



The constitution
of

BRUHAN MAHARASHTRA MANDAL SWITZERLAND

(Formerly “Marathi Mandal Switzerland”)

V3

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Article 1 - Name and Seat

- 1.1 The name of this organisation shall be BRUHAN MAHARASHTRA MANDAL, SWITZERLAND, from now on called BMMS.
- 1.2 The seat of BMMS is in Switzerland, related to the President in position.
- 1.3 The postal address of the BMMS shall also be according to the address of the President of BMMS.

Article 2 - The organisation

- 2.1 BMMS shall operate on a non-profit basis, following principles of non-political and secular.
- 2.2 It shall not undertake any activity construed as caste oriented, religious and/or political propaganda.
- 2.3 All the information about the organisation and its activities can be found on the website – <http://www.bruhan-mms.org>.
- 2.4 The contact E-mail address for any formal communication shall be: info@bruhan-mms.org

Article 3 - Aims and Objectives

- 3.1 To serve as a social and cultural forum for the community connected with Maharashtra residing in Switzerland and the neighbouring areas of other countries.
- 3.2 To maintain and promote the Marathi language, culture, and literature in Switzerland.
- 3.3 To foster friendship with the communities connected with Maharashtra living in other countries.
- 3.4 To contribute to the social and cultural life in Switzerland and encouraging Swiss participation for better integration within Switzerland.
- 3.5 To contribute to humanitarian causes.

Article 4 - Activities of BMMS

- 4.1 In fulfilment of the aims and objectives described in Article 2, BMMS shall:
 - a. Organise regular gatherings of community connected with Maharashtra in Switzerland (minimum 2 per calendar year).
 - b. Promote social and cultural activities such as exchanging Marathi books and cassettes/DVDs, organising music, dance, theatre, film shows and other performances of local and external Marathi artists.
 - c. Participate in similar activities of other Indian communities in Switzerland.

- d. Celebrate festivals of typically Maharashtrian tradition in different regions of Switzerland in place/in addition to the primary location.
- 4.2 In all its activities, the BMMS shall abide by the applicable laws of Switzerland.

Article 5 - Languages

- 5.1 The official languages of BMMS shall be Marathi and English, with preference to Marathi, where possible.
- 5.2 For purposes of communication with Swiss authorities and other organisations, French and/or German and/or Italian may be used, when necessary.

Article 6 - Resources

- 6.1 All the funds needed for operating the organisation and its activities are raised primarily from membership fees. In addition, the organisation accepts sponsorships, Grants (e.g. Indian Embassy) and donations in general or for a specific purpose/event.
- 6.2 Active members:
 - a. Any person residing/working in Switzerland or neighbouring region who is above the age of 18 years, who speaks Marathi or whose spouse/parent / grand-parent speaks Marathi, and who agrees to abide by the present constitution and pays the annual membership fee as per rules shall be entitled to be an active member of BMMS.
 - b. Active members have the right to vote in the General Body Meetings.
- 6.3 Membership for Passive members:
 - a. Non-earning persons less than 25 years of age whose parent is an active member of BMMS are passive members.
 - b. Executive Committee (EC) of BMMS can grant passive membership to persons above 18 years of age who do not otherwise fulfil active membership requirements, depending on their merits.
 - c. Passive members have no right to vote. They are eligible to receive information about the activities of BMMS and participate in the same.
- 6.4 Membership terms
 - a. Any member wishing to participate in the activities of the BMMS shall not be discriminated against based on gender, age, race, national origin, colour, creed, marital status, sexual orientation, caste, religion, or the state of handicap; if any.
 - b. There is no yearly membership fee for passive members below 25 years of age. Other passive members shall pay the same fee as active members.

- c. The membership year is defined from 1 June of the calendar year till 31 May of the next calendar year, normally ending after the Annual General Body Meeting. The membership fee is valid until the AGBM or the following 31 May in the calendar year, whichever happens later.
- d. In an exceptional case, EC has the right to change the membership cycle for the year or suspend/cancel membership option(s). Such cases shall be reported along with a reason for AGBM.

