

INCOME TAX BAR ASSOCIATION, CALCUTTA
ESTD: 1924

MEMORANDUM OF ASSOCIATION

(Registered under Registrar of Firms, Societies & Non- Trading Corporations, West Bengal,
Registration No. S / 2L / 60578 dated 10. 11 .2016)

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**1. NAME:**

The name of Association is “Income Tax Bar Association, Calcutta”.

**2. OFFICE & LIBRARY:**

The principal office and the Library of the Association are situated at Aayakar Bhawan Annexe, First Floor, P-13, Chowringhee Square, Kolkata - 700069.

**3. OBJECTS:**

The objects of the Association are as follows:

- (a) To promote unity among the members of the Association and foster fraternal relationship amongst them with a view to raising their ethical and professional standards.
- (b) To provide for its members a common meeting place where they may gather and have facilities for carrying on their profession of practicing law on direct taxes and allied laws.
- (c) To provide and maintain well equipped libraries containing books and journals relating to law as in general and fiscal laws in particular, for the use of the members.
- (d) To provide scope for mutual discussions amongst members in all matters of their professional interest.
- ( e ) (deleted by Registrar at the time of approval and registration)
- (f) To encourage members to participate in discussions for the furtherance and development of Laws and tax laws in particular in the formulation of sound and practical rules and bye-laws framed by various authorities and agencies of the Union and State Governments and other statutory bodies.
- (g) To help, spread of useful knowledge for molding public opinion towards the observance of and respect for the rule of law.
- (h) To arrange for legal aid free or at a nominal fee to the needy in extra ordinary circumstances.
- (i) To aid, to help, and to guide any member, who is oppressed, distressed, harassed or bewildered, in the field of Direct Taxation and to follow up with a view to attainment of his relief before higher Authorities or in a Court of law.
- (j) To raise the professional standard of the members by means of discussions, symposia and seminars, organized periodically.
- (k) To arrange social functions for promoting and cultivating friendly relations amongst the members.
- (l) To promote harmonious relationship between the Judiciary, Tribunals and Tax Authorities and the Bar.

(m) To publish journals and periodicals of the Association dealing with topics of interest to the profession.

(n) (Deleted by Registrar at the time of approval and registration)

(o) To actively participate in the process of Law reforms.

(p) (Deleted by Registrar at the time of approval and registration)

(q) To do all that may be necessary for the well being of the members and to promote further to secure all of any of the above objects.

4. The income and property of the Association whatsoever derived shall be applied solely towards the promotion of the objects of the Association, as set forth in this Memorandum of Association and no portion thereof shall be paid or transferred directly or indirectly by way of dividend or bonus or otherwise however by way of profit to the persons who at any time are or have been the members of the Association or to any of them or to any person claiming through any of them.

5. Every member of the Association undertakes to contribute to the Assets of the Association in the event of the same being wound up during the time that he is a member, or within one year afterwards for payment of debts and liabilities of the Association contracted before the time at which he ceases to be a member, and of the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributories among themselves such amount as may be required, not exceeding Rs. 50/-.

6. If upon such winding up or dissolution of the Association there remains after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Association but shall be given or transferred to some other Institution or Institutions having objects similar to the objects of the Association, to be determined by the majority of the members of the Association at a General Meeting at or before the time of the dissolution and in default thereof by the High court of Judicature at Calcutta, West Bengal.

7. Name of the present members of the Executive Committee, their addresses and other particulars:

| Name | Address                    | Profession                                                             | Post                       |
|------|----------------------------|------------------------------------------------------------------------|----------------------------|
| 1    | Shri Sumermal Surana       | P38, India Exchange Place, 3rd Floor, Kolkata - 700001                 | Advocate<br>President      |
| 2    | Shri Makhan Chandra Halder | 114H, Raja S C Mullick Road, Kolkata - 700047                          | Advocate<br>Vice President |
| 3    | Shri Anup Kumar Ghosh      | B36, Solak Pally 2nd Lane, Vivekananda Sarani, Haltu, Kolkata - 700078 | Advocate<br>Vice President |

|    |                             |                                                                                                   |          |                  |
|----|-----------------------------|---------------------------------------------------------------------------------------------------|----------|------------------|
| 4  | Shri Himadri Mukhopadhyay   | 36C, Ballygunge Circular Road, Flat - 2/2, Kolkata - 700019                                       | Advocate | Secretary        |
| 5  | Smt. Chhabi Ray             | 6/5/A, Swinhoe Street, Ballygunge, Kolkata-700019                                                 | Advocate | Joint Secretary  |
| 6  | Shri Ratan Kumar Goel       | 156A, Lenin Sarani, Room-F14, Kolkata - 700013                                                    | Advocate | Treasurer        |
| 7  | Shri Anikesh Banerjee       | M/S Debkumar Banerjee Mercantile Buildings, 3rd floor Block A9, Lalbajar Street, Kolkata - 700001 | Advocate | Executive Member |
| 8  | Shri Brindaban Pal          | 1235 R N Tagore Road, Post Bediagara, Kolkata - 700077                                            | Advocate | Executive Member |
| 9  | Shri Kalyan Kumar Choudhury | Kiranalay Apartment, 16/7, I C Road, Flat ¾, Post Rahara, Kolkata - 700118                        | Advocate | Executive Member |
| 10 | Shri Manoj Kataruka         | 599, Keyatala Road, Gr Floor, Kolkata - 700029                                                    | Advocate | Executive Member |
| 11 | Shri Partha Pratim Nandi    | 119, Panchanantala P.O. Chinsurah, Dist Hooghly - 712101                                          | Advocate | Executive Member |
| 12 | Shri Sumit Gupta            | 26, Jogipara Road, Dum Dum, Kolkata - 700028                                                      | Advocate | Executive Member |

