

**Memorandum of Association  
of  
M.E.S. Builders Association  
of India (Regd.)**

- 1. Name of Society** : M.E.S. BUILDERS' ASSOCIATION OF INDIA
- 2. Registered Office** : The Registered Office of the Association shall be situated in the Union Territory of DELHI.
- 3. Objects** : The Objects for which the Association is established are the following :
  - (i) To unite Builders working in MES for betterment of the trade and profession.
  - (ii) To promote and foster feelings of brotherhood and achieve co-operation and mutual help among contractors in general and members in particular.
  - (iii) To encourage its members for high standard of workmanship and adoption of correct business practices according to ethical code of conduct in order to maintain the dignity of the profession.
  - (iv) To discourage unhealthy competition and eliminate unfair trade practices.
  - (v) To advise and assist the members on technical and legal matters.
  - (vi) To watch, support and protect the rights and interests of members.
  - (vii) To represent on all matters, of common interest and obtain fair and equitable terms in Contract Agreements and to advise follow up action in securing correct implementation of the said terms and other policies of the Government.
  - (viii) To confer and or to co-operate with any other Association or Institution on matters of common interest and to help, co-operate or join with them in such activities, which are for the common cause of the Builders community, from a common platform set for the purpose.

## 2

- (ix) To establish harmony between the M.E.S. DEPARTMENT and the contractors by holding periodical meetings with the authorities and discuss with them problems of contractors and offering healthy suggestions for the sake of justice, understanding and better relationship.
- (x) To devise ways and means of settling disputes arising between members by conciliation and between members and non-members by arbitration and set machinery for the same.
- (xi) To organize Conferences, Seminars, Lectures and Tours etc. which may benefit and educate members of the trade and promote, support and advance the building trade, industry and profession.
- (xii) To raise money by subscriptions, donations, contributions etc. for the purpose of carrying the objects of the Association on such terms as decided by the Executive Council.
- (xiii) To receive gifts and other assistance for the objects of the Association.
- (xiv) To establish Banking Institution for financing assisting the activities of the members of the Association.
- (xv) To invest money of the Association not immediately required.
- (xvi) To buy, take on lease or otherwise acquire land building or property, movable or immovable, and to sell or turn to account mortgage or dispose the same or any part thereof in the interest of the Association.
- (xvii) To construct for the purpose of the Association any building and to alter, remove or demolish any building belonging to the Association.
- (xviii) To commence, prosecute, appear in defence, compromise on all sorts of proceedings, civil or criminal for the benefit of members of the Association.
- (xix) And generally do all such other acts and things as may be conducive or incidental to the attainment of the above objects of the Association.

- 4. Governing Body:** The names, office occupation and addresses of the members constituting the Governing Body (COUNCIL) to whom by the Rules of the Society the management of its affairs is entrusted that is the President, the Vice Presidents and the General Secretary, Joint Secretary and Treasurer, for the time being, are set forth hereunder :

S. No.	Name	Address	Occupation	Function & Office
1.	Shri Om Parkash	8-C/6, W.E.A. Karol Bagh, New Delhi - 110005	Builders	President
2.	Shri K.K. Madhok	B-19, Chirag Enclave New Delhi - 110019	Builders	Sr. Vice President
3.	Shri Amar Nath Khokha	No. 30 Nizam-ud-Din East, New Delhi - 110013	Builders	Jr. Vice President
4.	Shri T.C. Goyala	B-4/166, Safdarjang Enclave, New Delhi - 110016	Builders	Hony. General Secretary
5.	Shri Sant Singh	1/50, Jangpura Extn. New Delhi - 110014	Builders	Hony. Joint Secretary
6.	Shri K. C. Jain	H-37, Green Park Extn. New Delhi-110016	Builders	Hony. Treasurer

5. We the several persons whose signatures, occupation and addresses are given hereunder are desirous of being formed into an Association in accordance with the provisions of the Societies Regulation Act, 1860 and under the Societies Regulation Act, 1957, and abide by the Rules and Articles of Association herein before mentioned and in testimony of this we have subscribed our respective names and signatures hereto on the 3rd day of February 1977.

**4**

<b>S. No.</b>	<b>Name &amp; Address</b>	<b>Function</b>	<b>Signature</b>	<b>Witness</b>
1.	Shri Om Parkash 8-C/6, W.E.A. Karol Bagh, New Delhi - 110005	President		
2.	Shri C.S. Jain C/o Goel Trading Co. Balipura, Darrang (ASSAM)	Chairman North Eastern Branch DIMAPUR (NAGALAND)		
3.	Shri R. C. Tayal 148, Civil Lines, Saket Road, MEERUT (U.P)	Chairman Meerut Branch		
4.	Shri Shiv Lal Tak 659-A, Residency Road, Sardarpura, JODHPUR (RAJASTHAN)	Chairman Rajasthan Branch Jodhpur		
5.	Shri Darshan Singh Ahuja 56, Sector 8-A, Chandigarh	Chairman Chandigarh Branch		
6.	Shri Gulab Rai Kohli 23, Hospital Road Jangpura 'A', New Delhi	Chairman Jammu Branch Province		
7.	Shri B.D. Agarwal 17, Civil Lines, Shahjahanpur Road, BAREILLY (U.P.)	Chairman Bareilly Branch		
8.	Shri K. K. Madhok B-19, Chirag Enclave, New Delhi	Senior Vice-President		
9.	Shri Amar Nath Khokha 30, Nizam-ud-Din East, NEW DELHI - 110013	Junior Vice-President		
10.	Shri T. C. Goyala B-4/166, Safdarjang Enclave, NEW DELHI - 110016	Hony. General Secretary		
11.	S. Sant Singh 1/50, Jangpura Extension, NEW DELHI - 110014	Hony. Joint Secretary		
12.	Shri K. C. Jain H-37, Green Park Extension, NEW DELHI - 110016	Hony. Treasurer		

