

**Constitution  
of the  
All India Kashmiri Samaj**

**244, Sector-3  
R K Puram  
New Delhi-110022**

**(Revised - March 02, 2020)**

## **CONSTITUTION OF THE ALL INDIA KASHMIRI SAMAJ**

### **Preamble**

**Whereas the All India Kashmiri Samaj was constituted by various organizations of Kashmiris worldwide to function as an Apex Body, which could act as a think - tank for the community, be a forum for discussion, presentation, circulation and publicity of various policies and programmes, and be the mainstream representative voice of the Diaspora, to project the special identity, ethos, image and culture of the Kashmiris and take up all issues affecting their well being.**

**Now, therefore, to achieve the above objective, we hereby adopt and give to ourselves the following revised Constitution.**

## **CONSTITUTION OF THE ALL INDIA KASHMIRI SAMAJ**

### **Memorandum of Association**

**Article 1.**        **Name:** The name of the Association shall be the 'All India Kashmiri Samaj', herein referred to as the "AIKS"

**Article 2.**

- a) **Registered Office:** The registered office of the AIKS shall be in Allahabad.
- b) **Head Quarter:** AIKS may have several branch offices as decided by the Executive Committee. Presently, its Headquarter shall be in NCR Delhi at 244, Sector-3, R K Puram, New Delhi-110022.
- c) **Jurisdiction:** The area of administrative operation of AIKS will be worldwide.

**Article 3.        Objectives of the Association**

- a) To be the voice of all Kashmiris by virtue of being the sole apex body of all associations of Kashmiris located within India and abroad in all matters which affect their individual and collective well being.
- b) To extend educational and medical assistance to the needy in the community.
- c) To foster the welfare of the community in an overall atmosphere of national integrity.
- d) To protect, preserve and foster the cultural identity of Kashmiris.
- e) To undertake charitable work to provide relief and support to deserving members of the community and other identifiable just causes.
- f) To act as a clearing house for information and policy formulation, and to monitor and guide the activities of its constituents.
- g) To publish journals, newsletters, policy papers in pursuance of the aims and objectives of the organisation.
- h) To enter into contracts, deeds, agreements and other financial instruments in furtherance of its objectives.
- i) To manage properties of Kashmiri Hindus, willed/unclaimed or approved by State Governments as custodians of the property, i.e., Dharamshalas and temples (Public properties) and confer on AIKS a status analogous to Wakf Board of the Muslim community or SGPC.
- j) To acquire by purchase, lease and loan, mortgage, gift or otherwise, disposal by sale, movable and immovable properties and assets in furtherance of the aims and objectives of the organisation.
- k) To collect subscriptions, donations, advances, loans, and offer scholarships, grants, donations, both in cash and kind, for meeting the objectives of the organisation.
- l) To appoint, and dismiss employees and seek advice of experts, and pay honoraria, salaries, fees, allowances and other remunerations and also impose penalties on defaulters, as the case may be.

- m) To accept notices, summons, negotiate, arbitrate and litigate in all recognized fora in the cause of the organisation.
- n) To do all other things not specifically mentioned herein in furtherance of the aims and objectives of the organisation.

## **Rules and Regulations**

### **1. Name :**

These may be known as the Rules and Regulations of the All India Kashmiri Samaj, herein now referred to as "AIKS".

### **2. Definitions :**

- a) **Affiliate:** A Kashmiri institution/organisation would be termed as an 'affiliate' member of the AIKS.
- b) **Executive Committee:** The main policy making forum of the AIKS shall be the Executive Committee.
- c) **General Council:** The supreme body in the AIKS shall be known as the General Body.
- d) **Kashmiri:** Any person who is born to Kashmiri parents anywhere in the world, or who claims such parentage with proof, or who has at least one parent who is a Kashmiri, and who believes in the objectives of this Constitution, shall be referred to as a 'Kashmiri'.
- e) **Standing Order:** Rules framed by the competent authority containing directions for proper administration and procedure shall be referred to thus.
- f) **Voting member:** Any member of AIKS shall be termed as a 'voting member' who is legally a member of the AIKS as defined and covered under any definition under this Constitution, and who has cleared full dues of membership against his name in the register/records maintained for the purpose.

### **3. Legal Jurisdiction:**

For legal purposes, including the institution of suits against the AIKS, the jurisdiction shall be that of the High Court of Delhi.