8. Declaration: We, the undernoted persons wish to form a society in accordance with this memorandum of Association.

| Name                           | Post             | Address                                                                                        | Signature of Left thumb impression |
|--------------------------------|------------------|------------------------------------------------------------------------------------------------|------------------------------------|
| 1. Shri Sumermal Surana        | President        | P38, India Exchange Place, 3rd Floor, Kolkata - 700001                                         | S/d                                |
| 2. Shri Makhan Chandra Halder  | Vice-President   | 114H, Raja S C Mullick Road, Kolkata - 700047                                                  | S/d                                |
| 3. Shri Anup Kumar Ghosh       | Vice President   | B36, Solak Pally 2nd Lane, Vivekananda Sarani, Haltu, Kolkata - 700078                         | S/d                                |
| 4. Shri Himadri Mukhopadhyay   | Secretary        | 36C, Ballygunge Circular Road, Flat - 2/2, Kolkata - 700019                                    | S/d                                |
| 5. Smt. Chhabi Ray             | Joint Secretary  | 6/5/A, Swinhoe Street, Ballygunge, Kolkata- 700019                                             | S/d                                |
| 6. Shri Ratan Kumar Goel       | Treasurer        | 156A, Lenin Sarani, Room-F14, Kolkata - 700013                                                 | S/d                                |
| 7. Shri Anikesh Banerjee       | Executive Member | M/S Debkumar Banerjee Mercantile Buildings 3rd floor Block A9 Lalbajar Street Kolkata - 700001 | S/d                                |
| 8. Shri Brindaban Pal          | Executive Member | 1235 R N Tagore Road, Post Bediagara, Kolkata - 700077                                         | S/d                                |
| 9. Shri Kalyan Kumar Choudhury | Executive Member | Kiranalay Apartment, 16/7, I C Road, Flat ¾ Post Rahara Kolkata - 700118                       | S/d                                |

|    |                          |                  |                                                          |     |
|----|--------------------------|------------------|----------------------------------------------------------|-----|
| 10 | Shri Manoj Kataruka      | Executive Member | 599, Keyatala Road, Gr Floor, Kolkata - 700029           | S/d |
| 11 | Shri Partha Pratim Nandi | Executive Member | 119, Panchanantala Post Chinsurah, Dist Hooghly - 712101 | S/d |
| 12 | Shri Sumit Gupta         | Executive Member | 26 Jogipara Road, Dum Dum, Kolkata - 700028              | S/d |
|    |                          |                  |                                                          |     |

**WITNESSES:**

The above persons have signed in our presence

Signature: M M Sarcar  
(Madan Mohan Sarcar)  
Date: 24.5.2016  
Address: HA-2, Sector III, Salt Lake, Kolkata 700097

Signature: Prodyut Kumar Mondal  
Date: 24.5.2016  
Address: Surjapur Station Road, P.O. Keyatala, P.S. Baruipur, Kol-144.

**REGULATIONS**

**OF**

**THE INCOME TAX BAR ASSOCIATION, CALCUTTA**

**1. PRELIMINARY:**

In these Rules, unless there is anything otherwise repugnant to or inconsistent with the subject or context:-

**2. DEFINITION:**

(i) The “**ANNUAL GENERAL MEETING**”, “**EXTRA ORDINARY GENERAL MEETING**” and the “**Requisition Meeting**” respectively mean Annual General Meeting, Extra Ordinary General Meeting, and the Requisition Meeting of the Association convened and held under the rules of the Association.

(ii) “**ASSOCIATION**” means “Income Tax Bar Association , Calcutta.”

(iii) “**AUDITOR**” means a qualified Chartered Accountant appointed under the Rules and Regulations to Audit the accounts of the Association.

(iv) “**ELECTION OFFICERS**” means the Election Officers appointed under the Rules of the Association.

(v) “**EXECUTIVE COMMITTEE**” means the Governing Body of the Association constituted under the rules provided herein which is entitled to exercise all such powers and to do all such acts and things as may be necessary to achieve the objects set forth in the Memorandum of Association.

(vi) “**JOINT SECRETARY**” means an office bearer to whom the Executive Committee or the Secretary distributes Secretarial works of the Association on a particular subject or subjects.

(vii) **“MEMBER”** means in relation to the Association, one who has been admitted as a Member of the Association according to the Rules and Regulations, in relation to the Executive Committee, a member who has been elected in the Annual General Meeting, or otherwise according to the Rules and in relation to a sub-committee, a member who has been nominated to such sub- Committee, a member who has been nominated to such sub –Committee by the Executive Committee.

(viii) **“OFFICE BEARER OF THE ASSOCIATION”** means President, two Vice Presidents, Secretary, Joint Secretary and a Treasurer.

(ix) **“PRESIDENT”** means the head of the Executive committee and includes any Vice President who acts for the time being as President.

(x) **“REQUISITION MEETING:** means the requisition meeting called under the rules of the Association.

(xi) **“RESOLUTION”** means a resolution of the Annual General Meeting, Extra Ordinary General Meeting, Requisition Meeting, Executive Committee or of the sub-committee meetings as the case may be of the Association duly passed and adopted in respective meetings.

