

# Constitution

## **ALL INDIA Ex- ITBP FORCE PERSONNEL ASSOCIATION (AIEPWA)**

Whereas it is expedient to constitute and define the norms relating to the functioning of ALL INDIA Ex-ITBP FORCE PERSONNEL ASSOCIATION; It is hereby resolved and enacted as follows:

### **Preamble**

Indo Tibetan Border Police is an Armed Force of the Union, dispensing its duties to protect and serve the nation in furtherance of its constitution under the Indo Tibetan Border Police Force Act 1992. That with the span of time the number of retired, ex-employees of the ITBP has increased and in absence of an association, issues relating to the welfare of retired personnel have largely remained unaddressed. All India Ex-ITBP Force Personnel Association has been formed in order to address issues relating to the welfare of all retired personnel of the ITBP Force.

### **I. Title**

This Constitution may be called Constitution of All India Ex-ITBP Force Personnel Association, for all intents and purposes.

### **II. Name of the Association**

Association will be known as "ALL INDIA Ex-ITBP FORCE PERSONNEL ASSOCIATION" and abbreviated name of the association shall be "AIEFPA", for all intents and purposes.

### **III. Registered Office of the Association**

Registered Official address for correspondence and all purposes of the association shall be AIEPWA, near Chawla restaurant, Dashmesh nagar, ward No. 7, Kurali, Distt SAS Nagar, PB

#### **IV. Area of Operations**

The area of Operations of the Association shall be all over India.

#### **V. Aims & Objectives**

All India Ex-ITBP Force Personnel Association has been formed for the welfare of the retired ITBP Force Personnel and in furtherance of the same

1. AIEFPA shall strive to address the problems and welfare related issues of the retired or Ex-ITBP Force Personnel, their widows and their families
2. It shall ensure that the benefits sanctioned from time to time by the Central and State Governments are actually passed on to the retired ITBP Force Personnel, their widows and families.
3. It will associate or will get affiliation to all other similar organisations and associations.
4. It will engage as consultative and intervenor body for analysing and reviewing the policies by the Central and State Governments with regard to the serving and retired personnel policies and in this regard engage with Ministry of Home Affairs, Department of Personnel Training and other such institutions of Central and State Government.
5. It will engage with Parliamentary standing committees, Niti Ayog and other planning bodies & Institutions on matters relating to the policies for welfare of the retired ITBP Force personnel and their families.
6. It will represent the association and its members in cases in all Courts, Tribunals and other judicial bodies.
7. It will publish books, newsletter and news paper articles and other related literature relating to the activities of the Association.
8. It will organise periodic conferences, seminars, exhibitions, lectures and other similar programmes in furtherance of its activities.
9. It will engage with the media (Electronic & Print) and will hold media briefings on all matters concerning the ITBP Force.
10. It will engage in efforts to seek community support for emergency or death etc.
11. It will engage with in collaborations, associations and partnerships with Government Agencies, Industries, Business enterprises etc. to assist members of the association seeking post retirement employment.
12. It will strive to build up public opinion, good will and social respect and seek fair and just treatment
13. It will establish libraries, clubs, and institutes in furtherance of its objectives.
14. The income and property of the Association howsoever derived shall be applied solely towards the objects of the Association as set forth in this Constitution and no part thereof shall be paid or transferred directly or indirectly by way of profit, bonus or otherwise howsoever to the persons who at any time are or have been member of the Association or to any of them or to any person claiming through

any of them, provided that nothing herein contained shall prevent the payment in good faith of remuneration to the employees of the Association or to any member thereof or to any person in return for any service.

## **RULES AND REGULATIONS**

### **I. Definitions:**

In these Rules and Regulation, Unless the Context otherwise requires, expressions defined in the Societies Registration Act of 1860, or any statutory modification thereof for the time being in force, shall have the meanings so defined therein.

