

# **CONSTITUTION OF THE MARATHI BHASHIK MANDAL, TORONTO INC.**

## ***Article 1***

### **Section 1 (Name)**

The organization shall be known as “Marathi Bhashik Mandal, Toronto Inc.”, hereinafter referred to as the “Mandal”. It has been incorporated as a social, cultural and non-profit organization with the province of Ontario and is registered as a charitable organization with Revenue Canada, Taxation.

### **Section 2 (Seal)**

The Mandal shall have a seal, the format of which shall be described in the By-Laws. This seal shall be kept in the safe custody of the Treasurer.

## ***Article 2***

### **Section 1 (Objectives)**

1. To organize and provide religious instruction with a view of educating the public-at-large with respect thereto.
2. To provide and operate schools for Marathi language education to interested individuals.
3. To provide the public-at-large with an education, understanding and appreciation of Marathi literature, art, music, dance, drama and other related fields.
4. To provide support, assistance and advice to the needy and the senior citizens in the community.
5. To acquire funds, buildings, equipment, material and other facilities that are necessary and/or useful for the activities in Objectives 1 through 4.
6. To undertake all activities necessary and ancillary to the foregoing objectives.

## ***Article 3***

### **Section 1 (Membership)**

The membership of the Mandal shall be open to all Marathi speaking and other interested persons.

## ***Article 4***

### **Section 1 (Annual General Meeting)**

There shall be one Annual General Body (G.B.) meeting as provided for in the By-Laws.

## ***Article 5***

### **Section 1 (Executive Committee (E.C.))**

The management of the Mandal and administration of its assets shall be vested in an Executive Committee consisting of members elected from the members of the Mandal and referred to as "Executive Members". The duties and meetings of the Executive Committee and its delegation of authority shall be as provided for in this Constitution and its By-Laws.

### **Section 1a (Advisory Committee (A.C.))**

A body, hereafter called the "Advisory Committee", shall be constituted consisting of members elected from the members of the Mandal with the purpose of assisting and guiding the Executive Committee in fulfilling the long term objectives of the Mandal. The duties and meetings of the Advisory Committee and its delegation of authority shall be as provided for in this Constitution and its By-Laws. The members of the Advisory Committee will be referred to as "Advisory Members".

### **Section 2 (Number of Executive Members)**

The number of Executive Members shall be as provided for in the By-Laws but shall not be less than five (5).

### **Section 2a (Number of Advisory Members)**

The number of Advisory Members shall be as provided for in the By-Laws but shall not be less than three (3).

### **Section 3 (Election and Term of Office of the Executive Members)**

The Executive Members shall be elected by the members of the Mandal at a General Body meeting by the method as provided for in the By-Laws. The immediate past President or in his/her absence, an Executive member nominated by the outgoing E.C., shall be an ex-officio voting member of the new E.C. The Executive Members shall hold office until the new E.C. and its Officers have been elected as set out in the By-Laws.

### **Section 3a (Election and term of Office of the Advisory Members)**

The Advisory Members shall be elected by the members of the Mandal at an annual General Body meeting or at a General Body meeting by the method provided for in the By-Laws. The President of the Executive Committee shall be an ex-officio voting member of the Advisory Committee. The Advisory Members will hold office until their successors have been chosen.

### **Section 4 (Officers of the Executive Committee)**

The Executive Members, at their first meeting, shall elect three Executive Members to serve as Officers. The number and titles of the Officers and duties assigned and powers delegated to them shall be as provided for in the By-Laws. Only that member who has served for at least one (1) year on the E.C. of the Mandal shall be eligible to be elected as President of the Mandal.

### **Section 4a (Officers of the Advisory Committee)**

The Advisory Members, at their first meeting, shall elect the Chairperson of the Advisory Committee. The number and titles of the Officers and duties assigned and powers delegated to them shall be as provided for in the By-Laws.

### **Section 5 (Protection of Executive Members and Advisory Members)**

No person by virtue of his being a member of the Executive Committee and/or the Advisory Committee shall be held or be deemed to be held personally responsible for any act, default, obligation or liability of the Mandal, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to the Mandal unless the same shall be the result of his own wrongful or willful act, neglect or default.

## **Article 6**

### **Section 1 (Dissolution of the Mandal)**

On dissolution of the Mandal, the funds including cash, investments, properties, accounts receivable, goodwill and any other assets, liquid or otherwise, shall be

transferred to another registered cultural organization in Canada, after making full payments in respect of all its unpaid liabilities and after fully satisfying all its creditors as to the payment of its outstanding debt.