(xii) **“RULES AND REGULATIONS”** means the rules and regulations made by the Association.

(xiii) The **“SEAL”** means the Common Seal of the Association..

(xiv) **“SECRETARY”** means the Chief Executive of the Association and includes the Joint Secretary who acts for the time being as the Secretary.

(xv) **“SUB COMMITTEE”** means sub committee or sub committees constituted under the rules and regulations of the Association and includes any other sub committee which the Executive Committee and / or the AGM and /or the EGM may constitute from time to time for smooth functioning of the Association.

(xvi) **“TREASURER”** means as office bearer who on behalf of the Association collects and receives all finance and is keeper of the financial accounts of the Association.

(xvii) **“VICE PRESIDENT”** means next in rank below the President in the Executive Committee.

### **3 MEMBERS:**

#### **(i) Qualification**

Any person who is enrolled as an Advocate in any of the State Bar Council of India under the prevailing law for enrolments of Advocates and whose connection with the Association may be considered beneficial of the association irrespective of the sex, caste, colour, creed, race or nationality shall be eligible to apply for the membership of the Association.

#### **(ii) Category of members:-**

The membership of the Association shall be divided into three Categories.

##### **(A) Honorary member**

- (B) Life member
- (C) Annual Member.

(iii) **HONORARY MEMBER**

(A) Any person whether or not happened to be member of the association, occupying an eminent position in the field of Law and who is enrolled as an Advocate in any of the State Bar Council of India and/or is entitled to practice in any of the High Courts and whose connection with the Association may be beneficial to it, may be nominated by the Executive committee as Honorary Member for such period as may be considered by the Executive Committee. Such member shall not be eligible for being elected or nominated as an Office Bearer or a member of the Executive committee. The number of Honorary Members shall not exceed ten at any one time.

(iv) **LIFE MEMBER**

(B) Any person who is qualified to apply for membership of the Association or the annual member may be admitted as Life Member on payment of the prescribed fee which is presently Rs 15000/-. The life membership subscription may be increased in the Annual General Meeting by taking specific agenda for the purpose.

(v) **ANNUAL MEMBER:**

any person who is qualified to apply for the membership of the Association may be admitted as Annual Member on payment of prescribed admission fee which presently is Rs. 4,000/- together with prescribed Annual membership subscription which presently is Rs.1,000/-. The Annual subscription for the subsequent years shall be payable within the relevant Financial year. In case of default such member shall pay a fine of Rs 50/- per month for the delay in payment of the subscription. The admission fee as well as annual membership and fine can be increased in the Annual General Meeting by taking specific agenda for the purpose.

(vi) **ADMISSION OF MEMBERS SHALL BE MADE IN THE MANNER FOLLOWING:**

Any person qualified for membership, may be admitted as a member by the Executive Committee, on an application made by him in the prescribed form and shall be proposed by one member and seconded by another who are members of the Association for not less than three years, none being honorary member, made to the secretary, along with the admission fee and subscription as prescribed. All applications for membership shall be placed before the Executive Committee in the earliest meeting for consideration. The executive committee may accept or reject any application and the decision of the executive committee shall be final and binding in the matter. The executive committee shall not be bound to assign any reason for its decision. The Executive Committee shall have the right to call the applicant for interaction in its meeting wherein the application for membership is considered. Such names as are

approved by the executive committee shall be duly entered as members in the Register of members of the Association.

(ii) The executive committee shall have the right to stop admitting/enlisting new members for such period or time as may be determined by it from time to time.

(iii) No member shall be admitted within a period of 40 days preceding the date of the Annual General Meeting and until such meeting is held.

iv) Persons already on the register of the Association shall continue to be the members of the Association to the category to which such persons are admitted.

#### **4. SUSPENSION/ CESSATION/ TERMINATION OF MEMBERSHIP**

A member shall cease to be a member of the Association in any of the following event:

(i) If he resigns in writing and his resignation is accepted by the Executive Committee.

(ii) If he dies.

(iii) If he adjudicated a lunatic, insane or insolvent.

(iv) If he is convicted of any criminal offence involving moral turpitude.

(v) If the member found to be working against the interest of the Association and is removed from the Membership by a resolution passed in the Extra Ordinary General Meeting by 3/4th of the members present and voting in favour of the resolution which is recommended by the Executive Committee of the Association.

(vi) If the member has joined full time employment otherwise than in a concern practicing in law or ceases practicing as an Advocate, as the case may be.

(vii) The Executive Committee, by a vote of not less than 75% of the members present in its meeting, may suspend such member for a period of not more than one year as it thinks proper, if such member is found guilty of Misconduct or Misbehavior, or with Derogatory remarks or Unruly activity or working against the interest of the Association, after affording a reasonable opportunity to such Member for his explanation in the matter.

#### **5. REGISTER OF MEMBERS:**

(i) The Association shall maintain separate register for each categories of members and shall enter there in the following particulars or such other particulars as may be considered necessary.

(a) Name in full

(b) Father's /Husband's/ Mother's name

(c) Correspondence Address

(d) Date of birth

(e) Date of enrolment in the Bar Council with enrolment no.

(f) Date of admission as member

(h) Date of cessation or termination of the membership.

(ii) Entries in the register shall be made within fifteen days from the date of admission or cessation or termination as the case may be.

(iii) Inspection of the register of members shall be allowed to any member on his written application to the Secretary of the Association within a period of 15 days from the date of receiving the application, inspection shall be allowed only on a working day and for a maximum period of 2 hours.