### **4. Membership:** The following will be the various categories of membership in AIKS:

- a) Affiliate members
  - b) Associate Membership
  - c) Honorary Patrons – (without voting rights)
  - d) Patrons
  - e) Life Members
- 
- a) **Affiliate Members** – An affiliate member shall be any registered organisation, society, trust, cooperative unit, club and social organisation with local nomenclature which works for the welfare of the Kashmiris.
  - b) **Associate Membership** – In general the policy of AIKS shall be to have a single Affiliate for a particular geographic entity. However, in the case of Jammu and NCT Delhi, AIKS may consider Associate Membership on probation basis to those organisations which have at least 50 paid life members on their role. Granting of Associate Membership at locations other than Jammu and NCT Delhi shall normally not be encouraged.

- c) **Honorary Patrons** – Individuals who have distinguished themselves in any field of activity and who are honoured with the designation of Honorary Patron, through a resolution passed by a majority vote of the General Body, on the recommendation of the Executive Committee. They shall be entitled to all the privileges of Patrons, except the right to vote in the AIKS elections.
- d) **Patrons** – Their names shall be entered into a separate register. They will be entitled to receive Naad and Vaakh free of cost for 15 years. They will have the right to vote in the elections for the post of President AIKS. The Executive Committee may specify other privileges to be extended to Patrons from time to time.
- e) **Life Members** – A Life Member shall be any person who has paid the subscription for this category as decided by AIKS Executive Committee from time to time and later ratified by AGM and who is covered under Rule 2 (b) above. Life Member shall remain thus for a maximum period of 15 years, after which the subscription would have to be renewed to continue that status.

**5. Subscription:**

The Executive Committee will determine the annual sum of money to be paid to AIKS by the Affiliate Members/Patrons/Life Members for retaining their respective status. All cases of new membership of any category shall be required to be approved by the Executive Committee and ratified by General Body Later.

**6. The Executive Committee:**

The Executive Committee shall be nominated by the President.

The Executive Committee shall consist of the following:

President	:	1
Immediate Past President	:	1 (Ex-office member)
Senior Vice President	:	1
Vice Presidents	:	Numbers of Vice-Presidents will be appointed on as required-basis by the President. One of the Vice Presidents shall be preferably appointed from overseas affiliates.
General Secretary	:	1
Joint Secretary	:	2
Treasurer	:	1
Assistant Treasurer	:	1
Secretary Youth wing	:	1
Secretary Woman's Wing	:	1
Secretary Culture	:	1
Editor-in-Chief, Naad	:	1
Editor, Vaakh	:	1

One representative from affiliate organisation having more than 500 registered members.

6.1 The main policymaking forum of the AIKS shall be the Executive Committee.

- 6.2 The President may co-opt any other person as a special invitee on a permanent or temporary basis. Such invitees shall have no voting rights, unless they fall in the category of those with voting rights.
- 6.3 The President shall nominate all office bearers. The President shall fill any vacancy in the office-bearers that may arise on account of death, illness, resignation or any other reason.
- 6.4 The tenure of the Executive Committee shall be for a period of three years or till such time as the next Executive Committee enters upon its office.
- 6.5 There shall be at least two meetings of the Executive Committee in a year, preferably held by rotation at different locations, in consultation with the affiliates.
- 6.6 The General Secretary shall convene the Executive Meetings with the prior approval of the President. Notice for a meeting shall be sent under postal certificate/e-mail/using other IT means, at least 21 days in advance. One third of the membership shall constitute the quorum for a meeting of the Executive Committee. However, quorum for an adjourned meeting shall not be required.
- 6.7 The President may also call emergent meetings of the Executive Committee. Notice for such meetings could be as short as seven days. However, such meetings shall be called only to discuss emergent issues and not to decide substantive matters.
- 6.8 The President shall be obliged to call an extraordinary meeting of the Executive Committee, if a requisition in writing citing sufficient reasons, is made by at least 50% of the executive members. Such a meeting shall discuss the agenda proposed by the persons requisitioning the meeting.
- 6.9 The President shall be authorized to have certain items approved by circulation, if he is of the view that there is no likelihood of an early meeting of the Executive Committee and the matter is capable of being resolved by circulation. In such cases the agenda notes shall be detailed, so that members have all the material required for a decision. A period of 15 days shall be given to members for sending their response. On the basis of the replies received by the due date, the President shall be enabled to take a decision, which shall then be circulated to the members for information.
- 6.10 All decision in the Executive Committee shall generally be taken by consensus. The necessity for taking a vote shall arise only for contentious issues. In such cases, the view of the majority shall prevail. The President shall have one vote, but in case of a tie, he may also exercise a casting vote.
- 6.11 Any decision of the Executive Committee may be changed or rescind in a subsequent meeting, by the majority vote after giving necessary justification.
- 6.12 The Executive Committee shall have all the powers and perform all such functions, as mentioned in the Memorandum of Association, except those that have been assigned to the General Body under these Rules. The Executive Committee shall, in particular, be empowered to frame standing orders with regard to all administrative and procedural matters, including those relating to the recruitment of officers and staff of the AIKS, and their control, discipline and conduct.
- 6.13 A member of the Executive Committee may cease to be its member when:
- a) He/she resigns on their own.
  - b) He/she abstains from three consecutive Executive Committee Meetings without leave of absence.

