

**Dated:**

The Registrar of Societies,  
NCT of Delhi,

-----,

Delhi

Dear Sir,

Sub: Registration of Society **XYZ CHARITABLE SOCIETY, Tri Nagar**

Please find enclosed herewith the following documents for registration of Society in the name of **XYZ CHARITABLE SOCIETY, Tri Nagar**: -

1. Copy of Memorandum of Association in duplicate.
2. Copy of Rules and Regulations of the Society in duplicate.
3. Copy of Affidavit from the President regarding the relationship amongst the desirous persons.
4. Copy of Affidavit regarding No-objection from the owner of the premises where the Registered Office of the proposed society will be situated.
5. Copy of the residence proof of all the desirous persons.
6. Copy of the House Tax Receipt and Property Tax Bill in respect of premises proposed to be registered office of the society.
7. Requisite fee in cash.

Hope you will find the above documents in order.

Kindly register the society under the Societies Registration Act,1860 and issue a certificate of Registration.

With regards,

**(Applicant)**

Encl: As above

On Non-Judicial Stamp Paper of Rs.100

**AFFIDAVIT**

I, XXXXXX, S/o, D/0, W/o XXXXXXXXXXXX, Resident of XXXXXXXXXXXXXXXX, Tri Nagar, Delhi-110035, do hereby solemnly affirm and declare as under:

1. That I am the legal owner/General Power of Attorney holder/allottee and in possession of the property bearing No. XXXXXXXXXXX, Tri Nagar, Delhi-110035.
2. That I shall have “No Objection” if the Registered Office of the Society named **“XYZ CHARITABLE SOCIETY, TRI NAGAR”** is situated at my above said premises at XXXXXXXX, Tri Nagar, Delhi-110035.

DEPONENT

VERIFICATION

Verified at Delhi, on this the ..... day of ....., 2009 that contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

DEPONENT

On Non-Judicial Stamp Paper of Rs.100

### AFFIDAVIT

I, Applicant, S/o Sh. ...., Resident of XXXXXXXX, Tri Nagar, Delhi-110035, do hereby solemnly affirm and declare as under:

1. That I am the person named as the President of the proposed Society named **“XYZ CHARITABLE SOCIETY, TRI NAGAR”**.
2. That the desirous persons of the above society are not related to each other by way of blood relation or otherwise;
3. That the name of proposed Society is not identical or resemble to any other registered/unregistered Society in our locality as per my knowledge.
4. That if the name of this Society is found attracting the provisions of Emblems and Names (Prevention of Improper Act) Act of 1950 and/or identical or resemble closely with any other Societies which are already registered under Societies Registration Act, 1860 in the NCT of Delhi and other law of land applicable to them, the registration granted shall be deemed to have been withdrawn, rescinded under the general law of the Society, if the Society fails to change the name within the given time to do so by the Registrar of Societies, Delhi.

DEPONENT

VERIFICATION

Verified at Delhi, on this ..... day of ....., 2009 that contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

DEPONENT

**MEMORANDUM OF ASSOCIATION**

1. **Name of the Association:** The name of the society shall be “**XYZ CHARITABLE SOCIETY, TRI NAGAR**”
  
2. **Registered Office:** The Registered office of the society shall remain situated in the union Territory of Delhi and at present it is at the following address:  
**XXXXXXXXXX,**  
**Tri Nagar, Delhi-110035**
  
3. **Aims and objects of the society :** The aims and objects of the Society are as under :-
  - (i) To start ,establish ,run, take over or manage and maintain schools, with an object to provide sound pre-primary, primary, middle, secondary, senior secondary and higher education to children by seeking recognition.
  - (ii) To arrange and manage the training institutions in Typing, shorthand, computer, Fine arts, Crafts, Music, Painting, Modeling, Dancing, yoga, Physical education and other professional training subjects.
  - (iii) To conduct research in education and other disciplines on the different subjects relating to education.
  - (iv) To promote literacy, cultural and other social activities by awareness programmes, Adult Education Classes, Lectures, Essay Competitions, Exhibitions, Symposiums, cultural Programmes, Press conference and seminars.
  - (v) To provide food, clothes, medical aid, stationery, transportation, Libraries, Laboratories ,reading rooms, hostels, playgrounds, swimming pool and other possible facilities to the students and also to the members of the society.
  - (vi) To encourage, employ or hire appropriate staff workers, legal experts and other professionals, attorneys, managers and agents for the work and furtherance of the aims and objects of the society and to pay their wages, salaries, stipends or fees.

