

GOREGAON MALAYALEE SAMAJ (REGD.)

ESTD. 1951

(Registered under the Public Trust Act - 1950 No. 1296 E. Bom. dated 29-12-1956)

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BYE - LAWS AND RULES

(Incorporated Amendments upto August 2010)

GOREGAON MALAYALEE SAMAJ (Regd),

GOREGAON (WEST), MUMBAI 400 062 .

BYE- LAWS AND RULES

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BYE-LAWS AND RULES

I. PRELIMINARY

1. The name of the organization shall be "**GOREGAON MALAYALEE SAMAJ**".
2. The Registered Office of the Samaj shall be situated at Station Road, (Keshav Bandu Marg,) Goregaon (West), Mumbai - 400 062.

II. AIMS & OBJECTS

3. The Samaj shall be purely a CHARITABLE, SOCIAL, CULTURAL, and EDUCATIONAL Organisation & its aims and objects in general are :
 - a) to **carry-out** the work of a Charitable and Social nature.
 - b) to **start**, promote and maintain Institutions for the cultural, educational, intellectual, physical and economic advancement of its members in particular and public in general. Activities of a religious and political nature are excluded.
 - c) to **conduct** and **participate** in such activities as are conducive to the general well- being of the public.

III. MEMBERSHIP

4. Any person, not below the age of eighteen, is eligible for membership of the Samaj.
5. Membership shall be of **TWO** kinds:

- a) **PATRON** : Any person who pays *Rs. 3,000/- or more in lump sum shall be a PATRON.
 - b) **LIFE MEMBERS** : Any person, who pays a sum of * Rs. 500/- shall be a LIFE MEMBER.
6. Any person who seeks membership shall apply in prescribed form and shall have also to pay an admission fee of *Rs. 20/-.
7. No person, who is admitted as a member of the Samaj, shall have the right to VOTE in any General Body Meeting of the Samaj, unless such a member has been on the rolls of the Samaj as a reckonable member for a period not less than 3 months previous to the day of such meeting,
8. The Managing Committee, by 2/3rd majority of its total strength, shall have the power to suspend, and to recommend to the General Body for the expulsion of, any member who is guilty of obstructive or offensive conduct at any meeting or who is guilty of activities against the interest of the Samaj or who is in arrears of any amount due to the Samaj for a period of more than 6 months, after having given to him opportunity to show cause, such suspended member may, however, appeal to the President in writing within fifteen days from the date of such suspension and the president, having considered the matter fully, shall give his decision. Depending on the decision of the President, either of the aggrieved shall, however, be entitled to appeal to the General Body through the President again for a final decision. The President shall place or cause to be placed such appeal before a special or Annual General Body Meeting convened, in any case, within two months from the date of receipt of such appeal.

* Amended at the 58th Annual General Body Meeting - August 2010

IV. FINANCIAL YEAR

9. The Financial year of the Samaj shall be from 1st of April to 31st of March.

V. PRESIDENT AND VICE- PRESIDENT

10. The Samaj shall have a President and a Vice- President for every term of Official year, who shall be elected at the General Body Meeting.

VI. POWERS & FUNCTIONS OF PRESIDENT AND VICE- PRESIDENT

11A. PRESIDENT :

- a) He shall preside over all the General Annual as well as Special Body Meetings of the Samaj and conduct the proceedings thereat. He shall have the powers to initiate such action as may be deemed necessary for the smooth conduct and maintenance of decorum of the General Body Meeting.
- b) He is at liberty to participate in the Managing Committee Meetings of the Samaj. He shall also render necessary advice and help to the Managing Committee.
- c) The President shall have the power to call for a report from the Managing Committee in the event of any delay in calling the General Body Meeting and issue directions to the Managing Committee to call the General Body Meeting within such time as may be specified by him, after giving due consideration to the report of the Managing Committee. Such directions of the President shall be binding on the Managing Committee.

11B. VICE- PRESIDENT:

He shall assume all the powers and functions of the President in his absence.

VII. MANAGING COMMITTEE

12. The Samaj shall have a Managing Committee consisting of *TWENTY MEMBERS, elected at the General Body Meeting, which shall elect the Office- bearers viz. CHAIRMAN, VICE-CHAIRMAN, SECRETARY, TWO JOINT SECRETARIES, TREASURER, and TWO JOINT TREASURERS.

The term of office of the members of the Managing Committee shall be for two Official years each. Approximately half of the total no of members retire from the Managing Committee by rotation at the end of each Official year.