## ***Article 7***

### **Section 1 (Amendments to the Constitution)**

Amendments to this Constitution shall be adopted as outlined in the By-Laws.

## ***Article 8***

### **Section 1 (Finances)**

Finances of the Mandal shall be managed as set forth in the By-Laws.

## ***Article 9***

### **Section 1 (Effective Date)**

This Constitution represents the original Constitution, which was adopted by the General Body and put into effect in December 1974, and all amendments made to it in October 1981, December 1988, May 1990, December 1992, December 1993, December 1994, December 1999, December 2000 and December 2002.

**BY-LAWS TO THE CONSTITUTION  
OF THE MARATHI BHASHIK MANDAL, TORONTO INC.**

***Chapter 1 (Membership)***

**Section 1 (Membership)**

Membership of the Mandal shall consist of the following classes:

- (a) Individual member
- (b) Family member

**Section 2 (Procedure for Membership)**

- (a) An application in writing with prescribed membership dues can be made to the Mandal by any person interested in the activities of and in agreement with the objectives of the Mandal.
- (b) The application shall be accepted by a majority vote by the Executive Committee and a membership card shall be issued.
- (c) If any application for new membership is rejected by the Executive Committee, the dues paid by such a person shall be refunded to him/her along with an explanation for such action.

**Section 3 (Voting)**

Every adult member, age 16 or over, of at least one month's standing, shall have the right to cast one vote on any of the issues brought before the General Body.

**Section 4 (Termination of Membership)**

- (a) Failure to pay membership and/or any other dues upon request or within thirty (30) days thereof shall automatically result in lapse of membership.
- (b) A member may be expelled from the Mandal by a two-thirds majority vote of the membership present at a G.B. meeting. This might be done under the advice of the E.C. in view of gross indiscipline and persistent activities against the interests of the Mandal by such a member.

## **Section 5 (Membership Dues)**

- (a) Each member of the Mandal shall pay an annual fee to the Mandal. Such a fee shall be payable once a year and may be collected by any member of the Executive Committee for remittance to the Treasurer of the Mandal.
- (b) Rates for individual and family membership shall be decided by the General Body by a majority vote at its annual meeting, based upon the needs of the Mandal.

## **Chapter 2 (Government)**

### **Section 1 (Executive Committee (E.C.))**

The E.C. shall consist of the following:

- (a) Officers: (1) President (2) Secretary (3) Treasurer
- (b) Members: Not less than three (3) and not more than nine (9), one of which shall be a Youth Representative.
- (c) Immediate past President, or any member of the outgoing E.C. nominated by that E.C.

No Advisory Member, other than the President, shall be eligible to be an Executive Member.

### **Section 1a (Advisory Committee (A.C.))**

The A.C. shall consist of the following:

- (a) Chairperson
- (b) Secretary
- (c) Member
- (d) The President of the E.C.

No Executive Member, other than the President, shall be eligible to be an Advisory Member.

### **Section 2 (Functions of the Executive Committee)**

- (a) The E.C. shall manage all the affairs of the Mandal.

- (b) The E.C. shall take decisions on all financial matters within the limitations specified herein. If the carrying out of a planned activity is likely to require an amount in excess of 5% of MBM assets (as at the end of the immediately preceding financial year), the E.C. shall seek concurrence of the A.C. If such amount exceeds 10%, the E.C. shall seek concurrence of the membership at a special General Body meeting to be called for that purpose.
- (c) The E.C. shall establish various sub-committees as and when required and appoint chairpersons of these committees.
- (d) The E.C. shall provide co-operation to the A.C. so as to fulfill the Objectives of the Mandal.
- (e) Any vacancies occurring on the E.C. during the year may be filled in at the discretion of the E.C.

### **Section 2a (Functions of the Advisory Committee)**

- (a) The A.C shall provide continuity and consistency in the operation of the Mandal over successive years.
- (b) The A.C. shall assist and guide the E.C. in fulfilling the Objectives of the Mandal by providing proposals for suitable activities of short and long term nature to be put into effective operation by the E.C.
- (c) The A.C. shall advise the E.C. regarding important decisions affecting the Objectives and finances of the Mandal.