- (vii) To arrange and organize various kinds of child welfare programmes/activities.
- (viii) To purchase/acquire the land and/or the building in the name of the society and to make construction thereupon.
- (ix) To do such other things/acts/activities which are necessary and which may be incidental or conducive to the attainment of any of the object of the society.
- (x) All the activities shall be non-profitable and shall be done on “No Profit-No Loss “ basis.
- (xi) All the incomes, earnings, movable/immovable properties of the society shall be solely utilized and applied towards the promotion of its aims and objects only as set forth in the Memorandum of Association of the society and no profit thereof shall be paid or transferred directly or indirectly by way of dividends, bonus, profits or in any manner whatsoever to the present or the past members of the society or to any person claiming through any or more of the present or the past members. No member of the society shall have any personal claim on any movable or immovable properties of the society or to make any profits, whatsoever, by virtue of his membership.

4. Functional Area of the society shall be in N.C.T. of Delhi.

#### 5. GOVERNING BODY

The name, address, occupation and designations of the present members of the governing body to whom the management of the society is entrusted as required under section 2 of the Societies Registration Act ,1860, as applicable to the NCT of Delhi, are as follows:-

S.N.	Full Name	Address	Occupation	Designation
1			Business	PRESIDENT
2			Business	VICE-PRESIDENT
3			Business	GENERAL SECRETARY

4			Business	SECRETARY
5			Business	TREASURER
6			Business	MEMBER
7			Business	MEMBER
8			Business	MEMBER

### **6.DESIROUS PERSONS**

We the undersigned desirous of forming a society named "“**XYZ CHARITABLE SOCIETY, TRI NAGAR**” under the Societies Registration Act, 1860, as applicable to the NCT of Delhi., in pursuance of this Memorandum of Association of the Society:.

<b>S.N.</b>	<b>Full Name</b>	<b>Address</b>	<b>Occupation</b>	<b>Signature</b>	<b>Signature of Person Attesting</b>
1			Business		
2			Business		
3			Business		
4			Business		
5			Business		
6			Business		
7			Business		
8			Business		

Place:

Dated:



## **RULES AND REGULATIONS**

**Name of the Society: - “XYZ CHARITABLE SOCIETY, TRI NAGAR”**

### **MEMBERSHIP**

**1. Definition of a member:** - The membership of the society is open to all persons and institutions irrespective of their nationality, citizenship, cast or creed or place where they live or are registered. Any person whose age is above 18 years and follow the rules and regulations of the society, can become a member of the Society. Any person may be enrolled after having filled the prescribed form along with the applicable fee in this behalf and attaining approval from the governing body of the Society.

**Note:** If the Governing Body of the Society does not approve the membership, the reason for the refusal shall be communicated to the person/applicant concerned.

### **2. Annual Fees and Subscription of Members:**

- a. The rate of yearly subscription for all members shall be Rs. 100/-
- b. The life membership fee shall be Rs. 1,000.

The rate of all subscriptions is subject to change and any such changes should be decided by the General Body Meeting (GBM) as and when felt necessary by the Society.

### **3. Qualification for Membership:**

- i) A person, desirous to be a member of the Society must know reading, writing and speaking the national language Hindi and English.
- ii) The applicant must have a good moral character. He should be mentally alert and dutiful to serve his country.



