

THE CONSTITUTION (WITH AMMENDMENTS UPTO 06-11-2016) OF SHRI ALAKH SAHIBA TRUST, REGISTERED UNDER No. 52 OF 1961 AND SUBSEQUENTLY UNDER NO: 52/RC/941 DATED 01.05.1997



Name: **Shri Alakh Sahiba Trust (Regd.)
Srinagar, Kashmir (India)**

Head Office: **Khan Kahi Sokhta (Dedmar),
Alakh Lane Nawa Kadal,
Srinagar, Kashmir-190002**

ProvincialOffice: **Shri Mata Roop Bhawani Bhawan,

Mata Roop Bhawani Road,

Tirath Nagar, Bohri,

Talab Tilloo, Jammu. -180002**

INTRODUCTION

First Edition

Shri Alakh Sahiba Trust was established on Durga Ashtami the 12th Assuj 1990 Bikrami, corresponding to 25th September 1933.

Every member of the community is quite aware of the services rendered by the trust during all these years. At initial stages the Trust functioned under certain guidelines laid down for the purpose. The expansion of activities of the Trust necessitated addition and alteration and broader guidelines and to fulfill the requirements, a draft constitution was framed for effective and proper functioning of the Trust. The draft constitution was discussed in various meetings and after seeking individual and collective opinions of the devotees of Alakh Sahiba, the draft constitution was unanimously adopted by the General Council of the Trust in its meeting held on **6th January, 1957.**

Second Edition

While functioning under the said Constitution, again some deficiencies were felt and further amendments to the Constitution were made to suit the changed circumstances and the same were adopted by the General Council of the Trust in its meeting held on **12th July, 1965.**

Third Edition

With the change in the social, political and economic conditions, the activities of the Trust entered a wider phase and further amendments to the said constitution became imperative to fulfill the requirements. Through an amendment passed in the meeting of the General Council of the Trust held on **9th September, 1977,** the number of General Council Members was raised from 37 to 62 out of whom there would be six patrons instead of two. Similarly the number of Executive Council Members was raised from 17 to 24. As a result of this change, the powers of Executive Council President, General Secretary, Secretary, General Manager and the Treasurer had to be enhanced to meet the requirements.

Fourth Edition

With the eruption of militancy in the Kashmir Valley, which began in the Year 1989, Kashmiri Pandits (KPs) in general and some prominent Pandits in general were shot dead. An atmosphere of terror was created in the Valley and under the fear of the gun mass exodus of KPs took place, leaving behind their homes, hearths and properties worth crores of rupees. The Community members had to take shelter in different parts of the country and major portion of these displaced KPs stayed in Jammu, mostly in torn tents in scorching heat and cold. This unfortunate event was surreptitiously given the name of “migration” and the Community members who were forced to leave their birth places were called as “Migrants” by the State/ Central Govt. Authorities. In order to preserve and maintain traditional, social and cultural ties, Shri Alakh Sahiba Trust restarted its activities at Jammu and the need for construction of a Bhawan of Alakh Sahiba was felt. A piece of land at Tirath Nagar, Bohri, Talab Tilloo was purchased and foundation for construction of Shri Mata Roop Bhawani Bhawan was laid in the year 1992. In order to ensure smooth functioning, a provincial committee of the Trust was constituted and as a result thereof further amendments to the Trust’s Constitution were made which were adopted by the General Council of the Trust, in its meeting held on **06.01.1999 at 5.00 pm** in the Bhawan premises situated at Tirath Nagar, Talab Tilloo, Jammu.

Fifth Edition

With change in social, economical, political & local conditions the Trust Executive Council felt need for changes in the then existing constitution, which were discussed in various meetings & finally adopted on Magh Saptami Monday **15th of January 2001.**

Sixth Edition

With the changes in working of Trust & with an aim to provide long term stability to the Trust, many basic changes were made in the constitution of Trust. The matter was discussed & deliberated upon in many meetings by Executive Council & General Council. With expansion in Trust activities, the need was felt to approach income tax department for exemption under Sec 80 G. As per requirement of income tax department a registered Trust deed was required. Accordingly a fresh Trust deed came into existence and General Manager of Central body Dr. Janki Nath Dhar, members Sh Omkar Nath Dhar & Sh Pyare Lal Dhar were authorized to execute the new Trust Deed in the court of law on 1st of August 2002 and Deed was registered on 16th August 2002. To meet the requirement of Income Tax department, subsequently an ADDENDUM DEED (of Trust Deed) was made and got registered in court of law. The amended constitution was adopted by voice vote in the General Body meeting held on **05-10-2004.**

