

# CONSTITUTION

OF THE

**PEOPLE'S EDUCATION SOCIETY AND TRUST,  
BELGAUM**

(Registered under the Karnataka Societies Registration Act, 1960  
and the Bombay Public Trusts Act, 1950)

1974

(As amended by the Assistant Charity Commissioner  
under his Inq. Nos. 405/81 and 5/83)

and



**PRINCIPAL**

Bhalikh College of Education  
Nehru Nagar, Belgaum



**MANAGING TRUSTEE**  
People's Education Society  
And Trusts, BELGAUM

Process of the 1974

9

Form No. 14

SEAL

S. 3-67-68.  
BELGAUM.

Certificate of Registration

I hereby certify that the "THE PEOPLE'S EDUCATION SOCIETY", THE HOMOEOPATHIC MEDICAL COLLEGE, BELGAUM is this day registered under the Mysore Societies Registration Act, 1960 (Mysore Act No. 17 of 1960).

Fee paid, Rupees Fifty only.

Given under my hand at Bangalore, the 13th day of December One Thousand Nine Hundred and Sixty Seven.

Seal

Sd/- G. VARADARAJA IYENGAR  
For Registrar of Societies in Mysore.

Memorandum of Association  
of  
The People's Education Society and Trust  
Belgaum

1. Name :- The Society shall be called "The People's Education Society and Trust."

2. Aims and objects :- The aims and objects of the Society and Trust shall be :-

(a) to establish schools, colleges and other educational institutions;

(b) to take over schools and colleges belonging to other institutions for purposes of management and control;

(c) to promote the spread of education and to impart instructions in any branch of knowledge including the homoeopathic system of medicine;

(d) to establish, conduct or take over hospitals and dispensaries for the purpose of imparting practical training to students studying medicine;

(e) to provide facilities for research in homoeopathy or in any other branch of science; and

(f) generally to do all such things as may be deemed necessary to attain the aforesaid objects.

3. The management of the property and the affairs of the Society and Trust shall be entrusted to and carried on by "Governing Council" consisting of five Trustees and four elected members.

4. Headquarters and address :- The Headquarters of the Society and Trust shall be "Belgaum" and the registered address of the Society and Trust shall be "A. M. Shaikh Homoeopathic Medical College, Nehru Nagar, Belgaum-590-010".

5. Deleted.

## Rules and Regulations of The People's Education Society and Trust

### Part I - Preliminary

**1. Interpretation :-** Unless in these rules and regulations there is anything repugnant or inconsistent to the context or meaning -

(i) "The Society" shall mean "The People's Education Society and Trust";

(ii) "the Council" shall mean the Governing Council constituted under these rules;

(iii) "The Act" shall mean the Karnataka Societies Registration Act, 1960 and shall include the Rules framed thereunder;

(iv) "month" and "year" shall mean a calendar month according to the English calendar and the financial year ending 31st March respectively;

(v) "the Registrar" shall mean the Registrar as defined in Section 2(e) of the Act;

(vi) "the Chairman" shall mean the Chairman of the Governing Council;

(vii) Words importing singular number shall be deemed to include plural and vice versa; and,

(viii) Words importing persons shall include Corporations, except for the purposes of Rules 2 and 3.

### Part II - Membership and Authorities

**2. Membership :-** Any person either within India or outside who is interested and subscribes to any or all the aims and objects of the Society and Trust shall be eligible for membership.

**3. Class of membership :-** The Society and Trust shall consist of the following classes of members :-

(a) Trustees :- The number of Trustees shall be 200.

(b) Ordinary members :- A person who contributes Rs. 100/- or more in one lump sum to the Society and Trust and pays an annual subscription of Rs. 10/- on or before the 1st of May for the official year commencing on the first of previous month may be elected as an ordinary member. If, however, he fails to pay the annual subscription, he shall continue only as a sympathiser.

**4. Sympathiser :-** A person who contributes Rs. 25 or more in one lump sum may be elected as a sympathiser. He shall, however, not be a member of the Society and Trust, not entitled to attend any of its meetings.