#### **4. Cessation of Memberships**

The Governing Body of the Society on the following grounds can terminate/expel the membership of a person

- i) On the person's death.
- ii) If yearly subscription is not paid within three months of the due date.
- iii) If a member works against the aims and objectives of the Society as laid down in MOA.
- iv) If the member tenders resignation.
- v) If the member fails to attend 3 consecutive General Body Meetings without intimating the Society.
- vi) If any member has been found undisciplined or guilty of any other activity, not mentioned in MOA or R&R, and approved for disqualification by three-fifth members of the General Body of the Society.
- vii) If adjudged by any court of law to be a criminal offender.
- viii) If found to be involved in any anti social activities.
- ix) On Mental retardation of the member
- x) Members found to be involved in a case of Moral Turpitude.

**NOTE:** The decision of the Governing Body regarding the termination from the Membership of the Society shall be communicated to the member concerned by ordinary post. Any member, expelled by the society on any grounds mentioned above, shall have a right to appeal before the General Body, which may or may not be accepted.

#### **5. Appeal and Readmission of Members:**

All the appeals shall be referred to the General body of the Society whose decision shall be final.

Readmission would be effected if the decision of the General body is in favour of the expelled member. The rejections of appeals with the reasons shall be communicated to the expelled member in writing by ordinary post.

## **6.Rights and Privileges of Members :**

- i) Participate in the general body meeting,
- ii) A member will have the right to vote in favour or against of election of any post of the governing body.
- iii) A member can introduce or second any member's name for the election of governing body.
- iv) A member can introduce or second any resolution in the general body with the permission of president.
- v) A member can vote in favour or against any resolution according to his own will in general assembly.
- vi) A member can contest election for any post of the governing body, if a member introduces his name and another member seconds him for the said purpose.
- vii) A member can inspect the records of the Society with prior approval of the General Body,
- viii) A member can challenge for any irregularity in the accounts and other records of the Society and can refer it to the president.
- ix) Participate in functions, cultural and social get-together as and when programmed by the Society .

## **7.Duties of the Members:**

- i) A member shall give the necessary information to the Society, pertaining to any matter which is necessary to be known by the Society,
- ii) A member shall not indulge in activities which are prejudicial to the aims and Objects and / or the Rules & Regulations of the Society.

## **GENERAL BODY**

### **8. Definition of General Body:**

(i) General Body shall consist of all members of the society. An emergent meeting of the General Body may be called on the written request of three fifth members with a fifteen days prior notice for such meeting. The General Body meeting will be presided by the President of the Society. The Quorum of general Body meeting shall be 2/3<sup>rd</sup> of the total strength of members of the Society.

The following business shall be transacted in General Body's meetings:

- a) To prepare annual programmes and policies of the Society
- b) To discuss and decide all other matters and issues which are directly related to the affairs of the Society
- c) To pass annual budget of the Society.

### **9. Founder Members:**

The members of the First Governing Body/Executive Committee shall be known as Founder Members of the Society.

### **10. Patron of Society:**

Governing Body will appoint Patron(s) of the Society from time to time.

### **11. Powers and duties of the General Body:**

- i) Governing Body shall be responsible for the management and administration of all affairs of the Society, and is also authorised to appoint any office bearer/executive member to look after any particular activity.
- ii) All the decisions in General Body's meetings shall be taken by the majority votes.
- iii) General Body shall elect the governing body with majority (more than ½ of members present in the General Body's meeting).

- iv) If a post in the governing body falls vacant in the mid-session due to one reason or the other, the governing body can fill it up tentatively but general body is empowered to approve or disapprove it in its next meeting.
- v) General body will act as a watch-dog of all the activities and functioning of the governing body.
- vi) Governing Body will check and challenge for any irregularity in the financial accounts of the Society.
- vii) The General Body shall have the powers as are the powers of the Society, mentioned in the Memorandum of the Society and in these Rules & Regulations.

