

# CONSTITUTION OF THE SIKKIM NEWAR GUTHI

*[As amended by resolution passed in the General Body Meeting of Sikkim Newar Guthi on 23<sup>rd</sup> June 2013.]*

WHEREAS, we all the members of the Newar Community, who are permanently residing in the State of Sikkim and who are citizens of India, irrespective of caste or creed, have deemed it expedient to form a Sikkim Newar Guthi (a non-Political association) for the purpose of further strengthening fraternity amongst the members of the community, their welfare, preserving and further developing their cultural heritage, for the promotion and development of their language, providing a common forum for discussion of general problems, protection of interest, mutual assistance and for matters connected therewith and incidental thereto;

AND WHEREAS, we have solemnly resolved to form a "Sikkim Newar Guthi" for the aforesaid purpose:

NOW, THEREFORE, we the members of the aforesaid community in our first general body meeting held at Sikkim Sahitya Parishad Bhawan, Gangtok on the third day of October nineteen hundred and ninety three do, HEREBY, ADOPT AND GIVE TO OURSELVES THIS CONSTITUTION.

1. **NAME.-** It shall be called the "**SIKKIM NEWAR GUTHI**"
2. **HEADQUARTERS.-** The Central Headquarters of the Guthi shall be situated at Gangtok and the Zonal Headquarters shall be at a place within the Zone as decided by the Zonal Executive Committee under intimation to the Central Executive Committee.
3. **REGISTRATION.-** It shall be registered as an association under the law or rules relating to the registration of society for the time being in force in the State of Sikkim.
4. **LEGAL STATUS.-** It shall be an association having a common seal with power to acquire hold and dispose off properties.
5. **DEFINTIONS.-** In this constitution, unless there is anything repugnant, in the subject or context:-
  - (a) "Constitution" means the constitution of the Sikkim Newar Guthi;
  - (b) "Central Executive Committee" means the Central Committee so constituted under article 10 of the Constitution;
  - (c) "Zonal Executive Committee" means the Zonal Committee so constituted under article 20 of this constitution;
  - (d) "General Body" means all members of the Guthi at the Central and Zonal level respectively, as the case may be;
  - (e) "Guthi" means the "Sikkim Newar Guthi" so formed by this constitution;
  - (f) "Local Guthi" means the any existing Guthi working in any particular area within a District or any Guthi that may be formed in any area hereafter;

(g) "Member" means any registered member of the Guthi.

**6. AIMS AND OBJECT.-** The main aims and objects of the Guthi shall be as follows:-

(a) to revive and preserve the rich cultural heritage of the Newars;

(b) to promote and develop the Newar Language and Script;

(c) to organise various social, educational and cultural programmes and other activities;

(d) to work for the upliftment of the poor and backward section of the Newar Community;

(e) to create an awareness in the Newar community in particular and society in general about the evil effects of smoking, drug abuse, alcoholism and other vices detrimental to healthy growth of society;

(f) to protect and safeguard the legal or lawful rights of the members of the community;

(g) to maintain and establish better relation and understanding with other similar non-political associations of Sikkim;

(h) to create and foster better understanding amongst the members of Guthi and community as a whole;

(i) to provide for a common forum for the purpose of discussion of common problems, mutual assistance, protection of interest of the members etc.;

(j) to raise fund by various legal means for the benefit of members and the community as a whole;

(k) To provide help to the members during marriage, death, serious illness **and natural calamity** etc..

(l) such other objects and purposes which may be conducive to and beneficial for the members of the community and to society as a whole.

**7. MEMBERS AND SUBSCRIPTION THEREOF.-**

(1) The membership of the Guthi shall be open to all members of the Newar committee of Sikkim irrespective of caste or creed who have attained the age of eighteen years.

(2) The admission fee for the membership shall be rupees **Two hundred** which shall be payable to the Treasurer of the Central Executive Committee through the Treasurer, Zonal Executive Committee. The **General Secretary of the Central Executive Committee** shall be competent to enrol the applicant as a member. The Certificate of Membership will bear the signature of the President and the General Secretary of the Central Executive Committee. The President of the Zonal Executive Committee will be the authorized representative of the Central Executive Committee to distribute the said Certificate to the applicant.

(3). The monthly subscription of the membership shall be rupees **Thirty** which shall be payable to the Treasurer of the local Guthi. The amount shall go to the fund of the local Guthi out of which 30% shall go to the fund of Zonal Guthi.

(3A) Receipt of the monthly subscription duly authenticated by the Treasurer of the Central Executive Committee shall be issued by the President of local Guthi duly countersigning the same. All Central, Zonal and Local Guthis shall use only the receipt issued by the Central Committee only.

(4) The General body of the Guthi shall have the power to take suitable decision, from time to time, for enhancement of monthly subscription if three fourth members present vote for such enhancement and the enhancement shall take effect from the date of such approval.