**Articles of Association  
of  
M.E.S. Builders' Association  
of India (Regd.)**

**Definition :**

In these Articles, unless, there is something repugnant to the subject matter of context, the singular shall include the plural and "person", shall include a Firm Corporation or Company and the following words and expressions shall have the following meaning :

- (i) THE ASSOCIATION : means the MES BUILDERS' ASSOCIATION OF INDIA.
- (ii) THE COUNCIL : means the Executive Committee of the Association duly elected under these articles.
- (iii) OFFICE BEARERS : shall mean the "President" the "Senior Vice President" the "Vice Presidents", "Hony. General Secretary", "Hony. Treasurer" & "Hony. Joint General Secretary"
- (iv) MEMBERS : means a member of the Association.
- (v) PRESIDENT : means President of the Association.
- (vi) VICE PRESIDENT : means one of the Vice Presidents of the Association competent to act under these Articles.
- (vii) HONY. GENERAL SECRETARY : means Hony. General Secretary of the Association.
- (viii) HONY. JOINT GENERAL SECRETARY : means Hony. Joint General Secretary of the Association.
- (ix) HONY. TREASURER : means the Hony. Treasurer of the Association.

## 6

- (x) PROPER REPRESENTATIVE : shall mean
- (a) Proprietor in case of a Proprietorship Concern
  - (b) Partner in case of partnership firm
  - (c) Director in case of registered company
- (xi) GENERAL MEETING : means "General Meeting" of the Association.
- (xii) BANKERS : means Bankers of the Association as decided by the Council.

### **2. Headquarters :**

Headquarters of the Association shall be situated in the Union Territory of DELHI or at any other place as may be decided by three fourth majority of the members on rolls of the Association.

### **3. Opening of New Branch of the Association**

(a) The Council may by a Resolution open new Branches in different parts of the Union of India; provided there are not less than 30 (thirty) applicants for the membership of the Association, operating in that area, and the council is satisfied that the particular place is at least a Sub-Divisional town of an important nature and have either a CWE's office situated there or in case GE's office is at a distance of more than 50 KMs and also there is no Branch operating within the 50 KM radius of the proposed Branch and hence opening of a Branch in that place will be beneficial for the Association. Regional jurisdiction of the Branch will be decided by the council.

(b) After the council approves the membership of the applicants and also the opening of the new Branch, the newly enrolled members can elect their office bearers, council members and executive committee members, in the General Meeting of that newly established Branch and thus start functioning.

(c) However, the council members of the new Branch would not stand in any election of headquarter for two years after being enrolled as members of the Association.

(d) After a new Branch starts functioning, if any member desires to change his Branch due to change of location of the business of such a member or for any other valid reason he shall be entitled to do so. In that case the member will have to apply for the change of membership to the HQ and it will be granted only after due consultation with the concerned Branches as well as discussion in the council.

4. Members :

Any individual, firm, company, Association or Corporation (incorporated in India), directly engaged in building industry and its allied trades shall be eligible for election to membership of the Association.

There shall be six classes of members viz.

- |                     |                        |
|---------------------|------------------------|
| (1) Founder members | (2) Ordinary members   |
| (3) Life members    | (4) Patrons            |
| (5) Hony. members   | (6) Associate members. |

4. (i) Ordinary Members:

- (a) Any firm, company, society or any corporate body connected with the trade, industry or profession of construction work or building activity of any kind whatsoever and enlisted with the MES department as contractor and whose name has not been removed permanently from the approved list of contractors of the MES Department, will be eligible to become member of the Association.
- (b) Candidates eligible for membership as above shall send to the Branch of the Association a written application duly proposed by a member and seconded by another member on a form prescribed by the Association from time to time along with a sum equivalent to the entrance fee payable by an ordinary member together with one year's subscription as hereinafter provided. Branch will forward the Application form to the HQ duly recommended in the executive committee meeting of the Branch. If otherwise the Branch will forward the reason of not recommending the membership along with the minutes of that particular executive committee meeting to the HQ
- (c) The Hony. Gen. Secretary will publish all such names recommended or not recommended by the Branch, through

- agenda points of the ensuing council meeting. The council will consider the case based on the report of the Branch. If the council considers that the case needs a review the council would return the application to the Branch to reconsider the case in the General Body Meeting of the Branch. The decision of the General Body Meeting of the Branch will be forwarded to the council again with the minutes of such General Body Meeting. The council will take decision based on the minutes of such General Body Meeting of the concerned Branch. However the council shall have the power to enroll members of the Association or to reject the application forwarded by the Hony. General Secretary without assigning any reason for the same to the applicant. The Hony. General Secretary will communicate decision of the council to the Member/Branch concerned.
- (d) Ordinary members of the Association shall pay the entrance fee of Rs. 5,000/- and yearly subscription of Rs. 2,500/-. 50% of these amounts will be paid to the Branch concerned. The date of enrolment of the member shall be the date on which his application is accepted by the council.

**Note:** The aforementioned rates of subscription and entrance fee shall remain in force till varied by the council. The council shall be competent to vary the rates of subscription and entrance fee from time to time by a resolution to that effect.

**4. (ii) Life Membership :**

Life Members of the Association shall pay the entrance fee of Rs. 5000/- and a Lump Sum of Rs. 35,000/- at the time of enrolment.

Manner for submission of the application and approval of the application will be the same as for Ordinary / Associate Members, as the case may be.

Life Members will not pay the yearly subscription and will enjoy the same rights and privileges as Ordinary/Associate Members as the case may be. Ordinary/Associate members already on the roll may also be granted Life Membership status on payment of the said amount of Rs. 35,000/-. 50% of the amount received as above i.e. on a/c of Entrance Fee and Lump Sum will be given to the Branches concerned.



**4. (iii) Patrons :**

An individual who is sole proprietor/ partner/director as the case may be of an active member firm/company, in good standing for over 10 years may be considered by the council to be a Patron on payment of Rs. 5.00 lakhs, who shall not pay the yearly subscription and will enjoy the same rights and privileges as ordinary members of the parent Branch. 20 per cent share of the amount will be given to the parent Branch on whose membership role the Patron was borne at the time of grant of Patron status.