- a) "AFFILIATED BODY" means an Organization or Society or Body of Ex-Servicemen duly affiliated under the Rules of the Association.
- b) "ARBITRATION" shall bear meaning and context as defined under the Arbitration & Conciliation Act, 1996.
- c) "BYE-LAWS" means the Bye-Laws of the Association.
- d) "CARD" means the membership Card-cum- Identity Card issued by competent authority of the association.
- e) "COMMITTEES AND SUB-COMMITTEES" means Committees and Sub-committees duly appointed by the Council of the Association.
- g) "COUNCIL" means the governing body of the Association duly constituted as hereinafter provided.
- h) "DEPENDENT" Means wife, if not re-married, minor children, parents, brothers and sisters if wholly dependent.
- i) "EX-ITBP" means the persons who have served in Indo- Tibetan Border Police Force,
- j) "ASSOCIATION" means the All India Ex-ITBP Force Personnel Association, its short title A.I.E.P.W.A.
- k) "FINACIAL YEAR" means the official Year of the Association form 1<sup>st</sup> April to 31<sup>st</sup> March.
- l) "FORM" means membership form, Nomination and/ or other form prescribed by the Rules of the Association.
- m) "MEETING" means the Annual General Meeting, the Extraordinary General meeting and the Meeting of Council, Executive or other Committees and Sub Committees, as convened from time to time as per the constitution and the bye-laws of the Association.
- n) "HEADQUARTERS" means the Registered Office of the Association.
- o) "MEMBER" means Founder Member, Life Member Constituent Member and Member as defined in the Rules of the Association.
- p) "REGISTER" means the Register of Members, Register of Common seal and/or other Registers

## **II. POWERS OF THE ASSOCIATION**

1. The Association has power to do all things incidental or conducive to achieve its objectives and purposes.
2. Without limiting sub rule (1), the Association may—
  - (a) acquire, hold and dispose of real or personal property;
  - (b) open and operate accounts with financial institutions;
  - (c) invest its money in any security lawfully;
  - (d) raise and borrow money on any terms and in any manner as it thinks fit;
  - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
  - (f) appoint agents to transact business on its behalf;
  - (g) enter into any other contract it considers necessary or desirable.
3. The Association shall remain a Not for profit Organisation and it shall not distribute any surplus, income or assets directly or indirectly to its members. However, this rule does not prevent the Association from paying a member —
  - (a) reimbursement for expenses properly incurred by the member; or
  - (b) for goods or services provided by the member.

## **III. PATRONS**

1. The association may have a Patron in Chief and a number of Patrons.
2. The President on the advice of the Council or the General Body may invite prominent persons to be the patron of whom one be styled as Patron-in-chief.

## **IV. MEMBERSHIP**

1. The membership of the association is open to retired ITBP or Ex.ITBP , their families and their dependants. Personnel and their family members from both Combatant and Non- Combatant forces care eligible for attaining the membership of the association.
2. The Members to the Association shall be consist of -
  - I. FOUNDER MEMBERS– All those Ex-ITBP personnel (AIEPWA) who have signed Memorandum of Association.
  - II. ORDINARY MEMBERS- Members who are borne on the register of the Association for current year after paying Annual Fee
  - III. LIFE MEMBERS: Members on the permanent roll register of the Association after paying life membership fee.

3. Every member shall be bound by the Constitution and the Rules and regulations of the association.

#### **V. SUBSCRIPTION:**

1. The Annual membership subscription for ordinary members shall be as under
  - i. G.O (Gazetted Officers)- Rs.1000*
  - ii. Sub Ordinate Officers: Rs.500*
  - iii. Other Ranks: Rs.200*
2. The membership subscription for life members shall be as under
  - i. G.O (Gazetted Officers): Rs.10,000*
  - ii. Sub Ordinate Officers: Rs. 5000*
  - iii. Other Ranks:Rs. 2000*
3. Annual Subscription falls due on 31<sup>st</sup> March every Year. All State members shall clear their subscription by 31<sup>st</sup> March each year. A reminder may be sent to defaulter and if the amount remains due after the reminder, the name of the member shall be struck from the rolls.
4. A defaulting member has to apply for re-admission, whereby the decision of the Governing Council qua such application for membership shall be final.  
Acceptance
5. The name of the member shall be removed permanently from the Register of Members.
  - i. On death.
  - ii. If declared by a resolution of the Governing Council to have acted in way prejudicial to the aims and objects of the Association.
  - iii. If convicted of a crime involving moral turpitude.

#### **VI. REGISTER OF MEMBERS:**

A register of membership shall be kept by the Association which shall remain closed for a period of 30 days immediately preceding the date of Annual General Meeting and during that period no new name or names shall be added to the register.

#### **VII. PRIVILEGES OF MEMBERS**

1. Member shall have such respective right of attending meetings of the Association and its Council and Committees and voting there at and such other rights and privileges as may from time to time be prescribed by the Rules of Association or by resolution of the Council and/or the General Body within their powers.
2. Without derogation from the generality of Rule 1, the members shall in particular enjoy the following rights and privileges.

