

BYELAWS OF THE SOCIETY

Memorandum of Association of A Society

1 **Name of the Society**

ORCHID ISLAND RESIDENTS WELFARE ASSOCIATION

2 **Registered office of the Society**

M-335, SF Orchid Island, Sector-51, Distt. Gurgaon (Haryana)

3 **Jurisdiction**

The Society shall work within State of Haryana.

3. **Membership of Society:**

a) **Eligibility:** A person shall be eligible to become a member of Society, if he:

- i) Is 21 year of age on the date of admission?
- ii) Subscribes to the aims and objects of the society.
- iii) Has deposited the membership fee.
- iv) Is not be and insolvent and of unsound mind or have not been convicted of an offence involving moral turpitude, punishable with imprisonment of one year of more.

b) **Type of Members :**

Ordinary Member : :

The Society shall have a maximum total number of twenty ordinary members who shall continue to enjoy their membership only so long as they are not in arrears of payment of their annual subscription fees.

4. **Admission Procedure (for members other than the subscribers) :**

- i) The admission of a person as a member of the society shall be decided by its governing body from time to time.
- ii) An individual willing to be a member of the society has to submit an application in prescribed form, and along with supporting documents to the Secretary duly filled in and signed and recommended by a regular member of the society.
- iii) The Secretary shall examine the application and place the same before the Governing Body for a decision.
- iv) The Governing Body any accept or reject the application and the decision of the Governing Body in this regard shall be final. It shall not be bound to assign any reason for its decision.
- v) The approval of the Governing Body shall be intimated to the member, his name shall be entered in the register of members, to be maintained in such manner & form as prescribed under the Haryana Societies Registration and Regulation Rules, 2012

5. **Membership Fee & Annual subscription;**

- i) Admission fee Rs 1100/-
- ii) Annual Subscription Rs 2500/-
- iii) The payment of membership fee shall be made by the applicant from his bank account through a bank Instrument (Demand draft/pay order/cheque) and in no case be accepted in cash.
- iv) The payment annual subscription of a member shall become due as on the 1st of April of every year, which may be paid latest by the 30th of June of such

year .The membership of a defaulting member shall be deemed to be under suspension after the due date (30th June) and such member shall not be entitled to cast his vote during the elections of the society held after 1st July of the said year.

6. procedure for withdrawal from Membership;

If a person willing to be member of the society submit the application in prescribed form alongwith supporting documents to the secretary duly filled in and signed **and recommended by a regular member** of the society can withdraw his/her membership application before placing the same in governing body.

Identity Card for every member:

Every person admitted as a member will be issued an identity card

Containing his photograph, brief particulars and membership category, duly signed by the individual member and the secretary of the society

Cessation of membership:

Reasons for cessation:

upon submission and acceptance of his/her resignation: or

If the ceases to fulfill the eligibility condition for being admitted as a member

Upon his failure to pay annual subscription fee for a person of that financial year

Upon the death of a member

Upon his/her acting contrary to the aims and objectives of the society

Upon such member being found guilty of a financial misappropriation of the funds of the society.

Upon indictment and directions for removal by the District Registrar /Registrar General of Societies.

Procedure for termination from Membership:

If a regular member violate Clause 5 sub clause (i) to (vii) above, a notice will be served by registered post by the secretary regarding the violation of rules .Thus providing him an opportunity to explain his position personally in the governing body meeting and final decision in respect of his membership will be taken by the governing body on the basis of the facts given by him and decision of the governing body will be final .

In case the governing body is not satisfied his membership will be terminated immediately and the decision will be ratified by the general body later on. After approval of the General Body meeting his name will be struck off from the Register of membership and he will not be entitled to enjoy the rights of the membership.

Re-admission of expelled /suspended member:

The suspension of membership on account of default in payment of the annual subscription may be revoked after he has cleared the default along with 18% interest on the amount payable with the majority decision of the Governing body .However, he shall not be eligible to cast his vote in any election held during the remainder of the financial year . however if District Registrar, Registrar General give directions in writing to society for removal of a member ,who has been either convicted of an offence amounting to moral turpitude or any misconduct, may be removed from membership.

7. Rights & Duties of members:

- (i) Every member shall subscribe to and be bound by the bylaws as amended from time to time and registered with the District Registrar.
- (ii) Every member shall have a right to cast his vote at the elections of the society provided such member is not a defaulter in payment of any dues of the society and the annual subscription for a period of three months beyond the due date.
- (iii) Every member of the society shall have the right to inspect the books of accounts books containing the minutes of proceedings of the general meeting, meeting of the governing body and register of member of the society on any working day giving a notice of seven days.

