

**The
Constitution of
The
Bengali Association
Midlands**

Adopted on

12th March 2011

The Constitution of The Bengali Association Midlands

1. Introduction

Bengali Association Midlands was created in 1970 by a few enthusiastic Bengali expatriates from West Bengal, India, who were, in those days, relatively new to this country. They felt a great need for cohesion among Bengali people in the Midlands. The Association bought its own premises in the year 1999. It is now moving forward from strength to strength and its membership has increased by ten fold in last 40 years.

The original constitution has been found inadequate to cope with the changes over the years. The members felt the need for a revised constitution, retaining the basic framework of the original constitution, in the light of present requirements of the twenty first century *and Charity Commission's recommendations of 2007*.

2. Aims & objectives

- a) *The advancement of education in the Bengali language, culture, music, history and literature;*
- b) *The advancement of Hindu religion particularly by the performance of religious celebrations and preserving Bengali heritage and promoting culture, social values, education, welfare and religions amongst the Bengali people and other interested communities and individuals.*

3. Equal Opportunities

As a matter of principle the Association shall promote equal opportunities by making its activities accessible to members of all communities.

4. Membership

4.1 Eligibility

(Following the Charity Commission's recommendation as published on 2007)

- (1) *Membership is open to individuals over eighteen years of age or organisations approved by the Executive committee.*
- (2) a) *The EC may only refuse an application for membership if they consider it to be reasonable and proper in the best interests of the Association.*
- b) *The EC must inform the applicant in writing of the reasons for the refusal within twenty-one days of the decision.*

- c) Any person whose membership application is refused by the EC shall have the right of appeal to the Board of Advisors and in such case Advisors' decision is final and binding.
- (3) Membership is non transferable.
- (4) The EC must keep a register of names and addresses of the members for official use only.

4.2 Types of Membership: Four Types

- a) Family Membership (Husband /Wife / Partners /**Children under eighteen**) each adult will be deemed as individual member.
- b) Single Membership.
- c) Life Membership.
- d) Honorary Membership.

EC may offer Honorary membership for a term or more to any dignitary or notary person for the best interest of the association. Widows/ **widowers** of the demised members shall be offered Honorary membership.

Every member will be required to pay an Annual subscription (the amount will be decided upon in the AGM in the event of any changes being made to the existing amounts). The membership fee shall fall due in January each year.

Single membership fee will be £5 less than the Family membership fee.

Life membership may be opened by the EC time to time against a lump sum amount of donation, which will be decided in a General Meeting.

4.3 Cancellation of Membership

(Following the Charity Commission's recommendation as published on 2007)

Membership is terminated if:

- 1) The member resigns by written notice to EC (no refund of membership fees will be due);
- 2) The membership fees is not paid in full for two consecutive years, the membership will be automatically forfeited in such a case;
- 3) The member is removed from membership by a resolution of the EC that in the best interests of the charity his/her membership is terminated. A resolution to remove a member from membership may only be passed if:
 - a) The member will be given at least twenty-one days' notice in writing of the meeting of EC at which the resolution will be proposed and the reasons for this proposal.
 - b) The member or, at the option of member's representative (who need not be a member of the charity) has been allowed to make representations to the meeting.

5. The Executive Committee (*Charity Trustees*)

Office-Bearers:

- a) President
- b) Vice President
- c) General Secretary
- d) Assistant General Secretary
- e) Treasurer
- f) Assistant Treasurer
- g) Cultural and Social Secretary
- h) Assistant Cultural and Social Secretary**
- i) Two members shall be elected to the EC at the AGM without any portfolios
- j) Co-opted members (up to a maximum of four) to be selected by the EC**

6. Meetings of the Association

6.1 Executive Committee Meetings

There shall not be less than 8 Executive Committee Meetings per year (1st Feb - 31st Jan following year). Additional meetings may be convened at the discretion of the EC. Every member of the EC shall be required to attend at least 5 meetings out of 8. This requirement may be waived by the EC for individual committee members for unavoidable circumstances. The details of meetings (dates, times etc., subject to alteration) shall be given to committee members within 30 days of election of the new committee. The President shall be responsible for publication of meeting dates. ***An emergency EC meeting may be convened with a clear agenda on 72 hours notice.*** A Committee Member who is unable to attend EC meetings, for whatever reasons, for 4 successive months shall resign his/her position in the Executive Committee, otherwise he/she will be removed from the Committee.