## **6. RIGHTS, DUTIES AND OBLIGATIONS OF MEMBERS:**

A member of the Association, other than Honorary Member, shall have the rights:

(i) To take part and vote in General meeting or an Extra Ordinary General Meeting, Requisition Meeting and any other meeting of the members and in case of voting each member having one vote.

(ii) To elect/nominate or to be elected/nominated in any election or nomination of the committees of the Association, however member seeking election to the executive committee or its office bearer or a proposer or seconder of such member seeking election should be the member of association for at least three consecutive years before seeking such election. No member shall be entitled to contest for more than one post in the executive committee. Any office bearer elected to the executive committee shall not hold the same post for more than two consecutive terms.

(iii) To submit suggestions on any matter to the General Body/Executive Committee/Sub Committees for consideration for any improvement/betterment and progress of the Association.

(iv) To submit his resignation in writing.

(v) Every member of Association shall abide by the Rules and Regulation of the Association.

(vi) A member shall pay the annual subscription within the prescribed time.

(vii) A defaulting member shall not be allowed to take part in any General Meeting, Extra Ord. General Meeting or any other meeting called. The defaulting member will also not be allowed to participate in any election of the association as candidate or proposer or seconder in any nomination filed by any member.

(viii) To inspect the register of members on prior request by written application as provided in clause III of Rule 5 hereinbefore.

(ix) To vote in person

(x) To inspect, discuss and approve accounts of the Association placed in the Annual General Meeting.

(xi) No member of the Association shall file any suit or take any legal action in any Court of Law with regard to any matter relating to or concerning the Association or against any action of the office bearers of the Association before referring such matter to the Executive Committee and obtaining its decision.

(xii) No member shall indulge in any activity prejudicial or derogatory to the interest of the Association.

(xii) If the identity card is duly issued by the Association, the member should collect such identity card and shall carry the same when so required.



## **7. DEFAULTER:**

- (i) If a member fails to pay the Annual subscription in the relevant accounting year of the Association, within the relevant financial year such member shall be treated as defaulter member.
- (ii) If any annual member fails to pay his/ her membership subscription consecutively for three years within the specified time, his/her membership may be terminated after giving him the reasonable time and opportunity of not more than three months for payment of subscription along with late fee.

## **8. RE-ADMISSION:**

A member who has been terminated from the rolls of the Association for nonpayment of subscription may be readmitted only as life member within a period of three months from the date of striking off his name from the rolls subject to payment of outstanding subscription payable by such person along with LIFE MEMBERSHIP FEE.

## **9. OFFICE BEARERS:**

The Association shall have the following office Bearers:

- (A) One President.
- (B) Two Vice Presidents.
- (C) One Secretary
- (D) One Joint Secretary
- (E) One Treasurer.

## **POWER AND FUNCTIONS OF THE OFFICE BEARERS**

### **10. RIGHTS AND DUTIES OF THE PRESIDENT:**

- (i) To devise means and act for the progress of the Association and fulfilment of its objects.
- (ii) To give proper interpretation to the rules and regulations of the Association.
- (iii) To attend and preside over all the meetings of the Association
- (iv) To allow or disallow discussion on any subject which is not in the agenda.
- (v) In case of a tie in any meeting to give the casting vote.
- (vi) To call Annual General Meeting and Extra ordinary General Meeting of the Association and the meeting of the Executive Committee to adjourn such meeting, as need may arise.
- (vii) To institute conduct, defend, compound, settle or abandon any legal proceedings by or against the Association or its officers or office bearers or otherwise concerning the affairs of the Association and also to compound and allow time for payment and satisfaction of any debt due and of any claims or demands by or against the Association and also to refer any claims or demands by or against the Association to arbitration and to observe, accept and carry on and perform the awards if so, authorised by the Executive Committee in this behalf.
- (viii) To take such action in the interest of the Association as may be considered expedient or of urgent

necessity.

(ix) To attend and preside over all the meetings of the Association as ex-official member.

(x) To operate Bank Account under these Rules.

(xi) To do all such acts, deeds and things, as may be authorised by the Executive Committee.

(xii) Not to allow any illegal and wrongful activities in any of the premises of the Association or in its name and to ensure due effect being given to the rules and regulations of the Association.

(xiii) To call a meeting of the Executive Committee on a representation made by at least 5 members of the Executive Committee of the Association to discuss the issues raised in such representation within a reasonable time.

(xiv) To follow directions, instructions and orders as may be communicated to him by the Bar Council of West Bengal and give effect to the same.

(xv) Being the head of the association, his powers shall include the power to interpret the Rules, to aid, to advise and to issue guidelines to the Executive Committee, the Secretary, the Joint Secretary and the Treasurer.

(xvi) President shall have the power to delegate all or any of his powers to the Vice Presidents or office bearers either Jointly or Individually, as the circumstances may arise.

(xvii) If the Secretary and Joint Secretary fails to discharge his duties or responsibilities the President shall be competent to discharge such responsibility as the head of the association.

#### **11. VICE PRESIDENTS:**

(i) In the absence of the President any one of the Vice Presidents may be chosen by such meeting shall preside over the Annual General Meeting or the Extra Ordinary General Meeting or a Meeting of the Executive Committee and shall also advise the Secretary, the Joint Secretary and the Treasurer in all matters concerning the Association. In the case of long absence of the President, the Vice- President so Chosen by the Executive Committee shall function as Acting President who shall have, for the time being, all the powers of the President.