- (iv) Every member shall inform the society about any change in his address in writing. Which shall be duly recorded in the register of members of the society and upon which the society shall issue a fresh identity card to such member.

8. Composition of General Body:

- (a) every person admitted as a member shall be a member of the General Body of the Society and shall be entitled to cast his/her vote for the election of the Governing Body of the society unless he/she is in arrears of payment of any dues of the society including the annual subscription.
- (b) Every member shall cast his/her vote in person and no proxy voting shall be allowed.

9. Meetings. Notice and Quorum of the General Body :

- i) A meeting of the general body of the society will be held as and when required. However at least one meeting of the general body of the society, called as the Annual General Meeting (AGM) will be held in a year within six months of the close of the financial year consideration and adoption of the duly audited annual accounts of the society in addition to transaction of any other business of the society as may be required.
- ii) The governing body of the society may convene an extra-ordinary meeting of the general body of the society at any time after giving due notice either of its own or within 45 days of receipt of a written requisition alongwith reasons for convening such meeting, from at least five of the members of the general body.
- iii) For any meeting of the general body a clear notice of at least 14 days alongwith a copy of the agenda of the business to be transacted date, time & venue of the meeting will be given to the members of the general body .A copy of such notice will also be endorsed to the District Registrar.
- iv) A meeting of the general body may also be convened at a shorter notice if agreed to, by a majority (at least above 50% of the total members) of the members of the general body.
- v) Quorum for the meeting of the general body will be minimum of four members (if there are maximum ten members in general body).In case of a meeting adjourned for want quorum, the quorum for the adjourned meeting shall not be less than a minimum of three. the general body shall be competent to transact all business in such adjourned meeting except the consideration of any special resolution. Any special resolution can be passed in such adjourned meeting only if at least three -fifth of the total members of the society are present.
- vi) The proceedings of all meeting of the general body will be recorded in the minutes –book (bound or in loose leaves) maintained separately for the purpose by the secretary and such minutes will be signed by the president of the meeting and the secretary of the society.

10. Powers, Functions & Duties of the General Body :

- i) To guide the society in determining and fulfilling its aims and objects
- ii) To decide policy matters such as changer of name of the society amendment in the memorandum of association and the bye laws of the society approval of annual accounts of the society approval for disposal of immoveable assets of the society
- iii) To elect members of Governing Body.
- iv) To remove any member from the governing body and according approval to the continuation of a person appointed as a member of the governing body against a casual vacancy.

.11. composition of Governing body

The governing body of the society shall consist a minimum Seven office bearers and the executive members as under

- i) President
- ii) Vice President
- iii) General Secretary
- iv) Joint Secretary
- v) Asstt. Joint Secretary
- vi) Treasurer
- vii) Executive Members

12. Meeting. Notice and Quorum of the governing:

- i) The meeting of the governing body will be held as and when required. How ever. The Governing Body shall meet at least once in every quarter and there will be minimum for meeting of the Governing Body in a financial year.
- ii) A clear notice of three days of every such meeting will be given by the Secretary of the Governing Body to the office bearers and members before the date appointed for the meeting. However the Governing Body may meet at shorter notice. Wherever so required. With the consent of at least 50% of its members.
- iii) The quorum of the meeting of the governing body shall be at least minimum four members of the governing body . In case quorum is not present, the meeting shall be adjourned to another date for which a proper notice shall be issued. The members presenting the adjourned meeting a minimum of three members shall form the quorum for the adjourned meeting.
- iv) The proceeding of every meeting of the governing body will be recorded in the proceedings book separately maintained for this purpose. Such minutes shall be signed by the president of the meeting and the secretary of the society .In case the president or the secretary are not available to sign the minutes , these will be signed by any two members present in the meeting as may be authorized by the governing body
- v) The minutes of every meeting of the governing body will be placed for confirmation in the succeeding meeting of the governing body.
- vi) An urgent meeting of the governing body at shorter notice or without any formal notice with written consent of minimum four member of the governing body called.

13. **Power, Functions & Duties of the Governing Body :**

- (i) The governing body will be responsible for achieving the aims & objects of the society and shall work in the best interest of the society, for which it shall be empowered to deploy the funds & assets of the society for the stated objects.