The members who have completed 2 years in the Managing Committee will automatically retire and the vacancies thus caused and other vacancies if any, shall be filled up by electing members at the Annual General Body Meeting. The retiring members, however, shall be eligible for re-election to the Managing Committee.

VIII. AUDITORS

13. Two Honorary Internal Auditors shall be elected at the Annual General Body Meeting, who shall scrutinize the accounts from time to time and shall submit their report to the General Body through the **Managing Committee**. They have the right to call for and inspect any and all records and accounts of the Samaj for the above said purpose.

* Amended at the 58th Annual General Body Meeting - August 2010

- 13A. At every Annual General Body Meeting, a **Chartered Accountant** shall be appointed or re- appointed as Auditor to audit the accounts of the Samaj and his remuneration shall be fixed.

IX. POWERS & FUNCTIONS OF OFFICE BEARERS

14. CHAIRMAN:

- a) The Chairman shall preside over all the Managing Committee Meeting of the Samaj. He shall have the power to initiate such action as may be deemed necessary for the smooth conduct and maintenance of decorum of the meeting.
- b) He shall be responsible to see that the Managing Committee functions smoothly and efficiently and the affairs of the Samaj are being looked after properly.
- c) He shall have overall check and supervision of the affairs of the Samaj in its day to day functioning as per decisions of the Managing Committee from time to time.
- d) He shall be ex-officio member of all Sub Committees of the Samaj.
- e) He shall have the power to take decisions in consultation with the Secretary, a member of the Managing Committee and the member in- charge of the concerned Sub- Committee, if any, in the event of any emergency in the interest of the Samaj and he shall place them in the immediate next Managing Committee for ratification.

14A. VICE- CHAIRMAN :

He shall assist the Chairman in the effective conduct of the

Samaj affairs and shall discharge such duties as may be desired by the Chairman from time to time.

14B. GENERAL SECRETARY:

- a) The Secretary shall, in consultation with the Chairman, convene all meetings of the Samaj and maintain proper minutes of such meetings and carry on correspondences on behalf of the Samaj.
- b) He shall also maintain all other necessary records of the Samaj.
- c) He shall be the person to sue or to be sued on behalf of the Samaj.
- d) He shall have the power to incur an expenditure of not more than *Rs. 10,000/- at a time under normal circumstances without the prior approval of the Managing Committee for any bonafide purpose of the Samaj.
- e) He shall be the ex- officio member of all sub-committees of the Samaj.

14C. JOINT SECRETARIES:

They shall, at all times, assist the Secretary to carry on the day to day functions of the Samaj. In the absence of the Secretary or during his incapacity or inability to attend to the normal duties, one of the Joint Secretaries, as may be nominated by the Secretary or by the Managing Committee, shall act as Secretary,

14D. TREASURER:

- a) It shall be the duty of the Treasurer to maintain proper books of Accounts and all other relevant records pertaining thereto of the Samaj, as required under the Rules.

* Amended at the 58th Annual General Body Meeting - August 2010

- b) He shall also pass receipts for all moneys received on behalf of the Samaj and Bank all moneys so received forthwith in the Bank Accounts of the Samaj.
- c) He shall also be responsible to ensure that moneys received by other Office bearers, Managing Committee Members, or other duly authorised agents of the Samaj, are recovered promptly from them from time to time and deposited in the Bank Accounts of the Samaj.
- d) He shall not keep with him more than * Rs. 10,000/- in cash unless otherwise authorized by the managing Committee.
- e) He shall make only those disbursements which are duly authorised by the Chairman / Secretary.
- f) It shall be his duty to present Accounts of the Samaj every month, to the Managing Committee for its approval and also to get the accounts audited by the Internal Auditors and Chartered Accountant of the Samaj as required by these Bye- Laws.
- g) He shall be the ex-officio member of all sub-committees of the Samaj.

14E. JOINT TREASURERS :

They shall assist the Treasurer in his day to day functions and during his absence, incapacity, or inability to attend to the normal duties, one of the joint Treasurers, as may be nominated by the Treasurer or by the Managing Committee shall act as Treasurer.

X. QUALIFICATIONS FOR HOLDING OFFICE

15. The Office of the President, Vice- President and

* Amended at the 58th Annual General Body Meeting - August 2010

members of the Managing Committee shall be held only by those:

- a) Who have paid their membership fee for the year for which the elections are being held and who are not in arrears of any dues which is . more than one month old.
- b) Who are the members of the Samaj for a continuous period of not less than three months and
- c) Who are not employees of the Samaj.