Seventh Edition

With the changes in local conditions & with a view to improve the working culture & ensure efficient working and control in the Trust, Executive Council of Trust after deliberations in various meetings recommended fresh changes in constitution of Trust. The changes were finally adopted in the General Council meeting held on **8th of December 2009.**

Eighth Edition

After recent changes in basic constitution of Trust, the matter was deliberated upon and discussed in several Executive Council meetings and as the period passed by studying the recent changes in constitution. Some more changes were felt to be carried out. The recommended changes were discussed in General Council meeting & finally adopted in the meetings held on **9th of December 2012, 30th of December 2012 and 6th of January 2013.**

Ninth Edition

After deliberations in various executive council meeting, the post of Vice-President was abolished & post of General Secretary was adopted, powers of President, General Secretary, Secretary & General Manager were re- allocated. The resolution regarding changes was adopted in **General Body Meeting on 6-11-2016 & further amendments were carried out on 12-11-2017**

AMENDED CONSTITUTION OF ALAKH SAHIBA TRUST (REGD) SRINAGAR, KASHMIR
(up dated up to 12th of November 2017)

HEAD OFFICE

PROVINCIAL OFFICE

AIMS & OBJECTIVES

BASIC MEMBERSHIP

Every major Hindu having devotion to Alakh Sahiba, & committed to the Aims and objectives of the Trust ; and applies for membership on prescribed membership form & pays membership fee, can be a basic member of the Trust. Membership shall be life Time. Life Time Membership Fee Shall be Rs 100/-(one time).The amount of membership fee can be changed by Executive Council as per prevailing conditions. Deserving persons can be given membership with nominal fee (Minimum Rs 50/-). Prescribed membership card shall be issued to a basic member. A register shall be maintained in office of Trust, enlisting all basic members, enlisted basic members shall be the Registered Members of Trust. Updated list of Registered Members shall be submitted to the concerned offices periodically.

ORGANISATIONAL STRUCTURE

Shri Alakh Sahiba Trust's organizational structure will comprise of a General Council, an Executive Council.

GENERAL COUNCIL:

- i) All registered members shall constitute the General Council.
- ii) Four persons can be nominated as Patron of Trust. At least two suitable and responsible persons from amongst General Council members and if need be, two suitable and responsible persons from outside the General Council can be nominated as Patrons of the Trust and the Executive Council shall be inviting them to participate in the important meetings to seek their opinion and guidance. The Patrons have no right to vote.
- iii) In the event of difference of opinion in the General Council meeting, decision will be taken by majority vote and in case there is a tie, the President shall have the casting vote.
- iv) Meeting of the General Council shall be held at least once in 6 months.
- v) General Council meeting will be presided over by the President, in his absence General Secretary, except on the date of election of Executive council, when existing Executive Council shall stand dissolved. That meeting shall be presided over by a person mutually nominated for the purpose amongst the members present. However the Election Meeting shall be conducted by the out-going Secretary of the Trust.
- vi) General Council will consider the report furnished by the Executive Council after discussion approve or alter the same.
- vii) General Council shall approve & bring about amendments to the constitution, proposed by Executive Council, as and when required.
- viii) Meeting of the General Council shall be called by the Secretary in general and by the President in particular.
- ix) General Council will elect the President, General Secretary & other members of Executive Council.