**5. Application for membership :-** Application for membership of the Society and Trust shall be made in the form approved by the Council; but the Council may dispense with such application in cases where it considers it desirable to do so. The Council shall have absolute power at its discretion, without assigning any reason whatsoever, to elect, reject or withhold its approval to any such application for membership. But when an application for membership is opposed by any two members of the Council, it shall be rejected.

**6. Termination of Membership :-** A person shall cease to be a member of the Society and Trust if -

(a) he resigns or dies,

(b) he is convicted of an offence involving moral turpitude,

(c) he is adjudged insolvent, or,

(d) he fails to pay any sum due from him to the Society and Trust within six months from the date on which such sum becomes payable.

provided that clause (d) shall not be applicable to trustees.

**7. Authorities of Society and Trust :-** The following shall be the authorities of the Society and Trust, namely - (i) the General Body, (ii) the Governing Council and (iii) the Trustees.

**8. The General Body :-** The General Body shall consist of the trustees and ordinary members.

9. Powers and functions of General Body:- The powers and functions of the General Body shall be:-

- (1) to receive and consider the Council's report, the Balance Sheet and the Auditor's report,
- (2) to elect the President except the first President,
- (3) to appoint the Auditors and to fix their remuneration,
- (4) to elect members of the Council other than trustees from the members of the Society and Trust,
- (5) to amend, alter or repeal any of the Rules and Regulations of the Society and Trust,
- (6) to consider and approve amalgamation of the Society and Trust with any other Society having similar aims and objects, and
- (7) to submit such statements, returns and information to the Registrar as may be required by the Act or called for by him.

10. Governing Council:- (1) The Governing Council shall consist of ~~five~~ members of whom ~~five~~ shall be trustees and four shall be elected members.

(2) Deleted.

(3) Every trustee shall be a member for life. Any casual vacancy of trustees shall be filled by the remaining trustees by selection of any person considered most suitable by them, subject however to the condition, if any, respecting the appointment of a trustee of any special trust created by any donor and accepted by the Society and Trust.

(4) A trustee may be removed from office -

- (a) if he is convicted in any criminal proceedings of any offence involving moral turpitude,
- (b) if he is found guilty of misconduct in the discharge of his duties,
- (c) if he acts intentionally in such a manner as to injure the interest of the Society and Trust,

(d) if he is adjudged insolvent or becomes mentally disabled or unsound, or

(e) if he has for any reason become physically incapable of performing his duties.

Provided that no trustee shall thus be removed without giving him an opportunity of being heard on the charges levelled against him.

11. Powers and duties of Governing Council :-

(1) The management of the property and the affairs of the Society and Trust shall be carried on by the Governing Council. This Council shall for the purposes of the Act constitute a "Governing Body" within the meaning of Section 2 (a) of the Act.

(2) The Council shall have power to appoint sub-committees from among themselves or from among the members of the Society and Trust or from among experts to advise the Council in regard to specific matters. The office-bearers of the Society and Trust shall be ex-officio members of the sub-committees.

(3) The Council shall have power to appoint for any institution of the Society and Trust a separate Managing Committee consisting of five members of the Society and Trust of whom three shall be the trustees to carry on the management of the institution subject to the orders and supervision of the Council. The Council may prescribe such duties and confer such powers on the Managing Committee and on the head of the institution as may be considered necessary.

(4) Subject to the provisions of Rule 12(2), the Council shall have full power and authority to do all such acts and deeds which may be necessary or expedient for the purpose of the Society and Trust and expend money therefor, and in particular and without prejudice to the generality of this provision, the Council shall have power :-

(a) to look after, manage and supervise the management of the institutions of the Society and Trust to expend money required for that purpose;

(b) to pay all rates, rents, salaries or other dues;

(c) to appoint, remove, suspend and re-appoint employees, agents or servants for carrying out the work or objects of the Society and Trust;

(d) to accept donations, gifts and legacies with or without any conditions;

(e) to acquire by gift, purchases, exchange or lease of otherwise howsoever and to sell, mortgage or otherwise dispose of any lands, buildings or other properties movable or immovable;

(f) to build, construct, maintain, pull down, alter, extend, improve and repair any building or structure;

(g) to borrow or raise money for the purposes of the Society and Trust upon bonds, debentures, promissory notes or other obligations or securities of the Society and Trust or by mortgage or charge on all or any of the properties of the Society and Trust;

(h) to negotiate and enter into contracts on behalf of the Society and Trust and to vary and rescind such contracts; and

(i) to delegate any of the powers to the Chairman, the Secretary, any officer, head of its institutions or sub-committees

12 (1) Deleted.