This amendment will take effect from 01.09.2012 and hence there will be no change in the status of existing Patrons.

Patrons shall on request be entitled to service cover from any Branch in whose area they might be working at a given point of time. The service charges as indicated in Article 5 (vi) of Memorandum and Articles of Association will be borne by the Headquarters if so desired, by the Branch.

**4. (iv) Associate Members**

However, firms not directly engaged in Building profession as enlisted Contractors with the MES may be enrolled as Associate Members. Such members shall pay subscription, entrance fee like ordinary members and shall have all rights as ordinary members except that they will not have voting rights and will not be eligible for election to any office at Headquarters or in Branches.

**5. Subscription :**

- (i) The basis of subscription shall be official year of the Association i.e. from beginning of April to end of March. Members shall have to pay, annual subscription for the year irrespective of the actual date of acceptance of their membership.
- (ii) All subscriptions shall be paid in advance so as to reach the HQ before 30th April each year. Non receipt of the subscription by the due date may render the member to lose his membership as per rules of the Association.
- (iii) The subscription paid is neither refundable nor transferable.
- (iv) Various subscriptions may be raised by the council from time to time.
- (v) No member will be eligible to hold membership of more than one Branch.

## 10

- (vi) Any member desirous of availing the services of a Branch when he is not a member of that Branch shall pay yearly subscription of 50% of the yearly subscription without voting right in that Branch in addition to the annual subscription payable to the Headquarters.

### **6. Rights & Privileges of Members :**

Every member of the Association shall subject to other Regulations in force, be entitled to the same rights and privileges and will be subject to the same duties towards the Association.

Any member shall be entitled to resign from the membership of the Association.

Every member shall have one vote (except Associate Member.) Members who have not paid their dues shall not be entitled to vote at any meeting. A newly enrolled member will not be eligible to contest in any election of the HQ or the existing Branch for a period of two years from their date of enrolment. However the newly enrolled members of a newly established Branch would be eligible to contest in election of that Branch only.

No person shall be eligible to be a member of the council / executive committee of a Branch unless he or his firm or company, is authorized to represent, has paid all subscription and other dues of the Association.

If any applicant who has, at any previous time, been a member of the Association shall not be eligible to take part in election unless he pays all arrears standing against his name at the time he ceased to be a member.

If any applicant has once been rejected by the council he shall not be proposed for membership until at least 6 months have elapsed since the date of rejection.

If any member or group of members feel aggrieved by any matter, he/they can approach the "Dispute Redress & Reconciliation Committee (DRRC) at Headquarter immediately but not later than 15 days, who will give decision within 60 days. The decision of the DRRC in the matter will be final and binding for all.

All members shall abide by the Articles of Association, Rules and Regulations and other bye laws of the Association in force for the time

being. Default on the part of a member in this respect shall render him liable to expulsion.

### **7. Register of Members**

A register of members shall be kept, in which, the names and addresses of the members and all charges becoming due from time to time shall be recorded.

Another register shall be kept in which, the name of the representatives entitled to vote or exercise the right of membership on behalf of a firm, corporation or association shall be recorded.

Any firm, company, corporation, association desiring to change the name of its representatives shall notify such desire to the Hony. Gen. Secretary who shall effect the change after getting approval of the council.

### **8. Termination of Membership**

A member shall cease to be a member of the Association :

- (a) Upon an individual or a firm being adjudicated insolvent or in the case of a limited company on which winding up orders have been passed with regard to such company or when it has gone into voluntary liquidation except for the purpose of reconstruction.
- (b) Normal service rendered to a member shall be discontinued if he is in arrears for more than 3 months. If a member continues to remain in arrears of payment of subscription for 2 consecutive years his name will be removed from the list of members of the Association. Such members in default, may however, be admitted as new members provided they pay the entrance fee and two years subscription along with their fresh application for enrolment.
- (c) Upon the member remaining in default for one year for payment of any dues other than membership subscription.
- (d) Upon the council deciding to terminate membership of a member on receipt of recommendation approved by the General Body of a Branch that the continuance of membership of the firm is detrimental to the interest of Association no reasons may be assigned for it by the council.
- (e) Upon losing or withdrawal of valid enlistment of MES Department permanently, the membership in such a case will

be converted automatically to "Associate Member" instead of "Ordinary Member".

- (f) Upon President being satisfied, about the necessity of initiating disciplinary action against any member. In such a case a show cause notice will be sent to the member whose reply/ matter shall be considered in a council meeting and the council shall decide about the termination of membership/any other action of the subject member by 3/4th majority.

### **9. Administration**

The business and funds of the Association shall be managed and controlled by a Board of executive committee to be styled "COUNCIL" which shall be composed of members described here:-

(a) President (b) Senior Vice-President (c) Nine Vice Presidents (d) Hony. Gen. Secretary (e) Hony. Joint General Secretary (f) Hony. Treasurer (g) One representative of patrons (h) Members elected by Branches for council (i) Chairman from each Branch (Ex-officio) (j) Immediate Past President (Ex-officio) (k) Other Past Presidents (Ex-officio) (l) Two members co-opted by the council (m) Hony. Secretary from each branch (Ex-officio).

The council shall exercise all such powers and do all such acts and things as may be exercised or done by the Association. Without prejudice to general power conferred by the foregoing clause, the council shall have powers-

- (i) To appoint or dismiss servants of the Association and to pay their remuneration from time to time.
- (ii) To incur expenditure for day to day running of the Association, including raising of loans.
- (iii) To take all necessary steps, consistent with the best interest of the Association to realise the arrears of membership subscription.
- (iv) To write off any irrecoverable arrears of subscription which in the opinion of the COUNCIL cannot be realised or to remit such arrear or part thereof in any other case or cases wherever deemed fit.
- (v) To appoint any Committee or Sub-Committee of the members of the council, of the members of the Association and such Committee or Sub Committee may be standing temporary or for special purposes as the council may determine.