EXECUTIVE COUNCIL

- i) Executive Council shall consist of 25 members, 20 members shall be elected from amongst the General Council and 5 members can be nominated from General Council by Executive Council, if need be, and shall be answerable to General Council.
- ii) The 2/3rd members of Executive council members shall be elected from direct descendants of Mata Roop Bhawani & members of Kashmiri Pandit Community
- iii) The quorum of the Executive Council will be 11 members but for important meetings i.e., for change in Constitution, approval of new projects the quorum will be 15. In case there is no full quorum for a particular meeting the same shall be postponed to some other date.
- iv) The Executive Council meeting shall generally be convened by Secretary and in a particular situation the President and General Secretary can also call the meeting.
- v) Prior notice of at least 24 hours shall be issued to convene a meeting but in emergency situation 12 hours notice shall be considered sufficient.
- vi) The Executive Council shall meet once in a month but in emergency, the meeting can be called any time and at any place. Generally the meeting shall be held in the premises of the Trust.
- vii) The Executive Council will formulate & approve proposals to fulfill the aims and objectives of the Trust and implement the same.
- viii) The Executive Council shall be responsible for protection & proper maintenance of both immovable and movable property of the Trust and find ways and means to preserve and develop the same.
- ix) The Executive Council shall make arrangements and perform all the functions concerning Alakh Sahiba.
- x) The Executive Council shall receive all donations in cash and kind against proper receipt. All donations (cash or otherwise) received or recovered by a member of the Trust, shall be handed over by the member immediately to the Treasurer or deposit the same in the bank account of the Trust, against proper receipt.

- xi) The Executive Council shall maintain all the accounts of income and expenditure of the Trust and place the account statements before its members and devotees.
- xii) A resolution regarding amendment of the constitution of the Trust shall be discussed by the Executive Council and recommend the same to General Council for approval at an appropriate time.
- xiii) Every member shall work for the Trust free of any compensation, salary or honorarium.
- xiv) In case any person or a member, authorized by Trust, expends funds from his resources or of the Trust on writing or printing of a book or raises a construction, he can not get his personal name written thereon. However, if a member or a devotee does a deed worth praise, an entry to this effect shall be made in the minute book of the Trust and a commendation letter awarded to him.
- xv) The Executive Council shall be competent to grant a reward in cash or a "Praman Patra" to any person for performing a commendable deed.
- xvi) A Member of the Executive Council who is reported for non performance or absents himself from three consecutive meetings, without any tangible reason, can warrant expulsion, the proposal of his expulsion from the council shall be forwarded to General Council for approval, and in his place another member from the General Council can be co-opted.
- xvii) In case the Executive Council has any concrete proof that the action of a Registered Member or Executive Council member contravene the Aims and Objectives of the Trust, the Executive Council shall forward with observation a proposal to General Council to expel the member . The vacancy having thus occurred shall be filled as per procedure laid down in Clause (xvii) above.
- xviii) Executive Council can propose to remove elected President or General Secretary by adopting resolution with 3/4th majority and forward same to General Council for getting approval, at least 51% of total General Council Members at that point of time can approve such proposal.
- xix) Executive Council shall be answerable to General Council.
- xx) Executive Council shall open accounts in any commercial Bank/ Post Office with joint operation of either of two from President, Treasurer and General Secretary. General Secretary shall only sign when any of two i.e. President and Treasurer is out of office for reasonably long time.
- xxi) Executive Council in case of emergency/ exigencies can raise loan. The Executive Council shall pass a resolution in this regard & specify the reason clearly thereof and nominate the person(s) from the Executive Council on whose name(s) the loan shall be raised. The Trust shall be fully responsible for the loan so raised & shall liquidate the loan along with interest in full.
- xxii) Executive Council shall purchase/ sell the movable & immovable property of Trust through President and subsequently get approval from General Council.
- xxiii) The Executive Council can appoint/dismiss employees for the Trust, if need arises. President & General Secretary jointly shall be appointing / dismissing authority.
- xxiv) The Executive Council can nominate as per requirement, formation of Committees /Sub-Committees.
- xxv) The executive council by majority vote can suspend/dissolve the council and appoint interim body for day to day work of trust till fresh elections are held.
- xxvi) The elections shall be conducted within three months of suspension/dissolution by appointed interim body.