6.2 Annual General Meeting

The Annual General Meeting of the Association shall be held in the month of March each year

6.3 General Meetings

There should be a minimum of 4 General Meetings each year excluding the Annual General Meeting.

6.4 Special General Meetings

A Special General Meeting may be held at any time during the year. This can be convened by :-

- a) The President
- b) The Executive Committee (by a majority decision)

- c) 30 members or 1/3 of Association Members (whichever is less) calling on the EC in writing, to hold such a meeting. Such a request shall state the purpose of the meeting to be held.

To hold such a meeting there should be a clear agenda, date & *place* and it should be final and binding.

6.5 Notice of a Meeting

The Notice of a Meeting shall be sent to all individual members at least 14 days prior to the proposed date of meeting(*excluding the proposed date of meeting*) with a clear agenda.

6.6 Quorum

In an AGM / a GM/ a Special GM 30 (thirty) members or 1/3 of the total membership whichever is less shall be present to form a quorum. If a quorum is not attended within one hour of the scheduled time of start of the meeting, the meeting will be adjourned for *at least 21* days. On the second occasion the number for quorum will be reduced to 20 members.

In an EC meeting or a sub-committee meeting 51% members will form a quorum.

6.7 Voting Rights

All valid members of the Association shall be entitled to vote at an AGM/ a GM/a Special GM. The Chairperson or the Presiding Officer shall have a casting vote at such meetings only when the number of votes are equal in favour and against a motion. Membership fees defaulter for 1 year shall lose the voting right. A person shall be considered as a valid member if he/she has 2 years' continuous membership and has paid all dues up to date.

7. Annual Calendar of Events

A Calendar of Events for 12 months for the Association shall be published by the EC within 45 days of assuming the office.

All members, non-members and organisations in the mailing list of the Association shall be sent copies of the same. Any change in the calendar of events due to unavoidable circumstances should be notified by the General Secretary as early as possible.

8.Duties and Responsibilities of the Executive Committee Members (Charity Trustees)

It is the most dynamic, policymaking and implementation body of the Association elected biannually at the AGM.

President

- a) Shall assume overall responsibility for smooth running of the Association's activities , upholding the rules and regulations of the Association.
- b) Shall delegate duties to other Committee Members as he/she thinks fit, by negotiations with the members concerned.
- c) Shall be supportive to all other EC Members in their respective areas of work.
- d) Shall be responsible for producing the annual report for the Association and any other reports to external agencies.
- e) Shall be responsible for Health & Safety and Fire Regulations.

Vice- President

- a) Shall assist the President in all aspects of his/her work and assume the responsibility of the President when he/she is away.
- b) Shall liaise with various activity groups within the Association, for example, Senior Citizen's Club.
- c) Shall be responsible for fair and smooth running of externally funded projects
- d) Shall be responsible for appointments to all remunerated positions within the Association and in externally funded projects via independent appointing Committees approved by the EC in accordance with the Equal Opportunity laws.

General Secretary

- a) Shall be responsible for co-ordinating all activities of the Association.
- b) Shall disseminate all relevant information to members promptly.
- c) Shall organise all meetings of the Association, prepare relevant agendas in good time, take minutes at meetings and process minutes for dissemination.
- d) Shall communicate with external agencies (government, councils and charitable organisations etc.)
- e) Shall be responsible for informing all members on any opportunities for paid vacancies within the Association.
- f) ***Shall be responsible for all domestic and catering matters within the Association.***
- g) ***Shall be responsible for purchasing supplies for any occasion and recruiting helpers (voluntary or paid) for catering duties with the support of President/Vice-President.***
- h) ***Shall be responsible for keeping the kitchen in order replenishing necessary supplies***

Assistant General Secretary

- a) Shall assist General Secretary in all aspects of his/hr work and act in his/her absence.
- b) Shall be responsible for maintaining an up to date membership list and records.
- c) Shall liaise with Treasurer/Assistant Treasurer for updating membership information.

- d) Shall be responsible for the Association's hall hire matters (booking of hall, collecting hall charges and organising a duty rota for supervision, voluntary or paid, during the period of hire).

Treasurer

- a) Shall be responsible for all financial affairs of the Association.
- b) Shall maintain the Association's Bank/Building Society Accounts.
- c) Shall produce quarterly accounts for the Association, report to General Meetings on financial matters and produce the end of year accounts for audit, if applicable.
- d) Shall inform all members of any new funds received from external agencies.