## 13

There will be a Standing Committee named "Dispute Redress and Reconciliation Committee" consisting of five members elected by council to consider grievances of members, if any, and give decision on the same.

(vi) The President and the Hony. General Secretary shall be ex-officio members in DRRC and of all Sub-Committees.

(vii) The council shall have the power to raise and collect and to spend such sums for any function of the Association as it may in its discretion think fit or proper, having regard to the existing circumstances of the Association within the limits of the and as enumerated in the aims and objects of the Association. But in no case shall expenses exceed at a time 25% of the total yearly subscription or budgeted amount. If the expenses are likely to exceed the said amount, previous sanction of the Association shall be taken in a Special General Meeting of the Association. The provision shall also be followed in the Branches of the Association.

(viii) The council shall have the power to print publish issue and circulate periodicals, journals, paper, books, circulars and literature of the Association and to provide or spend such sums as may be necessary for the same.

### **10. Election**

#### **(a) Election Commission**

Consisting of 3 members Viz. one Chief Election Commissioner and two members of Election Commission. The Election Commission will act on majority amongst the three members. The members of DRRC cannot be selected in Election Commission.

#### **(b) Procedure of selecting the Election Commission.**

In the Council meeting of March of election year the EC will be constituted from amongst the council members of that year. This should be the first agenda point of the March council meeting. The individual member can propose his own name or any council member can propose any other council members name on his behalf subject to that council member's consent. Separate proposal should come for CEC and members of the EC. The House will elect the EC for that year from amongst the proposed names and thus the duly constituted EC will be announced then and there.

**(c) Eligibility criteria of CEC**

Must have served 4 (Four) calendar years as any of the following posts, Branch Chairman or in any portfolio in HQ. Must be a council member for at least 10 years including the tenure as an office bearer. A person so elected will not be eligible to contest for the election of Branch or HQ for the election year in question for which he is being nominated.

**(d) Eligibility criteria of Member EC.**

Must have served in any portfolio of Branch or HQ for 4 (Four) years. Must be a council member for at least 06 years including the tenure as office bearer. He will not be eligible to contest for the election of Branch or HQ for the year for which he is being nominated. Three members of the EC will be inducted in the newly constituted council by virtue of their post as member EC without voting right but all other privileges as enjoyed by the elected council member (In case of tie in the election of any post at HQrs. the CEC and the members of EC (3 persons) will cast their votes.)

**(e) Duties of the EC regarding Branch Election.**

Immediately after the EC being announced, the CEC under his signature and seal, will issue letter to the Chairmen & Secretaries of all the Branches to immediately start the election process of the Branches by issuing a 21 days' notice for AGM / Election meeting of the Branch. A separate election secretariat will start functioning at the HQ which will deal with all election related matters. The office superintendent will be accountable only with EC regarding the election related matters. No other office bearer what so ever can intervene in any matter, related to election except the EC.

The EC must maintain constant touch with the Branches regarding strict compliance of the important dates and upload all the details of the election of the Branch Viz. the date of election, venue of election, the name of election chairman etc.

To prepare and publish the Electoral role of the Branch based on the record from HQ members list. The Electoral role of each Branch will have to be uploaded in MESBAI website before 10 March of the year. All the members who are in the membership list of that particular Branch on 28 February of that year will be voters of that Branch, subject to clearance of all their upto date dues and remittance of HQ's share before their participation in elections of Association. During March to June membership of any member can't be terminated. If any new

member is being enrolled or any old member's membership is being restored by the council during March to June their name will not be figured in the electoral role for that year.

EC will appoint two members of the council as representatives of the HQ if felt necessary based on information/complaint from the members of the Branch to conduct the election of the Branch. The HQ representatives will take active part with the Branch election chairman to supervise the Branch election on the Election Day of the Branch. All the related expenditure of the HQ representatives will have to be borne by the Headquarters subject to a maximum of Rs. Five thousands only.

The EC will upload the election result of the Branches as and when it is received by it but not later than a weeks' time.

**(f) Election of the Branch.**

Election of the Branch will have to be completed by the last day of May of the election year.

The executive committee of the Branch will be constituted with the following office bearers, executive committee members and council members:

Chairman	1 post
Sr. Vice Chairman	1 Post
Vice Chairman	Shall be decided by the Branch.
Hony. Secretary	1 post
Hony. Joint Secretary	Shall be decided by the Branch.
Hony. Treasurer	1 post
Executive Committee Member.	The number of members will be decided by Branch.

**Council member.** The strength will be decided as per the valid membership strength of the Branch based on 1 March of each election year. The Branch will get three council members against first fifty membership and thereafter one council member against every fifty members or part thereof. The Delhi Branch shall elect 3 additional members to the council for proper functioning of the Headquarters.

To decide the date and the venue of the AGM and also to elect an election chairman of the Branch, the Hony. Secretary of the branch will convene the executive committee meeting of the Branch

and after finalizing the same immediately forward the minutes of the meeting to the HQ, the Vice President of that region and to the EC.

Twenty one days notice must be given for the AGM/Election of the Branch, inter alia the notice must be issued on or before 10 May of the election year and must reach the HQ by registered post/courier service within another 5 days. Branches are advised to keep proper supporting documents of all correspondence made in this regard viz. postal registration slip etc to avoid any future complications. The Branch shall invite Regional Vice President for Election meeting.

On the day of election, election chairman with the help of two representatives of HQ, (if so appointed by the EC) will conduct the election in a most free and fair manner and after counting votes declare the newly elected office bearers names with signature of person/persons authorized to conduct the election and will be submitted to the EC within next 24 hours through Fax/e-mail and result shall be sent through speed post only. The EC shall get the result uploaded on the website within 24 hours of receipt.

