

BRAHMANA SEVA SAMITI (Regd.)

Flat No. A/304, Om Shiv Shakti CHS Ltd., Dr.R.P.
Road,
Bhimwadi, Mulund – West, Mumbai 400 080
e-mail: bssmulund17@gmail.com
website: www.bssmulund.org

Registered under Bombay Public Trust Act of
1950
Reg. No. F 20828 (M) of 8.2.1999

Registered under Societies Regn. Act of 1860
Regn. No. M S Mumbai 1002 of 1998 dated
19.8.1998

BYE-LAWS 2024

As amended at the Special General Body meeting held on
09-06-2024

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MEMORANDUM OF ASSOCIATION

Registered under Societies Regn. Act of 1860
Regn. No. M S Mumbai 1002 of 1988 dated
19.8.1998

1. Name of the Samiti:

The name of the Samiti shall be “Brahmana
Seva Samiti (Regd.)”

2. Registered Address of the Office of the Samiti:

Flat No. A/304, Om Shiv Shakti CHS Ltd., Dr.R.P. Road, Bhimwadi, Mulund – West, Mumbai 400 080.

e-mail : bssmulund17@gmail.com
website : www.bssmulund.org

3. Aims and Objectives of the Samiti:

- a) To promote, organise, regulate timely relief to the needy and render physical and moral support in case of bereavement;
- b) To render assistance:
 - i) to procure certificates from doctors;
 - ii) to procure certificates / permits from Municipal authorities;
 - iii) in funeral formalities for cremation and to assist the bereaved family to perform the religious rites;
 - iv) to arrange services of ambulance and purohit wherever needed;
 - v) to provide facilities and assistance for performing Aparakriyas and shrardha karmas for the departed

souls by their families as guided by Pundits/ Sasthras.

- c) To promote social, religious, health related camps etc.
- d) To provide:
 - i) Financial assistance to the poor, old and needy persons towards medical / education;
 - ii) Promote education by giving educational assistance to the needy and deserving students; and
 - iii) To promote physical fitness programmes such as Gymnastics, Yoga, Meditation etc.

RULES AND REGULATIONS:

1. Definitions:

In these Rules, unless the context otherwise requires:

- a) **“THE SAMITI”** means the “BRAHMANA SEVA SAMITI (Regd.)”
- b) **“MEMBER”** means persons duly enrolled / admitted to the “BRAHMANA SEVA SAMITI (Regd.)”
- c) **“MANAGING COMMITTEE MEMBERS”** means members, who have completed minimum one year of membership from the date of enrolment /

admission, duly elected to the Managing Committee(MC) in the Annual / Special General Body Meetings / co-opted members to the Managing Committee.

- d) **“OFFICE BEARERS”** means President, Vice-President, Hon. Secretary, Jt.Secretary, Hon.Treasurer and Jt. Treasurer of the “BRAHMANA SEVA SAMITI (Regd.)”
- e) **“YEAR”** means the Financial year, commencing from 1st April of every year and ending on 31st March of the following year.
- f) **“AREA OF OPERATION”** means in and around Mulund.

2. Membership and the Procedure for Enrolment / Admission:

Membership of the SAMITI shall be open to all persons over the age of 18 and shall consist of the following category as enrolled / admitted by the MC :

Those who pay Rs.15000/- [Rupees fifteen thousand] shall be admitted as a “Member” by the Managing Committee subject to ratification / approval/enrolment by the Managing Committee.

Note : 1. There shall be only one class of membership hereinafter in Brahmaana Seva Samiti (Regd).

Note :2. Existing members having Patronship and Ordinary Membership would be merged as on 09-06-2024 as resolved in the Special General Body Meeting and arranged with reference to date of admission and

shall be allotted new membership number accordingly.

3) **TERMINATION OF MEMBERSHIP:**

A person shall be ceased to be a Member:

- i) On death;
- ii) On expulsion due to misconduct, disloyalty and for any other act detrimental to the interest of the SAMITI;
- iii) On conviction by any Court of Law under moral turpitude;
- iv) On resignation

4) **General Body Meeting: (Its powers and functions):**

The Annual General Body Meeting shall be held within six months from the conclusion of the Accounting Year. But if circumstances necessitate any delay in convening such meeting within the said period i.e. within six months from the conclusion of the Accounting Year, such meeting shall be convened on a day which is not later than nine months from the date of conclusion of the accounting year, with necessary intimation to the authorities concerned. All members shall be notified by the Hon. Secretary the time, date and place, agenda of the Meeting to be fixed by the Managing Committee. The Annual General Body Meeting shall transact the following business:

- i) To read and confirm the minutes of the previous Annual / Special General Body Meeting;
- ii) To elect a Chairman of the Meeting in the absence of President and Vice-President;
- iii) To consider and adopt the Report of the Managing Committee, Audited Accounts, for the accounting year ended and budget of the Samiti for the ensuing year.
- iv) To propose a member to Chair and conduct the election proceedings to elect twelve members to the Managing Committee;
- v) To elect two Internal Auditors from the Members' present.
- vi) To appoint Statutory Auditors / Legal advisors, if necessary, and fix their remuneration; and
- vii) To consider any other matter with the permission of the Chair.