6.5 Beginning of Membership

- a. The founders are the initial Members of BMMS.
- b. Additional Members may join BMMS by filling up the form and accepting the terms of the constitution.
- c. Membership becomes active after the confirmation of the membership fee payment due.
- d. Membership can start any time during the membership year, valid until the end of the membership year.
- e. Renewal of the membership is automatic on payment of the membership fee of the next membership year.

6.6 End of Membership:

- a. By default, towards the end of the membership year, unless renewed beforehand.
- b. Members can choose to cease their membership immediately by sending a registered letter to the Secretary, BMMS. In such cases, the fees already paid are not reimbursable.
- c. A member who has chosen to cease the membership as **#6.6-b** above or a member with pending renewal has no right as a BMMS member until the renewal.
- d. EC has the right to refuse membership benefits if the fees have not been paid till 31 August of the current membership year.

Article 7 - Structure of BMMS

7.1 General Body (GB)

The GB, composed of all the voting members of the BMMS, shall be the supreme authority. Each active and life member shall have one vote. The GB shall meet at least once a year. The intimation to all members shall be given in writing along with the agenda minimum of 4 weeks in advance. The GB (AGBM) Annual Meeting shall take place latest by 31 May of each calendar year. It shall carry out the following activities:

- a. To elect the chairperson and the persons to write the minutes and for counting of votes;
- b. To consider and adopt the Annual Report of the preceding year;
- c. To consider and adopt the audited accounts of the preceding financial year;

- d. To decide the policy of BMMS and to provide guidance to EC;
- e. To elect the President and members of the EC;
- f. To appoint two auditors, who shall be responsible to GB;
- g. To fix membership fees for active, passive members by simple majority;
- h. To approve the budget and the programs for the current year;
- i. To discuss any other questions raised by members.

7.2 Executive Committee (EC).

- a. The Executive Committee shall consist of 7 active members as follows:
 - A President
 - A Secretary
 - A Treasurer
 - Four members are preferably chosen from different regions on Switzerland.
- b. President, Secretary and Treasurer shall be called as office bearers of BMMS.
- c. EC can work normally when the majority of EC members are present and at least one office-bearer is present.

7.3 Term of the EC

The duration of the EC shall be two years. The members of the EC shall be eligible for the next term after the expiry of their mandate, subject to provisions below.

- a. The elected office bearers of the EC, namely the President, Secretary and Treasurer, shall not hold the same post for a period longer than four consecutive years. In case there are no new volunteers, then if the incumbent is willing to continue for another term, they may continue holding the post if, by simple majority, the EC accepts the incumbent to do the same.
- b. The EC shall, in the event of a vacancy arising out of resignation of an elected office bearer, fill the same through internal re-organisation. The EC may fill the resultant vacancy within EC by co-opting from the membership of the BMMS as a member of the EC only.
- c. If for any reason, the President is permanently unable to fulfil his or her duties, a new President shall be elected by the Extraordinary GBM (EGBM) to be called by the secretary. The secretary may assume the duties of the President for a maximum period of six months temporarily till an EGBM can be called by the secretary.

7.4 Functioning of the EC

The EC shall organise itself to conduct the activities of BMMS as per this constitution. In doing so, EC shall:

- a. Co-operate with other organisations and institutions where appropriate in pursuit of the aims and objectives of BMMS as defined in Article 2 on an ad-hoc basis for each specific activity;

