



# THE MANDHATA YOUTH AND COMMUNITY ASSOCIATION

Registered Charity No. 1078572

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## MYCA (WEMBLEY) CONSTITUTION

18<sup>th</sup> May 2014

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**A. Name**

The name of the Association shall be Mandhata Youth and Community Association, also known as MYCA Wembley.

**B. Office**

The registered office of the Association will be situated in England.

**C. Objects**

The objects of this Association shall be:

- (a) The advancement of Hindu Religion, and culture.
- (b) The advancement of education.
- (c) The relief of poverty, sickness and distress.

The activities of the Association shall in the main be based in United Kingdom. The Association will however cultivate links with kindred organisations anywhere in the world and particularly in India.

**D. Powers**

In furtherance of the foregoing objects but not otherwise the Executive Committee may exercise the following powers:

- (i) the power to raise funds and to invite and receive contributions provided that in raising funds the Executive Committee shall not undertake any substantial permanent trading activities and shall conform to any relevant requirements of the law.
- (ii) the power to buy , take on lease or in exchange any property necessary for the achievement of the objects and to maintain and equip it for use;
- (iii) the power subject to any consents required by law to sell, lease or dispose of all or any part of the property of the Association;
- (iv) the power subject to the approval of members and any consents required by law to borrow money and to charge all or any part of the property of the Association with repayment of the money so borrowed;
- (v) the power to employ such staff (who shall not be members of the Executive Committee) as are necessary for the proper pursuit of the objects and to make all reasonable and necessary provision for the payment of pensions and superannuation for the staff and their dependents;
- (vi) the power to co-operate with other charities, voluntary bodies and statutory authorities operating in furtherance of the objects or of similar charitable purposes and to exchange information and advice with them;

- (vii) the power to establish or support any charitable trusts, associations or institutions formed for all or any of the objects;
- (viii) the power to appoint and constitute such advisory committees as the Executive Committee may think fit;
- (ix) the power to do all such other lawful things as are necessary for the achievement of the objects.
- (x) the power to arbitrate in any dispute among the members and between the members and itself regarding the interpretation of the provision of this constitution and any matter not provided herein or any other matter relating to the Association. In any such circumstances the Executive Committee shall decide by a majority vote, and its decision shall be final.
- (xi) the power to adopt and issue Standing orders and/or rules for the operation of projects/Schemes etc. The standing orders and rules shall come into operation immediately provided always that they shall not be inconsistent with the provisions of the Constitution.

#### **E. Membership**

- (1) Membership of the Association shall be open to any person over the age of 18 years, upon application on a prescribed form and approval by the Executive Committee, interested in furthering the objects and who has paid the annual subscription laid down from time to time by the Executive Committee.
- (2) Every member shall have one vote.
- (3) The Executive Committee may by unanimous vote and for good reason terminate the membership of any individual: Provided that the individual concerned shall have the right to be heard by the Executive Committee, accompanied by a friend, before a final decision is made.

#### **F. Grades of Membership**

##### Patron

A person who gives at least the current fee for a Patron shall be considered a Patron of the Association.

##### Donor

A person who gives at least the current fee for a Donor shall be considered a Donor of the Association.

##### Life Member

A person who gives at least the current fee for a Life member shall be considered a Life member of the Association.

Ordinary Member

A person who pays the annual subscription as decided by the Association shall be considered as the Ordinary Member of the Association.

Honorary Member

A person may be elected as an Honorary Member by the Executive Committee as a token of appreciation of his/her distinguished service to the Association.

Any revisions to the fees for the Patron, Donor, Life Member or Ordinary Member will be discussed and agreed by majority at the AGM or EGM.