### **Section 3 (Duties of the Officers of the Executive Committee)**

#### **(a) President**

1. The President shall be responsible for the guidance of the affairs of the Mandal.
2. The President shall preside over General Body and Executive Committee meetings.
3. The President shall report on the general progress of the Mandal at the annual General Body meeting.
4. The President could disallow any resolutions, amendments, motions, etc. at the Executive Committee or General Body meetings, if they are

against the spirit of the Constitution or detrimental to the interests of the Mandal.

5. The President or any other Executive Member deputed by the Executive Committee shall represent the Mandal, and participate on behalf of the Mandal, at other meetings organized by outside groups and agencies.
6. The President shall serve as an important connecting link between the E.C. and A.C. so as to ensure good communication between the two committees.

(b) Secretary

1. The Secretary shall maintain all the correspondence of the Mandal in good order and conduct the business of the Mandal.
2. The Secretary shall notify the members about the time and place of meetings and provide them with agenda and programs.
3. In the absence of the President, the Secretary shall assume all the responsibilities of the President.

(c) Treasurer

1. The Treasurer shall keep an account of the finances of the Mandal and present a report at each E.C. meeting.
2. The Treasurer shall prepare financial statement of the funds and arrange to have it audited before presenting it at the annual General Body meeting.
3. The Treasurer shall make sundry expenditure up to a certain limit before receiving a sanction of the E.C. This limit shall be set forth by the E.C. at its first meeting. Such expenditures should be presented at the next E.C. meeting for approval.
4. The Treasurer could incur expenditure over and above the set limit only under such circumstances when an E.C. meeting cannot be called. The consent of the President and Secretary shall be obtained before authorizing any such expenditure. The Treasurer shall report such expenditure at the next E.C. meeting for approval.
5. The Treasurer shall maintain a register showing detailed accounts of income, expenditure and balance.

6. Receipts for expenses of more than one dollar shall be insisted upon by the Treasurer unless such receipts cannot be obtained.
7. The Treasurer shall issue official receipts for income tax purposes for donations received by the Mandal during the course of the year.
8. The Treasurer shall file the Income Tax Return, claim the GST (Goods and Services Tax) rebate, and attend to other regulatory requirements, within the time frame stipulated by the authorities.
9. The Treasurer shall submit the completed accounts of the year to the Auditor, within 90 days of the last function of the year.

### **Section 3a (Duties of the Officers of the Advisory Committee)**

(a) Chairperson

1. The Chairperson shall be responsible for the guidance of the affairs of the A.C.
2. The Chairperson shall preside over the Advisory Committee meetings.

(b) Secretary

1. The Secretary of the A.C. shall maintain all the correspondence of the A.C. in good order.
2. The Secretary of the A.C. shall notify the Advisory Members of the time and place of the A.C. meetings and provide them with an agenda.
3. In the absence of the Chairperson, the Secretary of the A.C. shall assume all the responsibilities of the Chairperson.

### **Section 4 (Auditors)**

- (a) The Auditor(s) or any member of his/her family shall not be eligible to be a member of the E.C. or A.C. The Auditor(s) would examine and audit accounts of the Mandal at the request of the Treasurer.
- (b) The Auditor(s) shall have the authority to call for any account books, vouchers, minutes, and such other information necessary for the complete audit of the financial affairs of the Mandal.

## **Section 5 (Members)**

Members of the E.C./A.C. shall participate in the management of the affairs of the Mandal and shall carry out such functions as are assigned to them by the E.C./A.C.

## **Section 6 (General Body)**

1. The General Body shall elect members of the E.C. and A.C. at the annual General Body meeting. Such elections may take place, if found necessary, at a General Body meeting.
2. Members present at the General Body meeting of the Mandal shall have the right to censure or pass a vote of no confidence against any or all members of the A.C. and/or E.C., by a two-thirds majority.
3. In the event of a no confidence motion against the existing A.C. and/or E.C. as a whole being carried, the members present at that meeting shall elect a new A.C. and/or E.C. (as the case may be). In the event of a new E.C. being elected, its term of office shall be for the remainder of the year. In the event of a new A.C. being elected, the terms of office of the members shall be as set out under Paragraph (3) of Section 1a of Chapter 5.
4. The General Body shall appoint the Auditor(s) for the year.