- b. Prepare and circulate needed documents before GBM.
- c. The EC is responsible for web contents, Social network, and its management.
- d. The EC may establish ad-hoc committees, as necessary. The composition and the terms of reference of the ad-hoc committees shall be decided by EC. If the EC considers it appropriate, such an ad-hoc committee may be headed by an office bearer or a member of the EC.
- e. EC shall communicate the names of new (and/or existing) members to other members of BMMS periodically.
- f. The President
 - President shall normally preside over the formal meetings of EC. President shall represent BMMS in dealing with other organisations and persons. If necessary, he may delegate this responsibility to any EC member, preferably the secretary.
 - President shall accept the resignation from the EC member if he/she wish to resign before the next AGBM.
- g. The Secretary
 - The Secretary of the BMMS shall maintain a record of correspondence and commitments undertaken by the EC on behalf of BMMS, including summary records of the formal EC meetings. Such records shall be handed over to the newly elected EC within four weeks of the new EC taking office.
 - Summary records of formal EC meetings/discussions/decisions shall be circulated to EC members within two weeks of the meeting.
- h. The Treasurer
 - The treasurer shall maintain the financial accounts of BMMS.
 - The treasurer shall keep EC informed about the financial situation of BMMS and prepare the audited statement of accounts for submission to AGBM.
 - The Bank accounts of the BMMS shall be operated only by the office-bearers. In the event the President / Secretary operate the bank, they should inform the treasurer of the same.

7.5 Financial binding

- a. The financial year of the BMMS shall be one year, From 1 June to 31 May of the next calendar year, thus coinciding with the membership year. This duration is to allow the transition of the EC. The EC will continue in office until the next AGBM. The EC has the mandate to use the funds until the next AGBM.
- b. The EC may incur expenses of the BMMS within the mandate of the GB. However, the total expenses for the year shall not, in principle, exceed the income of the year. Over expenses, up to 10% of the yearly budget, are acceptable in exceptional circumstances. Such spending shall be presented to the General Body Meeting for formal acceptance.

- c. The work of the EC members is honorary. EC is empowered to reimburse within the financial limits of BMMS the pre-approved expenses incurred in the activities of BMMS.

Article 8 - The General Body Meeting

8.1 Annual General Body Meeting (AGBM)

- a. The GB shall meet at least once a year. The intimation to all members shall be given in writing along with the agenda minimum of 4 weeks in advance. The Annual Meeting of the GB (AGBM) shall take place latest by 31 May of each calendar year.
- b. Conducting steps
 - EC shall send needed reports to the members at least four weeks before AGBM inviting members to send topics/question to be asked for a general vote in the AGBM.
Documents and reports to include in AGBM notification
 - *The draft Agenda*
 - *The annual report*
 - *The audited statement of accounts of the previous year*
 - *The budget for the current year*
 - *Any other proposal by EC.*
 - Members shall send questions/topics to discuss three weeks before the scheduled AGBM
 - EC shall send the final Agenda, Questions/topics to discuss/vote at least two weeks before the scheduled AGBM
 - AGBM is conducted as planned.
 - AGBM Minutes shall be sent to the members within four weeks from the date of the AGBM
- c. Recommendations on organising GBM
 - Efforts shall be made to organise GBM to different locations in rotation within Switzerland, offering an opportunity for members from various locations to participate in person.
 - EC shall also arrange online meeting to allow members from other locations to participate remotely.
- d. Quorum
 - The quorum for any General Body Meeting (AGBM or EGBM) shall be one-third of the membership of BMMS or forty members, whichever is less.
 - In the absence of a quorum, the meeting shall be adjourned and re-convened after a lapse of ten minutes, at which time the attendance of the re-convened meeting shall constitute the quorum.

