretary, Finance Secretary, Secretary, a member of the Working Committee, Finance Committee, and a member of the Foundation, to the President.

(2) The resignation so submitted shall take effect on the expiry of 15 days from the date of its submission unless withdrawn before the expiry of the said period.

16. OFFICE BEARERS AND THEIR DUTIES:

i) There will be the following office bearers: -

- a) President 1
- b) Senior Vice-Presidents 6

[One from Chandigarh, Panchkula and Mohali; two from the state of Punjab from areas other than Mohali; one from the state of Haryana from areas other than Panchkula; one from all other states and UTs of the country and one from NRIs to be nominated by the Executive Committee]

- c) Regional Presidents-Ex officio Vice Presidents upto 25/6.
- d) Vice-Presidents (at HQ) 2
- e) General Secretary 1
- f) Finance Secretary 1
- g) Secretary 1

ii) The Executive Committee may create any post with such designation as may be appropriate to carry out the various functions and activities of the Foundation more efficiently.

iii) The duties of the office bearers of the Foundation and the records they are required to maintain are detailed in Appendix B to this Constitution.

iv) The Executive Committee may delegate any of its powers to any of the office bearers or any other Committee.

v) In the absence of the President, his powers and function will be exercised and performed by the Senior Vice President (HQ). In the absence of President and Senior Vice President (HQ), the same will be exercised and performed by the Vice President (HQ) who is senior in age.

17. NOTICE OF MEETING:

It will be the responsibility of the General Secretary that meetings are held regularly as laid down in these rules. The date of the meeting will be decided in consultation with the President and, in his absence, the Senior Vice-President. The General Secretary will ensure that except in the case of emergency or special meeting of Executive Committee, notice of all ordinary meetings alongwith the agenda for the meeting is issued to all concerned members at least 15 days in advance. The agenda of the meeting will be prepared by him in consultation with the President and, in his absence, with the officiating President.

18. GENERAL BODY MEETINGS:

- A. The meeting of the general body shall be held at least once a year.
- B. An emergent meeting of the general body may be called by the Executive Committee with prior notice of 15 days.
- C. It shall be obligatory for the President and, in the absence of the President, the Senior Vice President to convene an emergent meeting of the General Body, if 10% of the total members (all categories) of the General Body or 100 members, whichever is more, send a requisition duly signed by all of them with their full names and addresses, giving a notice of at lease 15 days for calling such a meeting specifying therein the agenda for such meeting. In case of default, it shall be lawful for the members signing the requisition to call the meeting within 15 days from the date of expiry of notice by giving a notice of 15days. The meeting called in the later manner shall be presided by the member especially elected unanimously for this purpose by the participating members. The quorum for this meeting shall be minimum 200 members.
- D. **Election Meeting:**
- i) The Executive Committee, in a meeting, shall constitute an Election Committee consisting of a convener and two members to conduct election under the overall

supervision of an observer appointed by it. The Election process shall be initiated by them at least two months prior to expiry of the term of the existing Executive Committee.

ii) The election committee so constituted will call General Body meeting, in accordance with rules for election of: -

a) President 1

b) Senior Vice-Presidents 5

[One from Chandigarh, Panchkula and Mohali; two from the state of Punjab from areas other than Mohali; one from the State of Haryana from areas other than Panchkula; one from all other states and UTs of the country].

c) Vice-Presidents (HQ) 2

d) General Secretary 1

iii) 72 members of Executive Committee shall be selected by the President in consultation with the Office Bearers so elected by the General Body as mentioned in clause ii) above. Only those persons will be eligible to participate and vote in the election who had acquired membership of the Foundation up to six months prior to the date on which the meeting of General Body is convened for election. List of such eligible voters will be prepared within two weeks from the date of selection of the Convener. A member of the General Body shall have one vote. In the event of equality of votes of contesting candidates, the result shall be declared by draw of lots.

iv) The remaining Office Bearers as stated in Rule 16 and not covered in the above clauses will be nominated by the Executive Committee.

19. MEETINGS OF THE EXECUTIVE COMMITTEE:

The meetings of the Executive Committee will be held on such date, time and place, as the President may decide provided that it shall meet at least once in three months.

20. QUORUM:

Quorum for the general body and the Executive Committee will be one-third of the membership or 100 and 15 members respectively, whichever is less. No quorum for the meetings previously adjourned for want of quorum will be necessary.

21. SUB-COMMITTEES:

The Executive Committee shall have the power to appoint sub-committees for special purposes, consisting of:

a) not more than seven members of the Foundation; and

b) not more than two experts who may or may not be members of the Foundation.