**G. Notes Re: Membership**

- (1) The members specified as Patron, Donor, Life Member and Hon. Members shall be free from paying annual subscription of membership.
- (2) The members specified as Donor, Life Member or Ordinary Member wishing to transfer to an upper grade of membership shall be entitled to do so by paying the difference between the two at the time.
- (3) The Association shall keep separate lists of the Members specified above at the office of the Association.
- (4) Any member whose subscription is overdue by three months shall lose his/her right to vote at any of the meetings of the Association.
- (5) Members shall have the right to vote and participate in the proceedings of the General Meeting and gatherings of the Association.
- (6) Any member found acting against the best interest of the Association would render himself/herself liable for any disciplinary action that may be deemed necessary by the special meeting of the general body of the Association convened for the purpose provided that no steps shall be taken unless such member has been given notice of such meeting and also given an opportunity to make representations on his/her behalf, such disciplinary action may be taken only if the members present at such a meeting so decide by majority.
- (7) Any member of the Association shall be entitled to an inspection of the books of accounts of the Association provided he/she has applied

in writing to do so. The Executive Committee shall comply within 28 days.

- (8) Only Patrons, Doners, Life Members and Hon. Members shall be eligible for election as Holding Trustees of the Association.

#### **H. Executive Committee**

At the Annual General Meeting the Executive Committee consisting of the following shall be elected:

- (1) President.
- (2) Vice-President.
- (3) Hon. Secretary.
- (4) Assistant Secretary.
- (5) Hon. Treasurer.
- (6) Assistant Treasurer.
- (7) Twenty other Committee Members.

At the Annual General Meeting, an Auditor (who shall not be the member of the Executive Committee) shall be elected and or appointed for the purpose of auditing and or independently examining the accounts of the Association in accordance with the relevant legislation.

#### **Duties of the Office-Bearers**

##### President

The President of the Association shall preside over all the meetings and in his/her absence the Vice-President shall preside, but in the absence of both, the Secretary or Assistant Secretary shall take the chair. He/she shall supervise the general affairs of the Association. He/she shall be entitled to spend or approve a specified amount as determined by the Executive Committee from time to time on behalf of the Association.

##### Vice President

During the absence of the President, the Vice President shall carry out the functions of the President.

##### Hon. Secretary

The Secretary shall be the chief executive officer of the Association and shall carry out all secretarial work, but he/she shall have to consult the Executive Committee in all important matters concerning the policy of the Association. He/she shall carry out his/her duties under the guidance of the Executive Committee and supervision of

the President, and shall be entitled to spend or approve a specified amount as determined by the Executive Committee from time to time on behalf of the Association.

#### Assistant Secretary

He shall carry out such tasks as are entrusted to him/her by the Executive Committee and during the absence or inability of the Hon. Secretary, he/she shall carry out the duties of the Hon. Secretary

#### Treasurer

Under the guidance of the Executive Committee, the Treasurer shall be responsible for the management of the financial affairs (except those which are entrusted to the Holding Trustees) of the Association.

He/she shall not pay any bills or expenses unless the same has been approved by the President or Secretary of the Association. He/she shall keep proper books of accounts and at the end of the year shall submit all the books of accounts and vouchers to have them audited by the Auditor of the Association, and present a receipt and payment account and balance sheet at the Annual General Meeting.

- (i) All funds exceeding £25 shall be paid in the Associations account held either within a bank, Building Society, Post Office or all three, or any other method found convenient or beneficial to help the Association's funds.
- (ii) The Bank or other accounts of the Association shall be jointly operated by the Treasurer, the President, the Vice President and the Secretary. Any two signatories will be sufficient.
- (iii) He/she will present a budget for the ensuing financial year.

#### Auditor

Accounts of the Association shall be audited and or independently examined as per the provisions of the Charities Act in force at the time by the Auditor of the Association who shall certify the accuracy of the Accounts.

### **I. Determination of Membership of Executive Committee**

A member of the Executive Committee shall cease to hold office if he or she:

- (1) is disqualified from acting as a member of the Executive Committee by virtue of section 45 of the Charities Act 1992 ( or any statutory re-enactment or modification of that provision)
- (2) becomes incapable by reason of mental disorder, illness or injury of managing and administering his or her own affairs

- (3) is absent without the permission of the Executive Committee from three consecutive meetings of the Executive Committee who may resolve that his or her office be vacated, or
- (4) notifies to the Executive Committee a wish to resign (but only if at least six members of the Executive Committee will remain in office when the notice of resignation is to take effect).