Assistant Treasurer

- a) Shall assist the Treasurer in all financial matters of the Association and act at Treasurer's absence.
- b) Shall liaise with Assistant General Secretary in order to update him/her with relevant membership information.
- c) Shall support Assistant General Secretary in accounting matters in connection with hall hire.

Cultural and Social Secretary

- a) Shall organise all cultural and social functions of the Association. Shall support all activities of cultural nature initiated by individual members or groups (and approved by the EC).
- b) Shall be responsible for producing publicity materials on behalf of the Association.
- c) Shall be responsible for communicating with relevant bodies on cultural, social, educational, creative and public relation matters.
- d) Shall liaise closely with General Secretary on dissemination of publicity materials.
- e) Shall be responsible for producing a draft programme (calendar) for the year for consideration and approval by the EC.
- f) Shall inform all health and safety matters to the EC via the President.

Assistant Cultural and Social Secretary

- a) *Shall assist and help the Cultural and Social Secretary in all cultural and social activities of the Association.*
- b) *Shall be responsible for organising all the relevant performances in the absence of Cultural and Social Secretary.*

9. Co-option of Executive Committee

No more than 4 members may be co-opted to the Executive Committee at the discretion of the EC. They shall have usual voting rights at Committee Meetings. The

specific duties and responsibilities of the co-opted members shall be negotiated and assigned by the EC.

10. Initiative of Individual Members or Groups

Initiatives taken by individuals or groups shall be encouraged and supported by the Association in order to develop and enrich new as well as existing activities within or outside the Association.

Relevant details of new initiatives must be submitted to the EC in writing for consideration and approval prior to putting the initiatives in action.

There shall be a lead person for each initiative/activity who shall make reports to the EC every 3 months interval on progress.

Monies collected by individuals/groups through activities must be deposited *quarterly* to the Treasurer enclosing an account.

For some groups with regular activities, however, accounts shall be submitted to the Treasurer by the 1st week of January of the year for account closure.

A new member shall not be allowed to take any new initiative within 1 year of his/her membership.

11. Sub-Committees

From time to time the Executive Committee may wish to recommend formation of various sub-committees with specific remits in order to put in action certain specialist and/or developmental work within or outside the Association.

The Executive Committee will choose the members of the sub-committee and its leader / chairman. One member of the EC should be a member of any such sub-committee. Creating a sub-committee and dissolving it shall be the sole responsibility of the EC.

Sub-committees shall be independent and have the power to make relevant majority decision within the remit of work.

Each sub-committee shall have a minimum of 3 members.

Sub-committees shall report to the EC every 6 months interval on their progress. Such sub-committees should remain accountable to EC.

Sub-committees shall automatically dissolve when their jobs are completed.

12. Subscription to outside bodies

The Executive Committee shall take decisions regarding grants, donations and subscription to charities or outside organisations. The EC must inform either in

advance or in retrospect to the members in a Special General Meeting or General Meeting.

13. Application to outside Organisations for Financial Support (grants)

Individuals/groups or Executive Committee may make bids for funds to outside organisations. In all cases, however, applications shall need to be approved by the EC and members informed of the same (objectives and opportunities in the bid) at a General Meeting before submission to the appropriate authority. *In case of unavoidable circumstances, however, decision on such matters shall be taken by the EC who shall inform the members in retrospect at the next General Meeting.*

14. Advisory Board and Holding Trustees

14.1 Advisory Board

A minimum of 3 members shall be elected to the Advisory Board at the Annual General Meeting. Election will follow the same procedure as per clause 20.4.

The Advisory Board shall be elected for a period of four years. Each member may be re-elected for a further two consecutive years only.

A Chairperson/Leader, who will be responsible to convene meetings and place reports to any statutory body, will be elected amongst and by the members of the Advisory Board. All communications should be addressed to the Chairperson/leader and he/she will be responsible for all communications.

The **Advisory Board** shall not, normally, intervene in the work of the Executive Committee. The **Advisory Board** shall be involved in all appeals and grievances against the EC and the President. The **Advisory Board** must report to the members via the EC in any case of legal proceedings.

A person shall be a fully paid up member of the Association for at least 5 years (without a break) before he/she shall be eligible to be elected as a **member of the Advisory Board**.

14.2 Holding Trustees

Two members of 5 years' standing shall be selected by the EC as Custodian or Holding Trustees of the Association, whose function is restricted to holding its property only. Holding Trustees or Custodian Trustees shall continue their position unless they retire or die or the EC considers them unfit.