c) He/she indulges in any anti-AIKS activities.

Executive Committee shall consider and take appropriate decision about the continuation of the respective member

6.14 The quorum for any emergency meeting of the Executive Committee called at short notice shall have a minimum of seven members.

## **7. General Body:**

7.1 The supreme body in the AIKS shall be known as the General Body. It shall consist of the following:

- Indian Affiliate Members.
- Overseas Affiliate Members.
- Patrons.
- Life Members.

7.2 Affiliate Members may send one or more representatives to meetings of the General Body, but only one of them would be allowed to speak and exercise voting rights on behalf of his organization. Voting rights shall accrue to each Affiliate Member in accordance with Clause no. 10.

7.3 Honorary Patron shall not have any voting rights.

7.4 Representatives of Affiliate Members should be authorized in writing to cast their vote by the President or General Secretary of the respective affiliate. Only one member from the respective affiliate shall be permitted to cast proxy vote. Nomination by e-mail and fax shall also be permitted.

7.5 Life Members shall need to carry their identity/membership cards. No proxy voting shall be allowed in his or her case.

7.6 All members will be allowed to exercise their votes only if they are not in arrears of their subscriptions to the AIKS.

## **8. Quorum**

8.1 The quorum for the meetings of the General Body shall be 20% of the total membership. There shall be no quorum for an adjourned meeting.

8.2 There may be emergent meeting of the General Body during the course of the year, if the President feels the necessity thereof. In this case, the notice could be as short as 21 days.

9.

## **10. Procedure for applying for new membership:**

10.1 All categories of Members, except Honorary Patrons, will have to apply for membership on the prescribed Performa.

10.2 Each Affiliate/Member will have to sign a declaration stating that they agree to abide by the Constitution of the AIKS and shall always work for its policies and programmes.

10.3 Applications for membership will be processed in the office of AIKS. The General Secretary, after obtaining the permission of the President, shall place the case for approval before the Executive Committee. Their decision shall be final. Voting rights of Affiliates shall

accrue thereafter. In the case of Patron and Life Members, they will be entitled to vote after the expiry of three months from the date of their being admitted to membership.

- 10.4 Applicants for Affiliate membership shall submit their annual balance sheet, annual report on activities and copies of resolution passed from time to time.

**11. Disaffiliation of Affiliate/Members:**

All Affiliates/Members shall act in furtherance of the aims and objectives of the AIKS and the policies laid down by AIKS from time to time. In case an Affiliate/Member is found to be deliberately and consciously flouting or acting against such aims, objectives and policies of the AIKS, then AIKS may take necessary steps as under:

- i) Issue a show cause notice.
- ii) Issue a direction as to the manner in which the Affiliate/Member should modify its stand/policy/activities.

In case there is deliberate and continuous violation of the directions given by the AIKS, it may, with the approval of the General Body, take appropriate action against such Affiliate/Member which may include the extreme step of disaffiliation of such Affiliate/Member.