5. Notice of the General Body Meeting/Special General Body Meeting and Quorum:

- i) General Body Meeting shall be called "Annual General Body Meeting" while all other General Body Meetings shall be called Special General Body Meetings.
- ii) A notice of 15 days' shall be given in case of Annual General Body Meeting.
- iii) In case of Special General Body Meeting, 7 days' notice shall be given to the members.

- iv) Such notices containing the place, date and time of the Meeting and the nature of business proposed to be transacted will not only be communicated to the members through WhatsApp, e-mail and post but also be posted in the website of the Samiti. All major and important decisions of the Managing Committee shall get ratified in the General Body Meeting

Quorum:

- i) Quorum is two third of the total no. of members of the SAMITI who are entitled to vote at the General Body Meeting and no Meeting shall be held without such Quorum.
- ii) In case of no Quorum at the given date/time, the Meeting shall be reconvened as adjourned meeting with the same agenda at the same day and at the same place after expiry of thirty minutes and the decisions arrived at this adjourned meeting shall be binding on all members of the SAMITI.

6. Special General Body Meeting:

A Special General Body Meeting may be called at any time by the Managing Committee on its own accord OR on the written requisition of not less than 100 members who are eligible to vote. Any such requisition so made shall specify the purpose of the meeting requisitioned.

7. Composition of the Managing Committee:

Entire management of the SAMITI shall be vested in the Managing Committee, consisting of:

- i) President
- ii) Vice-President
- iii) Hon. Secretary
- iv) Joint Secretary
- v) Hon. Treasurer
- vi) Joint Treasurer and
- vii) 6 Committee Members

8. Election and Term of Managing Committee:

- a. President and the Members of the Managing Committee, all of whom should have been members of the Samiti for a period of at least one year since their enrolment, shall be elected for a period of 3 continuous years in the Annual General Body Meeting/Special General body Meeting only and shall hold office from the conclusion of the meeting at which they are elected till completion of the tenure of three years / term of office, which shall be for a period of 3 years.
- b. No member shall be eligible to hold office as member of the Managing Committee of the Samiti, who is already holding an office as a member of the Managing Committee in any other local organisation, having similar objectives as that of the Samiti.
- c. The vacancies on account of resignation or otherwise of Managing Committee Members shall be filled in by co-opting any eligible Member by the

Managing Committee and such co-opted members shall hold office till the completion of the term as per (a) above and

- d. In the absence of President and Vice President, Members of the Managing Committee shall elect one of the senior members of the Committee other than the Secretary to be Chairman of the that Managing Committee Meeting.

9. Office Bearers of the Managing Committee and their duties:

a) President:

The President shall preside all:

- i) General Body Meetings;
- ii) Special General Body Meetings;
- iii) Requisitioned Meetings; and
- iv) Managing Committee meetings.

President shall conduct the proceedings of the meetings in an orderly manner. President's decision, in all matters where there is a difference of opinion, shall be final and conclusive. The President shall have a casting vote in case of a tie and his decision shall be final and conclusive in such matters.

b) Vice-President:

In the absence of the President, the Vice-President shall enjoy all the powers of the President and he shall discharge all the duties and functions of the President. In the absence of President and the Vice-President, the Members present in the concerned meetings shall elect one senior member

amongst them, other than the Hon. Secretary as the Chairman of the meeting.

c) Hon. Secretary:

The Hon. Secretary shall call Annual General Body, Special General Body meeting, Requisitioned Meetings and Managing Committee Meetings in consultation with the President. In the absence of the President, he shall consult Vice-President. He shall maintain the correct proceedings of all the meetings in a bound register, called as the Minute Book (pages duly serially numbered) and shall place the same before the respective meetings for confirmation and approval. He shall execute the duties given to him by the General Body as well as by the Managing Committee. He shall also attend to the day-to-day affairs of the SAMITI and keep informed the Managing Committee of its affairs from time to time. It shall be the duty of the Hon. Secretary, to place before the Managing Committee the applications received for Membership for consideration. It shall also be his duty to prepare the Annual Report as well as the Annual Budget in consultation with the President and to place the same before the Managing Committee for its consideration / approval, thereafter before the Annual General Body for confirmation. He shall have the power to spend an amount not exceeding Rs.50,000/- (Rupees Fifty Thousand Only) at a time without prior sanction of the Managing Committee in case of emergency only. Such expenses shall be ratified by the Managing Committee in the subsequent meeting. It shall be the duty of the Hon. Secretary to

maintain necessary registers of movable and immovable assets of the SAMITI and the receipt books in proper custody and also the Register of Members.