Holding or Custodian Trustees have no power to make management decisions and must act on the lawful instruction of the Charity Trustees. They shall act and/or discharge duties as laid down in the official guidelines of the Charity Commission.

14.3 (Following the Charity Commission's Recommendation as published on 2007)

Application of Income and Property

- (1) *The income and property of the charity shall be applied solely towards the promotion of the objects.*
- (2) *A trustee may pay out of, or be reimbursed from, the property of the charity reasonable expenses properly incurred by him/her when acting on behalf of the charity.*
- (3) *None of the income or property of the charity may be paid or transferred directly or indirectly by way of dividend bonus or otherwise by way of profit to any member of the charity. This does not prevent :*
 - (a) *a member who is not also a Trustee from receiving reasonable and proper remuneration for any goods or services supplied to the charity;*
 - (b) *a Trustee from:*
 - (i) *buying goods or service from charity upon the same terms as other members or members of the public;*
 - (ii) *receiving a benefit from the charity in the capacity of a beneficiary of the charity, provided that the Trustees comply with the provisions of sub- clause (6) of this clause, or as a member of the charity and upon the same terms as other members;*
 - (c) *the purchase of indemnity insurance for the trustees against any liability that by virtue of any rule of law would otherwise attach to a Trustee or other officer in respect of any negligence, default breach of duty or breach of trust of which he/she may be guilty in relation to the charity but excluding :*
 - (i) *fines;*
 - (ii) *costs of unsuccessfully defending criminal prosecutions for offences arising out of the fraud, dishonesty or wilful or reckless misconduct of the Trustee or other officer;*
 - (iii) *liabilities to the charity that result from conduct that the Trustee or other officer knew or ought to have known was not in the best interests of the charity or in respect of which the person concerned did not care whether that conduct was in the best interests of the charity or not.*
- (4) *No Trustee may be paid or receive any benefit for being a Trustee.*

(5) A Trustee may:

- (a) sell goods, services or any interest in land to the charity;
- (b) receive any other financial benefit from the charity, if:
 - (i) he/she is not prevented from so doing by sub-clause (4) of this clause; and
 - (ii) the benefit is permitted by sub-clause (3) of this clause ; or
 - (iii) the benefit is authorised by the Trustees in accordance with the conditions in sub-clause (6) of this clause.

(6) (a) If it is proposed that a trustee should receive benefit from the charity that is not already permitted under sub-clause (3) of this clause, he/she must :

- (i) declare his or her interest in the proposal;
 - (ii) be absent from that part of the meeting at which the proposal is discussed and take no part in any discussion of it;
 - (iii) not be counted in determining whether the meeting is quorate;
 - (iv) not vote on the proposal.
- (b) In cases covered by sub-clause (5) of this clause, those trustees who do not stand to receive the proposed benefit must be satisfied that it is in the interests of the charity to contract with or employ that Trustee rather than with someone who is not a Trustee and they must record the reason for their decision in the minutes. In reaching that decision the Trustees must balance the advantage of contracting with or employing a Trustee against the disadvantage of doing so (especially the loss of the Trustee's services as a result of dealing with the Trustee's conflict of interest).
- (c) The Trustees may only authorise a transaction falling within paragraphs 5(a) – (c) of this clause if the Trustee body comprises a majority of Trustees who have not received any such benefit.
- (d) If the Trustees fail to follow this procedure, the resolution to confer a benefit upon the Trustee will be void and the Trustee must repay to the charity the value of any benefit received by the Trustee from the charity.

- (7) A trustee must absent himself / herself from any discussions of the Trustees in which it is possible that a conflict will arise between his/her duty to act solely in the interests of the charity and any personal interest (including but not limited to any personal financial interest) and take no part in the voting upon the matter.
- (8) In this clause 4, "Trustee" shall include any person firm or company connected with the Trustee.