- a) Member shall have a right to attend General meeting. For the purposes of Elections of the Chairman, office Bearers and Council Members.
- b) Members shall be eligible to seek election to the Council by filling nomination under the rules and vote at meeting of such bodies to which they may be elected.
- c) All members shall have the right to attend social and other functions which may be arranged or organized by the Association on payment of such chargers as may be fixed from time to time.

## **VIII. MANAGEMENT**

### **Governing Council :**

1. The affairs of the Association shall be managed and administered by a Governing Council, which for the purpose of the Societies Registration Act XXI of 1860 shall be the Governing Body of the Association.
2. All executive and administrative power and control of the Association shall vest in the said Council. The office bearers and the Members of the Council Shall council continue to hold office till such time as new council is elected and constituted in accordance with the rules.
3. The Governing Council shall consist of :-
  - a) President
  - b) Vice President
  - c) Secretary General
  - d) Joint Secretary
  - e) Treasurer
  - f) Assistant Treasurer
  - g) 5 Members duly elected from amongst the Ordinary members, life members and founder members.
4. Minimum strength of Governing Council will be 6 and maximum 11. With the growth of the Association, if need arises then the number of Maximum members may be increased by way of a resolution passed by minimum of 2/3<sup>rd</sup> majority of members voting at the Annual General meeting qua a specific resolution to this effect.
5. The existence of a vacancy in the Council shall in no way invalidate the constitution of the said Council and the several acts thereof.
6. The Council shall have power to enforce and carry out these rules and the resolutions passed by the General Body.
7. The Council shall have all powers, except those expressly required to be exercised by the Association in its General Meeting. Without derogating form the generality of the above, the Council shall have the power to :-

- a) Collect, manage and disburse funds for all or any of the aims and objects of the Association.
- b) Open and operate banking accounts (including current, Long/ Term/ Fixed Deposited, Saving Bank) with the state Bank of India or any other Nationalised/ Scheduled Bank, Unit Trust and/ or Post Office in the name of the Association. All such accounts shall be operated over the joint signatures of the President, General Secretary and the treasurer.
- c) Invest such funds as be considered over and above the immediate needs in Post Office Savings Bank or in postal Certificates or Unit Trust as Considered.
- d) Borrow with or without interest against securities and/ or Deposit any sums which may at any time be required/ or augment the Current Account or to meet any emergency and to dispose of any fixed Deposits, Securities, or Postal Certificates as may be thought proper.
- e) To raise loans from any person or persons, local authority or Government so as to create funds for the Association.
- f) Manage, Sell, Lease, Transfer or otherwise deal with all or any of the movable or immovable property of the Association.
- g) Hold in Trust any movable or immovable property on behalf of any Constituent or Affiliated Society.
- h) May appoint Committees/ Sub-Committees from among its members or form the members of the Association and delegate to them the members of such functions as may be deemed proper in accordance with the Rules.
- i) Fill in any vacancy which may occur in the Committees /Sub-Committees during the course of the Year.
- j) Make, Accept, Endorse and Execute any Promissory Notes, Bills of Exchange and other negotiable instruments and such other documents as may be necessary in exercise of power of the Council.
- k) Appoint, preferably a qualified Ex-ITBP. Honorary or paid Chartered/ Registered Accountant as Auditor, who may as often as he considers necessary audit the Accounts of the Association. The appointments of auditor shall be subject to the approval of the General Body.
- l) Appoint any member to represent the Association in any conference or assembly of Ex-servicemen in India or abroad and if necessary to meet his expenses of travel and stay in or in part.
- m) Authorise any member, or any other person, to represent Legal proceeding with power to engage counsel, to conduct such proceeding on behalf of the Association either in an honorary or paid capacity and to do all such acts as may be necessary for the prosecution of the case including power to compromise, and pay costs, charges and expenses of and incidental to any, aforesaid matters and things.
- n) Appoint an office secretary and other employees for the Headquarters of the Association and to settle their conditions of service.
- o) Deal finally with all executive and administrative matters pertaining to all any of the aims and objects of the Association; and