- (ii) The governing body will be competent to raise funds and purchase property movable and immovable on free –hold or lease basis in its name as decided by it.
- (iii) The governing body shall have full charge of all immovable properties and moveable assets belonging to or vested in the society and these will be managed in such a manner as it considers appropriate subject to the overall control and directions of the general body of the society
- (iv) The governing body shall be competent to invest the funds in the manner it considers appropriate in the best interests of the society and it shall be competent to borrow or mortgage or hypothecate the properties on behalf of the society in the manner decided.
- (v) To constitute various standing or adhoc committees for looking after such functions as my be assigned from time to time
- (vi) lo creates provision for engagement to regular or part-time employees of the society to look after the secretarial accounting and other functions in a seamless manner.
- (vii) To outsource certain functions e.g. cleaning security and similar other maintenance activates of the premises of the society
- (viii) The governing body will be is the custodian of the assets of the society.

14. Term and Mode or Election of Governing Body :

- (ix) The term of the governing body shall be Three years.
- (x) The governing body will declare the schedule of elections and appoint the Returning officer conduct of elections and also notify/display a list of members of the general body entitled to vote at least 45 days prior to the holding of the general meeting for conduct of the elections. The governing body shall also send notices for holding election of the governing body to all the members conveying the date time & the manner .The information with respect to holding of election for the governing body shall also be sent to District Registrar to appoint an observer if he desires.
- (xi) Any objection quo the list of members of the society entitled to vote shall be decided by the Returning officer in consultation with the office –bearers of the society .However the decision of the Returning officer shall be final in the event of any difference of opinion. The Returning officer shall thereafter invite nominations to be filed within the period prescribed in the schedule of election scrutiny and withdrawal of nomination. If any, for election of the office bearers and the executive members of the general body.
- (xii) The Returning officer will display a list of the contesting members on the notice board of the society. The returning officer will conduct the election on the notified date .The members eligible to vote will be allowed to cast their vote in person and wherever disputed on production of the identity card issued by the society.
- (xiii) After closing hours on the date of the poll, the returning officer will declare the

Results and constitutes the governing body of the society. A list of the elected

Office bearers and the executive members of the governing body, duly signed by

The returning officers will be fixed with District Registrar within thirty days, who shall accord his approval of the same upon his satisfaction.

- (xiv) The office bearers of the society shall not be entitled to any remuneration for the rendering services of the society.

15 Cessation of members of the governing body :

An office-bearer executive member of the governing body shall cease to be an Office-bearer or executive member:

- (a) upon submission & acceptance of the registration;
- (b) if he ceases to be a member in accordance with sub clause (8) of clause 4 of these Bye-laws;
- (c) if he is removed by resolution passed in the meeting of the general body.

16. Filling of any casual vacancy of the governing body :

Any vacancy arising on the account of the resignation or death of any member of the governing body or for any other reason, may be filled up by the governing body, if Required, from amongst the members of the general body on an ad hoc basis till the

Holding of the next annual General meeting of the society. Such ad hoc member of the Governing body shall cease to be a member of the governing body on the date of the next Annual general meeting .if his appointment is not approved in the annual general meeting by a majority vote for the balance term of the governing body.

17. Powers, functions & duties of the office- bearers:

(i) President:

- (a) To preside over all the meetings of the general body and of the governing body and regulate the proceedings of such meetings.
- (b) To do all such acts, deeds and things as may be authorized by the general body and or the governing body from time to time.
- (c) To allow or disallow discussion on any matter which is not included in the agenda
- (d) To ensure strict compliance of the society governing body.
- (e) To ensure strict compliance of the provisions of the Haryana Act there under.

(t) To supervise and guide the overall activities achievement of aims & objectives of the society.

(ii) Vice- President

(a) To assist the president in carrying out his duties.

(b) In absence of the president to act on his behalf and perform all duties and exercise all the powers of the president.

(c) To do all such acts, deeds and things as may be authorized by the governing body.

(iii) Secretary:

(a) To conduct, organize, supervise and manage all the affairs of the society and do all such acts and perform all such duties for the working of the society as may be assigned by the president governing body.

(b) To receive, securitize and place applications for membership of the society before the governing body and to enter the name of the members it approved in the register of members under his initials and to intimate the members about the same and issue identity cards to the members so admitted.

(c) To convene meetings of the general body governing body with the consent of the president and serve proper notices as prescribed under these bye- laws

(d) To attend all the meetings of the general body and the governing body and assist the president in conducting the meeting and record proceedings of the meetings.