(5) The Central Executive Committee shall have the power to propose for special subscription to meet up any contingency or in case of need if such proposal is approved by the General body by three fourth members present and voting. Such subscription shall be payable to the Treasurer of the Central Executive Committee in the like manner as indicated in Clause (3) above.

#### **8. FOUNDER MEMBER:-**

The signatories to this Constitution including the fifteen members of the Newar Community who initiated the proposal for formation of the Guthi shall be the founder of the Guthi.

#### **9. LIFE MEMBERSHIP.-**

A member shall become a Life Member of the Guthi on payment of Life Membership fee of rupees **Ten thousand**. Such fee shall be payable to the Treasurer of the Central Executive Committee directly or through the Treasurer of the Zonal Executive Committee. The Certificate of Life Membership will bear the signature of the President and the General Secretary of the Central Executive Committee. The President of the Zonal Committee will be the authorized representative of the Central Executive Committee to distribute the said Certificate to the applicant.

#### **10. CENTRAL EXECUTIVE COMMITTEE.-**

(1) The Guthi shall have one Central Executive Committee at Gangtok.

(2) The Central Executive Committee shall be constituted with the following members, viz,-

(i)	President	One
(ii)	Vice President	Two (one reserved for women)
(iii)	General Secretary	One
(iv)	Treasurer	One
(v)	Assistant General Secretary	One
(vi)	Secretary	Eight(1 from each Zonal Guthi)
(vii)	Secretary (Student wing)	One
(viii)	Secretary, Culture	One

(ix)	Secretary, Language & Literature	One
(x)	Secretary, Headquarters	One
(xi)	Joint Treasurer	One
(xii)	Executive Member	Eight
	(To be nominated by the President.)	

**Explanation.**-(i) The posts at serial No. (i) to (iv) will be filled up by election and the rest will be filled by nomination.

(ii) A Student of a College or of any Institution or of a School who is enrolled as a member of the Guthi may be nominated by the President as Secretary, Student Wing, and he shall continue to function in this post till such time he is a student.

**(2A).** The President shall have the power to constitute Special Advisory Committee for specific purposes as and when necessary. He shall nominate Professionals from the concerned field to be the member of the said Committee.

(3) The office bearer of the Central Executive shall be elected from among the members of the Guthi at the annual general body meeting by secret ballot if there is any necessity for holding an election.

(4) The members so elected shall hold office for a term of three years unless he resigns or is removed or dies before his term is over:

Provided if the election to constitute new Executive Committee could not be held due to reasons to be recorded in writing, the Central Executive Committee may extend the term of the Executive Committee for a period not exceeding six months from the date of expiry of the term of the Committee and the President shall ensure that General Body Meeting is convened and election is held within the extended term of the Committee:

Provided further that where the President fails to convene the General Body Meeting and hold election within the extended time, the Vice President or, where he too fails, the General Secretary, shall have the authority to convene General Body Meeting and conduct election within one month from the date of expiry of the extended period of term of the Central Executive Committee.

(4A) In case the election is not held in the stipulated time by any of the office bearers as above, the Executive Committee shall be deemed to have been dissolved and in that event the Chief Patron of the Guthi shall have the power to convene the General Body Meeting and have the election conducted to constitute new Executive Committee.

#### **11. AD-HOC COMMITTEE AND AD-HOC CENTRAL EXECUTIVE COMMITTEE.-**

(1) The first Central Executive Committee of the Guthi constituted at a general meeting consisting of members of the Community shall be an ad-hoc one.

(2) The ad-hoc Central Executive Committee so constituted shall consist of the following members, viz.-

(i)	President	one
(ii)	Vice President	one

- |       |                             |                           |
|-------|-----------------------------|---------------------------|
| (iii) | General Secretary           | one                       |
| (iv)  | Joint Secretary             | four (one from each Zone) |
| (v)   | Assistant General Secretary | one                       |
| (vi)  | Treasurer                   | one                       |

**12. FUNCTION AND DUTIES of AD-HOC CENTRAL COMMITTEE.-**

(1) The ad-hoc Central Executive Committee shall be responsible for the enrolment of members, preparation of register of all members of the Guthi.

(2) The ad-hoc Central Executive Committee shall take step for the registration of Guthi as early as possible and present the constitution to be formally adopted by the Guthi in the first General Body meeting.

(3) The ad-hoc Central Executive Committee shall make arrangements to convene the first General Body Meeting of the Guthi as soon as possible to elect the office bearers of the Central Executive Committee and Zonal Executive Committee.

(4) In case of any emergency requiring the decision of the Guthi in any important matter the ad-hoc Central Executive Committee shall have the power to convene the Extra-ordinary General body meeting for the purpose.

(5) On and from the date of the constitution of the Central Executive Committee, the ad-hoc Committee shall come to an end.

**13. FUNCTION OF CENTRAL EXECUTIVE COMMITTEE.-**

(1) The primary function of the Central Executive Committee shall be the furtherance and achievement of the aims and objects of the Guthi.