**J. Executive Committee Members not to be personally interested**

- (1) {Subject to the provision of the sub-clause (2) of this clause} no member of the Executive Committee shall acquire any interest in property belonging to the Charity (otherwise than as a trustee for the Charity) or receive remuneration or be interested (otherwise than as a member of the Executive Committee) in any contract entered into by Executive Committee.
- [(2) Any member of the Executive Committee for the time being who is a solicitor, accountant or other person engaged in a profession may charge and be paid all the usual professional charges for business done by him or her or his or her firm when instructed by the other members of the Executive Committee to act in a professional capacity on behalf of the Charity: Provided that at no time shall a majority of the members of the Executive Committee benefit under this provision and that a member of the Executive Committee shall withdraw from any meeting at which his or her own instruction or remuneration, or that of his or her firm, is under discussion.]

**K. Meetings and proceedings of the Executive Committee**

- (1) The Executive Committee will meet at least once in three months. A special meeting may be called at any time by the President or any two members of the Executive Committee upon not less than 4 days' notice being given to the other members of the Executive Committee of the matters to be discussed but if the matters include an appointment of a co-opted member then not less than 21 days' notice must be given.
- (2) The President shall chair the meetings of the Executive Committee. In his/her absence the Vice President shall perform his duties. If both of them are absent, the Secretary or Assistant Secretary shall take the chair.

- (3) The quorum at an Executive Committee Meetings shall be 14 members. It will not be necessary to have a quorum for the continuation of an adjourned meeting.
- (4) Every matter shall be determined by a majority of the votes of the members of the Executive Committee present and voting on the question but in the case of equality of votes the chairman of the meeting shall have a casting vote.
- (5) The Executive Committee shall keep minutes of the proceedings at meetings of the Executive Committee.
- (6) The Executive Committee may from time to time make and alter rules for the conduct of their business, the summoning and conduct of their meetings and the custody of documents. No rule may be made which is inconsistent with this constitution.
- (7) The Executive Committee may appoint one or more sub-committees consisting of three or more members of the Executive Committee for the purpose of making an inquiry or supervising or performing any function or duty which in the opinion of the Executive Committee would be more conveniently undertaken or carried out by a sub-committee: provided that all acts and proceedings of any such sub-committee shall be fully and promptly reported to the Executive Committee.

#### **L. Receipts and Expenditure**

- (1) The funds of the Association, including all donations contributions and bequests, shall be paid into an account operated by the Executive Committee in the name of the Association at such bank as the Executive Committee shall from time to time decide. All cheques drawn on the account must be signed by at least two out of the four authorised members of the Executive Committee.
- (2) The funds belonging to the Association shall be applied only in furthering the objects of the Association.

#### **M. Holding Trustees and Trust Property**

Three senior members of the Association - patrons, donors, life members or Hon. Members - be elected to the Executive Committee for a period of six years as Holding Trustees who will be named in any deeds of title of the Association. The Holding Trustees shall act in accordance with the lawful

directions of the Executive Committee. Provided they act only in accordance with the lawful directions of the Executive Committee, the Holding Trustees shall not be liable for the acts and defaults of its members.

**N. Accounts**

The Executive Committee shall comply with their obligations under the Charities Act 1992 (or any statutory re-enactment or modification of that Act) with regard to:

- (1) the keeping of accounting records for the Association;
- (2) the preparation of annual statements of accounts for the Association;
- (3) the auditing or independent examination of the statements of the account of the Association;
- (4) the submission of the statements of account of the Association to the Charity Commissioners.

**O. Annual Report**

The Executive Committee shall comply with their obligations under the Charities Act 1992 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an annual report and its submission to the Charity Commissioners.

**P. Annual Return**

The Executive Committee shall comply with their obligations under the Charities Act 1992 (or any statutory re-enactment or modification of that Act) with regard to the preparation of an annual return and its transmission to the Charity Commissioners.