22. The Finance Committee shall be empowered to sanction payment of travelling charges, halting allowance and/or honorarium, as they might consider necessary, to the members of the sub-committee formed under Rule 21 who are not members of the Foundation, subject to the availability of Funds.

ACCOUNTS :

23. **FINANCIAL YEAR:**

The financial year for the purpose of accounts of the Foundation shall be from 1st April to 31st March.

24. **BANK ACCOUNT:**

a) The Foundation shall open an account with one or more scheduled banks, as may be approved by the Executive Committee and its funds will be deposited in the Bank(s) so approved.

b) The accounts of the Foundation with the banks(s) shall be operated jointly by the President and, in his absence, Senior Vice-President, and Finance Secretary.

25. **POWERS:**

Expenditure may be incurred to achieve the objects set out in Rule 4 of the Memorandum and paid from the funds of the Foundation subject to the following limitations and powers:

- a) **Executive Committee:** Full financial, administrative and other cognate powers for carrying out the aims and objects of the Foundation. It may delegate any of its power to an office bearer or any other Committee subject to such conditions as may be specified.
- b) **Finance Committee:** Full financial powers, subject to the availability of funds, on the maintenance and project expenditure duly approved by the appropriate authority.
- c) **President:** Upto Rs.10,000/- per transaction subject to a maximum of Rs.50,000/- per financial year.
- d) **General Secretary:** Upto Rs.2,000/- per transaction subject to a maximum of Rs.10,000/- per financial year.

26. The General Secretary may keep with him a sum not exceeding Rs.2,000/- as imprest.

STATEMENT OF ACCOUNTS:

- i) At the end of the financial year, the Finance Secretary shall prepare a statement of accounts for the year for consideration and approval of the Executive Committee.
- ii) The expenses made during each quarter shall be put up before the Executive Committee for perusal and approval.

28. AUDIT:

The accounts of the Foundation shall be audited annually by an Auditor appointed by the President, out of the panel of Chartered Accountants approved by the Executive Committee. This audit shall normally be completed as early as possible after the closure of the relevant financial year.

29. The Audit Report and the Statement of Accounts, both the documents together, will be considered by the Executive Committee.

GENERAL

30. LEGAL ACTION:

Suits by or against the Foundation shall be instituted in the name of "BABA MAKHAN SHAH LOBANA FOUNDATION" through its General Secretary.

31. AMENDMENT OF CONSTITUTION:

This constitution may be amended by a resolution passed by 2/3rd majority of the members present in a meeting of the General Body of the Foundation after the proposed amendment has been passed by the Executive Committee by similar majority.

32. No decision taken on a resolution passed by the Executive Committee or the General Body shall become invalid merely because certain member or members was/were not present in the meeting.

33. DOCUMENTS AND RECORDS:

It will be the responsibility of the respective office-bearers that all the records concerning their respective functions are maintained upto date and kept properly arranged and safe-guarded.

34. RULE MAKING POWERS:

Subject to the Provisions of the Constitution and approval of the General Body of the Foundation, the Executive Committee may make rules for the achievement of the aims and object of the Foundation.

Without prejudice to the generality of the said power, the Executive Committee may make rules for regulating the appointment and other conditions of service of the employees of the Foundation and also for conduct of election of office bearers and for Lobana Sewak or any other publication.

CERTIFICATE OF REGISTRATION OF SOCIETY

(ACT XXI OF 1860)

No.218 of 1975-76

I hereby certify that "BABA MAKHAN SHAH LOBANA FOUNDATION" has this day been registered under the Societies Registration Act XXI of 1860 and as amended by Punjab (Amendment) Act, 1958.

Given under my hand at Chandigarh this day of 6th June 1975 (One thousand nine hundred and seventy five).

Fee: Rs.50.

Sd/-

Deputy Commissioner-cum-Registrar
of Firms and Societies, U.T.

APPENDIX-A

(Vide Rule 6 of the Constitution of Baba Makhan Shah Lobana Foundation)

MEMBERSHIP DECLARATION FORM

To

The General Secretary,
Baba Makhan Shah Lobana Foundation (Regd.),
Sector 30-A, Chandigarh.

Dear Sir,

I, may kindly be enrolled Patron/Donor/member of the Foundation. The money amounting to Rs. _____ is remitted.

My particulars are as follows :

- i. Name (in Block Letters)
- ii. Father's / Husband's Name
- iii. Date of Birth
- iv. Educational Qualifications
- v. Profession / Occupation
- vi. Experience in social work, if any
- vii. Phones (a) (Office) (b) Resi..... (c) Mob.....