- p) Subject to the approval of the General Body, frame Rule and Bye-laws from time to regulate the exercise of the aims and objects mentioned in the Memorandum and Rules of the Association.
  - q) To collect, manage and disburse funds raised or to be raised by organizing competition, sport, competitions etc.
  - r) To permit any of the building and property acquired or hired by the Association to be used on such terms as it may deem fit for meetings, lectures, discussions exhibitions, dramas and for any other purpose expedient for the achievement and furtherance of its objects.
8. The Council will ordinarily meet once in three months at such time and place as the Chairman of the Council may decide provided that there shall not be less than two meetings in a year.
  9. Notice for any ordinary meeting of the Council shall be given by the Secretary General so as to reach the member at least a fortnight before the date of the meeting except That in case of any special meeting called by the Chairman, notice may be of Seven days. In case of emergency any shorter notice as the situation may demand maybe given.
  10. Agenda shall be Circulated by the Secretary General atleast eight days before the date of the ordinary meeting.
  11. Minimum 6 members of the Council present shall form a Quorum for a meeting.
  12. Governing Council shall preside over for a period of three years from the date of their election to the office.
  13. Designated member and Members of the Council shall be eligible to hold their for only two consecutive terms. However, after lapse of consecutive third year as cooling any member can be re-nomitaed for fresh election to the Governing Council.
  14. Elections to the first Governing Council shall be held within three years of registration of the Association.
  15. Governing Council shall cease to hold its office, one month prior to the designated dates of election and it shall then handover charge to the Executive Committee for conducting the Elections during the scheduled Annual General meeting.

## **IX. DISCIPLINE COMMITTEE**

1. The Governing Council, in any reported case of default/ misconduct or breach of privileges by a member may constitute a Discipline Committee in order to make inquiry qua such default/ misconduct or breach of privilege. Any such constitution shall be in accordance with the bye-laws of the association
2. It will comprise of three Members, minimum of one of member of such committee will be a member of presiding Governing Council.
3. The Discipline Committee shall be responsible for reviewing all cases of indiscipline on the part of the Members and making recommendations to the Governing Council for taking suitable action.



## **X. HEAD QUARTERS**

1. THE GENERAL SECRETARY shall be incharge of the Head Quarters Office and his duties briefly shall be :
  - a) To attend all conferences and meeting of the Association and record minutes of proceeding thereof;
  - b) To keep proper record of all resolutions and proceedings of the meetings of the Association and to take appropriate action provided in the resolutions;
  - c) To advice on all matters concerning the administration and policy of the Association.
  - d) To maintain proper record of the names and addresses of Office Bearers and other present at each Annual/Extra –ordinary General Meetings, and the Meetings of the Council Executive Committee and other committees and Sub-committees.
  - e) To have the custody of all books and record of the Association.
  - f) To maintain proper registers and records of all employees of the Association who shall be all under his administrative control.
  - g) To have the custody of all books and records of the Association.
  - h) To draft Annual Report of Association for submission to the Executive Committee, Council and to the Annual General Meeting.
  - i) To maintain necessary information on the working of the various constituent and affiliated organisations and such other records.
  - j) To keep himself in touch with the Treasurer and to ensure that all cheques and negotiable documents issued from the Headquarters of the Association are duly signed by the persons authorised by the Council to do so.
  - k) To maintain Register of Members, Membership Cards and Badges.
  - l) To be custodian of all the property of Association.

## **XI. ANNUAL GENERAL MEETING (AGM)**

1. An Annual General Meeting of the Association shall be head once in a year at such time and place as the Council may decide. Notice of Annual General Meeting shall be given by the Secretary General to all members of the Association at-least 20 days before the meeting. President of the Council will be the Chairmen.
2. In preparing the Agenda for the Annual General Meeting, the Council shall have the right;
  - a) To determine the order in which business included in the Agenda considered.
  - b) To coordinate into one or more resolutions, all resolutions covering the same subject wholly or in part;

- c) To reject any resolution which may be considered inconsistent with the aims and objects of the Association, or irregular or out of order; and
  - d) To frame and introduce any resolution which may be considered necessary for consideration of the General Body.
3. Notice of all resolutions proposed to be moved by any member shall be given in writing to the General Secretary duly seconded by at-least one member entitled to vote at-least THIRTY days before the Annual General Meeting.
  4. The Agenda shall be circulated by the Secretary General atleast fourteen days in advance.
  5. Twenty-Five persons or Ten percent of the Members entitled to vote present at the Annual General Meeting or an Extra-ordinary General Meeting shall form a Quorum.
  6. Following business shall be transacted at the Annual General Meeting:
    - a. Confirmation of the minutes of the previous meeting.
    - b. Presenting and passing of the previous year's.....
      - b.i. Annual Report.
      - b.ii. Audited and Certified Balance-sheet and Accounts.
    - c. Election of the office bearers and members of the council for the three year term.
    - d. Discussion and passing of resolutions; and
    - e. Such other business as may be placed on the Agenda or be Permitted by the Chairman.
  7. Except as otherwise provided all decisions shall be by majority of vote.
  8. If within half an hour from the time appointed for Annual General Meeting the Quorum is not present, the meeting shall stand adjourned to any number of members present shall a Quorum.
  9. The Executive Committee shall appoint an Election Officer at least one month before the elections are due, who is neither a candidate for any office nor is an active supporter of a candidate to conduct elections of the office bearers and council members. The Election Officer shall draw-up instructions for the guidance of members. He shall scrutinise applications of candidates for their validity. Consider objections if any raised and give his decision. His decision shall be final. He shall Conduct polling in a fair and impartial manner, and his decision on the result of the election shall be final.