After the end of the Bi-ennial General Meeting, the Branch Election Chairman will take over the House and start conducting the election of the Branch. The Election Chairman will first of all invite the proposal for each of the posts of the Branch, starting from the Chairman and will end in the Council Members. Any one member of the Branch will have to propose the name of the candidate and another member will have to second the same. Then the Branch Election Chairman will take the consent of the candidates for contesting the election. One member can contest for only one post of the Branch. Branch Election Chairman will keep record in writing of the proceedings. Thereafter if there are more than one candidates for any post, the Branch Election Chairman will start voting procedure by secret ballot for all such posts at a time.

Only the enlisted contractors whose name are being figured in the original valid enlistment document issued by the MES enlisting authority would be eligible to contest/participate in the election. In case of a partnership company or Limited Company only one person of that company can contest the Branch election. If more than one contestant are in the field on behalf of a partnership or Limited company, then all such candidates will be liable to be rejected.



If any voter has any problem/objection/reservation regarding the functioning of the Branch election chairman, he can take up the matter with the EC. The ruling given by the EC of any election related matter will be final and binding during the election process i.e. April to June in election year.

Only those persons whose names are being mentioned in the enrolment form of MES BAI for representing the company can cast their vote after proper identity proof. As identity proof one can produce any photo I Card issued by the Govt. of India viz. Driving license, Passport, Pan Card, Voter I card issued by Election Commission of India etc. Each firm will have one vote. No provision of proxy vote.

If any individual member or group of members could substantiate to the EC about some kind of irregularities in conducting the Branch election, the EC could order a re-poll of that Branch under the direct supervision of the EC, and in that case if the EC could complete the election process of that Branch before the HQ AGM, the newly elected council members would also be eligible to cast their votes in HQ election.

In the case of EC conducting a re-poll of any Branch, the important requirement viz, minimum 21 days election notice, the last date of election of the Branch etc will not be applicable.

The Branches, who could not hold the AGM/Election meeting within the specified time frame can also conduct their election as per the same procedure, but their council members would not participate in the election of the HQ for that year under any circumstances.

#### **(h) Election of HQ**

Election of the HQ will have to be completed within the last day of June of the election year for the following posts under the direct supervision of the EC. The newly constituted council will elect following office bearers for the HQ amongst the elected council members for that period in first council meeting itself.

President	1 post
Senior Vice President	1 Post
Vice President (Regional)	8 Posts
Vice President ('E' Class)	1 Post (By Rotation basis amongst all regions)
Hony. Gen. Secretary	1 Post
Hony Joint Gen. Secretary	1 Post
Hony. Treasurer	1 Post

## 18

The Election Commission will take over the House of the 1st Council (Election) meeting and start conducting the election of the HQ. The Election Commission will first of all invite the proposal for each of the posts of the HQ, starting from the President and will end in the Hony. Treasurer. Any one council member will have to propose the name of the candidate and another member have to second the same. Then the Election Commission will take the consent of the candidates for contesting the election. One member can contest for only one post of the HQ and also can hold only one post including in Branch and HQrs. The EC will keep record in writing of the proceedings. Thereafter if there are more than one candidates for any post, the EC will start voting procedure by secret ballot for all such posts at a time.

All the employees of HQ will remain there to assist the EC on the Election Day. In addition to that, if the EC considers fit to take assistance of some more persons for smooth conduct of election, he may select a few council members who are not contesting the election, to assist him.

The tenure of the elected office bearers of HQ is of one term of 2 years; thereafter no office bearer can contest for the same post in the consecutive year. However there will be no such embargo to any one contesting for any post after a gap of one tenure.

Once a member has served the Association as President he will not be eligible to contest election on any post at Hqrs.

The date of the AGM and of the 1st council meeting of the newly constituted council will have to be decided in the council meeting of March of each election year.

Election of HQ office bearers has to be completed within the month of June of each election year and thus the elected office bearers will take over in the installation ceremony in 1st council meeting but not later than 30 June of election year.

The entire team of office bearers will retire automatically after the BI-AGM of each election year, and the newly elected office bearers will be installed by the EC immediately thereafter when the election of office bearers will be over and the newly elected office bearers will be installed by the EC.

Any dissatisfied member or group of members or the Branch could approach the DRRC regarding any election related matter only after completing the HQ election. Their points of objection/grievances will

have to be submitted to the DRRC in writing and duly signed by the complainant, after the HQ election is over but within 15 days of the date of HQ election. There after any objection etc. what so ever regarding election matter will not be entertained. The decision of DRRC will be final and binding for both the parties and which should come within 60 days.

After the Bi-ennial General Meeting if the election process are being disrupted by any reason what so ever it may be, then immediately the DRRC will take over the day to day business/administration of the Association for the time being and EC will announce alternative date and venue for the fresh election of HQ within a reasonable time but under no circumstance it will exceed 30 days from the original election date.

**(I) Regions of the Association**

For the better administrative control of HQ upon the Branches and also to elect from amongst the elected members of the region, the Vice Presidents (Regional), the total area will be divided into following regions. The region for the purpose of the Association will be the area covered by the particular Army Command viz Eastern Command, Western Command, Northern Command and South Western Command except that Southern & Central Commands. Southern & Central Commands shall be divided in two Regions each, comprising of **States/Branches as under :-**

**Southern Command**

Southern Region (N) : Rajasthan, Gujarat, Maharashtra & Goa  
Southern Region (S) : Andhra Pradesh, Tamil Nadu, Karnataka, Kerala and Andaman & Nicobar

**Central Command**

Central Region (A) : Branches at Agra, Babina, Bhopal, Gwalior, Jabalpur, Jhansi, Mathura, Mhow & Saugor  
Central Region (B) : Branches at Allahabad, Bareilly, Dehradun, Kanpur, Lucknow, Meerut, Ranchi & Roorkee

In case of a new Branch being set up in the Central or Southern Command area, the council will decide in which of the two regions of those two commands, the same will fall. The council may also, if it considers expedient, change any of the above Branches from any one of the Region of that command.

If any Branch falls in more than one Army Command it shall be allowed to choose any one of the region in which it falls for which the Branch may send its request supported by 2/3rd majority of its members for consideration of the council.