2. I declare that I subscribe to the aims and objects of the Foundation and shall abide by all the Rules and Regulations of the Foundation in force from time to time.

3. I solemnly affirm that I am not insolvent and have not been convicted of moral turpitude, malfeasance or fraud during the last five years.

I further declare that my membership will be subject to the approval of the Working Committee.

Yours faithfully,

Signatures

(Name in full).....

Address

.....

.....

Dated:

Notes:

1. Cheques/bank draft for the donation may be drawn in favour of "Baba Makhan Shah Lobana Foundation (Regd.), Chandigarh".
2. The member shall inform the General Secretary in writing regarding any change in his/her address.

APPENDIX-B

(Vide Rule 16 of the Constitution)

DUTIES OF OFFICE BEARERS

President:

- 1.) He shall be the Chief Executive of the Foundation.
- 2.) He shall preside over all the meetings of the Foundation. In case of equal votes, he shall have the right to give the casting vote.
- 3.) He shall ensure that provisions of this Constitution are adhered to in the conduct of business of the Foundation.

Senior Vice-Presidents:

In the absence of the President, the Senior Vice-President (HQ) shall perform all the duties and exercise all powers of the President and preside over all the meetings of the Foundation, as stipulated in this Constitution. In the absence of President and Senior Vice-President (HQ), the Senior Vice-President who is senior in age, will preside over the meeting of Executive Committee.

Vice Presidents:

In the absence of President and Senior Vice-President (HQ), the Vice President (HQ) senior in age shall perform the duties and exercise powers of the President and preside over the meetings of the Working Committee of the Foundation, as stipulated in this constitution.

Regional Presidents:

- 1) a) Each Regional President shall adopt ways and means to promote the aims and objects enshrined in the constitution of the Foundation.
- 1) b) He shall call the meeting of the Regional Committee from time to time to conduct the business of the Foundation in his region.
- 2.) In the absence of the President/Sr.Vice-Presidents in a meeting, the Regional President especially elected by the members present by simple majority for the purpose, shall preside over the meetings.

General Secretary:

He shall:

- 1) execute , enforce and carry out the orders of the President ;
- 2) ensure prompt execution of resolutions passed in the General Body, Executive Committee and Working Committee meeting;
- 3) maintain up-to-date list of the members and their addresses, category-wise as

- defined in the Constitution ;
- 4) record the minutes of each meeting of the Foundation in the Minutes Book(S);
 - 5) maintain a record of "Resume of Activities" of the Foundation in a register, date-wise, to facilitate the reproduction of the same in the Annual Report of the Foundation;
 - 6) be overall incharge of the office of the Foundation;
 - 7) ensure that meetings of the Foundation stipulated in the Constitution are called and convened as per relevant rules;
 - 8) maintain proper records of various subjects and ensure the safe custody of the same;
 - 9) ensure proper and prompt action in correspondence on behalf of the Foundation and keep the concerned office bearers informed about the matters of interest;
 - 10) ensure that the Manager of the Bhavan maintains accurate stock account of the movable property and consumable articles and ;
 - 11) supervise the maintenance staff and give them necessary directions for their proper work and conduct;

Secretaries:

The Secretary shall assist the General Secretary and perform such other duties as may, from time to time, be assigned to him with the approval of the President.

Finance Secretary:

He shall:-

- 1) maintain true, accurate and up to date accounts of the Foundation and of the institutions set up by the Foundation and record the minutes of each meeting of Finance Committee [refer Rule 11.d)];
- 2) maintain the following;
 - a) Cash account books and connected documents;
 - b) Record of cash receipt books, blank and used;
 - c) Postage Account Register;
 - d) Ledger of individual payment (income). This ledger will also contain progressive total of the amount received separately as donations, grants, membership subscription etc;
 - e) Ledger of Expenditure- headwise and;
 - f) Correspondence files;
- 3) keep accurate record and accounts of the immovable property of the Foundation;

- 4) present the accounts audited by the auditors appointed under Rule 28 to Executive Committee in its next meeting to be held after audit;
- 5) arrange collection of the all dues and subscription regularly and serve notice on defaulters and bring to the notice of the Executive Committee all those who do not comply with the notice;
- 6) keep, in the safe custody, all the documents pertaining to his portfolios;
- 7) deposit the cash received by him on behalf of the Foundations, in the Bank immediately and ;
- 8) prepare and submit quarterly statements of the Income and Expenditure to the Executive Committee for their approval.