(e) To prepare annual report of the society and place it before the governing body along with audited annual accounts of the society for approval to place the same before the general body in the annual general meeting

(f) To keep and preserve the records of the society governing body.

(g) To help and assist the president in looking after the complete affairs of the society and in attaining aims & objects of the society.

(h) To ensure timely filing of all statutory returns / documents in the office of under the Haryana registration and registration of societies Act, 2012 and the rules made there under:

(i) To be the custodian for safe custody of common seals of the society and affix the same wherever required as per the authorization of the governing body.

(j) To conduct correspondence on behalf of the society governing body and to sign letters and papers on its behalf to ensure that all statutory registers and records are properly kept and maintained.

(k) To prepare before announcing of the date of election and the annual general meeting the list of all the members eligible to vote, duly updated and to place it before the governing body.

(l) The responsibility for convening the meetings of a society will be vest in the secretary of the society who will also be the custodian of all records documents title deeds etc. of the society unless otherwise provided in the byelaws. The secretary will be responsible for implementing the decisions of the governing body and act as the compliance officer of the society for various types of statutory compliances under the act.

(m) Act as the overall in- charge of the administration and execution of all the programmes of the society including financial affairs on behalf of the governing body including creation of posts. Fixation of salaries remuneration allowances etc. make appointments engagement of staff make purchases and do all other such things as may be necessary in the furtherance of the aims & objects of the society in accordance with the delegations by the governing body from time to time and where on such delegation is specifically made in consultation with the president of the society.

(iv) Treasurer

(a) To keep accounts of all financial transactions of the society and of all the sums of money received and spent by the society and maintain records of receipts and expenses relating to such matters and of assets credits and liabilities

(b) To get the accounts of the society audited by the chartered accountant appointed by the governing body at the close of the financially year every year.

(c) To submit to the governing body through secretary the audited annual accounts of the society at least one month prior to the date of annual general meeting

(d) To act as the overall custodian of all the books of accounts statutory records and cheque books of all bank accounts FD Rs. Etc of the society financial statements receipt books expense vouchers bank pass books & cheque books cash etc

18. Exclusions from the employment of a society

(a) No member of the society shall be in full time or part time employment of the society

(b) No dependant or family member or close relative of the office bearers and members of the governing body shall be engaged as an employment of the society during its term.

(c) Every office bearer and member of the governing body shall make a declaration in cash any person in the employment of the society is his close relative

19. Management of assets and funds of the society

(a) The sources of income of the society will include receipts on accounts of membership fee annual subscription rent from property assets interest consultation fees. Donations gifts grants etc the society can also raise funds through interest free short term loan from its members or from scheduled bank's on interest loan from the scheduled bank on interest will be taken only for purchase of creation of capital

assets and not for meeting any recurring revenues expenditure under any circumstances.

- (ii) The governing body will prepare and an annual budget of the society on the basis of its estimated income and the capital & revenue expenditure during the first quarter of the financial year and shall also place a copy thereof before the general body in its annual general meeting for formation
- (iii) All assets and funds will belong to the society and vest in the society
- (iv) all receipts and payments of the society shall be made through bank Instruments (i.e./Pay Order/cheques/bank transfers/ RTGS) including all receipts towards the membership fees and the annual subscriptions from the members however the governing body may determine the limits of financial transactions which may the be conducted in certain other cases

20. Accounts of the society

- (i) The treasurer of the society will be responsible proper books of accounts i.e. cash book ledger etc as required under the income tax laws and or any other authority including the institute of chartered accountants of India at its registered office with respect to all sums of money received expended by the and the assets and liabilities of the society
- (ii) The books of accounts of the society shall be open to inspection during the business hours by the registrar general registrar district registrar of any officer authorized by them and by any members of the society
- (iii) The annual accounts of the society will be signed by any two authorized office bearers of the society
- (iv) The governing body will appoint a chartered accountant who shall not be a member of the governing body of family member of any member of the governing body for auditing the accounts and filing of income tax return of the society for each financial year at such remuneration as may be determined by the governing body

21. Investments of Funds

The society shall invest or deposit any portion of its funds not immediately required

- (i) in immoveable properties or
- (ii) in securities of the Government or in National savings certificate or other securities of the government of India.
- (iii) In the post office saving / Banks Accounts. or
- (iv) In a special account opened by the society for the purpose in a
 - (a) scheduled bank as authorized or notified by the Reserve bank of India .or

- (b) Co-Operative Bank situated in the State or in such other mode of investment as may be prescribed.