Powers of Trustees

- (1) The Trustees must manage the business of the charity and have the following powers in order to further the objects (but not for any other purpose) :

 - (a) to raise funds. In doing so, the Trustees must not undertake any substantial permanent trading activity and must comply with any relevant statutory regulation;
 - (b) to buy, take on lease or in exchange, hire or otherwise acquire any property and to maintain and equip it for use;
 - (c) to sell lease or otherwise dispose of all or any part of the property belonging to the charity. In exercising this power, the Trustees must comply as appropriate with sections 36 and 37 of the charities act 1993, as amended by the Charities Act 2006;
 - (d) to borrow money and to charge the whole or any part of the property belonging to the charity as security for repayment of the money borrowed. The Trustees must comply as appropriate with sections 38 and 39 of the Charities Act 1993, as amended by the Charities Act 2006, if they intend to mortgage the land;
 - (e) to co-operate with other charities, voluntary bodies and statutory authorities and to exchange information and advice with them;
 - (f) to establish or support any charitable trusts, associations or institutions formed for any of the charitable purposes included in the objects;
 - (g) to acquire, merge with or enter into any partnership or joint venture arrangement with any other charity formed for any of the objects;
 - (h) to set aside income as reserve against future expenditure but only in accordance with a written policy about reserves;
 - (i) to obtain and pay for such goods and services as are necessary for carrying out the work of the charity;
 - (j) to open and operate such bank or other accounts as the Trustees consider necessary and to invest funds and to delegate the management of funds in the same

manner and subject to the same conditions as the Trustees of a trust are permitted to do by the Trustee Act 2000 ;
(k) to do all such other lawful things as are necessary for the achievement of the objects;

- (2) No alteration of this constitution or any special resolution shall have retrospective effect to invalidate any prior act of the Trustees.*
(3) Any meeting of the Trustees at which a quorum is present at the time the relevant decision is made, may exercise all the powers exercisable by the Trustees.

Disqualification and Removal of Trustees

A Trustee shall cease to hold office if he/she :

- (1) is disqualified for acting as a trustee by virtue of section 72 of the Charities Act 1993 (or any statutory re-enactment or modification of that provision);*
(2) ceases to be a member of the charity;
(3) becomes incapable by reason of mental disorder, illness or injury of managing and administering his/her own affairs;
(4) resigns as a Trustee by notice to the charity (but only if at least two Trustees will remain in office when the notice of resignation is to take effect); or
(5) is absent without the permission of the Trustees from all their meetings held within a period of 6 consecutive months and the Trustees resolve that his/her office be vacated. Any such vacancy shall be filled in by electing a new Trustee following the election procedure in clause 20.4. The newly elected trustee shall be eligible to continue for the remaining term.

15. Bank Account and Investment

All monies collected in individual events shall be handed over to the Treasurer within 2 weeks of collection. The Treasurer will deposit the same into a bank account or any other account approved by the Executive Committee in the name of Bengali Association Midlands. Cheques should be signed by any two of the following:

- a) President
- b) General Secretary
- c) Treasurer

16. Annual Accounts

The Annual Accounts of the Association shall be prepared and submitted to a qualified accountant for certification and also may be scrutinised by two members

of the Association, selected by the EC, for final submission to the AGM for approval. The Annual Accounts must be signed by the President and the Treasurer.

17. Equal Opportunity and Paid Work within the Association

Every member shall have the opportunity to show interest in any remunerated jobs within the Association.

Members shall be informed of any opportunity for paid work within the Association by displaying on the Notice Board and in the Website of the Association.

An independent appointing committee approved by the EC shall select candidates for specific jobs through interview.

Applicants must apply in writing for any available remunerated positions.

The Association must adhere to the Government's Minimum Wage Policy.

At times the Association may be required to advertise remunerated positions in the local/national press.

18. Amendments

Amendments to the Constitution may be made by 2/3 majority vote at a Special General Meeting convened for this purpose. The simple hand raising by the members present at the meeting shall be counted in favour of the motion.

No alteration to clause 2(Aims & Objectives), clause 22(Dissolution) or this clause shall take effect until the approval in writing of the Charity Commission is obtained.

19. Disciplinary and Grievance Procedures

19.1 Disciplinary Procedures

(a) If a member/members is found to have committed gross misconduct, like verbal abuse using vulgar language, or personal attack, or physical assault to any other member/members, within the association premises, the offending member/members shall appear in front of a Disciplinary Sub-Committee (approved by the EC).

The Sub-Committee shall hold a hearing. The offending member/members may be represented at the hearing by a third party.

Following Disciplinary Committee's recommendation the offending member/members may either be given warning or struck off the register. *However, following two such warnings the offenders shall automatically be removed from membership.* The member/members shall have the right to appeal to the *Advisory Board.*

- (b) *Unruly behaviour like shouting, screaming, disobeying the Chairperson of a meeting or any other unacceptable behaviour creating mayhem within the meeting may be disciplined by the Chairperson for smooth running of the meeting.*
- (c) Any expulsion from membership shall remain for 3 years. After the period of expulsion the individual may re-apply to become a member.
- (d) If a member is found to have acted to the detriment of the Association then the matter will be dealt with according to the above procedure.
- (e) During the period of expulsion the member must not enter the premises.

