

MKM Constitution

CONSTITUTION OF MARATHI KALA MANDAL

PREAMBLE

Desirous of preserving and promoting the cultural heritage of Maharashtra, and of uniting the people of Marathi origin, we, the Marathi loving people of Metropolitan Washington DC and surrounding states do hereby constitute the Marathi Kala Mandal and bequeath to ourselves the Constitution and Bylaws.

ARTICLE ONE

This organization shall be known as the Marathi Kala Mandal (hereinafter called MKM or the Association).

ARTICLE TWO

An Executive Committee (EC) duly elected by MKM members as described in Article Seven shall manage all the business and affairs of MKM as per Constitution and Bylaws.

ARTICLE THREE

Section I

MKM shall proceed under the general laws of the State of Maryland.

Section II

MKM shall be a non-profit organization, and its business and activities shall be governed by the Constitution and Bylaws. No dividends or pecuniary profits shall be declared or paid to the EC or MKM members thereof.

ARTICLE FOUR

The principal office of Marathi Kala Mandal shall be in the State of Maryland. MKM may have other office or offices at such suitable place or places in the United States of America within or outside the State of Maryland as may be designated by the Executive Committee.

ARTICLE FIVE

Section I

The aims and objectives of MKM shall be to promote literary, educational, and cultural activities that will be individually and collectively beneficial to the MKM members, to encourage acts of charity and benevolence, and to create an opportunity for inter-cultural exchange.

Section II

No substantial part of the activities of MKM shall be the carrying on propaganda, or otherwise attempting to influence legislation, and MKM shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

Section III

No part of the earnings of MKM shall inure to the benefit of, or be distributable to the EC, MKM members or other private persons, except that the Association shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes of MKM.

Section IV

Any member wishing to participate in the activities of MKM shall not be discriminated against on the basis of gender, age, race, national origin, color, creed, marital status, sexual orientation, religion, or the state of handicap.

ARTICLE SIX

Section I

Any person who subscribes to the objectives of the Association and pays the annual dues, as decided by the EC, is entitled to be a member of MKM. Every such member shall have an obligation to uphold the constitution and the bylaws of MKM.

Section II

The membership of MKM shall consist of the following categories:

1. Primary membership
 - a. Married couples
 - b. Single adults of age 21 and above
2. Associate membership (only if accompanied by primary membership)
 - a. Dependent youth of ages up to 25 years of age
 - b. Dependent senior citizens of ages 62 and above

Section III

Each primary member belonging to category (1) under Article SIX - Section II shall have one vote. Associate members of category (2) shall be non-voting members.

ARTICLE SEVEN

Section I

The EC shall be comprised of the following elected office bearers:

1. President
2. Vice President
3. Secretary
4. Joint Secretary
5. Treasurer
6. Joint Treasurer

These EC positions shall be elected by the members of MKM at an Annual General Body Meeting of MKM for a one-year term of office. The EC may also contain up to three appointed office bearers (members at large) as outlined in Section III of this Article.

Section II

Term Limits: All EC members (elected or appointed) shall be allowed to hold a particular office/position for one term only. However, they shall be allowed to hold another position on the EC for one more term. No member (elected or appointed) can serve more than two consecutive terms on the EC.

Section III

Members at Large: The EC members by majority vote may appoint up to three additional members to serve on the EC for a one-year term of office. These three appointed members shall be full voting members of the EC.

Section IV

The EC term of office shall begin on the first day of the month of January and end on the last day of December.

Section V

An external auditor shall be appointed by the EC for auditing the MKM accounts of the fiscal year..

Section VI

If any vacancy arises on the EC through any cause, the EC may choose to appoint any current member of MKM to fill that vacancy by majority vote. This selection should be communicated within 30 days to all MKM members.

Section VII

Any EC member may be dismissed from the EC by a minimum of 6 EC members voting for dismissal. Fourteen (14) days notice shall be required to be given to the EC member being considered for dismissal.

Section VIII

The EC by majority vote shall appoint two Election Officers according to the provisions of the Bylaws. The term of these Election Officers shall end on December 31 of that calendar year.

ARTICLE EIGHT

If the EC or any EC member contemplates any litigation or legal proceedings of any kind that will bind MKM or its resources, the EC (or the EC member) must obtain the approval of three-fourth majority of the members of MKM before initiation of litigation or legal proceedings.