**12. Election of the President:**

- 12.1 The President shall be elected by use of ballot papers to be put in the ballot box on the date/time/venue as decided by the Returning Officer.
- 12.2 The rest of the office bearers and other members of the Executive Committee shall be nominated by the President as indicated above from amongst the members of AIKS, provided they have cleared all their dues.
- 12.3 The electoral process shall start three months in advance of the expiry of the tenure of the outgoing President. The immediately preceding meeting of the Executive Committee shall nominate a Returning Officer for the election. The Returning Officer shall notify the schedule for the election process and shall adhere to the same. Once the Returning Officer is appointed, he will be fully empowered to go ahead with the electoral process and no one will have the authority to stop or delay the process.
- 12.4 The General Secretary shall extend full support to the Returning Officer, by providing detailed information about the valid members of the Electoral College and any Affiliate member, debarred from participation due to non-payment of their subscription and other dues. Withdrawal of candidates shall be permitted right till the stage of voting, so that a candidate may, if possible, be elected unanimously. However, once the voting has started, it shall be taken to its logical conclusion. At the end of voting, the Returning Officer shall count the votes and declare the results.
- 12.5 As soon as the Returning Officer declares the result, the elected candidate shall be called the President-designated. In case there are a few days left in the tenure of the outgoing President, the President-designate shall start functioning as an understudy till he actually takes over as the President. This will enable the outgoing President to brief the incoming President about the programmes and projects under way and ensure continuity of policies by the new President/Executive Committee.



- 12.6 The President shall hold office for a three-year term. He can be re-elected only once for the second consecutive term.
- 12.7 In case of a vacancy created by the resignation, death or otherwise of the President, Senior Vice President, shall be nominated as an Acting President of AIKS. Formal election to the post of next President will be held within 6 months from the date of the vacancy created.

### **13. Voting Rights**

- |      |   |         |
|------|---|---------|
| i)   | Affiliates having up to 100 members on roll     | 2 Votes |
| ii)  | Affiliates having 101 to 200 members on roll    | 3 Votes |
| iii) | Affiliates having 201 to 500 members on roll    | 4 Votes |
| iv)  | Affiliates having more than 500 members on roll | 6 Votes |
| v)   | Associate Affiliate                             | 1 Vote  |
| vi)  | Patron/Life members as individuals              | 1 Vote  |

### **14. Eligibility of Voters**

- 14.1 Each affiliate member shall inform the Returning Officer in writing under their seal the names of the person who will represent the organisation and authorised to cast votes during the proceedings of the AGM. The persons named thus will cast their votes in person only and not through any other process or device.
- 14.2 Patrons/Life members, unable to present themselves on the day of elections may cast their vote by a process of Postal Ballot. Such members will obtain the Ballot Paper from the Returning Officer. The members will then write down their preferences and send the ballot paper duly sealed by speed post or registered mail to the Returning Officer which will be opened by the Returning Officer on the day of counting votes by a procedure adopted at that time. Postal ballot paper received after the time of start of counting of votes, will be held invalid and not opened, and reported thus in the report of the Returning Officer.
- 14.3 Affiliate member will only exercise their voting rights if they are not in arrears of their subscriptions to the AIKS. Members in arrears of subscription can however clear their disqualification by depositing their dues with the AIKS office and obtain a confirmation receipt to that effect until 7 days before the election.
- 14.4 All persons voting under any capacity shall show their identity/membership card or authorizing document from the affiliate member when they are presenting themselves for voting in person.
- 14.5 Eligibility of voting right of the affiliates/associate affiliates, to claim the entitled number of votes, shall depend on the submission of their up-to-date membership list and regular election result to the General Secretary AIKS, at least 7 days before the elections.

### **15. Functions of the Office Bearers**

- 15.1 The President shall perform all such functions as are specified in the Rules or standing orders from time to time, and may delegate to any of the Vice-Presidents such of his functions and activities as he is unable to perform himself for any reasons.

- 15.2 The Vice-Presidents, General Secretary, Treasurer and other office-bearers shall exercise such powers and perform such functions as may be specified in these Rules or in the standing orders from time to time.
- 15.3 The President may nominate a representative of the AIKS on the Executive Council of any Affiliate organisations.
- 15.4 No TA/DA or allowance in any other form will be payable to functionaries of the AIKS.

**16. Sub Committees and Other Panels:**

The President is permitted, with the prior approval of the Executive Committee, to create sub-committees for specific purposes as deemed fit.

**17. Vote of No-Confidence:**

Vote of no-confidence against the President can be taken up in the General Body Meeting, after giving proper notice, citing valid reasons. The notice should be signed by 50% of the total admissible electoral strength and submitted to AIKS secretariat, at least 30days prior to the AGM.