## **XII. EXTRA ORDINARY GENERAL MEETING (EOGM)**

1. Extra-ordinary General Meeting may be convened by the Council or the Chairman whenever considered necessary and expedient. Such meeting shall also be called on demand of not less than 2/3<sup>rd</sup> members.
2. Such meeting shall be notified in the same manner as the Annual General Meeting and shall be governed by the same Rules of procedure except that the minimum period of Notice shall be THIRTY DAYS. The notice concerning the Extra-ordinary General Meeting shall state the specific Purpose for which the same is being convened and no business other than that notified shall be transacted at such meeting.

3. Notice of motion of all matters to be brought before the Extra-Ordinary General Meeting shall be sent by the Members to the Secretary General along with a requisition for the meeting.
4. If within half an hour from the time fixed for an extraordinary General Meeting convened upon requisition a Quorum is NOT present, the meeting shall stand dissolved.

### **XIII. SOURCE OF INCOME & FUNDS**

1. The Association may raise funds for its purposes by any of the following means or in any other law-full manner as the General Body/ Council may decide :
  - a) Subscription from members and affiliated societies.
  - b) Appeals to the Union & State Governments.
  - c) Sports competitions, exhibitions, dances fetes and other entertainments permitted by law.
  - d) Appeals to the General public and other funds for contributions and gifts;
  - e) Publication and the sale of books, magazines journals, periodicals and newspapers and
  - f) Donations
2. All funds and property of the Association, shall vest in the Council as Trustees to carry out the purpose of the Association.

### **XIV. PROCEEDINGS AND THEIR EVIDENCE**

All minutes, proceeding, resolutions etc. of the Annual/ Extra-ordinary General Meeting and Meeting of the Council, Executive Committees and other committees and sub-committees signed by the General Secretary and countersigned by the President shall be accepted as evidence of all the matters stated therein.

### **XV. ALTERATION OF RULES, CONSTITUTION AND BYE-LAWS**

1. Constitution, Rules & Regulations may be altered, amended or added to only by a vote of 3/4<sup>th</sup> of the Members entitled to vote & present at an Annual General meeting/ Extra Ordinary General Meeting called for the purpose, provided that Amendments to the Memorandum of Association shall be carried out of as per the Societies Registration Act 1860.
2. Notices of such alteration, or amendments or deletion or addition shall be given in writing to the Council through the Secretary General at least two months in advance.
3. Notice of the alteration or deletion or additions had been given to all members entitled to vote atleast one month previous to the meeting, with the opinion of the Council, if nay on the same.

**XVI. DISSOLUTION/ DISPOSAL OF ASSETS**

1. The Association may be dissolved by the vote of  $3/4^{\text{th}}$  of the members of the Association present in person at Annual General Meeting or Extra-ordinary General Meeting called for that purpose and which one month notice shall have given to members.
2. On dissolution the assets of the Association shall after the discharge of all legal liabilities be spent as may be directed by the meeting authorizing the dissolution except that its immovable property comprising of the land and building thereon of the Association and any tenements pertaining thereto either devolve on some similar Institution with the prior permission of the Government or failing that, it will revert to the Government aforesaid without payment of any compensation whatsoever. Failing such an authorisation the assets shall be spent on the purpose of the Association by the Council or the liquidations, if any, appointed by the Association shall govern all proceeding of dissolution.

**XVII. OPERATION OF RULES AND BYE LAWS**

1. All the provisions under all the sections of the Societies Registration Act 1860 shall apply to the Association.
2. A list of the Governing Council to whom the Management of the office of the Association are vested shall be filed to the Registrar of Societies Punjab as required under Section 4 of Societies Registration Act. 1860.

**Certified to be a True Copy**  
**Sd/-**  
**Registrar of the Firms and Societies**