**Q. Annual General Meeting**

- (1) The Annual General Meeting of the Association shall be held in the month of May each year or as soon as practicable thereafter for the transaction of the following business:
  - (a) To approve the minutes.
  - (b) To consider report of activities of the previous year.
  - (c) To approve annual accounts of the previous year.
  - (d) To consider the budget of the ensuing year.
  - (e) To elect a new Executive Committee for the ensuing year.

- (f) To elect and or appoint an Auditor.
- (g) To elect necessary number of Trustees if applicable.
- (h) To transact any other business which may have been approved by the Executive Committee or which the Chairman may permit.
- (2) Notice of General Meetings shall be given in writing at least fourteen days before the date of the meeting.

**R. Special General Meeting**

The Executive Committee may call a special general meeting of the Association at any time. If at least 30% of the members request such a meeting in writing stating the business to be considered the secretary shall call such a meeting. At least 21 days' notice must be given. The notice must state the business to be discussed. No subject other than that stated shall be discussed at the special meeting convened at the request of the members. Should the Executive Committee fails to convene a meeting within two weeks from the receipt of written requisition as mentioned above, the signatories thereto may themselves convene a meeting of the Association by seven days' notice.

**S. Extra Ordinary General Meeting**

The Executive Committee may by giving forty eight hours notice by the publication in the manner aforesaid will be deemed sufficient for any Extra Ordinary General Meeting to be convened for the purpose of transacting any business of urgent nature.

**T. Procedure at General Meetings**

- (1) The secretary or other person specially appointed by the Executive Committee shall keep a full record of proceedings at every general meeting of the Association.
- (2) the quorum for the General Meeting shall be 25% of the membership. If within one quarter of an hour of the scheduled time of the meeting a quorum is not present at the meeting, if convened on the requisition of members shall be dissolved. In any other case it shall stand adjourned to such time and place as the Executive Committee may determine.

- (3) At a meeting of the Association, ordinary rules and procedures of meeting shall apply and voting will generally be by show of hands unless the Chairman of the meeting decides to take votes by ballot.
- (4) Any resolution passed at the General Meeting or the Management Committee Meeting shall not be altered or varied, but the President for good reason may allow any resolution to be moved, amending, varying or repealing the resolution which may have been previously adopted.

#### **U. Notices**

Any notice required to be served on any member of the Association shall be in writing and shall be served by the secretary or the Executive Committee on any member either personally or by sending it through the post in a prepaid letter addressed to such member at his or her last known address in the United Kingdom, and any letter so sent shall be deemed to have been received within 10 days of posting.

#### **V. Alteration to the Constitution**

- (1) Subject to the following provisions of this clause the Constitution may be altered by a resolution passed by not less than two thirds of the members present and voting at a general meeting. The notice of the general meeting must include notice of the resolution, setting out the terms of the alteration proposed.
- (2) No amendment may be made to clause A, clause C, clause J, clause W, or this clause without the prior consent in writing of the Charity Commissioners.
- (3) No amendment may be made which would have the effect of making the Charity cease to be a charity at law.
- (4) The Executive Committee should promptly send to the Charity Commissioners a copy of any amendment made under this clause.

#### **W. Dissolution**

If the Executive Committee decides that it is necessary or advisable to dissolve the Association, it shall call a meeting of all members of the Association, of which not less than 21 days' notice (stating the terms of the resolution to be proposed) shall be given. If the proposal is confirmed by a two-thirds majority of those present and voting the Executive Committee

shall have the power to realise any assets held by or on behalf of the Association. Any assets remaining after the satisfaction of any proper debts and liabilities shall be given or transferred to The Association of Mandhata Samaj UK, a registered charity or to a specified Gam seva Samiti in Navsari District, India, also a registered charity, in the first place.

If both of these Associations had ceased to exist the said assets shall be given or transferred to such other charitable institution or institutions having objects similar to the objects of the Association as the members of the Association may determine or failing that shall be applied for some other charitable purpose. A copy of the statement of accounts for the final accounting period of the Association must be sent to the Commissioners.

**NOTE:**

This Constitution was amended as follows: Section H and Section Q at the Annual General Meeting held on 21<sup>st</sup> May 2006; and Section F at Annual General Meeting held on 18<sup>th</sup> May 2014.