**18. Amendments:**

- 18.1 The Process of amending the Constitution and the Rules may be initiated by the President *suo motu* or on the basis of proposals and suggestions received from members or points raised in meetings of the General Body, the Executive Committee or other fora of the AIKS. Such proposals should normally be placed before a Sub-committee on Constitutional Reform, so that a proper proposal could be framed after due consideration.
- 18.2 The General Secretary shall circulate the proposal for Constitutional Reform, from whatever source it might have been received, along with the proposal as formulated by the Sub-committee on Constitutional Reforms and the comments of the President thereon. This should be done at least 60 days in advance of the meeting of the Executive Committee.
- 18.3 The Executive Committee may accept, modify or reject the proposed amendment. Decisions in this regard shall require approval of 2/3rds of the membership present and voting in the meeting.
- 18.4 In case the Executive Committee ratifies the amendment, the same shall have to be approved by 2/3rds of the members present and voting in a subsequent meeting of the General Body held within six months of the amendment.
- 18.5 All Provisions of this Constitution and the Rules can be amended.

**19. Accounts**

- 19.1 The Association, through its Treasurer, shall maintain the accounts of AIKS.
- 19.2 The Accounting Year shall be from 1<sup>st</sup> April to 31<sup>st</sup> March of the subsequent year or as directed by the Government for regd. Associations.
- 19.3 All accounts of the Association shall be audited annually by a Chartered Accountant, as approved by the General Body. The draft Balance Sheet will be first scrutinized by the Executive Committee and then put before the General Body for discussion and approval.
- 19.4 All cheques and other instruments of finance shall be operated by two authorized signatories, that of the President and the Treasurer, and in the absence of the President, by

the General Secretary. All standard practices of accounting shall be followed as far as possible.

## **19 Donations**

19.1 The Association can receive donations which may be in cash or kind. All such donations received will be acknowledged in writing and receipts issued to the donor.

19.2 A proper record of donors shall be maintained and be open to inspection.

## **20. AIKS Trust**

AIKS Trust is an entity created by AIKS to serve as a Special Purpose Vehicle (SPV) of AIKS to carry out welfare functions which AIKS decides to conduct as contained in its objectives (ref to page No.2). AIKS Trust has its own Board of Trustees and Board of Governors, but is not a separate entity as clearly spelt out in the AIKS Trust Deed.

As per the existing constitution of the AIKS Trust, President AIKS is a member of the Board of Trustees of AIKS Trust. Similarly the General Secretary is the Gen. Secretary of the AIKS Trust. It is incumbent upon AIKS to merge AIKS Trust with AIKS and thus remove the dichotomy existing at present, where-in AIKS President and AIKS Trust Chairman are two separate individuals, leading to serious flaws in the functioning of the AIKS Trust.

## **21. Employees**

**21.1** The General Secretary may appoint such staff as is considered necessary for the proper functioning of the central office of the AIKS. He shall prescribe the qualifications and terms and conditions of employment, follow a proper recruitment procedure and sanction salaries. All these decision shall be taken with the prior approval of the President.

**21.2** The General Secretary shall have the power to terminate the services of any employee, with the approval of the President.

## **22 Property:**

**22.1** The Executive Committee, subject to prior approval by the General Body, can acquire, sell, lease, hypothecate, mortgage or otherwise dispose-off immovable property at any place in India or abroad, in pursuance of the objectives of the AIKS.

**22.2** It may make such rules, regulations and byelaws for the proper upkeep and maintenance of the Property, as it considers necessary.

**22.3** The Executive Committee may constitute Trust for specific purposes as also dissolve such Trusts when it so becomes necessary.

**22.4** No property of the AIKS shall be acquired by or transferred to any member of the Executive Committee in his own name or that of the members of his family.

**22.5** No property created by an affiliate or anyone else on the basis of funds provided by the AIKS shall be disposed of without the written approval of the AIKS. The General Secretary shall communicate such approval, after obtaining the same from the Executive Committee.

## **23 Residuary Powers:**

**23.1** The Executive Committee shall have the powers to deal with contingencies, situations and matters, including legal matters, not provided for under these Rules and frame regulations and byelaws or take such other decisions as may be necessary.

**23.2** The President and the General Secretary may also exercise similar powers under the general guidance of the Executive Committee and subject to its approval.

**23.3** Interpretation of the Rules shall vest solely in the Executive Committee.

**24. Dissolution Clause:**

In the event of the dissolution of the AIKS by a resolution passed by 3/4<sup>th</sup> majority at a meeting of the General Body and confirmed at a subsequent meeting of the General Body, it shall be lawful for the AIKS to transfer and distribute its assets and liabilities to a duly constituted body having aims and objects similar to that of the AIKS.

**Naad and Vaakh (Kashmiri)  
are the voice of  
our community in diaspora.**

**Support these initiatives with your subscriptions.**

**Visit us at our website:**

**<http://www.aiks.org>**

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