#### **12.Quorum and notice of the meetings and the Periodicity of the meetings:**

- i) General body will meet at least once in a year. The quorum for this meeting will be completed only when more than  $2/3^{\text{rd}}$  of members are present in the meeting. A notice will be served to all the members at least 15 days before the date fixed for the meeting. If the Quorum is not available, the meeting will be postponed at least for two weeks. The notice of the next meeting will be served to all the members at least one week prior to the date of the next meeting of general body.
- ii) The Quorum for postponed meeting shall be  $1/2$  of all the members on roll. In case the presence of less than  $1/2$  member, it shall be postponed further for one week and a notice of twenty four hours will be sufficient to call this meeting again.
- iii) The quorum for this second postponed meeting shall be  $1/4$  of all the members on roll at that time.
- iv) The Urgent General Body Meeting may be called by a 24 Hours notice by the President but the quorum for such Urgent General Body Meeting shall be  $2/3^{\text{rd}}$  of the total strength of the General Body of the Society.

## **GOVERNING BODY**

### **8. Definition of Governing Body**

Eight office bearers elected by the general body shall constitute the governing body.

### **9. Composition of Governing Body**

Composition of the governing body shall be as follows:

<b>a) President</b>	<b>One</b>
<b>b) Vice presidents</b>	<b>One</b>
<b>c) General Secretary</b>	<b>One</b>
<b>d) Secretary</b>	<b>One</b>
<b>e) Cashier/ Treasurer</b>	<b>One</b>
<b>f) Executive Members</b>	<b>Three</b>
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<b>Total members</b>	<b>Eight</b>

### **10. Terms, Notice of Meeting and Quorum**

- i) Term of office is fixed for Two Years, but it can be extended for further one year at first time and another one year for the second time, in case the elections at the General body could not be held.
- ii) Minimum 7 (seven) days notice shall be required for Governing Body Meeting.
- iii) Quorum of every Governing Body Meeting shall be 2/3rd of the total strength of the Governing Body (including office bearers and executive members). If the Quorum is not available, the meeting will be postponed at least for two weeks. The notice of the next meeting will be served to all the members at least one week prior to the date of the next meeting of governing body.
- iv) The Quorum for postponed meeting shall be 1/2 of all the members on roll. In case the presence of less than 1/2 member, it shall be postponed further for one week and a notice of twenty four hours will be sufficient to call this meeting again.

- v) The quorum for this second postponed meeting shall be 1/4 of all the members on roll at that time.

### **16.Election of Governing Body**

Election and its mode:

- a) Election for all the posts will be direct i.e. by general body at the end of each office term in a democratic way.
- b) If a member, introduced by one and seconded by another, gets majority of the votes present in the meeting, he shall be declared elected by the president for that post for which his name was introduced.
- c) Counting of the votes shall be done by counting of the hands raised in the favour of the candidate. In case of any dispute or/and at the discretion of the president of the meeting, the election shall be by mode of secret ballot.

### **17.Power & Duties of Governing Body:**

- i) Governing body shall manage and look after all the day to day activities of the Society to promote its aims and objects
- ii) Governing body shall execute all the decisions taken by majority in the meetings of the general body.
- iii) Governing body shall take decisions with majority in its meeting, depute one/several members sub-committee to execute its decisions.
- iv) Governing body shall prepare plans, projects and programmes.
- v) Governing body shall invest the funds of the Society not immediately required in such a manner as may be determined by the Governing Body complying with the provisions of relevant laws.
- vi) Governing body shall arrange and receive the loan(s) from any Bank(s) or from any legal entity or individual(s) on reasonable terms and conditions, the Governing Body as a whole shall be liable for its return.
- vii) Governing body shall accept donations, grants, gifts, contributions, subscriptions and endowment;
- viii) Governing body shall collect funds and accept donations in cash or in kind and to utilize the same and the income therefrom for the purpose of the Society;

