

CONSTITUTION

OF

2001

BABA MAKHAN SHAH LOBANA FOUNDATION

(REGISTERED)

CHANDIGARH

CONSTITUTION

OF

BABA MAKHAN SHAH LOBANA FOUNDATION

(REGISTERED)

CHANDIGARH

Revised Constitution effective from 23 September, 2001

Baba Makhan Shah Lobana Foundation (Regd.)

CONSTITUTION

INDEX

MEMORANDUM :

Name	...	Para	1
Affiliation	...	"	2
Location	...	"	3
Objects	...	"	4

RULES OF BUSINESS :

Membership	...	"	5
Membership Declaration Form	...	"	6 and Appendix "A"
Categories of Members	...	"	7
Upgrading of Category of Membership	...	"	8
Cessation of Membership of Foundation	...	"	9
Mode of payment of Membership			
Mode of Payment/Subscription, Donations etc.	...	"	10

ORGANISATION :

General Body	...	"	11 (a)
Executive Committee	...	"	11 (b)
Working Committee	...	"	11 (c)
Finance Committee	...	"	11 (d)
Regional Committee	...	"	11 (e)
Term of Executive Committee	...	"	12 (a)
Term of Office bearers	...	"	12 (b)
Dissolution of the Executive Committee	...	"	13
Cessation of Membership of Executive Committee	...	"	14
Removal of the member of the Executive Committee and Foundation member	...	"	15
Office-Bearers and their duties	...	"	16 (and Appendix b)
Meeting Notice	...	"	17

General Body Meeting	...	..	18 (a b c d)
Election Meeting	...	..	18 (d i)
Election of President, Senior Vice President and Vice Presidents	...	..	18 (d ii)
Election of Executive Committee members	...	..	18 (d iii)
Conduct of meetings—Executive Committee	...	..	19
Quorum	...	..	20
Sub-Committees	...	..	21
Finance Committee	...	..	22

ACCOUNTS :

Financial Year	...	..	23
Bank Account	...	..	24
Powers to incur Expenditure-Executive Committee	...	..	25 (a)
Powers to incur Expenditure—Finance Committee	...	..	25 (b)
Powers to incur Expenditure—President	...	..	25 (c)
Powers to incur Expenditure—General Secretary	...	..	25 (d)
Imprest Money	...	..	26
Statement of Account	...	..	27
Audit	...	..	28 & 29

GENERAL :

Legal Action	...	..	30
Amendment of Constitution	...	..	31 & 32
Documents and Records	...	..	33
Rule making Powers	...	..	34

Revised Constitution of B.M.S.L. Foundation (Regd.) Chandigarh approved by the General body of the Foundation as per its resolution No. 5-B dated 23rd Sep. 2001.

BABA MAKHAN SHAH LOBANA FOUNDATION (Regd.)

CONSTITUTION

MEMORANDUM

NAME :

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

AFFILIATION :

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

LOCATION :

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

OBJECTS :

4. 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 education.
- 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, Govt. and Semi-Govt. undertakings, charitable and religious bodies and other such organisations as may help in the furtherance of aims and objects of the Foundation.
- 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

MEMBERSHIP :

5. Except as otherwise stated, the membership of the Foundation shall be open to every sane and solvent person, not convicted of moral turpitude, malfeasance or fraud and is above the age of 18 years or to any organisation constituted under law.

MEMBERSHIP DECLARATION FORM :

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

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

CATEGORIES OF MEMBERS :

7. There shall be the following categories of members :

- a) **Honorary Patrons :** The executive committee may, if it considers 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 provided that the number of such honorary patrons shall not exceed five at any one time.
- b) **Patrons :** Any person, body, organisation or association donating Rs. 25,000/- or more in lumpsum or by instalments within one year will be the PATRON of the Foundation for life.
- c) **Donors ;** Any person, body, organisation or association donating a sum not less than Rs. 10,000/- in lumpsum 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. 1,000/- in lumpsum will be the member of the Foundation.

Note : The Executive Head of the member body, organisation 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 acquired under clause 7 (b) & (c) above.

UPGRADING OF CATEGORY OF MEMBERSHIP :

8. A member of the lower category of membership may acquire the higher category by paying the difference in the subscription of the two categories in two consecutive half-yearly instalments.

CESSATION OF MEMBERSHIP OF THE FOUNDATION :

9. 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 unound mind by competent court or authority, or
- iv) on conviction for any offence involving moral turpitude by competent court or authority after giving him notice regarding such conviction.

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

MODE OF PAYMENT OF SUBSCRIPTION, DONATION ETC :

10. 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)' to an authorised representative of the Foundation.