(2) All the property belonging to the Society and Trust, movable and immovable, shall be vested in the trustees, and the trustees shall have the custody of all deeds and documents of title relating to such properties. The Trustees shall on behalf of the Society and Trust generally transact all business in this respect in such manner as the Council may from time to time determine and direct.

(3) The trustees shall be indemnified out of the Society and Trust's property and funds against all liabilities, risk and expenditure incurred by them as trustees.

v. Office Bearers :- (1) Shri Manikaran Prasavaswarup Shiva-Basavaswamiji Guru Veerbhadraswamiji Rudrakshi Math, Nagpur shall be the first President of the Society and Trust for the His successors shall be elected by the General Body, provided that every such elected President shall be a person of high position and status or well known for his erudition or munificence.

(2) The Council constituted as aforesaid shall from among its members elect the Chairman, provided that he shall be one of the trustees. The Secretary may be honorary or a salaried officer of the Society and Trust as appointed by the Governing Council.

v. Powers and duties of the Chairman : (1) The duties of the Chairman shall be :

(a) to represent the Society and Trust in legal proceedings, contracts and agreements;

(b) to convene meetings of the Council as often as is necessary;

(c) to issue instructions in regard to the monthly statement of accounts of the institutions of the Society and Trust placed before him by the Secretary;

(d) to sign vakalatnama, powers of attorney or letters of authorisation on behalf of the Society and Trust;

(e) to draw cheques under his signature or otherwise operate the bank accounts opened in the name of the Society and Trust; and

(f) to perform such other duties as the Council may assign to him from time to time.

The powers of the Chairman shall be-

(a) to appoint or transfer the ministerial staff of the Society and Trust or of its institutions;

(b) to sanction due leave and due increments to the members of the establishment and the same to be placed before the Council for information;

(c) to sanction loans to the employees from their provident fund accounts;

(d) to invest the staff provident fund in Government securities;

(e) to affix the common seal of the Society and Trust where necessary;

(f) to supervise and control the work of the Society and Trust and of the institutions of the Society and Trust;

(g) to exercise such other powers as the Council may delegate to him from time to time; and

(h) to invest funds of the Society and Trust.

#### 14 A. Powers and duties of the Secretary :-

(1) The duties of the Secretary shall be -

(a) to carry on the Society and Trust's correspondence and its day to day administration;

(b) to supervise the writing of accounts of the Society and Trust and get them audited every year and to place the audit report and the statement of accounts before the Council for necessary action;

(c) subject to the provisions of rule 12(2), to keep in safe custody all the valuable records and accounts of the Society and Trust;

(d) to give effect to the resolutions passed by the General Body and the Council without delay;

(e) to get the monthly statements of accounts of all the institutions of the Society and Trust and place them before the Chairman for issue of necessary instructions;

(f) to keep lists of all the movable and immovable property, dead stock, securities, etc. of the Society and Trust maintained up to date;

(g) to place the proposals of the Managing Committees before the Council in good time for necessary action;

(h) to count the balance lying in the office at least once every month, checking the balance shown in the account books and verifying its correctness under his signature;

(i) to submit to the Registrar a list of the names, addresses and occupations of the members of the Council in the prescribed form and a copy of the balance sheet and of the income and expenditure account duly audited in respect of each year, as required by section 13 of the Act and rule 7 of The Karnataka Societies Registration Rules, 1961;

(j) and to perform such other duties as the Council or the Chairman may assign to him from time to time.

(2) The powers of the Secretary shall be -

(a) to sanction casual leave to class four servants of the Society and Trust;

(b) to supervise and control the working of the Society and Trust staff;

(c) and to exercise such other powers as the Council or the Chairman may delegate to him from time to time.

15. Retirement and casual vacancies :- (1) The elected President, the Chairman, the Secretary or the elected members of the Council shall hold office for a term of three years retiring at the conclusion of every third ordinary general meeting of the Society and Trust, but shall continue in office until their successors take charge.