- e. Proxy Vote
 - Any member unable to participate in the meeting (AGBM or EGBM) may authorise another member to exercise his or her right to vote by proxy.
 - The delegation of proxy shall be communicated to reach the secretary at least six hours before the GBM through an online proxy form or e-mail.
 - The signed acceptance of the proxy should be part of the communication.
 - In case of proxy by e-mail, the delegation and acceptance of the proxy shall be separate and shall be only from the e-mail addresses of the members concerned as registered with BMMS.
 - Proxies shall count in determining the quorum defined in **#8.1-d** above.
- f. Majority statement
 - The GB shall conduct its business based on a simple majority, except when the question involved relates to this constitution, in which case the decision shall be taken by a two-thirds majority.
 - A majority shall mean a simple majority of members present and voting. However, if the number of abstentions exceeds half the members present and voting, then a further ballot shall be held (physically or by e-mail) on re-worded or revised proposals undervote and then in this further ballot, abstentions will be disregarded.
- g. Voting and Election
 - Questions on which members may be asked to vote must be given to EC a minimum of three weeks before the GB meeting. These questions shall be circulated as addenda to the intimation of the GB meeting at least one week in advance of the GBM date.
 - Elections and voting shall be carried out openly. In the case of a tie in voting, the chairperson of the meeting will cast the deciding vote.
 - The GB may decide for secret voting if necessary.
- h. When a new Executive Committee is elected
 - The outgoing Executive Committee shall ensure the transfer of all documents to the new committee members within four weeks from the AGBM. (e.g. EC charge transfer form, electronic media access, All documents if stored in paper format)
 - The outgoing committee members may represent BMMS in official or informal forums or events strictly with prior agreement with the newly elected committee.
 - The new President will communicate to the related organisations or agencies with a copy of EC charge transfer form and minutes. E.g. Indian Embassy, Post Finance, Insurance, organisations with bilateral agreements.

Article 9 - Contributions

Following are means to raise funds for the operational expense.

9.1 Membership Fees

a. The yearly membership fee for active members will be fixed in AGBM:

- Family: CHF...
- Individual: CHF...
- Students: CHF...** (Not charged if volunteer for the event)
- Family all-inclusive ***
- Individual All-inclusive ***

*** Charges for the meal or refreshment may be charged additionally.

9.2 Donations:

- a. The EC can collect donations to cover organisational operating expenses.
- b. Donations are welcome. EC will, as far as possible, respect the wish of the donor in utilising the donation. EC, at its discretion, can refuse to accept a donation if it may harm the good reputation of BMMS.
- c. For non-organisational or external humanitarian reasons, If necessary, the EC can open a separate account for the utilisation of donations collected for a specific purpose. In such cases, the duration of added account(s) should be limited to the cause and/or approved by the General Body.

Article 10 - The organisation of member lead activity

10.1 Any individual member or regional group of members or an organisation can organise an event/program/gathering under the banner of BMMS, provided the organisers do not violate this constitution and have prior approval by EC of BMMS.

10.2 In such instances, financial and legal liabilities shall remain with the organiser.

Article 11 - Liabilities

11.1 The BMMS' liability is limited to the membership fee collected for the annual financial period.

11.2 Members will not be liable for any damages or losses incurred to the third parties for more than the current year's membership fees collected.

11.3 EC shall take necessary insurance coverage for the activities of BMMS.

Article 12 - Dissolving BMMS

12.1 For any practical reason, if the situation arises, BMMS can only be dissolved if the two-thirds majority of the GBM agree to do so.

- 12.2 At the dissolution, the disposal of the available funds/belonging shall be allocated in the following order.
- a. Resolve pending financial issues IF ANY (including unpaid invoices)
 - b. Close all contracts by sending notice in writing and settling the dues.
 - c. Donating for humanitarian cause(s) and/or non-profit institution pursuing an aim of public interest similar to BMMS and benefiting from the tax exemption.

Article 13 - By-laws to the Constitution

As per Minutes of Meeting (MoM) of EGBM dated 11.03.2006, while adopting the above constitution GB also approved the provision of by-laws to allow future changes or amendments.

Log of changes

| Version | Date | Description |
|-----------|-----------------|--|
| V1 | 11 March 2006 | First Approved Constitution |
| V2 | 1 November 2015 | Change of name and Added clauses for EC Term |
| V3 | 09 May 2021 | Reviewed format, pending modifications of terms and included some comments suggested by members approved by the AGBM |

Authorised by

| Name | Position | Date, place & Signature |
|-----------------------|--------------------|-------------------------|
| Amol Sawarkar | President | |
| Prasad Lambe | Secretary | |
| Prashant Patil | Treasurer | |
| Netra Nerurkar | AGBM - Chairperson | |
| Ganesh Kale | Protocol writer | |