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Draft format of MOA of the Society



CS Shalinee Jaiswal
on 23 May 2019

MEMORANDUM OF ASSOCIATION OF THE SOCIETY NAMELY

'NAME OF THE SOCIETY'

1.	NAME OF THE SOCIETY:	The Name of the Society shall be "NAME OF THE SOCIETY" (Hereinafter called the Society)
2.	REGISTERED OFFICE:	The registered office of the Society shall remain in the Name of the State and at present it is Full address of the Society

Area of Operation: All India/Name of the State

3. MAIN AIMS AND OBJECTS

The Main Aims and objects for which the Society is established are as under: -

- a. Promoting education, including special education and employment enhancing vocation skills especially among children, women, elderly and the differently abled and livelihood enhancement projects;
- b. Ensuring environmental sustainability, ecological balance, protection of flora and fauna, animal welfare, agroforestry, conservation of natural resources and maintaining quality of soil, air and water;
- c. Protection of national heritage, art and culture including restoration of buildings and sites of historical importance and works of art; setting up public libraries; promotion and development of traditional arts and handicrafts;


ALL THE INCOMES, EARNINGS, MOVABLE OR 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 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 PAST MEMBERS OF THE SOCIETY OR TO ANY PERSON CLAIMING THROUGH ANYONE OR MORE OF THE PRESENT OR PAST MEMBERS. NO MEMBER OF THE SOCIETY SHALL HAVE ANY PERSONAL CLAIM ON ANY MOVABLE OR IMMOVABLE PROPERTIES OF THE SOCIETY OR MAKE ANY PROFITS WHATSOEVER BY VIRTUE OF MEMBERSHIP.

4. GOVERNING BODY

The names, address, occupations and designation 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 **Name of the State**, are as follows :-

S.No.	Name & Address	Occupation	Designation
1			President
2			Secretary
3			Treasurer
4			Executive Member
5			Executive Member
6			Executive Member
7			Executive Member

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5. DESIROUS PERSONS

We the undersigned are desirous of forming a Society namely '**NAME OF THE SOCIETY**' Address of the society under the Societies Registration Act,1860, as applicable to the **Name of the State**, in pursuance of this Memorandum of Association of the Society.

S. No.	Name & Address	Designation	Signature
1			
2			
3			
4			
5			
6			
7			

RULES & REGULATIONS OF THE SOCIETY

1. NAME OF THE SOCIETY

The name of the Society shall be "**NAME OF THE SOCIETY.**"

DEFINITIONS: -

In these Rules & Regulations' unless there is anything repugnant in the subject or context.

- a. The society means 'The Society registered under Societies Registration Act, 1860'.
- b. The governing body means the Governing body/ executive committee or the managing committee of the society.
- c. The General body means: - the general body of the society.
- d. The executive member means: - the member of the governing body.
- e. The member means: - the member of the general body/ society.
- f. The patron means:- The Patron of the society.

2. MEMBERSHIP

The membership of the Society is open to any person who has attained the age of maturity and fulfills the Terms and conditions of the Society but subject to approval of the Governing Body of the Society.

There shall be three types of membership as mentioned hereunder:

i. Founder Life Members

The signatories to the Memorandum of Association as desirous persons and who are also the Members of First Governing Body shall be called Founder Life Members of the Society and jointly they will be called Board of Founder Life Members.

ii. Life Members

All major individuals who have attained the age of maturity and who fulfills the Terms and conditions of the Society may apply to the Secretary on prescribed form to become a member of the Society and the Society may enroll such a person on payment of admission fee, as member of the Society.

The request so received shall be placed by the Secretary in consultation with the President before the Governing Body and the Governing Body may approve or disapprove the name,

iii. Honorary Members

The Governing Body may enroll any person as a Honorary Member for a period of one year only. This period may be extended in case of a specific person as deem fit by the Governing Body.

Note: If the membership is not approved by the Governing Body the reason for refusal shall be communicated to the concerned person/ applicant.

3. ADMISSION FEE & SUBSCRIPTION

The admission fee and the subscription shall be as under;

- a. Admission Fee (at the time of admission): Rs.____ .
- b. Annual Subscription monthly Rs.____

The membership fee/ annual subscription fee can be changed by the Governing Body of the Society as and when required.

4. REFUSAL FOR MEMBERSHIP

The Governing Body may refuse any person for membership provided the reasons for refusal are communicated to the concerned person/ applicant.