ARTICLE NINE

Section I

The Association shall be dissolved either by written order received from an appropriate court of law in the United States, or by a three-fourth majority of all MKM members.

Section II

Upon dissolution of the Association, the Executive Committee shall, after paying or making provision for the payment of all the liabilities of the Association, dispose of all of the assets of the Association exclusively for the purposes of the Association in such manner, or to such organization or organizations organized and operated

exclusively for charitable, educational, religious, or scientific purposes or shall at the time qualify as an exempt organization or organizations under section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law), as the Executive Committee shall determine. Any such assets not so disposed of shall be disposed by the Court of Common Pleas of the county in which the principal office of the Association is then located, exclusively for such purposes or to such organization, as said Court shall determine, which are organized and operated exclusively for such purposes.

ARTICLE TEN

Notwithstanding any other provision of these articles, the Association shall not carry on any other activities permitted to be carried on (a) by an Association exempt from Federal income tax under section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law); or (b) by an Association, contributions to which are deductible under section 170 (c) (2) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law).

BYLAWS OF MARATHI KALA MANDAL

ARTICLE I

The Association may by its Bylaws make any other provisions or requirements for the management or conduct of the Association provided the same are not inconsistent with this Constitution or contrary to the laws of the State of Maryland or of the United States.

ARTICLE II - Location of the Association

The headquarters of MKM shall be located at such a place as decided by the Executive Committee.

ARTICLE III - Membership

1. The payment of membership fees shall keep the members in good standing and entitle them to membership for one calendar year or part thereof. Membership shall not be transferable. The annual fee for MKM membership shall become due and payable on January 1st. Any part-year membership dues shall be at the EC's discretion.
2. All primary members are eligible to vote in elections, run for any office and inspect any books and records of MKM.

ARTICLE IV - Meeting of the EC

Section I

No meeting of the EC can be held without a seven-day notice to the EC members. Minimum of five EC members shall constitute a quorum for the transaction of business meetings of the EC. Decisions of the EC shall be passed only by a majority vote of those present.

Section II

The Secretary or Joint-Secretary may prepare an agenda for the proceedings of the meeting of the EC. He/she shall prepare minutes of the meeting in English, and these minutes shall be ratified at the next EC meeting.

Section III

Only an EC member or a MKM member authorized by the EC shall represent MKM at any conference, meeting, seminar or gathering.

Section IV

Each EC members and his/her heirs, executors and administrators, and members of all ad-hoc committees of MKM shall at all times be indemnified and held harmless from and against all costs, charges and expenses which such members sustains or incurs as a result of any action, suit or proceeding brought, initiated or prosecuted against him/her in respect of any act, deed, matter or thing legitimately undertaken by him/her in the execution of the responsibility of office.

ARTICLE V - Ad hoc Committees

The EC may appoint committees of members of MKM to perform special tasks consistent with the realization of the aims and objectives of MKM, to investigate specific problems, procedures and matters of interest, and to make recommendations to the EC. These ad hoc committees shall cease to operate after completion of assigned tasks, or at the discretion of the EC.

ARTICLE VI - Fiscal Year and Finance

Section I

The fiscal year of MKM shall be the calendar year.

Section II

The EC shall be responsible for the finances of MKM. The EC may purchase, lease or otherwise acquire, hold and maintain personal and real property, and enter into any legal contract or undertaking, including the engagement of personnel and services which are required for the operation of MKM during the tenure of the EC. The EC may also dispose of or sever any of the above transactions.

Section III

The account in the name of MKM shall be maintained in a bank or a savings institution and operated jointly by the President and the Treasurer. No ad hoc committee of MKM will be authorized to receive funds or separately maintain a bank account in the name of MKM.

Section IV

Notwithstanding Section II, any contract or financial transaction not directly related to a MKM event or program exceeding \$5000 shall require the consent of the General Body. Any contract or financial transaction for a MKM event or program exceeding \$10,000 shall require the consent of the General Body.

Section V

The EC may in its judgment, receive, acquire and hold gifts, donations, trusts, legacies and devices for and in the name of MKM.

Section VI

The EC shall be responsible for the Maintenance of all accounts and financial matters of MKM, as well as for arranging audit by an external auditor for their fiscal year/term in office.