### **11. Proceedings of the Council**

The council shall meet at such times as it may deem advisable but not less than once in two months. It shall make such regulations as will be considered proper as to the summoning and holding of the meeting, and the record of it shall be open to the inspection of members of the Association subject to such regulation as the council may from time to time deem expedient.

- (a) A special council meeting shall be convened by the President or on written notice of at least seven days on a requisition in writing signed by 25 members of the council stating the objects for which such meeting is convened. The President, may also convene such a special council meeting under special circumstances at any time by giving written notice of 3 days to its members.
- (b) All meetings of the council shall be presided over by the President or the Senior Vice-President or the Vice-President (in order of preference) or in the absence of all by one of the members of the council elected by those present at the meeting.
- (c) All substantial matters requiring decision of council will be submitted to council through an item of Agenda circulated to all council members in advance. Normally, final decision on a matter brought before the council under "Any other Point" should not be taken in that meeting. This shall apply to General Body Meeting as well.
- (d) Atleast 3 Council meetings in a year will be held on invitation in Branches outside the HQ of the Association.
- (e) All resolutions recommending amendment to the "Memorandum and Articles of Association" may be considered in a council meeting at any region of the Association but shall be approved only in the council meeting held at Delhi and will finally be adopted in a General Body Meeting in any part of the country.

### **Quorum**

For all meetings of the council quorum will be 1/4 of the total number of members of the council or 15 whichever is lower.

**Vacancy**

A vacancy shall be considered ipsofacto to arise in the council when a member-

- (a) Ceases to be member of the Association.
- (b) Resigns his office by a notice in writing to the Hony General Secretary.
- (c) Absents himself from three consecutive Executive meetings of the council or from all meetings of the council for a continuous period of six months whichever is the longer. The Branch shall fill the vacancy by electing a new person. The Branch shall not elect him as council member in future.
- (d) Is found to be of unsound mind by a court of competent Jurisdiction.
- (e) Is adjudged as insolvent.

Any vacancy arising on the council before the next Annual General Meeting of the Association shall be filled up by the members of the Association in manner determined by the council. The term of the office of each member so elected shall be for the unexpired period of the member whose place he shall fill.

**12. Duties**

- (a) President : The President shall preside over all the meetings of the council and over all General meetings of the Association, and shall take the lead on all ceremonious occasions. At a General Meeting, he may address the members on such subjects as he may deem fit, communicate to the Association or the council such matters and may make such suggestions which in his opinion tend to promote the prosperity and increase the usefulness of the Association. He shall perform such other duties as may be incidental to his office and shall also have power to countermand any order instructions and notices issued by the Hony. General Secretary which he deems prejudicial to the interest of the Association.
- (b) Hony. General Secretary : The Hony. General Secretary shall have an overall supervision of the office and will hold responsibility of all office records, correspondence, notices and minutes of all meetings and conferences etc. The staff of the HQrs. office will work directly under the Hony. General Secretary.

- (c) Hony. Joint General Secretary shall assist the Hony. General Secretary in performance of his duties and he shall function in the absence of the Hony. General Secretary.
- (d) Vice President : In the absence of the President, the Senior Vice President and in the absence of both, the Vice President shall have the powers of and shall perform duties of the President. Further Vice President will assist Branches in administrative matters e.g. improving membership strength, settling problems of accounts and resolving disputes amongst members if any, by conciliation. He will also, help Branches in getting problems with Department in any matter resolved in his Region.
- (e) Hony. Treasurer : The Hony. Treasurer shall collect or cause to be collected all subscriptions and other money payable to the Association and keep an account thereof and prepare an annual statement of accounts, receipts and payments and balance-sheet and submit other statements of accounts as may, from time to time, be required by the council.

**13. Auditors :** The members of the Association at the Annual General Meeting shall elect one or more auditors outside the council for the year. If any vacancy occurs during the year the council is empowered to elect appoint another for the period. Any auditor retiring from his office shall be eligible for re-election.

**14. Annual Report :** An Annual Report of the proceedings of the council shall be prepared printed or cyclostyled and circulated for information of the members of the Association. The Balance Sheet and Income and Expenditure Account shall be prepared by the Hony. Treasurer, with report of council summarizing the state of affairs of the Association shall be sent along with the Annual Report of proceedings to the registered address of every member of the Association at least 15 days before the Annual General Meeting at which it is to be laid down before the members of the Association.

**15. Bi-Ennial General Meeting :** Bi-Ennial General Meeting of the Association shall be held immediate after the first Council Meeting / the Election Meeting of the council in each election year at such date, time and place as the council for the time being may determine in conformity with the provisions of the law in force for the time being not later than "30th June" However, in the year when elections are not being conducted, the AGM shall be held in lieu, not later than 30th June for the

purpose of-

- (a) Receiving the annual report of the out going council and the yearly accounts of the Association for adoption and confirmation.
- (b) Considering and sanctioning with or without modifications the budget estimates for the current year as prepared by the council.
- (c) Election/appointing auditors for the year.
- (d) And transacting any other business which the council may include in the Agenda.

**16. Special Meeting :**

- (i) Special Meetings of the Association may be convened by the council if so required by the majority of its members. Such meeting may also be called on a requisition in writing by at least one tenth of the members of the Association for the time being and such requisition must state the objects for which meeting is to be convened. The venue of such meeting shall be at HQ of the Association or any other place as decided by at least 2/3rd members of the council.
- (ii) If the council does not within 21 days from the date of the receipt of a valid requisition in regards to any matters proceed duly to call a meeting for the consideration of those matters on a day not later than 45 days from the date of deposit of the requisition the meeting may be called by the requisitionists themselves at the HQ and office Incharge shall make all arrangements for such meeting provided requisitionists have given him clear 10 days notice from the date of the meeting. Such a meeting should be held within 60 days of the requisition.

All General Meetings of the Association shall be held at the place decided upon by the council under provisions of the law in force for the time being.

- (a) At least 21 days notice of such General Meeting of the Association (whether Annual General or Special) specifying the place and date of the meeting and the business to be transacted shall be given to all members of the Association. Such notices may be sent by post or otherwise to the registered address of each member.