PROCEDURE FOR HOLDING ELECTIONS

- i) General Elections of the Trust shall be held after every five years at Jammu or Kashmir on a suitable date, keeping in view the suitable situation of the State and Nation.
- ii) Registered Members of Trust can only file nomination for election.
- iii) Members who have served at least one term as Executive Council Member can only submit Nomination for post of President and General Secretary.
- iv) General Council members shall elect President, General Secretary & other Executive Council members by majority vote.
- v) The President and General Secretary can be elected for two consecutive terms only, in case there is no candidate for these posts then only further term can granted.
- vi) The election shall be held by secret ballot as per prevailing democratic norms and the General council members present at the time of election only have right to Vote. In case, if need be, however, any of the General Council member is, due to unavoidable circumstances, out of the station, he can send his vote by post marked "POSTAL VOTE" on the name of Election officer so as to reach him on or before the election date. The said Vote shall be considered as valid.
- vii) The date of election shall be notified at such that there shall be minimum 20 days time gap between last date of withdrawal of nomination and election date.
- viii) The election shall be conducted by outgoing office bearers/appointed interim body (in case of suspension or dissolution) by nominating ELECTION OFFICER, who shall be conducting the election as per prevailing democratic norms by secret ballot. Election officer or any person authorized by him shall receive nomination papers for election of President, General Secretary and Executive Council members.
- ix) The nomination form shall be available in Trust's office.

PROCEDURE FOR HOLDING MEETING

- i) Meeting of any of the houses shall be held and concluded in accordance with the democratic norms.
- ii) The members are duty bound to maintain decorum during the meeting.
- iii) The Chairperson of the meeting shall enforce discipline during the the event of a difference of opinion during the meeting on a particular issue the same shall be decided by a majority vote and in case of a tie the Chairperson shall have a casting vote.
- iv) With regard to meaning or on clarification of any of the Clauses of this Constitution, the President's interpretation shall be taken as final and binding
- v) Any member desirous of moving a Resolution in the House, shall intimate the Secretary in writing about the same at least 24 hours before the date of the meeting fixed, to enable the Secretary to include it in the Agenda of such meeting. In case, however, the notice for holding meeting is issued late, for whatever reason, and the participants of the meeting are convinced about it, the resolution can be put for discussion in the meeting.
- vi) All Meetings except General Council meeting for election shall be presided over by the President, in his absence by General Secretary and if both are absent, by any member chosen by the members present in the particular meeting shall preside over that meeting.
- vii) The Executive Council meeting shall generally be convened by Secretary and in a particular situation the President and General Manager can also call the meeting.
- viii) Prior notice of at least 24 hours shall be issued to convene a meeting but in emergency situation 12 hours notice shall be considered sufficient.
- ix) The Executive Council shall meet once in a month but in emergency, the meeting can be called any time and at any place. Generally the meeting shall be held in the premises of the Trust.

DUTIES OF THE OFFICE BEARERS

PRESIDENT:

- i) President shall preside over all the meetings of the Executive Council and the General Council of the Trust except the General Council meeting held for the election of Trust.
- ii) President shall nominate/Change office bearers of Trust jointly in consultation with General Secretary & subsequently inform Executive Council Members.
- iii) Shall operate the Bank account of the Trust jointly with Treasurer and General Secretary.
- iv) Shall review the bills passed by General Secretary.
- v) Shall sign the cash book, stock register, minute book and other books of the Trust after these are completed by the concerned.
- vi) Shall submit resignation on the expiry of the term of Executive Council, along with other members, but will, however, continue as care taker till new President, General Secretary & members are elected.
- vii) In the event of President resigning from his office or remaining absent from office for a reasonably long period, the General Secretary will take over as President for the period till new President is elected or President resumes office.
- viii) Represent and follow the case(s) against the Trust/ instituted by the Trust in the Court(s).
- ix) Purchase/ Sell immovable property in the name of the Trust, after getting approval from Executive Council, as and when required, sign and get registered all the documents relating thereto by the competent authority.
- x) President shall be final approving authority; all decisions taken shall be in consultation with General Secretary. If difference of opinion arises in any matter, same shall be put in executive council for final approval.
- xi) President & General Secretary after mutual consultation can nominate any office bearer for administrative work in case of their reasonably long absence from office.

GENERAL SECRETARY

- i) Shall exercise all powers of President, when elected President resigns or is out of office for a reasonably long period.
- ii) Shall jointly in consultation with President nominate/Change office bearers of Trust.
- iii) Shall pass all payment vouchers and bills and get it reviewed by President.
- iv) Keep in regular touch with the President & place annual reports with regard to activities of the Trust before Devotees on Magh Saftami festival.
- v) Will publish the statements of income and expenditure/ balance sheet of the Trust after it is prepared & audited by appointed Chartered Accountant, for information of devotees.
- vi) Issue press statements/press advertisements and call press conferences to brief the press with regard to activities, services rendered and achievements of the Trust.
- vii) Shall operate the Bank account of the Trust jointly with Treasurer and President only when either of two i.e. President or Treasurer is out of station for reasonably long period.
- viii) Check the vouchers, accounts, & annual financial statement of accounts & present the same to executive council one month prior to Sahiban Saftami.
- ix) Shall coordinate with appointed chartered accountant of Trust & ensure timely submission of returns & allied documents to the concerned departments.
- x) Every amount shall be payable after the voucher is checked and verified.