(ii) When the President is unable to discharge his functions owing to long absence, illness or otherwise, the Executive Committee shall elect any one of the Vice Presidents to act as the President. The Vice President so elected shall discharge the functions of the President until the date the president resumes his duties.

(iii) To do all such acts, deeds and things as may be authorised by the Executive Committee.

#### **12. RIGHTS AND DUTIES OF THE SECRETARY:**

The Secretary shall, subject to the control and supervision of the Executive Committee, have full powers to do all acts and things deemed necessary, proper and expedient for carrying on the affairs of the Association and in particular.

- (i) To supervise, manage, look after and properly execute the affairs of the Association and to take steps for the welfare of the Association and for the advancement of its objects according to its rules and regulations.
- (ii) To conduct correspondence on behalf of the Association and to sign letters and papers on its behalf.
- (iii) To sign, and issue notices of the Meetings.
- (iv) To put up application(s) for membership and such other communication and letters as may be thought fit before the meetings of the Executive Committee.
- (v) To preserve the records of the Association and to keep them under proper custody.
- (vi) To prepare and submit Annual Reports and Accounts to place them before respective meetings for getting the same passed.
- (vii) To prepare before the date of issue of Notice of the Annual General Meeting a list of all members of Association corrected up to date and sent it to the Election Officers within three days of their appointment to take necessary step to conduct the election.
- (viii) To appoint paid officers and servants and other employees on such terms and conditions as may be thought fit to demand proper security from them if necessary and to dismiss, remove or suspend them.
- (ix) To exercise general supervision over the employees and staff of the Association to scrutinise their work.
- (x) To send to the Treasurer the surplus funds of the Association and to requisition money from the Treasurer on signed requests for expenses of the Association.
- (xi) To frame and supervise the Scheme of collection and/or donations, contributions, disbursements and reimbursements under overall control of the committee.
- (xii) To spend at a time a sum not exceeding Rs. 5000/- over and above the usual Expenses.
- (xiii) To Institute, conduct, defend, compound or abandon any legal proceedings by or against the Association or its Officers or otherwise concerning the affairs of the Association and also to compound any debt and allow time for payment and satisfaction of any debts due and of any claims or demands by or against the Association and also to refer any claims or demands by or against the Association to arbitration and to observe and perform the awards, if so authorised by the executive committee in this behalf.
- (xiv) To operate Bank Account(s) under these rules.
- (xv) To sign complaints, written statements, petitions etc. and to engage solicitors, pleaders other legal practitioners on behalf of the Association for any purpose and to give them proper authorities to sign Vakalatnamas in their favour and to revoke the same.
- (xvi) To appear for and on behalf of the Association and transact all business in Registration Office and to appear in the office of the Registrar of Societies or Income Tax Officer or Income Tax Authorities or

Tribunals or in any other public or private office or all other Central or State Government Departments and Bar Councils all over India or authorities on behalf of the Association.

(xvii) To perform such other duties as may be directed by the Executive Committee or by the President.

(xviii) To transact all other necessary business.

(xix) In all matters of importance, the Secretary shall take any decision in consultation with the President, or the Acting President except in matters of routine nature, provided that the matters must be placed before the next meeting of the Executive Committee for ratification.

### **13. RIGHTS AND DUTIES OF THE JOINT SECRETARY:**

(i) To help the Secretary in carrying out his duties.

(ii) In absence of the Secretary to act for him and to perform all the duties and exercise all the powers of the Secretary.

(iii) To do all such acts, deeds and things as may be authorised by the Executive Committee.

### **14. RIGHTS AND DUTIES OF THE TREASURER:**

(i) To take care of the funds of the Association and to see that the accounts are kept and maintained properly.

(ii) To manage collection, disbursement and reimbursements and keep proper accounts for the same.

(iii) To draw and receive interest on funds, investments, deposits etc and to grant proper receipts and acknowledgements for money received.

(iv) To sign on behalf of the Association on any receipts as may be directed by the Executive Committee.

(v) To prepare Annual and Periodical Budgets and place the same before the Executive Committee and the Trust Board for Approval.

(vi) To put up before the Annual General Meeting of the Association the accounts including audited accounts for the year.

(vii) To open and operate the Bank Account(s) of the Association under these rules.

(viii) To deposit the surplus money in the Bank.

(ix) To follow and carry out directives of the Executive Committee and the Trust Board in connection with financial affairs of the Association.

### **15. EXECUTIVE COMMITTEE:**

(i) The Executive Committee of the Association shall consist of the six office bearers and six other Members, which shall be elected in accordance with the rules in the Annual General Meeting and shall hold office for a terms of two years and until the Annual General Meeting wherein the election is due is held. The executive committee so elected can nominate upto 3 from out of its members during its term. Such nominated members shall however not be entitled to vote.

(ii) If any vacancy is caused in the post of the President, the same shall be filled up by any of the Vice –

President as may be nominated by the Executive Committee within 15 days from the date of the vacancy who shall discharge the functions of the President till the next Annual General Meeting.

(iii) If any vacancy is caused in the executive committee or office bearers the same shall be filled up by the Executive Committee from among its members in its next meeting after the date of such vacancy.

(iv) The Executive Committee shall meet at least four times in a year and the interval between two meetings shall not exceed four months. Such meetings shall be held at the office of the Association or at such other place if required under compelling circumstances and pre-decided by the executive committee in its earlier meeting.