(2) Every retiring office-bearer or member of the Council shall be eligible for re-election.

(3) The Chairman, the Trustees, the Secretary or the elected members of the Council may resign by tendering their letters of resignation to the President.

(4) Any Trusted or elected member of the Governing Council remaining absent without leave for six consecutive meetings of the Council shall be deemed to have vacated his seat.

(5) Any casual vacancy in the offices of the President, and the elected members of the Council may be filled by the

General Body and any such vacancy in the offices of the Chairman and the Secretary may be filled by the Council. Such persons shall hold office for the remaining period of their term of office.

### Part III-Meetings and Transaction of Business

**16. General Body Meetings:-** (1) A general meeting of the General Body called the annual general meeting shall be held every year at which the following business shall be transacted:-

(a) to receive the Council's Report, the Balance Sheet, the Income and Expenditure Account and the Auditor's Report for the preceding year;

(b) to appoint auditors for the ensuing year and to fix their remuneration;

(c) to elect the elected President and the elected members of the Council on occurrence of respective vacancies; and

(d) to transact any other business which may be brought forward by the leave of the presiding authority of the meeting or which may have been placed on the agenda of the meeting.

(2) The first annual general meeting shall be held within eighteen months of the registration of the Society and Trust. The next annual general meeting shall be held within nine months after the expiry of the calendar year in which the first annual general meeting was held; and thereafter an annual general meeting shall be held within nine months after the expiry of each calendar year.

Provided that not more than eighteen months shall lapse between the date of one general meeting and that of the next.

(3) It shall be the duty of the Council to convene the general meetings of the General Body whenever it is necessary to do so.

(4) A special general meeting may be convened at any time on the requisition of not less than three members of the Council or 1/10th of the total number of members of the Society and Trust, entitled to vote who shall state in writing

the business for which they wish the meeting to be convened and the Council shall within ten days from the date of receipt of the requisition, proceed duly to call a meeting for the consideration of the business stated on a day not later than forty days from the date of receipt of the requisition.

(4) Any member desirous of moving any resolution at any general meeting shall give a notice thereof in writing to the Chairman at least seven clear days before the date notified for holding the said meeting.

(6) Every general meeting shall be presided over by the President and in his absence, any other member present may be elected to preside over the meeting.

(7) Every question before a general meeting of the General Body shall be decided by majority of votes of the members present and voting, the presiding authority having a second or casting vote in all cases of equality of votes; no decision shall, however, be deemed to be taken unanimously or by majority in respect of any important matter calculated materially to affect adversely the status, position, reputation or the larger interest of the Society and Trust except with the concurrence of at least three of the trustees.

(8) Votes shall ordinarily be taken by show of hands; but a poll, if demanded by at least five members present at such meeting, shall be taken and the result thereof recorded in the minute book.

(9) No member shall vote on any matter in which he may personally be concerned or interested directly or indirectly.

(10) Any general meeting may with the consent of the majority of the members present be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than left undischarged at the previous meeting from which the adjournment took place.

**17. Council Meetings :-** A meeting of the Council shall be called by the Chairman at least once in every quarter of the year. Ordinarily at least four clear days' notice of the



meeting shall be given to every member of the Council; but an emergency meeting may be called 'at forty-eight hours' notice where, however, this is not possible approval of the Governing Council may be obtained by circulation of a draft resolution. Any accidental omission to give notice to or non-receipt of notice by any member shall not invalidate the proceedings at any Council meeting. The Council shall have power to invite not more than two persons whether members of the Society and Trust or not, to be present at any Council meeting; such person may participate in the discussion at the meeting, but he shall not be entitled to vote.

(2) Every Council meeting shall be presided over by the Chairman and in his absence by any other member present who may be elected to preside over the meeting.

(3) Meetings of the Council shall be held and the business thereat conducted in accordance with the rules made by it from time to time.