Section VII

The outgoing EC shall prepare the certified financial statements of their fiscal year no later than June 30th of the following year. A copy of the certified financial statements shall be published in Hitguj within 60 days.

Section VIII

Only the members of the EC shall make expenditures on behalf of MKM. Expenditures of more than \$500 by any EC member must have prior approval from the EC.

Section IX

The Treasurer shall be responsible for receipt, disbursement, recording and safekeeping of all funds of MKM. The Treasurer shall pay all bills which have been approved in the manner prescribed by the EC.

ARTICLE VII - MKM Meetings

Section I

The EC, by a majority vote, shall be allowed to call a general body meeting of the MKM membership for any purpose it deems fit. A written notice of this meeting, including an agenda for the meeting, shall be given to all MKM members no less than fourteen (14) days before the date of the meeting.

Section II

The EC shall call an Annual General Body Meeting anytime between December 1st and 31st of each calendar year. A written notice of this meeting, including an agenda for the meeting, shall be given to all MKM members no less than fourteen (14) days before the date of the meeting.

Section III

Special meetings of MKM shall be called by the EC, on receipt of a requisition by at least fifty primary voting members of MKM. A written notice of this meeting, including an agenda for the meeting, shall be given to all MKM members no less than fourteen (14) days before the date of the meeting.

Section IV

At any meeting of MKM, the presence of one-third of total membership or twenty-five members (whichever is less) shall constitute a quorum.

Section V

1. MKM members as identified in Article X bullet 1 will be eligible to vote
2. No proxy ballots shall be permitted at any MKM meeting
3. Absentee ballots shall be permitted for family membership, subject to the following:
 - a. At least one family member attends the meeting in-person
 - b. The attending family member can cast a vote for self and an absentee ballot for the non-attending family member
 - c. The non-attending member must submit a written and signed absentee ballot
4. Absentee ballots shall not be permitted for Individual membership
5. Absentee ballots shall only be permitted for any proposed amendments to the constitution or bylaws that are part of the published agenda for the meeting
6. Absentee ballots shall not be permitted for any proposed amendment to the constitution or bylaw if any modification is made during the meeting

7. Absentee ballots shall not be permitted for any amendments to the constitution or bylaws that were proposed at the meeting and were not part of the published agenda

ARTICLE VIII - Amendments

The Association may amend this Constitution and the Bylaws as follows:

1. The majority of the EC members proposing an amendment, shall adopt a resolution that the amendment is advisable. A special meeting of the members shall then be called to vote on the amendment. Twenty-One (21) days written notice of such meeting and of the proposed amendment together with the reasons thereof, shall be given.
2. An amendment proposed by a member shall be first submitted in writing together with the reasons thereof to the EC, at least six weeks in advance of the date of an Annual General Meeting of the Association. The EC shall consider the proposal promptly. If the proposal is rejected by the EC, this member may submit it for consideration by the members at such Annual General Meeting, provided the said member has arranged to give written notice of the proposed amendment and the reasons thereof through the EC to all MKM members at least twenty-one (21) days before that meeting.
3. At any meeting or gathering where a vote is held for proposed amendments to constitution and/or the bylaws a quorum of one-third of eligible voting members or 125 eligible voting members (whichever is less) shall be required to be present in-person.
4. Any proposed amendment of constitution or bylaws shall be approved by a two-thirds majority of members voting in person and via absentee ballots.

ARTICLE IX - Election Officers

The EC shall designate two Election Officers to conduct the annual election of the next EC. These election officers will be responsible for conducting the elections (if necessary) for the next EC including counting the votes and certifying the election results. The members must be notified of the designated Election Officers no later than September 30th of the year.

ARTICLE X - Election Procedures

1. The list of eligible voters will be frozen on October 31st of each calendar year. Any person becoming an MKM member after this date shall not be eligible to vote in elections held during that year.
2. Nominations for all positions on the EC shall be received by the Election Officers no later than Oct 31st . The contesting candidates shall submit their names and signatures along with a statement indicating their willingness to serve in a particular position on the EC.
3. The EC shall send the names of the candidates in the slate(s) to the MKM members at least fourteen (14) days before the date of the annual meeting.
4. Contesting slates can designate one representative each to be present during balloting and counting of ballots.
5. The results of the election shall be declared prior to adjournment of the annual general body meeting.