(v) Absence without leave, of any member of the Executive committee from three consecutive meetings of the Executive Committee, such absentee member may be removed from the Executive Committee by passing resolution, however the quorum of the such meeting shall be at least nine elected members present and the resolution is voted in favor of removal by at least such member.

(vi) A meeting of the Executive Committee shall be called by the Secretary by giving not less than 7 days notice specifying the place, time and the agenda of the meeting. Such notice shall be given to every member of the Executive Committee. In case of urgency, such meeting may be called by the President or with his consent by the Secretary giving a notice of not less than 24 hours.

(vii) The Executive Committee shall have power to act notwithstanding any vacancy in its members.

(viii) If any requisition signed by at least 5 members of the Executive Committee is received by the Secretary to call a meeting of the Executive Committee to discuss any subject which is in conformity with the objects of the Association, he shall within 10 days of the receipt of such requisition, issue notice calling such meeting within 20 days from the date of receipt of the notice as per the rules and regulations of the Association for issue of notice. If the Secretary fails to issue notice within the aforesaid period, the requisitionists may after 10 days but within 20 days from the expiry of the aforesaid period of 10 days call such meeting to be held within 50 days from the date of receipt of such notice by the Secretary at the Registered Office of the Association and no subject other than the subject mentioned in the requisition notice shall be discussed. The quorum of such meeting shall be 7 of members of the Executive Committee present in person excluding nominated members.

(ix) The Executive Committee shall have general power of supervision and control over all the activities and affairs of the Association and in particular shall have the following powers, rights, duties, responsibilities and functions:

(a) To exercise overall control and supervision in connection with all the matters relating to the management of the Association, in addition to the powers and authorities given by these presents or otherwise expressly conferred upon it, the executive committee may exercise all such powers and do all such acts and things as it may deem fit for furtherance of the objects of the Association or conferred by

the statute expressly directed.

(b) To fix date, place, time and agenda of Annual General Meetings and Extra Ordinary General Meetings and to draw up its own resolutions to be put up before the Annual General Meetings or the Extra Ordinary General Meetings.

(c) To acquire and hold, deal with and dispose of the properties and to invest and deal with the funds for and on behalf of the Association.

(d) To appoint, suspend, terminate the services of the staff.

(e) To appoint Election Officers consisting of not less than 3(three) members but not more than 4(four) members and any one of them as Chief Election Officer to conduct the election of the Association for the next term at least forty days before the date fixed for election.

(f) To refer any matter to the Extra ordinary General Meeting of Association to seek its advice, if necessary.

(g) To consider and approve the Annual Report as presented by the Secretary for placing the same in the Annual General Meeting.

(h) To carry out the directions of the Annual General Meetings and the extra ordinary General Meetings in respect of the funds properties and investments, income and expenditure of the Association.

(i) To receive and accept donations, contributions, subscriptions, special subscriptions, gifts, bequest and endowments of both movable and immovable properties and to receive monetary grant and aids from the public, institutions or organisations, corporations, local authorities and Government and other bodies.

(j) To raise, establish or set apart funds for specific purposes and to receive and accept donations, contributions, gifts etc both of moveable and immovable properties and subscription for such purpose.

(k) To plan, discuss, approve and prepare the Annual, Interim or Periodical Budgets

(l) To raise, disburse or reimburse the funds according to the budget passed as may be approved.

(m) To incur any expenses necessary to execute, administer, manage and supervise the activities of the Association.

(n) To accept donations, charities and gifts in accordance with the objects of the Association and to grant unconditional donations.

(o) To cause to be kept proper accounts in the Association and to discuss and pass the accounts as presented to it by the Secretary or Treasurer before the same are put for approval and adoption in the Annual General Meeting.

(p) To exercise control over the books of Accounts of the Association and discuss and approve the accounts to be placed in the Annual General Meeting by the Secretary or the Treasurer.

(q) To authorise opening of bank account or accounts in the name of the Association which shall be operated jointly by any two of the Office Bearers being the President, Secretary and the Treasurer as may

be authorised by the Executive Committee.

(r) To arrange for and/or authorise the signing or execution of any agreement, contract, instrument, document or any other paper or writing required to be signed or executed on behalf of the Association and to make the same effective and binding as if the said agreement, contract, instrument, document or paper or writing were signed by all the members.

(s) To authorise President/Secretary or any other office bearer to institute, conduct, defend, compound or abandon any legal proceedings by or against the Association or its office bearers or otherwise concerning the affairs of the Association and also to compound and settle such legal proceedings and allow time for payment and satisfaction of any debts due to the Association and/ or refer any claim or demands by or against the Association to arbitration and to accept, observe and perform the awards.

(t) To authorise one or more office bearers or other members or persons to conduct any legal actions, suit or proceedings by or against the Association

(u) To delegate powers and functions to the members or others and to form sub committee(s) in furtherance of the objects of the Association subject to such rules and regulation as the Executive Committee may decide. The President and Secretary of the executive Committee shall always be the ex-officio members of such committee(s).

(v) To decide on all the matters pertaining to or in connection with the administration and functioning of the subcommittee(s) and to take appropriate action on the reports.

(w) To appoint extra ordinary advisors with such powers and duties as may be considered necessary or expedient and to remove them.

(x) To define the powers and duties of the Departmental heads/Secretaries/ Sanyojaks.

(y) To increase or reduce the membership fees/subscription as per direction of the Annual General Meeting.

(z) To frame rules, regulations and bye laws in conformity with the objects of the Association.