(4) Every question before the Council shall be decided by majority of votes of the members present and voting, the presiding authority having a second or casting vote in all cases of equality of votes. No decision shall however be deemed to be taken in respect of the following matters except with the concurrence of at least three of the trustees:-

(a) borrowing of money, repayment of loans and investment of funds;

(b) mortgage, grant, lease, sale or any other transfer of immovable property by or in favour of the Society and Trust;

(c) contract for purchase of material or execution of work of an estimated value of Rs.10,000/- or more;

(d) any question affecting a trustee;

(e) sanction of the budget for the ensuing year;

(f) any proposal, scheme or project leading to expansion or diminution in the sphere of the activities of the Society and Trust in general, or opening or closure of any institution in particular; or

(g) any important matter calculated materially to affect the status, position or reputation or the larger interest of the Society and Trust;

Provided that where a dispute arises as to whether any matter falls under any of the clauses (a) to (g) the decision of the trustees taken unanimously or by majority among themselves shall be final.

18. Quorum:- (1) Quorum at a Council meeting shall be one trustee and two elected members and at a general meeting of the General Body the quorum shall be 1/3rd of the total number of members on the register of the Society and Trust of whom at least two members present shall be trustees.

(2) If within half an hour from the time appointed for the meeting of the Council or the General Body, a quorum shall be lacking, the meeting shall be adjourned to another day to be fixed by the presiding authority and notice of which shall be given to all the members of the Council or the Society and Trust as the case may be. The members present at an adjourned meeting shall constitute a quorum at such meeting.

19. Minutes:- All decisions of the General Body, Council or Managing Committees, if any, shall be recorded in the respective Minute Books. A separate Minute Book shall be maintained for each of these bodies wherein the names of the members present and the minutes of the proceedings shall be recorded and attested by the signature of the presiding authority of the meeting.

#### Part IV - Funds, Accounts and Audit

20. Profits and Income :- The profits and income of the Society and Trust shall be applied only for the purpose of promoting the aims and objects of the Society and Trust, and no payment of dividends or distribution of any income or profits shall be made among its members.

1. Bank Accounts :- Bank accounts shall be opened in the name of the Society and Trust and shall, subject to rule

14(1)(c), be operated in a manner to be determined by the Council from time to time. All receipts and funds of the Society and Trust shall be paid into such bank or banks in which the accounts in the name of the Society and Trust are maintained.

**22. Auditors :-** (1) The accounts of the Society and Trust and its institutions shall be audited every year by the auditors, appointed by the General Body. The Council shall, however have power to appoint the first auditors.

(2) No member of the Council or paid employee of the Society and Trust shall be appointed as an auditor.

#### Part V - Miscellaneous

**23. Indemnity.** The office-bearers, members of the Council, officers, employees and the auditors of the Society and Trust shall be indemnified out of the funds and properties of the Society and Trust against all costs, claims, losses and expenditure incurred by them in or about the lawful discharge of their duties except such as have arisen by their own wilful, neglect or default.

**24. Official year.** The official year of the Society and Trust shall be the financial year, that is from 1st April to 31st March.

**25. Working hours.** The working hours of the Society and Trust office shall be from 11 a.m. to 5 p.m. on working days.

**26. Notices :** A notice may be given by the Society and Trust to any member either personally or by post to his registered address.

**27. (1)** Where a notice is sent by post, service of the notice shall be deemed to have been effected by properly addressing, prepaying and posting a letter denoting the notice under a certificate of posting; and unless the contrary is proved, the notice is deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

(2) All notices or communications intended for a member shall be deemed to have been fully given and made to the member if posted as aforesaid; and the production of a proper certificate of posting from postal authorities shall be conclusive evidence of the despatch of the notice or communication.

**27-A.** The Society and Trust may sue or be sued in the name of the Chairman.

**28. Alteration of the Memorandum of Association or Rules:-** Repeal, alteration of or addition to the Memorandum of Association or these Rules and Regulations may be effected and filed with the Registrar or with the Assistant Charity Commissioner.

**9. Byelaws:** The Council shall have power to frame such bye-laws as may be necessary for the conduct of the work of the Society and Trust and duties, responsibilities and service conditions of its employees.

**30. Transitional provision:-** Till such time as the authority and the office-bearers of the Society and Trust as provided in these rules and regulations come in to being, the first Governing Council shall as the sole body fully representing the Society and Trust, carry on the work, management and affairs of the Society and Trust.