22. Sources of Income.

- i) Membership fee.
- ii) Annual subscription.
- iii) Donations
- iv) Rent from property assets
- v) Interest
- vi) Gifts, etc

23. Application of funds;

i) The Society have the powers to spend such sums out of its funds , as it thinks fit for the purposes.

ii) No payment shall be made out of the funds to the president, Vice president, General Secretary, joint Secretary, Treasurer or any other office bearer by way of honorarium or remuneration.

iii) Notwithstanding the restrictions prescribed above a society may pay such remuneration salary or honorarium to the persons in its full time or part time employment as it may determine

Provided that no member shall be in the employment of the society.

24 Operation of Bank Accounts;

An account having cheque facility will be opened in any scheduled bank post office or any other private financial institution in the name of the society .All the transaction will be made under the Joint Signatures of any two i.e. president, Secretary, Treasurer.

25 Provisions relating to Audit of the society's accounts

The bye laws of a society should provide for audit of annual accounts of the society from an auditor who is a member of the institute of Chartered Accountants of India and such auditor should not be a member of the governing body of the society.

26 Amendments in the Memorandum, Bye-Laws, Name of the Society, etc.

Any amendment in the memorandum of Association and bye laws or change of name amalgamation or division of the society will be done only with the approved of the general body by way of a special resolution .The intimation of any such amendment or change alongwith attested copy of the requisite documents shall be filed in the office of the District Registrar by the secretary within such time as may be prescribed under the Haryana Registration Regulation of Societies Act 2012 and the rules made there under.

27 Common Seal;

The Society will have a common seal which shall be kept in safe custody of the Secretary and shall be affixed wherever it is required in accordance with the authorization by the governing body

28 Amalgamation of the society

The society may amalgamate it self with ant other society established with the identical aims and objects or allow any other society to amalgamate with itself by a special resolution passed in this behalf in accordance with the provisions contained in section 51 of the Act and rule 25 made there under

29 Dissolution of the Society;

i) The Society may resolve to dissolve itself in accordance with the provisions contained in the Act and the rule there under in case it becomes difficult to carry on with the operations of the society or it becomes insolvent or for any other pressing and unavoidable reasons.

ii) In the event of dissolution of the society no assets of the society shall devolve on or distributed amongst the members of the society;

(iii) Its assets and properties shall be first used to liquidate any liabilities and the left over properties assets .If any shall be considered for transfer to any other society established with identical aims and objects or to the District collector for the thereof in the general public interest.

We the several persons whose name & Address are subscribed hereunder certify the above to be the true copy of the bye-laws of the society

S. N.	Name	Father's /Husbands name	Address	Occupation	Age	Designation	Signatures
1.	Anurag Srivastava	Sh. S.R. Srivastava	Flat M-335, SF Orchid Island, Sec-51, Gurgaon	Service	44	President	
2.	Brig. S.KJ. Aneja (Retd.)	Sh. Ram Rang Aneja	Flat M-392, GF Orchid Island, Sec-51, Gurgaon	Retired	58	Vice President	
3.	Pawan Kalkal	Shri Om Parkash Kalkal	Flat M-317, GF Orchid Island, Sec-51, Gurgaon	Service	40	General Secretary	
4.	Dr. Desh Bandhu Gupta	Late Sh. Amarnath Gupta	Flat M-267, GF Orchid Island, Sec-51, Gurgaon	Consultant Medicine Physician	58	Joint Secretary	
5.	Amandeep Singh Chhabra	Sh. Manvinder Singh Chhabra	Flat M-442, FF Orchid Island, Sec-51, Gurgaon	Service	32	Treasurer	
6	Alok Rai	Sh. Surendra Rai	Flat M-266-B, SF Orchid Island, Sec-51, Gurgaon	Service	37	Executive Member	
7	Kushal Singh	Sh. Satyavir Singh	Flat M-333, GF Orchid Island, Sec-51, Gurgaon	Service	37	Executive Member	

CERTIFICATE

It is certified that all the provisions (Rule and Regulation of Haryana Registration and Regulation of society Act.2012 (Haryana Act. No 1 of 2012) if not mentioned herein will be duly complied with by the **ORCHID ISLAND RESIDENTS WELFARE ASSOCIATION, M-335, SF Orchid Island, Sector-51, Gurgaon**” in letter spirit.