(za) At the end of each Annual General meeting, the new Executive Committee will take charge within seven days from the outgoing committee and shall call its first Meeting and shall take steps for implementation in respect of all resolutions passed or proposals made in the General Meeting.

## **16. SUB COMMITTEES:**

There may be the sub committees viz.

- (1) Administration and Finance Sub Committee.
- (2) Library, Research and Study Sub Committee.
- (3) Law and Liaison Sub Committee.
- (4) Seminar, Lecture and Cultural Affairs Sub Committee.
- (5) Grievance Sub Committee, and

(6) Any other Sub Committee that may be necessary to implement the Objects of the Association.

The President and the Secretary of the Association will be the Ex-Officio member and the Secretary or any other member as may be decided by the Executive Committee shall be the convener of the each of the sub committees. Each Sub Committee either on its own initiative or at the instance of the Executive Committee shall undertake to perform any matter for which it is constituted.

**17. ANNUAL GENERAL MEETING:**

(i) The Annual General meeting shall be convened by the Secretary in consultation with the President and as directed by the Executive Committee every year preferably within six months but in any case not less than 9 months, provided not more than 15 months shall elapse between 2 (Two) AGM, following the end of preceding Financial year, with not less than 30 days' clear notice in writing. The meeting shall be held at the principal office of the Association. Such notice shall specify the place, date, time and agenda of the meeting and shall be sent to all the members of the Association either delivered by hand or by post or by e mail if available. If under any circumstances beyond the control of the Executive Committee, the Annual General Meeting as prescribed above is not convened in time the same be convened and held at any time as early as possible provided that the Executive Committee shall record the reasons for such delay in convening the Annual general Meeting by a resolution to that effect. In that event the outgoing Secretary, Joint Secretary and the Treasurer shall be responsible for answering all questions arising in the General Meeting about the events, incidents and accounts of the Association recorded or maintained by them to the satisfaction of the members.

(ii) The following business shall ordinarily be conducted at the Annual General Meeting.

(a) To confirm the minutes of the last Annual General Meeting.

(b) To consider and if thought fit, pass, approve and adopt the Secretary's report to the members, the statement of Receipts and Payments, Income and Expenditure Account and a Balance Sheet of the Association as at the end of the relevant financial year as approved by the Executive committee and duly audited by the Auditor for the year.

(c) To review and raise the admission fee and subscription payable by the members if so considered and direct the executive committee accordingly.

(d) To elect the Office bearers and other members of the Executive Committee when due and the Auditor for the Current year.

(e) To consider any matter at the discretion of the President for which a proper notice has been given by any member of the Association entitled to vote by signing such a notice in writing and depositing with or sending it to the Secretary so as to reach him at least one week before the date of the Annual General Meeting and

(f) To consider any other matter with the permission of the Chairman.



(iii) The quorum of the Annual General meeting shall be 1/10<sup>th</sup> (One- tenth) members present in person. However, if there is no quorum the meeting shall be adjourned for 30 minutes. At the adjourned meeting 41 members present shall form the quorum and hold the meeting. If such adjourned meeting cannot also be held for want of quorum, fresh notice shall be given for holding the cancelled meeting in the manner hereinbefore mentioned.

#### **18. EXTRA ORDINARY GENERAL MEETING:**

(i) The Executive Committee may direct the Secretary to convene, for the consideration of any matter, which in the opinion of the Executive Committee, should be considered in the Extra Annual General Meeting of the Association and the Secretary shall thereupon convene, an Extra Ordinary General Meeting at the principal office of the association by issuing a notice at least 15 days before the date of meeting. Such notice shall specify the place, date, time and agenda of the meeting and shall be sent to all the members of the Association in the same manner as if it is Annual General Meeting. The following business from among others shall be conducted as the Extra ordinary General Meeting:

(a) To terminate the membership of a member

(b) To sell immovable properties of the Association

(c) To amend, alter and modify rules and regulations of the Association and/ or to delete any of the rules and/or to insert new rules and regulations in respect of any matter.

(d) No business other than included in the agenda can be conducted in the meeting.

(ii) The quorum of the meeting shall be 1/10<sup>th</sup> of the members present in person shall be required to pass a resolution in such Extra ordinary General Meeting.

#### **19. REQUISITION MEETING.**

The Secretary shall, on receipt of a valid requisition of 51 members call a Requisition Meeting. In case of such requisition the following provisions shall apply:-

(i) The requisitions shall state the matter or matters to be considered and shall send the requisition to the Registered Office of the Association either by Registered Post or deliver the same by hand.

(ii) The Secretary shall call the requisition meeting within 20 days from the date of receipt of the requisition by issuing a notice at least 15 days before the date of meeting. The meeting shall be held at the principal office of the association and the notice shall specify date, time and agenda of the requisition meeting and shall be sent to all the members of the Association in the same manner in which notice for Annual General Meeting is sent. If the Secretary fails to call the meeting as requisitioned, the requisitionists may call such meeting with the same agenda after giving at least 15 days' notice which shall specify date, time and agenda of the meeting. However, such meeting shall not be held after 60 days

from the date of receipt of the requisition by the Association. Such meeting shall be held at the Registered Office of the Association. The Quorum for meeting shall be 75 members present in person.

**20. SUB COMMITTEE MEETING:**

(i) Each Sub Committee shall hold meetings from time to time as occasion arises by giving 48 hours notice.

(ii) No meeting of any subcommittee shall be held without its Convener being present at the meeting.