5. WITHDRAWAL OF MEMBERSHIP

Any member may withdraw from the membership on express desire to do so through a letter addressed to the General Secretary/Secretary.

6. TERMINATION/ CESSATION OF MEMBERSHIP

The Governing Body of the Society shall have the powers to terminate a member(s) from the membership of the above Society on the following grounds:

- a. On his/ her death.
- b. On his/ her becoming insolvent
- c. If the member fails to pay the subscription timely and continuously for 3 (three) months from the due date of paying the subscriptions. However, a reminder notice (oral/ written) shall be first given by the Governing Body / any authorized person for the payment of subscription fee before termination of his membership on this ground.
- d. If the member works against the aims of the Society or disregards the Rules & Regulations or the decisions of the Governing Body.
- e. If the member tenders his/ her resignation.
- f. If he/ she is found to be involved in any anti-social activities.
- g. If he/ she is adjudged by any court of law to be a criminal offender or of unsound mind.
- h. If he/ she is found guilty by the Governing Body by means of anti propaganda of the aims and objects of the Society.
- a. If the member fails to attend three consecutive meetings without proper intimation to the Society.

NOTE:-

- i. The reason of termination /cessation from the membership of the Society shall be communicated to the concerned member in writing through any mode.
- ii. A member expelled from the membership of the Society shall have no right to enjoy the 'Rights & Privileges' mentioned in clause 8 of these Rules & Regulations.

7. APPEAL AND RE-ADMISSION

Every terminated member shall have a right to appeal before the Governing Body for re- admission and the decision of the Governing Body shall be final.

8. RIGHTS AND PRIVILEGES OF MEMBERS

Every Member shall have the following rights and privileges in the SOCIETY;

- a. Have one vote at every meeting
- b. To vote in the election of the Governing Body and to hold office in the Governing Body if elected for any post.
- c. Every member, their spouse, their dependent children, their parents and guest may use the facilities provided by the SOCIETY on payment of fee/charges as fixed by the Governing Body time to time.
- d. To take part in Seminars, Meetings, Lectures, Discussion, Conferences, cultural and/ or religious functions, Tours and other lawful gatherings of the SOCIETY if desired as such by the Governing Body.
- e. Have right to collect the Identity Card after depositing the required prescribed fee (fixed by the Governing Body).

9. DUTIES OF MEMBERS

All and every member of the Society shall:-

- a. Administer the oath of office and loyalties to the Society and/ or its constitution.
- b. Elect the Governing Body of the Society.
- c. Attend the General Body meetings regularly.
- d. Give necessary information to the Society pertaining to any matter which is necessary to be known by the Society.
- e. Not indulge in activities which are prejudicial to the Aims and Objects and / or the Rules and Regulations of the Society.

10. GENERAL BODY

a. Constitution of General Body

All the members of the Society shall constitute the 'GENERAL BODY' of the Society.

b. Meetings

- i. The meetings of the General Body shall be held at least once in a year.

ii. The emergency meeting of the General Body may be held at any time as desired by the Governing Body.

c. Venue of Meetings

The time, date and place of meeting shall be decided by the Governing Body and shall be notified to all members on roll of the Society with not less than 15 days clear notice and emergency meeting may be summoned with a 3 day notice.

d. Quorum

The quorum of the General Body meetings shall be 2/3rd of the members on roll of the Society.

In the absence of the requisite quorum in any meeting, the meeting shall be adjourned for number of days as decided by the present members in the meeting and no quorum shall be required in the meeting reconvened after adjournment. However the meeting cannot be adjourned beyond 7 days.

e. Business to be Transacted:

The following business may be transacted in the General Body meetings as put forth by the Governing Body.

- i. To elect President, Secretary, Treasurer and executive members of the Governing Body.
- ii. To approve annual programmes and policies of the SOCIETY.
- iii. To pass annual budget of the SOCIETY.
- iv. To discuss and decide all other matters, things and issues which are directly and/or indirectly relates to the affairs of the SOCIETY.