d) Hon. Treasurer:

The Hon. Treasurer shall keep proper accounts of the SAMITI and also maintain the books of accounts, ledger books, bank accounts, receipt books, vouchers etc. He shall submit income and expenditure statements for approval of the Managing Committee from time to time. It shall be the duty of the Hon. Treasurer to prepare or caused to be prepared audited statements of accounts of the SAMITI in consultation with the President and the Hon. Secretary. He shall not keep more than Rs.25,000/- (Rupees Twenty five thousand only) in cash on hand at a time.

e) Joint Secretary and Joint Treasurer:

- To assist the Hon. Secretary / Hon. Treasurer in all their duties and as directed by the President.
- To carry out duties of the Hon. Secretary /Hon. Treasurer in their absence.

10. Meeting of the Managing Committee and any Requisition Meeting:

- a) The Managing Committee shall ordinarily meet once in a month. Three days' notice, mentioning the date, time, place and agenda shall be informed to all Managing Committee Members.
- b) An emergency meeting may be called at one day's notice.

- c) At every monthly meeting of the Managing Committee the Minutes of the previous meeting shall be placed for confirmation and approval.
- d) The accounts and ratification/enrolment/admission of new members will be submitted for approval on a quarterly basis.
- e) Managing Committee shall have the right to co-opt members for the vacancies caused in the Managing Committee on account of:
 - i) Death
 - ii) Resignation
 - iii) Dismissal
 - iv) Punishment by any Court of Law under Moral turpitude; and
 - v) A Managing Committee Member absenting himself / herself for three consecutive meetings of the Committee or three months continuously shall be deemed to have vacated his/her office from the expiry of such period.

11. Quorum for Managing Committee Meeting ;

The Quorum for the Meeting shall constitute 6 (six) members from the Managing Committee. In case of lack of quorum, the Chairman shall adjourn the meeting for thirty minutes and reconvene the same at the same place on the same day. The decision of the Chairman shall be final and binding on the Managing Committee.

12. Rules of Election of the Managing Committee

- a) 12 Members to the Managing Committee shall be elected at Annual General Body Meeting for a period of Three Financial Years.
- b) Only members who are in the Membership Roll for a period of 12 months on the date of election shall be entitled to vote.
- c) Every member shall have only one vote.
- d) No voting by proxy shall be permitted
- e) From all contesting members, elected members shall be decided by majority of votes polled.
- f) The election shall be by way of secret ballot by the members present.
- g) Election Rules to be framed in consonance with Maharashtra Societies Act, 1860/by Statute.

13. Powers and duties of the Managing Committee:

Subject to this Constitution and resolution passed at a General Body Meeting the Managing Committee shall have full authority to carry on the activities of the SAMITI. Without prejudice to the general powers conferred by the constitution, the Managing Committee shall clearly exercise the following powers.

- i) To admit Members.

- ii) To accept and receive donations, grants or gifts in cash or kind.
- iii) To supervise and check the accounts of the SAMITI, to open and maintain accounts with Bank(s) in the name of the SAMITI, invest in fixed deposits, stock investments, approved stock bonds in the name of the SAMITI .
- iv) To sanction money for fulfilling the aims and objectives of the SAMITI and to control the finance of the SAMITI and to regulate the expenditure.
- v) To suspend any of the members of the SAMITI with sufficient cause after giving him an opportunity to explain his stand with an option to appeal to the General Body and to deal with disciplinary matters relating to the meeting and its members.
- vi) To deal with properties, agreements, appointment, funds created for various purposes and such other matters pertaining to the SAMITI.
- vii) To constitute and dissolve sub-committee(s) for specific purposes, about the performance of the duties and responsibilities. The Convenor of every sub-committee shall necessarily be a member of the Managing Committee.
- viii) To approve expenses upto a maximum of Rs.5.00 Lakhs at any time for specific purposes / development of Brahmana Seva Samiti.