## **Section 7 (Seal)**

Following is the approved seal of the Mandal:



## **Section 8 (Resignations - Protocol and Action)**

1. E.C. member/Officer (other than the President) would submit his (her) resignation to the President. The resulting vacancy may be filled in at the discretion of the E.C. (See Ch.2, Section 2(e)).
2. A.C. member/Secretary would submit his (her) resignation to the A.C. Chairperson. The resulting vacancy may be filled at the next G.B. meeting (see Ch. 5, Section 1a(3)).
3. A.C. Chairperson would submit his (her) resignation to the President. On acceptance, the Secretary of the A.C. shall assume the responsibilities of the Chairperson (see Ch. 2, Section 3a(b)3)).
4. President would submit his (her) resignation to the E.C. for consideration and necessary action. In the interim, Secretary of the E.C. shall assume the responsibilities of the President (see Ch. 2, Section 3 (b)3)).

## **Chapter 3 (Finance)**

### **Section 1 (Fiscal Year)**

The fiscal year of the Mandal shall be a calendar year.

### **Section 2 (Banking)**

1. All monetary income of the Mandal shall be deposited in a bank in the name of the Mandal by the President, the Secretary or the Treasurer. The Treasurer shall be informed immediately by others of any such deposits.
2. Signing authority for withdrawals rests with the three Officers of the E.C., namely President, Secretary and Treasurer. Withdrawals could be made by cheques signed by any two of these three officers. The Treasurer shall be informed immediately by the other officers of any such withdrawals.
3. The changeover in these officers shall be communicated to the Bank within fifteen (15) days for its records.

### **Section 3 (Audits)**

1. The accounts shall be audited annually by an appointed Auditor and a report shall be presented before the annual General Body meeting.
2. The accounts could also be audited at any other time at the request of the President and the report shall be presented at the next E.C. meeting.

## **Section 4 (Investments)**

1. All funds to be invested shall be in the long-term instruments having 100% security, like the Government bonds or CDIC-approved investments.
2. A sub-committee consisting of the Treasurer and all four members of the A.C., with A.C. Chairperson presiding, shall make these investment decisions.

## **Chapter 4 (Meetings)**

### **Section 1 (Annual General Body Meeting)**

The annual General body meeting shall be held at a time and place decided by the E.C. The members shall be notified of such meetings by the Secretary at least two (2) weeks in advance. The agenda of the annual General Body meeting shall consist of:

1. Adoption of the minutes of the previous General Body meeting.
2. Adoption of the audited financial report for the previous year.
3. The President's report.
4. The Secretary's report.
5. The Treasurer's report.
6. A.C. Chairperson's report.
7. Consideration of resolutions, amendments, etc., as per the agenda (proposed and duly seconded by members and notified well in advance) and any other special business, with the permission of the Chair.
8. Elections of the new members of the E.C. and A.C.
9. Appointment of the Auditor(s).

### **Section 2 (Special General Body Meeting)**

A special General Body meeting shall be called by the E.C. on their own initiative or at the request of the A.C. or at the request in writing by not less than 15% of the members of the Mandal to discuss any urgent business. This meeting shall be called within thirty (30) days of such a request.

### **Section 3 (Executive Committee Meetings)**

1. The E.C. meetings shall be held in accordance with the requirement of business on hand but there shall never be less than three meetings in a year.
2. An agenda shall be prepared for each E.C. meeting by the Secretary. It should be sent to all E.C. and A.C. members within a week of the scheduled meeting.
3. The date and place of the next E.C. meeting shall be decided at the end of such an E.C. meeting.
4. Each member will have a right to bring before the E.C., in writing, any suggestion for improvement or change in the program, any complaint or grievance against the activity carried out by the Mandal, and the E.C. may take suitable action on the point raised by the member.
5. Any Advisory Member may attend an E.C. meeting and participate in its proceedings but shall not have a right to vote.

### **Section 3a (Advisory Committee Meetings)**

1. A.C. meetings shall be held in accordance with the requirements of business on hand but there shall never be less than three meetings in a year.
2. All Advisory Members excluding the Chairperson will be entitled to a vote. In the case of a tie, the chairperson shall cast a vote.

### **Section 4 (Minutes)**

1. Minutes of the meetings shall be kept by the respective Secretaries.
2. Minutes of each meeting shall be presented at the next meeting for approval.
3. Minutes of the previous General Body meeting shall be presented at the next General Body meeting for approval.

### **Section 5 (Chair)**

1. The President of the Mandal shall chair all the E.C. and the General Body meetings. The Chairperson of A.C. shall chair all the A.C. meetings.

2. The President may ask any member of the E.C. present to preside over any or part of E.C. and General Body meetings at his/her discretion.