(iii) The Secretary or the Convenor as the case may be, shall prepare a report or recommendation, or decision of the sub Committee, as the case may be, and place the same in the next Executive Committee Meeting.

(iv) In case the Executive Committee desires the consideration of a particular topic by the sub-Committee, it shall send to the Sub Committee concerned, addressing to the Convener with a brief or a summary.

**21. VOTING:**

No defaulting member will be entitled to vote in an Annual General Meeting, Extra Ordinary General Meeting or in the Requisition meeting.

**22. ANNUAL ELECTION PROCEDURE:**

(a) At least 30 (thirty ) days prior to the date of Annual General Meeting, the Secretary shall inform the constitution of Election Officers, by sending a notice calling for the Annual General Meeting to all the members of the Association entitled to vote, for election, requesting them to send, if so desired, nominations along with nomination filing fees as may be decided by the Executive Committee from time to time as an Office bearer and/or member of Executive Committee in a prescribed form to be sent with the circular letter to be approved by the Election Officers and a copy thereof shall be affixed on the Notice Board of the Association and the Election Officers shall take all steps to conduct the elections under the procedure provided hereafter.

**23. ELECTION:**

Subject to the rules election shall be held in every two years so that the newly elected Executive Committee may take charge immediately as per rules. Voting, if required shall be held by Secret ballot. The Election Officers shall formulate the program of the elections which shall be as under:

(i) Period in which nomination forms shall be available to the members desiring to contest the election for the Executive Committee.

(ii) Period in which the nomination form duly completed along with Nomination filing fees as per the Schedule Annexed hereto is required to be filed/submitted for which valid receipt for the nomination paper and filing fee shall be issued by the Election Officers.

(a) If any member withdraws his/her nomination, only fifty percent of the Nomination filing fees so deposited shall be refunded to the member within 7 working days after the completion of the entire election procedure by the Election Officer provided the original receipt is presented before him.

(iii) Date and time of scrutiny of the nomination papers.

(iv) Period during which nomination paper may be withdrawn.

(v) Date and time of voting if necessary.

(vi) Date and time of declaration of results.

(vii) All decisions with regard to the election shall be taken by the Election Officers to be taken unanimously or by majority and in case of equality of votes the Chief Election Officer shall have a casting vote.

#### **24. ELECTION OFFICERS:**

The Secretary shall submit the list of the members of the Election Officers at least before 30 days of the date of election. The Election Officers shall conduct the election as per the rules mentioned above and by deciding any additional procedure as well as for counting procedure. The Election Officers after counting shall immediately inform the results in the meeting itself as well as on the notice board at all the offices of the Association and also by informing the same to the outgoing Executive Committee through its President or Secretary and the newly elected Executive Committee individually. The Election Officers shall have the power to require any member (not being a contestant, proposer or seconded in the election being held) to assist them in conducting the elections. The Election Officers shall be the sole authority to decide validity of any vote and their decision in that respect shall be final and binding on all. The Election Officers shall not be entitled to contest the election or hold the post of any office bearer in the Executive Committee elected under them. The Election Officers shall not involve themselves in any matter except election and its procedure.

After the results of the election of the Executive Committee is declared by the Election Officers, the outgoing Secretary shall within 7 days call a joint meeting of the incoming and outgoing Executive Committee and handover charge to the newly elected Executive Committee. If the outgoing Secretary fails to call the meeting the President elected shall, call the meeting of the Executive Committee and take all necessary steps to take over the management of the Association.

#### **25. ACCOUNTS AND AUDIT:**

The Accounts of the Association shall be maintained according to the financial year that is to say, a period of twelve months commencing from 1st day of April to the 31<sup>st</sup> day of March every year. The Accounts of the Association for a particular period shall be audited by an Auditor appointed at the Annual General Meeting every year. The Auditor so appointed shall hold office till the next Annual General Meeting. Any vacancy caused as to such appointment shall be filled up by the Executive Committee. The

Audited Accounts and the report of the Auditor thereon are to be sent with the notice convening the Annual General Meeting. The Remuneration of the Auditor if any shall be fixed by the Annual General Meeting.

26. (Deleted by Registrar at the time of approval and registration)

**27. NOTICE:**

Notice for all the meeting of the Association shall be given by the Secretary by affixing a copy of the notice upon the notice Boards of the Association or by post or hand delivery or by E Mail, SMS or any other electronic communication (subject to acceptance of the notice) except in the case of Annual General Meeting, Extra Ordinary General Meeting and Requisition Meeting, Executive Committee meeting or Sub-committee meeting, notice in writing shall be sent by post or hand delivery or e mail to the individual member at the addresses of the member as recorded in the Register of members.

Provided, however, no fresh notice will be given for any adjourned Annual General Meeting or adjourned Extra Ordinary General Meeting as provided in Rule. Non-receipt of any such notice on any member shall however not invalidate the concerned meeting.

**28. AMENDMENT:**

The Rules of the Association may be amended, altered, added to or rescinded by a resolution passed at the Annual General Meeting or at an Extra Ordinary General Meeting of the Association convened for the purposes for which specific agenda proposing the amendment, alteration, addition or deletion shall be circulated amongst members as per Section 8 and 9 of W.B.S.R. Act, 1961.

**29. APPLICATION OF WEST BENGAL SOCIETIES REGISTRATION ACT:**

Wherever any provision is made, or any provision is contradictory to the provisions of West Bengal Societies Registration Act, the provision of West Bengal Societies Registration Act shall apply.

The 2<sup>nd</sup> day of September, 2016.

Place: Kolkata

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