ORGANISATION

11. 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 : The control and management of the Foundation shall vest in the Executive Committee which will consist of the following :-
 - i) Hony. Patrons not more than Three.
 - ii) Not more than Ten members from amongst the paid patrons.
 - iii) Not more than fifteen members from amongst the donor members.

iv) Not more than Fifty members from amongst the members.

v) The Executive Committee may co-opt upto a maximum of 15 persons including 8 lady members, if not elected by the General Body, as its members from amongst the members of the Foundation.

vi) The Executive Committee may co-opt new members 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, Vice President head quarter, General Secretary, Finance Secretary and a maximum of 10 other members nominated by President from amongst its members.

It will act as an 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, Vice-President, Finance Secretary and 5 other members duly nominated by the Executive Committee.

e) **Regional Committee :** Regional committee shall consist of a minimum of 5 and a maximum of 7 members of the Foundation headed by the Regional President who shall be approved by the Executive Committee on the recommendation of the Working Committee. The members will be nominated by the Regional President and 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 of the Foundation in the region and shall 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.

Term of Executive Committee & office bearers :

12. a) The term of the Executive Committee shall be three years and Process of formation of the new Executive Committee shall be intimated at least 2 months prior to the expiry of this term. In case the said formation is not possible for any sound reason, the existing Executive Committee shall continue to function for a further period not exceeding three months within which the new Executive Committee shall be positively formed and given charge, failing which the existing Executive Committee become defunct and the Patrons shall assume its power, functions & duties.
- b) No Office bearer shall be eligible to hold the same office for consecutive terms however this bar shall not be applicable to Regional Presidents.

DISSOLUTION OF THE EXECUTIVE COMMITTEE :

13. The Executive Committee may be dissolved in case there is an 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 the requisitions from 10% of the total members of the Foundation 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 60% of the total members. 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 Adhoc body members to look after the functioning of the Foundation till the new Executive is formed. The general body shall appoint Returning Officer for conducting election within 3 month's period in accordance with the election rule made in this behalf.

CESSATION OF MEMBERS OF EXECUTIVE COMMITTEE :

14. A person shall cease to be a member of the Executive Committee if:-
- a) he ceases to be a member of the Foundation, or

- b) he resigns from the membership of the Executive Committee and his resignation is accepted, or
- c) he fails to attend three consecutive meetings of the Executive Committee without sufficient causes 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 decision after considering his explanation.

15. Removal of the member of the Executive Committee and Foundation Member :

On receipt of a 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 charge against such member of the Executive Committee or member of general body. On receipt of the report, the Executive Committee shall after giving notice to the concerned member may call an emergency meeting to take decision for the removal or otherwise of such member by 2/3 majority of the member present voting and the quorum for such meetings shall be 50% of the total strength of the Executive Committee.

16. OFFICE BEARERS and THEIR DUTIES :

i. There will be following office bearers :

- a) President (One)
- b) Senior Vice-Presidents (Five—One in HQ & Four in Field)
- c) Regional Presidents (Twenty Five, Ex-officio Vice-Presidents)
- d) Vice-Presidents (Five, Incl one at H.Q.)
- e) General Secretary (One)
- f) Finance Secretary (One)
- g) Secretaries (Four)

ii) 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.

- iii) The Executive Committee may delegate any of its power to any of the office bearers or any other committee.
- iv) The President may delegate any of his power and functions, if necessary to the Senior Vice-President and in his absence to the Vice-President, Senior Vice-President shall perform all the duties and exercise all the powers of the President. In the absence of both President and Senior Vice President, the Vice-President will exercise all powers of President.

MEETING NOTICE :

17. 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. 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.

GENERAL BODY MEETINGS :

18. 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 a prior notice of 15 days.
- (c) It shall be obligatory for the President or in the absence of the President, the Senior Vice-President, to convene an emergent meeting of the general body, if one third of the total members (all categories) of the Foundation or thirty members, whichever is less, send a requisition duly signed by all of them giving a notice of at least 15 days for calling such a meeting. In case of default, it shall be lawful for the members signing the requisition to call the meeting within 10 days from the date of expiry of notice by giving a notice of 7 days. The meeting called in the latter manner shall be presided by the member specially elected unanimously for this purpose by the participating members.

(d) Election Meeting :

(i) The Executive Committee in a meeting shall elect a convenor and two more members out of the general body to conduct election. The Election process shall be initiated by them at least two months prior to the expiry of the term of the existing Executive Committee.