XI. ELECTIONS

16.
 - a) Election shall be by secret ballot.
 - b) No voting by proxy is permissible.
 - c) Members of all categories, who have been on the Samaj rolls as effective members for not less than three months proceeding the date of election, are entitled to vote.
17. Nominations signed in the prescribed Form by the candidate, expressing his / her willingness to serve the Samaj, duly proposed and seconded by effective members of the Samaj, shall be submitted to the Office before seven days of the General Body Meeting. The candidate, who wish to withdraw their nominations, shall have to intimate the same to the General Secretary in writing before four days of the General Body Meeting. The names of the candidates so nominated and accepted by the Managing Committee after scrutiny, shall be exhibited on the Notice Board three days prior to the General Body Meeting.

XII. MANAGEMENT

18. Subject to the supreme authority of the General Body, the Management of the affairs of the Samaj, shall vest in the Managing Committee.
19. The Managing Committee shall meet at least once a month. The Secretary shall convene all such meetings and shall give three days notice for Ordinary Meetings and not less than 24 hours notice for emergency meetings together with the agenda, time and place of such meetings. The President of the Samaj shall be notified of every such meetings.
20. Any member of the Managing Committee, who absents himself without written intimation from **three** consecutive or any **five** ordinary meetings during the financial year, shall be deemed to have ipso-facto ceased to be a member of the Managing Committee, but may be re- admitted, if deemed fit, by the Managing Committee.
21. The Managing Committee shall have the power to fill up interim vacancies by co- option in the Managing Committee till the next Annual General Body Meeting.
22. At all Meetings of the Managing Committee, ***Nine** members or **50** percent strength of the then Managing Committee, whichever is less, shall form a quorum. Decisions in the Managing Committee shall be by majority of members present and voting. Chairman of the meeting shall have a casting vote in addition to his ordinary vote in case of a tie
23. The Samaj may increase its resources through special subscriptions, Donations, and by any other legitimate means, duly approved by the Managing Committee or the General Body.

24. The Managing Committee shall be responsible for the proper collections and proper accounting of any and all amounts due to or receivable by the Samaj. All documents and records shall be kept in the Samaj Office.
25. All funds of the Samaj, except a sum not exceeding Rs. 10,000/- (as authorizes under Rule 14D (d), shall be kept in a scheduled Bank / Banks approved by the Managing Committee, in the name of the Samaj. All transactions with the Bank shall be signed / done by the Treasurer and anyone of either the General Secretary or the Chairman.
26. The Managing Committee shall have the power to purchase and acquire for the Samaj, properties of any kind or description and to take or to give buildings or lands on lease or hire and to erect, equip and furnish buildings with funds earmarked for the purpose or by raising funds as the Managing Committee deems fit (without subjecting the movable or immovable properties of the Samaj to debt or other encumbrances).
27. The Managing Committee shall have power to incur such expenditure as is necessary to achieve various objects of the Samaj.
28. The Managing Committee shall submit the Annual audited Accounts, made up to 31st March, to the Annual General Body Meeting.
29. The Managing Committee may appoint Sub- Committees for any purpose and may delegate to them such powers it may deem fit, with a member of the Managing Committee incharge of the same. Such subcommittees may comprise of persons who are not members of the Managing Committee, but

members of the Samaj. Additional members may be appointed or casual vacancies may be filled up on such Subcommittee by the Managing Committee. The Subcommittee may elect their own respective Chairman and Secretary at their first meetings. The Secretary of the Subcommittee shall maintain minutes of all Subcommittee meetings. Any member of the Subcommittee, absending himself from two consecutive meetings without prior intimation in writing, ceases to be a member of the Subcommittee. The Managing Committee shall be informed the activities of the Subcommittee by the member - in- charge from time to time.

30. The Managing Committee shall have the power to dissolve any Subcommittee and / or remove any office bearer thereof at any time it deems fit with 2/3rd majority of members present at that meeting.
31. The members of the Managing Committee are jointly and severally responsible for the proper and efficient conduct of the Samaj. They are empowered to do all acts, deeds and things to achieve the objects of the Samaj, which are not specifically hereinafter set out to be approved by the general body.

XIII. GENERAL BODY MEETING

32. The President .or in his absence, the Vice- President shall preside over all General Body Meeting of the Samaj. In their absence, any other member present, shall be elected by such General Body to preside over the meeting.
33. The Secretary shall, at the instance of the Managing Committee, convene all such General Body Meetings of the Samaj - Ordinary or Special.