### **Section 6 (Quorum)**

1. Not less than one-half of the E.C. members shall constitute the quorum for all E.C. meetings.
2. Not less than three A.C. members shall constitute the quorum for all A.C. meetings.
3. Twenty-five percent (25%) of the membership or 60 members, whichever is less, shall constitute the quorum for annual and special G.B. meetings. If there is no quorum, the meeting shall stand adjourned to such other time as the E.C. may decide; and if there is still no quorum at the adjourned meeting, then within 15 minutes from the time appointed for the meeting, the members present shall constitute the quorum.

### **Section 7 (Decisions)**

Unless otherwise specified, majority vote will carry decision. The President shall have only one vote. A tie means rejection.

## ***Chapter 5 (Elections)***

### **Section 1 (Executive Committee)**

1. The E.C. shall appoint a Nomination Committee (N.C.) not less than four weeks prior to the date of the annual G.B. meeting. This N.C. shall consist of two (2) members of the E.C. and three (3) members of good standing from the membership-at-large. The N.C. shall elect one of their members as the chairperson. Acceptance of such members to work on the N.C. shall not preclude them from contesting the election.
2. Any member of at least three months' standing shall be eligible for election. Such nominee shall be at least 18 years of age, except for the Youth Representative for whom the minimum age shall be 16 years.
3. Not more than one member of any one family may be nominated to the E.C.
4. The advice of nomination may be given to any member of the N.C. prior to the date of the annual G.B. meeting. Such advice may be given either by the nominee or by any member of the Mandal. If such advice has been received from a member of the Mandal, the N.C. Chairperson shall seek confirmation of the nomination from the nominated member.

5. The N.C. chairperson shall be responsible for conducting the election and shall do so in the following manner:
  - (a) The list of nominations shall be presented to members. Additional nominations may be sought from the floor and the nominations closed.
  - (b) The nominees should be present at the annual G.B. meeting and be proposed and seconded by the members. If due to circumstances beyond his/her control, a nominee is unable to be present at the meeting, he/she should so advise the N.C. Chairperson prior to date of such meeting.
  - (c) If the number of nominations does not exceed the maximum, the nominees will be declared elected.
  - (d) If the number of nominations exceeds the maximum, the members of the E.C. shall be elected through election.
6. The outgoing President shall convene a meeting of the newly elected E.C. within four weeks of its election. He/she shall supervise the elections of the new Officers and then hand over the charge of the Mandal to the new President.

#### **Section 1a (Advisory Committee)**

1. The election of the A.C. members shall take place at a G.B. meeting. The nomination Committee set up by the E.C. shall follow similar procedures for electing the A.C. members.
2. The nominee must have worked on the E.C. of the Mandal for at least one (1) year.
3. Out of the four (4) A.C. members, the President of the E.C. will be one Advisory Member whose term of office shall expire when he (she) ceases to be President. The term of office of the remaining three (3) members shall not be more than three (3) years. Any vacancy arising out of a premature termination shall be replaced by a newly elected A.C. member at a following G.B. meeting, the term of office of such a member being the balance of the term of the terminating member.
4. Not more than one (1) member of any one family may be nominated to the Advisory Committee.

## ***Chapter 6 (Amendments to the Constitution and By-Laws)***

1. Amendments to the articles of the Constitution or By-Laws shall be submitted in writing to the Secretary over the signatures of not less than five (5) members of the Mandal.
2. The E.C. shall consider the proposed amendments and make its recommendations to the General Body.
3. Amendments shall be submitted to a vote at the General Body meeting. Modifications to these amendments, in the form of amendments to amendment, may be presented from the floor.
4. A two-thirds majority in favour of any amendment from the members present shall be required for adoption of such an amendment to the Constitution or the By-Laws.

## ***Chapter 7 (Communication)***

1. A newsletter giving details of programs and of events of importance to the Mandal shall be circulated to all current members, at least two (2) weeks in advance of each program.
2. Commercial advertisements against payment of specified charges may be included in the newsletter.

CERTIFIED TO BE 'TRUE COPY' WHICH CONSOLIDATES THE ORIGINAL (DECEMBER 1974) AND THE AMENDMENTS (OF OCTOBER 1981, DECEMBER 1988, MAY 1990, DECEMBER 1992, DECEMBER 1993, DECEMBER 1994, DECEMBER 1999, DECEMBER 2000 AND DECEMBER 2002).

Avinash Kulkarni  
(President – 2005)

Shashikant Joglekar  
(Chairperson A.C. – 2005)

Date: November 1, 2005