- (b) The non-receipt by any member of the notice convening the meeting or accidental omission to give any such notice shall not invalidate the proceedings of any General Meeting.

### **17. Quorum and Conduct of General Meeting**

The quorum for an Annual General Meeting of the Association shall be 60 members present in person.

If within one hour from the time appointed for a General Meeting a quorum is not present, the meeting, if it be a Special General Meeting convened on the requisition of members shall be dissolved but if it be an Annual General Meeting it shall stand adjourned to same day in the next week and a notice to this effect will also be issued at the earliest, and if at such adjourned meeting the required quorum is not present any twenty members present shall form a quorum and they may transact the business for which the meeting was called.

Notwithstanding anything contained in these Articles or in any rules, regulation or bye laws framed by the Association, any member may at any meeting of the Association propose any motion without prior notice provided that a majority of 2/3rd of those present at such meeting consent thereto, and that in the opinion of the Chairman of the meeting the motion is not repugnant to the spirit of the Memorandum of the Articles of the Association.

- (i) The ruling of the Chairman in a meeting on all points shall be final.
- (ii) The Chairman may with the consent of the members adjourn any meeting from time to time, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the previous meeting.

### **18. Votes**

Every member of the Association shall have one vote at the General Meeting, which in case of the individual person may also be given by proxy in case of firms or Association or Corporation, either by their proper representative or by proxy. Notice of proxy appointed for a General Meeting shall be given to the Hon. General Secretary at least 40 hours before the holding of the meeting.

All questions and resolutions except those recommendations amending the Memorandum and Articles of Association both at the



## 25

general meeting and the meeting of the council shall be decided by a simple majority of members present and voting if necessary shall be by show of hands, unless a poll is demanded by at least 10 members entitled to vote. All resolutions amending the Memorandum and Articles of Association both at the general meeting and meeting of the council shall be decided by 70% majority of the members present.

### **19. Interpellation**

Every member of the Association shall have a right of interpellation. A member desiring to put any question may send his question in writing to the Hony. General Secretary of the Association at least 3 clear days before the holding of the General Meeting. The Chairman of a meeting may, if in his opinion such questions are vexatious or likely to injure the interests of the Association or are unconnected with the affairs of the Association, disallow such question without giving any reason thereof.

### **20. Funds of the Association**

The office Incharge shall deposit all money and funds of the Association when received by him either the same day or next working day in an account to be opened in the name of Association with any Bank or Bankers approved by the council.

All cheques shall be signed by any two of the following :

**President**

**Hony. Gen. Secretary**

**Hony. Treasurer**

### **21. Seal**

There shall be a common seal of the chairman which shall be affixed to any document or instrument save with the consent of the President or the Vice President pursuant to a resolution of the council.

Deeds, Bonds and other contracts required to be made under common seal shall be deemed to have been duly executed on behalf of the Association by the President or a Vice President and countersigned by the Hony. General Secretary or the person acting as

Hony. General Secretary.

These articles shall be deemed to be accepted by and be binding on members of the Association.

Any alteration or amendment in these Articles of Association shall be affected only by a "SPECIAL RESOLUTION" passed by 70% majority of votes in the General Meeting due notice for which alongwith the draft of "SPECIAL RESOLUTION" recommended by the council by at least 70 percent majority of votes was circulated to members of the Association in due time.

No proposal to make any alteration or amendment to these Articles will be entertained directly in General Meeting.

## **22. Dispute**

If any dispute arises in case of any matter whatsoever including elections, etc., the same shall be referred to a Dispute Redress and Reconciliation Committee called DRRC.

The DRRC will consist of the Chairman, and four members, all five of them directly elected by the council amongst the council members and the President and Hony. Gen Secretary of the Association.

The eligibility to contest for the post of Chairman of DRRC will be similar to the Chairman of the Election Commission and members of DRRC will be like the members of the Election Commission.

The nomination & election of the Chairman of DRRC will be held separately from members of DRRC. Members of EC cannot be selected in DRRC.

DRRC shall decide the matter pertaining to all disputes and the decision of DRRC shall be final and binding on all the parties. The DRRC shall have all the powers as per the Arbitration Act, 1996 and shall settle the matter within 2 months of referring of the dispute.

If at any point of time any misunderstanding crops up regarding any clause/rule/ explanation of this Memorandum of Article, matter shall have to be referred to the DRRC for proper and just clarification/interpretation of the same. Interpretation recommended by the DRRC will be final and binding.

Term of any such elected/selected DRRC will expire immediately after the new council elects the new DRRC for the tenure in the 2nd council meeting.

**23. Jurisdiction**

In case any matter/dispute/case is filed in Courts of Law, against the HQ of the Association or where the HQ is made a party in a law suit, then the Courts in Delhi only shall have jurisdiction for the same.

In case any matter/dispute/case is filed in Courts of Law, against any Branch of the Association, then the Courts of the area of jurisdiction where the Branch is situated only shall have jurisdiction for the same.

**24. Legal Suit**

Any member who goes to any court of law against HQ/Branch without exhausting the avenues available in Memorandum and Articles of Association, he shall stand disqualified from the membership automatically and the cost of proceeding shall be recovered from him.

**25. Awards**

Every year the following awards will be conferred upon members of the Association as the President may deem fit, on the Annual Day Function of the Association.

Best Member (Dhanoa Trophy)

Best Branch (Madhok Trophy)

Ten meritorious service Trophies to ten members.

In addition to this if in any particular year any special Trophy is to be conferred upon, then prior approval of council is mandatory.

**26. Branches**

The affairs of the Branch shall be carried out in accordance with the provisions as laid down in the Regulations here in after or such other Rules made by the council from time to time. The Branches cannot make their own by-laws. However they can always propose changes which can be debated in the council for final adoption.

**Function of Branches**

To elect its office bearers and the executive committee of the Branch.  
To elect members for the council in the manner provided in the organization chart and to fill casual vacancies in case of removal of any

member from the council or in any other event when such casual vacancy occurs.