(ii) The convenor and members so elected will call general body meeting for election of :-

(a) President

(b) Senior Vice-Presidents

(c) Vice-President

General Secretary, Secretaries and the Finance Secretary will be nominated by the newly elected President.

iii) The other Members of the Executive Committee shall be selected by the office bearers so elected by the general body without prejudice to the right of the President to nominate 15 members as specified in rule II (b) v of these rules.

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

QUORUM :

20. 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.

SUB-COMMITTEES :

21. 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 :

FINANCIAL YEAR :

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

BANK ACCOUNT :

24. 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 bank(s) shall be operated jointly by the President and in his absence Senior Vice President and Finance Secretary.

POWERS

25. 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.
- 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 with the approval of working committee,
- 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 ACCOUNT :

27. 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.

AUDIT

28. 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

LEGAL ACTION :

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

AMENDMENT OF CONSTITUTION :

31. 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 amendments has/have 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.

DOCUMENTS AND RECORDS :

33. 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 provision of the Constitution and Control of the General body of the Foundation, the Executive Committee may make rules for the achievement of the aims and objects of the Foundation.

Without prejudice to the generality of the said power, the executive committee may make rules for regulating the appointment and other condition of service of the employees of the Foundation and also for conduct of election of office bearers and members of the Executive Committee.

CERTIFICATE OF REGISTRATION OF SOCIETIES
(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, 1957.

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

Fee : Rs. 50.00 Fee.

Sd/-

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

APPENDIX—A

(Vide Rule 2 of the Constitution of Baba Makhan Shah Lobana Foundation)

MEMBERSHIP FORM

To

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

Dear Sir,

I may kindly be enrolled as Patron/Donor/Life/Ordinary membership of the Foundation. The money amounting to Rs.....is remitted in full/part payment of the amount due from me on this account. I undertake to pay the remaining amount by instalments as laid down in the Rules and Regulations of the Foundation. I also 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.

2. I solemnly affirm that I am not insolvent and not convicted of moral turpitude, malfeasance or fraud.

Yours faithfully,

Signature
(Name in full).....

Address.....
.....

Dated :

Notes :

1. Cheques/Bank Drafts for the donation may be drawn in favour of Baba Makhan Shah Lobana Foundation (Regd.) Chandigarh.
2. The members shall inform the General Secretary in writing regarding any change in their addresses.

APPENDIX—B

(Vide Rule 14 of the Constitution of Baba Makhan Shah Lobana Foundation)

DUTIES OF OFFICE BEARERS

President :

1. He shall be the Chief Executive of the Foundation.
2. He shall preside overall 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 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.

Vice-Presidents :

In the absence of the President and Senior Vice-President, the Vice President 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.

Regional Presidents :

1. a) Each Regional President shall adopt ways and means conducive to the interests and aims and objects of the Foundation in his region.
b) He shall look after the public relations affairs of the Foundation in his region.
2. In the absence of the President/Sr. Vice-President in a meeting, the Regional Vice-President specially elected by the members present by simple majority for the purpose, shall preside over the meetings.

General Secretary :

He shall :-

1. executive, enforce and carry out the orders of the President.
2. ensure prompt execution of resolutions passed in the general body an executive committee meeting.
3. maintain upto date list of the members and their addresses, by categories as defined in the Constitution.

4. record the minutes of each meeting of the Foundation (refer rule 13, 15 and 18 of the constitution) in the Minutes Book.
5. maintain a record of "Resume of Activities" of the Foundation in a register date-wise to facilitate the reproduction of this in the Annual Report of the Foundation.
6. be overall incharge of the office of the Foundation.
7. ensure that meeting of the Foundation stipulated in the Constitution are called and convened as per relevant rules.
8. maintain proper files for various subjects.
9. ensure proper and prompt action in correspondence on behalf of the Foundation and keep the concerned office bearers informed about the matter of interest.
10. ensure that the Manager of the Bhavan maintains accurate stock account of the movable property and consumable articles of the Bhavan.
11. shall be authorised to supervise the maintenance staff and give them necessary directions for their proper work and conduct.

Secretaries :

The Secretaries shall assist the General Secretary and perform such other duties as may, from time to time, be assigned to them by the Executive Committee or the General Secretary

Finance Secretary :

He Shall :-

1. maintain true, accurate and upto date accounts of the Foundation and of the institutions set up by the Foundation.
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 payments (income). This ledger will also contain progressive total of the amount received separately as donation, life membership subscription and ordinary membership subscriptions.
 - e) Ledger of Expenditure i.e. headwise.
 - 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 26 to the Executive Committee in its next meeting to be held after audit.
5. arrange collection of the all dues and subscriptions regularly and serve notice on defaulters for payments 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 receipt.
8. prepare and submit quarterly statements of the expenditure before the Exclusive Committee for their approval.