- xi) Check the entries made in the Cash Book, Stock Register and other books & get them reviewed by President.
- xii) Shall coordinate with Treasurer & advise periodically the Executive council members regarding Financial & Administrative health of the Trust.
- xiii) General Secretary & President after mutual consultation can nominate any office bearer for administrative work in case of their reasonably long absence from office.

SECRETARY

- i) Call the Executive Council Meetings, record brief minutes of the meetings in the minute book, get the minutes confirmed in the next meeting of the Executive Council and get the same signed by the President.
- ii) Attend office work and exchange correspondence on behalf of the Trust.
- iii) Call meetings of the General Council and conduct the same.
- iv) Ensure execution of all the decisions taken by the Executive Council and the General Council.

GENERAL MANAGER

- i) Make arrangements for maintenance, upkeep, look after, and watch and ward of Bhawans of Alakh Sahiba.
- ii) Shall supervise the work of the employees of the Trust.
- iii) See that the inventory of the movable properties of the Trust are entered by store keeper/ manager in the concerned register and make sale and purchase of the same after obtaining approval of the Executive Council.
- iv) Shall supervise all arrangements for religious congregations and shall head the committee appointed for the purpose by executive council.
- v) Look after the branches of Trust, youth club, Mahila Mandal reading room/library/Medical centre.
- vi) Shall execute all construction plans in consultation with committee appointed for the purpose by Executive Council.
- vii) Shall look after booking for religious functions in coordination with store keeper.

TREASURER

- i) Will be responsible to make available vouchers of income and expenditure of the Trust every month to the Accountant for check & preparation of books of accounts.
Keep under his safe custody Bank Pass Book(s), Cheque Book(s), Cash Certificates, and Fixed Deposit Certificates, legal & land documents etc. pertaining to the Trust.
Maintain and preserve with him all the vouchers, after these are checked by the Accountant, passed by the General Secretary and countersigned by the President.
- ii) Prepare the books of accounts & annual financial statement of accounts and present the same to the General Secretary well in advance to be published on Sahiba Saftami
Keep the vouchers under safe custody till these are audited.
- iii) Withdraw money from the Bank under the joint signatures with the President and General Secretary.
- ii) Will keep Rs 15000/- as impress money for day to day expenses carried out by Manager.
- iv) Will be responsible to deposit immediately in the Bank all moneys received by him directly or through members in the name of the Trust.

STORE KEEPER

- i) Shall keep all articles consumable & non-consumable (Stock) of the Trust in his custody & shall maintain proper accounts of same.
- ii) Shall issues articles as per requirement to the authorized person and keep proper record thereof.
- iii) Make entries of all articles (stock) of the Trust in the relevant books & shall keep same in the Bhawan under his safe Custody.
- iv) Keep record of serviceable and non serviceable articles (stock) of the Trust and help Manager to update the same for presentation to Executive Council for write off / sale through General Manager

Annual Functions

Shri Alakh Sahiba Trust will perform Functions on Nirwan Divas in Magh, Kanyagat Shrada in "Asooj" (Sahiba Saptami) and Janam Diwas in "Jeth" in keeping with the Traditions of the forefathers. Whereas direct decendents of the Devine Mother from amongst the Dhar family, Mattoo's of Waskura (Sumbal), Khan-Khai Sokhta Nawakadal, Srinagar; Razdans from Manigam (Ganderbal) and having full devotion in HER preferably shall perform the duty of " Jagpati Other devotees can also perform this duty of Jagpati, on all these occasions.

GENERAL

The insignia of Shri Alakh Sahiba Trust shall be "Shuthkoon" (Six cornered figure) with "Alakh" inscribed in it, which shall be inscribed on the Receipt Books and Letter Pads.

The above amended constitution of the Trust was discussed in several meetings and finally adopted on Sunday, the 9th December, 2012. It was also decided that the Constitution be printed and issued by Secretary & copies circulated to the concerned.