(f) Disciplinary Sub-Committee

A Disciplinary Sub-Committee will be formed by the EC with 3 – 5 members of at least 5 years’ standing to deal with any serious complaint or incidence as mentioned above. The Committee’s recommendation will be submitted within a time period to the EC for the final verdict.

19.2 Grievance Procedure

Individual Grievance may be brought to the Executive Committee in writing. The EC shall respond to any grievance within 28 days of receiving it. In case of any serious grievances against a member of the EC or the Committee as a whole a Sub-Committee shall be formed by the EC , excluding members of the EC, to hear the grievances. The Sub-Committee shall endeavour to solve the matter with the satisfaction of the member/members concerned. An aggrieved member may appeal to the **Advisory Board** following a decision by the sub-committee on the grievance.

If the grievance procedure within the Association is exhausted and the member concerned still remains aggrieved then he/she shall have the right to take the matter to an appropriate external agency. The Citizen’s Rights, however, shall prevail at all times during the grievance procedure.

19.3 No Confidence Motion

No confidence motion against a member or the whole of the EC may be tabled by 30 members in a written and signed complaint submitted to the EC who will then have to call a Special General Meeting within one month and a majority vote in the meeting should decide the validity of the complaint or otherwise.

20. Annual General Meeting and the Election Procedure

20.1 Annual General Meeting

- Election of the Executive Committee, ***whenever it is due***, will be held at the Annual General Meeting in the month of March.
- All members shall be notified about the AGM at least 2 weeks before the date of the meeting with a clear agenda.
- ***The President will conduct the AGM.***

20.2 Agenda of the AGM (for reference only)

*Apology. *Confirmation of the Proceedings of the last AGM * Presidential address. * Report by the General Secretary. * Treasurer submits Annual Accounts. * Cultural/Social Secretary reports. * AOB within a week's notice or by permission of the Chair. * Vote of thanks by the President to members present and members of the departing Executive Committee. * EC dissolves. * Election of a Chair to conduct further proceedings, if an election of the EC / **Advisors** is due.

20.3 Election of the New Executive Committee

The office-bearers 5(a) - 5(i) (as in page 3) of the Executive Committee shall be open for election. Normally the Committee shall be elected for a period of 2 years. Every committee member shall remain eligible for re-election for the same office for one more year consecutively. Retiring members of the Committee shall be eligible for re-election for a different position at an AGM.

In the event of vacancies occurring during the first 12 months period, such vacancies shall be filled in a General Meeting following the same Election Procedure as described in 20.4. During the period of any such vacancy the Committee shall entrust one of the Committee members with the duties and responsibilities of the vacant post.

20.4 Election Commissioner and Election Procedures

A) Election Commissioner

- *Election of the Executive Committee Members or Advisory Board Members in an AGM/ a Special GM/ a GM/ in any adjourned meeting shall be organised by an Election Commissioner.*
 - *The Executive Committee shall appoint the Election Commissioner from the members (of 5 years' standing) at least 2 months prior to the date of Election. The Tenure of the Election Commissioner will be 12 months from the date of appointment.*
 - *The duties and responsibilities of the Election Commissioner will be as follows:*
 - (a) *To notify the members about the Election to be held at least 28 days prior to the date of Election.*
 - (b) *To invite nomination papers, duly filled in, from the members either by post or in person within a fixed date. A nomination paper for each office-bearer must be signed by the candidate and to be proposed by a valid member and seconded by another valid member.*
 - (c) *A candidate may withdraw his/her nomination, in writing to the Election Commissioner, at least 72 hours prior to the date of Election.*
- The Commissioner will then publish a final list of candidates at the Association's Notice Board, 48 hours prior to the Election date.*

(d) *In case of a vacancy in any office-bearer, arising for whatever reasons, between the period of announcement of Election and the commencement of Election meeting, the matter will be dealt by the Election Commissioner. However, if the same situation arises during an Election Meeting, the Presiding Officer will take the final decision of whether to invite nomination in the same Meeting, or to hold the Election for that particular office-bearer in a Special General Meeting at a later date. The Election Commissioner will be required to follow the same Election Procedure for such By-election.*