Section I

The EC may extend the deadline, as appropriate, to receive nominations for the EC positions if no nominations are received by October 31st.

Bullet 3 of Article X - Election Procedures of the Bylaws shall be overridden if the EC nominations are not received in time for the EC to send the slate(s) to MKM members 14 days before the date of the annual meeting. In such situation, the EC shall send out the names/slates to MKM members at least 48 hours prior to the annual meeting.

Nominations from the floor shall be accepted for a complete EC slate during the annual general body meeting if no EC slate has been received by the start of the meeting.

Article XI - Caretaker committee

To maintain continuity of association's functioning if no nominations are received for the following year's Executive Committee (EC).

Section I - Responsibilities

Primary responsibilities of the caretaker committee:

1. Ensure functioning of MKM by taking care of financial and/or legal obligations
2. Work with MKM members to solicit nominations to take over as EC for that year

Section II - Nominations

In such situation that no nominations are received for the following year's EC, the outgoing EC shall nominate a five (5) member caretaker committee for the following year. The caretaker committee shall be composed thusly:

1. The outgoing President
2. At least one of the outgoing treasurer or joint treasurer

The EC can include other members on this committee, as they see fit, such as:

1. One outgoing secretary or joint secretary
2. One or both election officers
3. Any other MKM member

The caretaker committee members shall use their respective acting roles to ensure working continuity of the association without officially holding such titles.

Section III

The caretaker committee shall follow Article X - Election procedures once EC nominations are received.

Section IV

The term of office for the caretaker committee shall commence on January 1st. The caretaker committee shall handover all information and the respective details to the new EC, once elected and shall cease to exist once the EC takes effect.

Section V

All current MKM members will have their membership extended during the time that the caretaker committee is in office. Normal membership rules will recommence once the new EC takes office.

Section VI - Vacancies

If vacancies arise on the CTC due to resignation or any other reasons, the remaining CTC members shall have the power to make appointments to fill the vacancy by majority vote.

Article XII - Board of Trustees

Section I - Purpose

- To maintain institutional memory and enhance organizational knowledge
- To identify long-term goals and initiate related activities in collaboration with the EC
- To draw upon skills and knowledge of experienced community leaders for the benefit of MKM

- To support the activities of the EC

The Board of Trustees (hereinafter called BoT) shall be responsible for the long-term needs of the MKM membership. The BoT shall only have an advisory capacity. All decisions and recommendations made by the BoT are not binding on the EC and the EC shall have the power to accept or reject their recommendations, wholly or in part.

The objective of the BoT is to complement the work of the EC in strategic, long-term areas. The BoT has the responsibility for developing and recommending long-term plans to the EC for approval.

The list of strategic, long-term activities may include but not limited to:

- Cultural
- Community Relations
 - Liaison with Marathi and non-Marathi Indian community and non-Indian community organizations
 - Liaison with other religious & spiritual organizations
- Any other areas as deemed necessary by the EC

Section II - Composition and Selection

The BoT shall consist of three members to be appointed by the Executive Committee (EC) for a fixed period of service.

1. The appointment of the members of the BoT for the various terms is up to the discretion of the EC
2. EC may request nominations from the membership at large
3. Any candidate being considered for a position on the BoT must be a MKM primary member in good standing
4. A person may serve as a member of the BoT for a maximum of three consecutive years
5. A person appointed to the BoT cannot simultaneously be a member of an active EC

Section III - Term

BoT's term of office shall commence on July 1st and end on June 30th.

The terms of the members of the BoT shall be staggered with one member appointed for a one year term, one member appointed for a two year term and one member appointed for a three year term for the initial composition of the BoT. After that, each member of the BoT shall be appointed for a 3 (three) year term.

Section IV - Vacancies

If vacancies arise on the BoT from expiration of term, resignation or any other reasons, the then EC shall have the power to make appointments per Article XII - Section II.

Section V - Communication

The Board of Trustees shall provide an update of their activities to the MKM membership at the Annual General Body Meeting or more frequently as needed to carry out their activities.

ARTICLE XIII - Official Publication

HITGUJ shall be the official publication of MKM, and shall be distributed to the members free of charge. This publication shall be the principal mode of communication between the officials and the members of MKM and may be provided in print or via email or other online communication methods, as appropriate.