To help the Headquarters to enroll more members.

To help to collect funds and subscriptions from the members in their respective area and to transmit the same to the Headquarters of the Association and to keep and maintain proper accounts for the same and submit the same punctually to the Headquarters.

To implement the decisions and directions given by the council from time to time in their respective area.

To look after the interest of the activities of the Association at the level of the Branch.

To attend to such other functions and activities of the Association of the Branch as per the directions given by the council from time to time.

To co-ordinate its activities with the Regional Vice President within whose jurisdiction, the Branch is functioning.

All actions and activities of the Branch shall be directly under the control of the Headquarters.

Each Branch shall send its audited statement of accounts up to 31st March duly passed by the executive committee of the Branch, so as to reach the Headquarters on or before the 30th April each year. Any Branch failing to comply with this requirement shall be reported to the council who shall decide the course of action to be taken which shall be final and binding on the Branch concerned.

**Standard Bye-laws for the Branch and their functions**  
**Preamble**

**Scope:** All the Rules and regulations of the Association will be applicable to the Branch.

**Office of the Branch:** Office of the Branch will be situated at a place for where the Branch has been approved.

**Official year:** Official year of the Branch shall be from 1st of April every year.

General Body

General Body of the Branch shall consist of all the members on the register of the Association, who are enlisted as a contractor with the MES Department and or operate in any construction profession.

Members of the General Body shall exercise such rights and privileges as are given below and/or as are delegated to the Branch by the council of the Association.

Meeting of the General Body of a Branch shall take place at least once a year and the quorum for the meeting will be at least 20 % member's present or 20 members whichever is higher.

The affairs of the Branch shall be managed by a body called executive committee of the Branch. It will consist of a Chairman, Vice Chairman, Hony. Secretary Hony. Joint Secretary and a Hony. Treasurer, immediate past Chairman, the executive committee members and the council members of that Branch. Eight members shall form a quorum of the executive committee of Branch; where the Branch fails to hold timely annual meeting/election and pass accounts or commits breach of MBAI rules, the Council of the Association shall suspend the Office bearers of the Branch after giving a 2 weeks' notice and appoint an ad-hoc committee of not exceeding 3 members to look after the work of the Branch.

Members who are eligible to vote will elect the Office bearers of the Branch and also elect members of the council to represent the Branch at HQ.

Election will be held amongst the members in the Annual General Meeting on or before the dates specified in these rules.

Where a member desires to change his Branch due to change of location of the business of such member or for any other valid reason, he will be entitled to do so as per rules specified in respective clause.

The Branch will receive share from annual subscription towards

expenses for maintenance and administration of the Branch as may be decided by the council from time to time.

The term of office of Chairman and his team of Office Bearers, executive committee members and council members will be for two years. They will however be eligible to be elected in the same post for the successive one tenure. Thereafter they will not be eligible to be appointed in the same post of the Branch for a minimum period of two years (One term). However there will be no such embargo on the executive committee members and the council members. When the membership of a Branch falls below 20 in existing Branches and below 30 in Branches established after 01.09.2012, for a continuous period of six months, the Branch will stand automatically suspended on the expiry of the said period of six months. It will be the duty of the Branch to report to the Headquarters whenever its membership falls below the minimum required numbers. The members of such suspended Branch shall be entitled and eligible to join any other adjacent Branch till such time the Branch attains the minimum strength.

Whenever a Branch fails to send annual audited accounts of the Branch within 2 months after completion of the accounting year to the Head Quarters, or does not hold annual elections as per the Rules and Regulations of the Association, the Council of the Association will have the power to suspend the office bearers of the Branch in default and to appoint an ad-hoc committee to manage the affairs of the Branch till proper fresh elections are held.

Finance of the Branch, administration and control share of subscription, gifts (cash), donations, contributions etc. received by a Branch shall be deposited in a Scheduled Bank approved by the executive committee of the Branch, in an account to be named 'MES Builders' Association of India (Regd.) ..... Branch'. The account shall be operated by any two of Branch Chairman, Hony

## 31

Secretary and Hony. Treasurer. Any movable/immovable property shall be acquired in the name of Branch only.

The Office bearers have to handover all Accounts related papers, receipt books, register of assets including the original documents etc. to the successors, failing which the defaulter office bearers will be suspended from the Association and proper action as deemed fit will be initiated against them by the council.

The property and the funds of the Branch shall be the property of the Branch. However, if at any point of time the Branch become, defunct for any reason what so ever, the Headquarter shall take over all such properties movable or immovable including the Bank accounts etc. after adopting a resolution in this regard in the council. The HQ will return the same to the concerned Branch when it starts functioning again normally subject to the approval of council.

### **Audit.**

The Accounts of the Branch shall be audited and certified by a Chartered Accountant or Honorary Auditor. The Hony. Auditor shall be elected from amongst the members of the Branch. The Hony. Auditor shall not be an office bearer or member of the executive committee of the Branch.

### **Minutes**

The minutes of the proceedings of the General Body, executive committee and of the sub-committee shall be recorded in separate books and shall be available to any member in the Branch for inspection copy of which will be forwarded to the HQ and to the Regional Vice President of that region.

The Branch shall maintain a list of members of the Branch, and shall keep it open for inspection, copying by the members.

**27. Disciplinary action**

If a member misbehaves or behaves unruly in the council/other meeting and repeatedly defies the directions of the dais, President at HQrs. level and Chairman at Branch level, at his sole discretion may direct him to leave the meeting.

**28.** All the provisions of the Societies Registration Act XXI of 1860 (Punjab Amendment Act, 1957) as extended to the Union Territory of Delhi will apply to the Association.

**29.** In case of any dispute arising out of the election of the office bearers of a Branch or if otherwise considered necessary in the interest of the Association by the HQrs. the Management of such Branch shall be taken over by the Headquarters and its affairs conducted through a nominee/nominees of the HQrs.

**30.** Certified that this is the copy of the Rules and Regulations of the Society.