11. GOVERNING BODY

The management and administration of the affairs of the Society or control and supervision of the activities taken up the Society together with all its property of any nature or sort shall rest in the hands of the Governing Body.

a. Strength

The strength of the Governing Body (including office bearers and executive members) shall **not be less than 7 (seven)** and **not more than 21 (twenty one)**.

b. Composition

The composition of the Governing body shall be as under:-

(i)	PRESIDENT	:	
(ii)	SECRETARY	:	

(iii)	TREASURER	:	
(iv)	MEMBERS (EXECUTIVE)	:	

c. Term

The term of every Governing Body shall be Three Years.

d. Notice

Minimum 15 days clear notice shall be required for the Governing Body meeting enclosing the agenda specifying date, time, place and the general nature of business to be discussed at such Governing Body meeting.

e. Quorum

Quorum of every Governing Body meeting shall be **2/3rd** of the total strength of the Governing Body (including Office bearers and executive members)

In the absence of the requisite quorum in any meeting, the meeting shall be adjourned for number of days as decided by the present members in the meeting and no quorum shall be required in the meeting reconvened after adjournment. However, the meeting cannot be adjourned beyond 7 days.

f. Meetings

Governing Body meeting shall be held **once in 3 months** (or as and when the Governing Body of the Society may decide from time to time).

g. Emergency Meetings:

The Emergency meeting of the Governing Body may be called by 24 hour notice but quorum for the same shall be **2/3rd** of the total strength of the Governing Body of the Society.

h. Venue of Meetings

The time, date and place of the meeting shall be decided by the General Secretary/Secretary in consultation with the President and shall be notified to all members of the Governing Body with a clear notice of seven days.

i. Filling up of Vacancies

In case of any vacancy the President in Consultation with the General Secretary/Secretary may fill-up the vacancy(s) by nomination out of the members of the Society for the remaining period of the term of the Governing Body.

j. Functions & Powers of Governing Body

- i. The Governing Body shall responsible for the management for the management and administration of the affairs of the society. The Governing Body is authorized to appoint any member to look after any particular matter / function / institute or the property of the society.
- ii. All the decision shall be taken by the majority votes of the office bearers and the executive members present.
- iii. Any person / persons, member /members, executive member / members or the office bearer / office bearers (authorized by Governing Body) shall execute all agreement and contract and sign bonds as well as receipts or legal documents on behalf of the society.
- iv. The Governing Body shall have all powers, as are powers of the society mentioned in the Memorandum of the Association and these Rules & Regulations.
- v. The Governing Body shall have also the following powers ;
 - a. To prepare plans and programmes for the upliftment of the Aims and Objects of the society.
 - b. To receive to have keep in custody of and to expend the funds / moveable or immoveable properties and to manage the same
 - c. To appoint, control & terminate such staff as may be required for effective & efficient management of the affairs of the society. Governing Body shall appoint Election- Officer to complete the election process.
 - d. To arrange finance, if required from Bank(s), Institutions (or / and) Individual on reasonable terms & conditions and the Governing Body as a whole is liable for its return.
 - e. To publish literature & to propagate the system to approach the public, pertaining to upliftment/attainment of the Aims & Objects of the society.
 - f. To accept donations, charities, loans, grants, properties etc. from the members, public, other Associations, Agencies and from Govt. or / and Semi Govt. Departments. To nominate the managing committee of any schools of the society or to nominate any committee or sub-committee of any one or more members of the society in the interest of obtaining the aims and objects of the society.

12. POWERS & DUTIES OF OFFICE BEARERS

a. President

- i. Every meeting of the Society, Governing Body, General Body shall be headed by the President or any person authorized by the President from time to time.
- ii. In case of equality of votes in any meeting, the President has the power to cast an extra vote to decide the issue.
- iii. In case of any matters requiring an urgent decision and sufficient time is not available to call for a Governing Body meeting, the President shall have the powers to decide the issue/ matter. However the President shall bring the matter to the notice of Governing Body at the earliest possible.
- iv. All the documents on behalf of the Society shall be signed by atleast two members of the Governing Body including President except the documents specifically mentioned in the Memorandum of Association.

b. Secretary

- i. Shall be responsible for the overall functioning of the Society as per procedure and norms laid down in the Memorandum of Association as well as in the Rules and Regulations of the Society.
- ii. Shall maintain all records of the Society and also supervise the accounts maintained by the Treasurer.
- iii. Shall submit annual report on audit of accounts of the Society in the General Body meeting of the Society.
- iv. To prepare agenda of the meetings and circulate the same in the members with the approval of the President.
- v. To call meetings of the Society with the approval of the President and circulate the same timely in the members of the Society.
- vi. To do all acts, deeds and things within the Memorandum of Association as well as Rules and Regulations of the Society to promote the activities of the Society at all levels and to achieve the Aims and Objects of the Society.

c. Treasurer

- i. Shall keep the accounts of receipts and expenditure of the SOCIETY in proper books of accounts.
- ii. All receipts shall be deposited in the bank account.
- iii. All payments shall be made after passing the expenditure by the authorized person as mentioned in Memorandum of Association or Rules & Regulations of the Society.

d. Executive Member

- i. Executive member is the important part of the Governing Body.
- ii. Executive member is supposed to attend all the Governing Body meetings and also the General Body meetings of the society.