In case of expenses expected to exceed this limit the same has to be approved by the General Body

by providing it in the agenda, before incurring the expenses OR in case of emergency the Committee can pass an enabling resolution and get the same approved / ratified in the subsequent Annual General Body Meeting / Special General Body Meeting.

ix) Handing over charge:

After the Annual General Body Meeting and election of new Managing Committee, the office bearers of outgoing Committee should properly hand over charge of all the assets, investments, bank fixed deposits and all records, including the Register of Members of the SAMITI to the new Committee and the new Committee should give a due acknowledgement to that effect. Also, the outgoing committee will extend cooperation to the new committee, as and when required. Further, for transferring day-to-day affairs & smooth functioning of the new Management committee, a period of 30 days to be provided.

14. Funds and Income of the SAMITI and its utilization / disbursal

- a) To purchase / acquire or accept gift of any land / building or any other material or properties and to sell, convert or otherwise transfer assets or items redundant or excess to the requirement of the SAMITI upto Rs.5.00 lakhs (Rupees five lakhs only).
- b) To collect or otherwise raise funds required for conducting the various objectives and activities of the SAMITI upto Rs.5.00 lakhs (Rupees five lakhs only).

- c) To do any other lawful activities which are conducive and incidental to the proportion and attainment of objectives of the SAMITI.
- d) To invest and deal with funds of the SAMITI and not immediately required either for its day-to-day activities or for any schemes under consideration, in fixed deposits with Nationalised banks, Co-operative Bank, Public Securities and/or approved mutual funds from time to time as the Committee deems fit, **in line with the guidance provided by the Charitable Trust Act or Government of Maharashtra.**

15. Objective based provision for Expenditure (Percentage):

- a) The Hon. Secretary in the course of his duties may incur ordinary or contingent expenses other than the statutory dues, Government levies upto a maximum of Rs.50,000/- (Rupees Fifty Thousand Only).
- b) All the expenses incurred on behalf of the SAMITI should be authorized by the Managing Committee on quarterly basis and the same should be accounted for and incorporated in the books of accounts of the SAMITI.

16. Provisions for loans and deposits:

To invest and deal with any of the money of the SAMITI not immediately required for its day-to-day activities or for any schemes under consideration, in fixed deposits in Nationalised bank, co-op Banks or in Public Securities from time to time as the committee deems fit

in line with the **guidance provided by the Charitable Trust Act of Maharashtra Government. For taking loan, prior permission of the Charity Commissioner shall be taken.**

17. Provision regarding purchase and sale of Immovable Property:

To purchase or acquire or accept gift of any land / building or any other properties and to sell, convert or otherwise transfer assets or items redundant or excess to the requirements of the SAMITI with the **prior permission of the Charity Commissioner & invest only in Trust Approved Funds. Further, not more than 5.00 lakhs to be kept in any Scheduled Cooperative Banks.**

18. Operation of Bank Accounts and other financial matters:

The Managing Committee shall open account or accounts with such Bank or Banks in line with the guidance provided by the Charitable Trust Act / Government of Maharashtra as the Managing Committee may approve from time to time. Such bank accounts in respect of the funds of the SAMITI shall be kept in the name of the SAMITI and shall be operated jointly by any two of the following office bearers:

- a) President
- b) Vice-President
- c) Hon. Secretary
- d) Hon. Treasurer

Financial Accounts of the Samiti shall be maintained in a digitised/electronic form and shall conform to the directions/Rules under IT Act and Charity Commissioner.

19. Maintenance of Register of Members:

A list of persons who are members within the meaning of Section 15 of the Societies Registration Act, 1860 will be maintained in the form of Schedule 1.2 and VI to the societies registration (Maharashtra) Rule 1971 vide rule 15 thereof).

20. Provision for amendment in Rules and Regulations:

Any additions, alterations and corrections or amendments/constitution of these Bye-laws may be effected by a resolution passed in the Annual General Body / Special General body Meetings by 3/5th of the majority of vote of members present at such meeting provided the question such amendments shall have duly been included in the agenda of the meeting.

21. Provision for change in the name and objective of the SAMITI:

The SAMITI will implement the provision according to Sections 12 and 12A of Societies Registration Act, 1860.

22. Disputes and Dissolution of the SAMITI:

Subject to the procedure prescribed in Sections 13 and 14 of the Societies Registration Act the affairs of the SAMITI may be wound up or the SAMITI may be dissolved by majority of **3/4th** of the members present and eligible to vote, at a Special General body Meeting,

called for the purpose. In the event of dissolution of the SAMITI, the fund and properties of the SAMITI shall be disposed off in accordance with the decision of dissolution meeting, within the guidelines of Charitable Trust Act / Government of Maharashtra.