B) Election Procedure

- Election of the Executive Committee and the *Advisory Board* shall be held by secret Ballots.
- *Any valid member (above the age of 18) for 2 years standing shall be eligible to become a candidate for any office-bearer of the Executive Committee.*
- *The candidate along with the proposer and the seconder must be present at the Election Meeting. Otherwise the candidature will be null and void.*
- *Any defeated member shall not contest for any other office-bearer in the same election, even if the Election Meeting is adjourned, for whatever reasons (e.g. invalid nomination or withdrawal or proposer/seconder's absence etc.), and takes place at any later date.*
- *The Presiding Officer will be elected at the Election Meeting by the members present by show of hands. He/She will be responsible for all paraphernalia of election, i.e. printing of ballot papers, preparing ballot box etc.*
- *The Presiding Officer may appoint, if necessary, one Returning Officer and one or two helpers from the members present to assist during the Election procedure.*
- *The Election Commissioner will hand over all valid nomination papers to the Presiding Officer before the commencement of the Election process.*
- *If more than one candidate is nominated and seconded for an office-bearer then a secret ballot will take place using ballot papers as described in 20.5.*
- *Any valid member, who is present in the Election meeting, is eligible for one non-transferable vote for each office-bearer.*
- Only the candidates for Presidency shall have 3 minutes to say something about themselves and their objectives for the Association.
- When the voting is completed the Presiding Officer counts the votes in the presence of the candidates concerned.
- The results of the vote are announced and the winners are congratulated.
- If there is only one valid nomination for an office-bearer then the candidate concerned is elected without a contest.
- When election to all the office-bearers is completed the Presiding Officer invites the new EC *and the new members of the Advisory Board (if Advisory Board's election is due in that year)* to be introduced to the members.
- The new Executive Committee shall become the legitimate authority forthwith and assume responsibility for running the Association for a period of 2 years upholding the Constitution. The outgoing committee shall relinquish authority

and hand over charges fully as soon as practicable but no later than 14 days from the day of election.

20.5 Ballot Papers

Ballot papers will be signed jointly by the Presiding Officer and the Returning Officer.

The ballot papers may or may not contain the full list of office-bearers open for election. But, all the positions for which more than one valid nomination are obtained, the names of the candidates against the respective positions shall appear on the ballot paper. No other name shall appear on the ballot paper.

21. Patron

The EC will select a minimum of 3 and a maximum of 7 notary persons with high standing in the society as patrons of the Association to promote and strengthen the aims and objectives of the Association. One of them will be designated as Patron in Chief.

Tenure of the patrons will be reviewed by the EC. A patron may be invited in various meetings whenever necessary. They will be offered Honorary Membership and voting right.

22. Dissolution

The Association may be dissolved by a special resolution passed by a two-thirds majority of those valid members present and voting at a special general meeting convened for the purpose for which 21 days notice shall have to be given to members. Such resolution may give instructions for the disposal of any assets held by or in the name of the Association, provided that if any property remains after the satisfaction of all debts and liabilities, such a property shall not be paid to or distributed among the members of the Association, but shall be given or transferred to such other charitable institution or institutions having objects similar to some or all of the objects of the Association as the Association may determine and if and in so far as effect cannot be given to this provision then to some other charitable purpose.

23. Constitutional Mandate

This revised Constitution, approved by the members present at the Special General Meeting held on 12th March 2011, will supersede all previous constitutions of the Association.

Any review/revision of this Constitution, if and when necessary, has to be approved in a Special G.M. as per Clause 18.

Glossary:

- | | |
|--------------------|--|
| 1) EC - | Executive Committee |
| 2) The year- | Financial year of the Association
(1 st Feb to 31 st Jan following year) |
| 3) Association- | Bengali Association Midlands |
| 4) Committee- | The Executive Committee |
| 5) AGM - | Annual General Meeting |
| 6) GM - | General Meeting |
| 7) Term - | Two years for the Executive Committee,
Four years for the <i>Advisory</i> Board |
| 8) Trustees - | <i>Charity Trustees/ Executive Committee</i> |
| 9) Appeal Board - | Board of <i>Advisors</i> |
| 10) Decision – | Majority members present in any meeting if not
mentioned otherwise |
| 11) Casting Vote – | In case of tie the Presiding Officer or Chairman of the
meeting may exercise casting vote beside his/her usual
vote. |