13. SOURCE OF INCOME

The source of income of the Society shall be as under:

- i. Admission Fee and subscription fee from the members of the Society.
- ii. Donations, gifts or voluntary contributions in cash or kind from the members of the society, any other person or entity or earnings from movable & immovable properties, if any.
- iii. Fund collected by the society through any cultural programme, exhibitions or any function organized by the society.

The funds of the Society shall be utilized only for the attainment of the aims and objects of the Society.

14. OPERATION OF BANK ACCOUNTS

The Bank accounts of the Society shall be operated in any scheduled bank by the President and any Member/Treasurer/Secretary of the Society under the joint signatures.

15. FINANCIAL YEAR

The financial year of the Society shall start from 1st Day of April to 31st Day of March next year.

16. MINUTES OF MEETINGS

The minutes of the meeting of all the Bodies shall be recorded by the Secretary.

17. AUDIT OF ACCOUNTS

The accounts of the SOCIETY shall be audited by qualified auditor appointed by the Governing Body.

18. ELECTION

- i. The election of all the Office Bearers and four Executive Members shall be held after every three years in the General Body meetings and mode of the election shall be through secret ballot papers.
- ii. The election of the Office bearers and four Executive Members of the Governing Body shall be conducted by the Election Officer duly appointed by the Governing Body with approval of 1/3rd of the members on the roll of the society. The decision of the Election Officer in conducting of the election shall be final until unless decided otherwise by the General Body with 3/4th majority of votes.

The election proceedings after every election shall be supplied to the Registrar of Societies as per provisions laid down under the Societies Registration Act, 1860, as applicable to **Name of the State..**

19. ANNUAL LIST OF GOVERNING BODY (SECTION 4)

Once in a year a list of office bearers and Executive members of the Governing Body of SOCIETY shall be filed with the office of the Registrar of Societies, ___as is required under section 4 of the Societies Registration Act, 1860.

20. LEGAL PROCEEDINGS (SECTION 6)

The SOCIETY may sue or be sued in the name of the President or Secretary as per provisions laid down under Section 6 of the Societies Registration Act, 1860, as applicable to **Name of the State.**

21. AMENDMENTS (SECTION 12 & 12 A)

Any amendment in the Memorandum of Association and Rules & Regulations shall be carried out as per provisions and procedures laid down under section 12 and 12 A of the Societies Registration 1860, as applicable to **Name of the State.**

22. DISSOLUTION AND ADJUSTMENT OF AFFAIRS (SECTION 13 & 14)

If the SOCIETY needs to be dissolved it shall be dissolved as per provisions laid down under section 13 & 14 of the societies Registration Act, 1860 as applicable to **Name of the State.**

23. APPLICATION OF THE ACT

All the provisions under all sections of the society's registration Act, 1860 as applicable to **Name of the State..**, shall be applied to the SOCIETY.

24. ESSENTIAL CERTIFICATE

Certified that this is true copy of Rules and Regulations of the SOCIETY.

(PRESIDENT)

(SECRETARY)

(TREASURER)

AFFIDAVIT

I, **Name of the President** S/o Sh. _____ R/o - _____, do hereby solemnly affirm and declare as under:-

1. That I am the President of the society '**NAME OF THE SOCIETY**'.
2. That the desirous persons are not related to each other by way of blood relation.
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 was found attracting the provisions of Emblems & names (prevention of improper Act) act of 1950 and/or identical or resemble closely to any other societies which are already registered under Societies Registration Act 1860, in **Name of the State** and other law of land applicable to them and registration granted shall be deemed to have been withdrawn resigned under the general law of the society fail to change the name within the given time to do so by the registrar of societies **Name of the State**.

VERIFICATION: -

Verified at _____, that the contents of this affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed there from.



DATE:

PLACE:

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