- ix) Governing body shall receive money, securities, instruments and or any other moveable property for and on behalf of the Society;
- x) Governing body shall enter into agreement for and on behalf of the Society
- xi) Governing body shall send representative(s) to any exhibition or contests and trainings etc. within or outside India.
- xii) Governing body shall have the power to initiate prosecutions and defend legal proceedings as may be reasonable and proper for safeguarding the interests of the Society Funds and for the purpose of attaining its objectives
- xiii) Governing body shall maintain proper records of its activities and an account of all the transactions done by it during its tenure.
- xiv) Governing body as a whole will be responsible for irregularity if any in the maintenance of yearly income-expenditure statements.
- xv) Governing body shall manage for the audit of all the accounts at least once in a year.
- xvi) Governing body shall fill up a post falling vacant tentatively (if any) by majority. This posting is subject to the approval of the general body in the next general body meeting.
- xvii) The meeting of governing body shall be called by the president / secretary at least once in three months with a notice of not less than seven days. However an emergency meeting can be called on a notice of Twenty-Four hours.
- xviii) Governing body shall appoint the Patron(s) of the Society

### **18.Re-Admission of Members:**

In case, any member of the Society is expelled from the General Body on the ground of non-payment of subscription, he can be re-admitted with the permission of the Governing Body, provided the member concerned pays all the dues up to the date of such re-admission.

### **19.Appeals:**

All the appeals shall be referred to the General Body of the Society. The decision of the General Body shall be final. The decision of the General Body shall be communicated to the member concerned.

## **20. Filling of Casual Vacancies:**

Any casual vacancy, amongst Office Bearers & Executive Members of the Governing Body, shall be filled by the resolution passed by the Governing Body. The General Body in its next General Body Meeting held after such appointment shall confirm such appointment(s).

## **POWERS AND DUTIES OF THE OFFICE BEARERS:**

### **21 Powers and Duties of President:**

President shall subject to control and supervision of the Governing Body, have the power to give general directions and to manage the affairs of the Society.

The President of the Society shall enjoy the following powers and perform following duties:

- i) To preside all the meetings of the Society.
- ii) To decide the periodicity, agenda, venue and time of meetings with the help of the other members of the governing body.
- iii) To sanction necessary expenditure (both Revenue and Capital) to promote aims and objectives of society.
- iv) To accept or reject the membership of any applicant on the recommendation of the secretary.
- v) To review and look after the day to day activity of the Society.
- vi) To review and look after the actual expenditure incurred to promote aims and objects of the society.
- vii) To sign all the papers/letters, on behalf of the Society, to conduct necessary correspondence on behalf of the society.
- viii) In the event of any Office Bearer's/Executive Member's seat falling vacant, the powers and functions of that Office Bearer/Executive Member would vest with the President
- ix) To postpone the meeting if the Quorum required is not present.
- x) To get the accounts of the Society audited by the Qualified Auditor, appointed by the Governing Body of the Society.
- xi) At the time of voting on any matter /subject (except Election), if the votes of members cast in favour and those against, are found to be equal in number, the President has the power to cast an extra vote to decide the matter/subject.



- xii) He is authorised to incur an expenditure up to Rs. 25,000/- only at a time, subject to the approval of next governing body meeting.

## **22.Powers and Duties of Vice President:**

In the absence of President,all the duties and the powers as vested n him, except sanctioning of the expenditure, shall be executed by the vice president.

## **23.Duties and Powers of General Secretary**

- i) He shall be responsible for execution of the decisions taken by majority in the governing body meetings.
- ii) He shall look after all the day to day activities of the Society.
- iii) He shall be responsible for the proper expenditure of the funds to promote Aims and objects of the Society.
- iv) He shall recommend for the acceptance / rejection for membership of an applicant.
- v) He shall call the meetings of the society as and when required with the consent of the president.
- vi) He shall conduct the meetings according to the agenda and under the guidance of the president.
- vii) He shall maintain membership register, proceedings register to record the minutes of General body meetings and also of Governing body meetings of the Society and to have them duly signed by the members who would have attended those meetings.
- viii) He shall maintain a detailed record of all the important activities of the society
- ix) He is authorised to incur an expenditure of Rs. 10,000/- only at a time, subject to the approval at the next governing body meeting.
- x) He is also authorised to incur an expenditure equal to total amount of project expenditure approved by the governing body, in case the project is approved by the governing body.