* Amended at the 44th Annual General Body Meeting - April 1996

34. The Agenda of the General Body Meeting shall be compiled by the Managing Committee in consultation with the President of the Samaj.
35. The Internal Auditors shall send their reports to the Secretary at least twenty- one days before the Annual General Body Meeting. After notice has been issued convening the Annual general Body Meeting, at which the auditors report is to be considered, the Managing Committee shall make the Auditors report available to the members for perusal on request.
36. The Annual General Body Meeting of the Samaj shall be conducted on or before ***30th day of SEPTEMBER** every year to adopt and pass the final Accounts and reports submitted by the Managing Committee and the Auditors.
37. In addition to the above, Special General Body Meeting shall be called on a majority decision of the Managing Committee or on receipt of a requisition made to the President, signed by **25 percent of the members** on the rolls or **100 members** whichever is less. In the event of a requisition, the agenda of the meeting shall be clearly specified in the requisition and no business shall be transacted other than what is so specified.
38. When, under Rule 37, a requisition is made to the President for a special General Body Meeting, he shall direct the Managing Committee forthwith to convene it within **Twenty-One days** from the receipt of such requisition.
39. If the Managing Committee fails or refuses to call the Meeting, for which a duly signed requisition has been received, within a specified time or within a reasonable not

exceeding **21 days**, the signatories thereof shall be entitled to call the meeting and transact the business specified in the requisition, but nothing else, at the meeting. A majority decision of such meeting shall be binding on the Samaj.

40. At all General Body Meeting, **25 percent** of the total number of the members or **50 members** shall form a quorum. A General Body Meeting, adjourned for want of quorum, shall be held only after half an- hour thereafter at the same place and no quorum shall be necessary for such adjourned meeting.
41. A **written** notice of not less than **14 days** for the Annual General Body Meeting and **five days** for the Special General Body Meeting shall be given.
42. Written notice of Resolutions, to be moved at the General Body Meeting, shall be given to the Secretary not less than **7 days** before the date of the Annual General Body Meeting and not less than **3 days** before the date of Special General Body meeting and the Managing Committee shall include them in the Agenda of the Meeting exhibited on the notice board in the Office of the Samaj.
43. Any matter of urgent importance, not included in the Agenda, may be taken up for discussion with the permission of the President of the Meeting or with the approval of 2/3 majority of the members present.

XIV. LIBRARY

44. The samaj Library shall be conducted in accordance with the Rules and Regulations approved by the Managing Committee. A copy of such Rules amended up to date shall be made

* Amended at the Annual General Body Meeting - August 2004

* Amended at the Annual General Body Meeting - August 2004

available to the Library / Samaj members on request or shall be displayed on the Library Notice Board.

XV. VIJAY INSTITUTE OF COMMERCE

45. Vijay Institute Of Commerce shall be run in accordance with the **Rules and Regulations of Recognition By Government** and those framed for the management and approved by the Managing Committee. A copy of such Rules amended up to date shall be made available to the members on request.

XVI. AMENDMENT

46. All amendments to those Rules can be made by 3/4th majority of the members present and voting at the General Body Meeting specially called for the purpose or at the Annual General Body Meetings. The members shall be notified of such alterations or amendments **in writing**, seven days before the meeting.

XVII. DISSOLUTION

47. If at any time, it is desired to wind up the Samaj, such dissolution can only be carried out after calling TWO General Body Meetings at an interval of not less than twenty days and by the votes of not less than **2/3rd** of the PATRONS and LIFE MEMBERS and **2/3rd** of the ORDINARY MEMBERS on the rolls on the date of such meetings. In such an eventuality, all the ASSETS and LIABILITIES of the Samaj, shall be transferred to any CHARITABLE INSTITUTION or Institutions decided by the General Body Meetings as above stated, subject to the provisions of the PUBLIC TRUST ACT.

XIII. MISCELLANEOUS

48. All powers not expressly given by these Bye-Laws and Rules to the Managing Committee, are vested in the General Body.
49. No act or proceedings of the Managing Committee shall be invalidated by reason of any vacancy in the Managing Committee or defects in the Constitution thereof.
50. Nothing contained in the above Clauses shall be deemed to affect the rights and / or liabilities of the Members of the Samaj under the Bombay Public Trust Act.

(This Revised edition incorporates amendments carried out as per Resolutions passed in the General Body Meetings held up to 15th August 2010)