## **24.Powers and Duties of Secretary**

In the absence of the General secretary, all the duties and powers in the name of general secretary will be full filled by the secretary.

**25.Powers and Duties of the Cashier/Treasurer:**

- i) He shall receive all the funds, donations and the contributions etc.
- ii) He shall deposit all the incomes of the society in a Scheduled bank(s) or post office and should maintain a proper record of all the deposits and withdrawals therefrom.
- iii) He shall maintain a proper record about all the receipts and expenditures of the Society.
- iv) He shall withdraw the money sanctioned by the president/secretary and pay on behalf of society for all the expenditures to promote aims of the Society.
- v) He shall produce all the Account Books in every Governing Body Meeting
- vi) He shall have an amount of Rs.20,000/- cash in hand maximum to meet out day to day expenses.

**26. Powers and Duties of the Executive Member:**

Executive Member is an important part of the Governing Body. Executive Member is supposed to attend all the Governing Body Meetings and also of the General Body .

**27. BANK ACCOUNT OPERATIONS:**

Bank accounts shall be operated under the signature of either the President solely or the General Secretary jointly with the treasurer of the Society.

**28. SOURCES OF INCOME:**

All the income of the Society (received from all sources) shall be utilized only for the promotion and attainment of the Aims and Objects of the Society. Sources of Income of the Society are as under: -

- (a) Subscription and Membership fee from the members of the Society,
- (b) Donations and Special Contributions... and
- (c) Funds generated by Exhibitions, Functions, Seminars, Cultural programmes and other activities arranged by the Society.

### **29. ADVISORY BOARD:**

The Governing Body is authorized to appoint/nominate, any time, the Advisory Board to solve any matter/issue. The Governing Body of the Society can nominate any Office Bearer/Executive Member as the CHAIRMAN of this kind of Advisory Board.

### **30. FINANCIAL YEAR:**

Financial Year of Society shall be from 1<sup>st</sup> Day of April to 31<sup>st</sup> March, every year.

### **31. ANNUAL LIST OF GOVERNING BODY**

Once in every year a list of the office bearers and members of the Managing / Governing body shall be filed with the Registrar of Societies, Delhi as required under section 4 of the Societies Registration Act, 1860 as applicable to the National Capital Territory of Delhi.

### **32. LEGAL PROCEEDINGS (Section-6 of the Act)**

The society may sue or be sued in the name of the President / Secretary as per provision laid down under section 6 of the Society Registration Act. 1860, as applicable to the National Capital Territory of Delhi.

### **33. AMENDMENT: -**

Any alteration, extension or abridgement of purposes / aims and objects or change of name of the Society shall be as per Section 12 and Section 12-A of the "SOCIETIES REGISTRATION ACT, 1860", as applicable to the National Capital Territory of Delhi..

**34. AUDIT:**

The Chartered Accountant shall audit the accounts of the Society every year.

**35. DISSOLUTION AND ADJUSTMENT OF AFFAIRS**

If the society needs to be dissolved it shall be dissolved as per provisions laid down under section 13 and 14 of the Societies Registration Act. 1860, as applicable to the National Capital Territory of Delhi.

In the event of the dissolution or winding up of the SOCIETY, the assets remaining as on the date of the dissolution shall under no circumstance be distributed among the members but the same shall be transferred to another charitable Society, society, association or other institution whose objects are similar to those of the SOCIETY and which enjoys exemption under Income Tax Act, 1961.

**36. APPLICATION OF THE ACT**

All the provisions under all the sections of the Societies Registration Act ,1860 ,as applicable to the National Capital Territory of Delhi, shall apply to the Society.

**37. ESSENTIAL CERTIFICATE**

Certified that this is the correct copy of the Rules and Regulations of the Society

**PRESIDENT****GENERAL****SECRETARY****TREASURER**