(2) It shall render proper and unbiased guidance to the Zonal Executive Committee and to local Guthis and also supervise their functioning for the furtherance and achievements of the aims and objects of the Guthi.

(3) It shall have the power to operate the funds of the Guthi in the manner it considers proper and appropriate:

Provided that such operation shall be subject to submission of detailed accounts of income and expenditure along with certified copy of balance sheet at the annual General Body meeting or extra-ordinary General body meeting as may be needed.

(4) It may, if necessary, constitute sub-committees of not less than three members from among the members of the Guthi for dealing with any particular subject whenever required.

(5) It shall do such other things that are incidental and conducive for the furtherance of the aims and object of the Guthi.

**14. MEETING OF CENTRAL EXECUTIVE COMMITTEE.-**

(1) Central Executive Committee shall meet as frequently as necessary but in any case once in the interval of three months to assess the functioning of the Guthi. One third of the total number of members of the Executive Committee will form the quorum of the meeting.

(2) The General Secretary shall give at least a week's notice of the meeting to all the members indicating there-in the venue and time of such meeting.

(3) The President may, whenever he think fit, in the interest of the Guthi, or upon receipt of a written requisition of not less than one half of the total number of members of the Guthi, call a meeting of the Guthi within a period of fifteen days from the date of receipt of such requisition.

**15. FUNCTION OF PRESIDENT OF CENTRAL EXECUTIVE COMMITTEE.-** The President shall

—

- (a) represent the Guthi whenever necessary;
- (b) preside over the meetings of the Central Executive Committee and also the meeting of General body;
- (c) Exercise supervision and control over the act done and action taken by the members of the Central Executive Committee.
- (d) authorise payment out of the Guthi;
- (e) cause preparation of all statements and reports that may be required;
- (f) exercise such other powers, perform such other functions and discharge such other duties as the Guthi may, by general or special resolution, direct.

**16. FUNCTION OF VICE PRESIDENT OF CENTRAL EXECUTIVE COMMITTEE.-**

The Vice President shall

- (a) in the absence of the President, regulate the meeting of the Central Executive Committee or the General Body meeting of the Guthi, as the case may be;
- (b) exercise such of the powers and perform such other functions and discharge such of the duties of the President as the President may, from time to time, delegate to him by order in writing.

**17. FUNCTION OF THE GENERAL SECRETARY, CENTRAL EXECUTIVE COMMITTEE.-** The General Secretary of the Central Executive Committee shall

- (a) be responsible for maintaining all the administrative records of the Guthi with the assistance of the **Assistant General Secretary**.
- (b) maintain a Central directory of all the members of the Guthi containing the names, occupation, address and number of family members duly incorporating all necessary changes from time to time as may be necessary;
- (c) undertake all correspondences for the Central Executive Committee in pursuance of decision taken by Central Executive Committee and General body meeting of the Guthi;
- (d) oversee the functions of the Treasurer of the Central Executive Committee;
- (e) convene the annual general meeting of the Guthi and send notice thereof to all members duly enclosing agenda papers.
- (f) present before the members a report on the implementation of resolution adopted in the previous meetings; and
- (g) exercise such powers and perform such other functions and discharge such other duties as may be deemed necessary by the Guthi.

**18. FUNCTION OF ASSISTANT GENERAL SECRETARY OF CENTRAL EXECUTIVE COMMITTEE.-**

(1) When the General Secretary, by reason of leave, illness or other cause, is temporarily unable to act, the Assistant General Secretary shall exercise the powers, perform the functions and discharge the duties of the General Secretary until a new General Secretary is elected and assumes office or until the General Secretary resumes his duties, as the case may be.

(2) When the office of the General Secretary and the Assistant General Secretary are both vacant by reason of leave, illness or other cause or are temporarily unable to act, the Secretary, Headquarters shall exercise the powers, perform the functions and discharge the duties of the General Secretary until a new General Secretary or the Assistant General Secretary, as the case may be, is elected and assumes his duties.

**19. FUNCTION OF TREASURER OF CENTRAL EXECUTIVE COMMITTEE.-**

(1) The Treasurer shall –

(a) be responsible for maintaining the financial records of the Guthi;

(b) be responsible for presenting the detailed accounts of income and expenditure thereof along with certified copy of balance sheet at the meeting of the Central Executive Committee and also of the annual General body meeting of the guthi for discussion;

(c) exercise such other powers, perform such other functions and discharge such other duties as may be deemed necessary by Guthi for proper maintenance of financial records and proper utilisation of funds of Guthi thereof.

(d) be responsible to ensure that all financial transactions are made through cheque except where payments are made from the Impress Fund. The authorized signatories for issue of the Cheque shall be the President and the General Secretary or the Treasurer.

(2) When the Treasurer, by reason of leave, illness or other cause, is temporarily unable to act, the Joint Treasurer shall exercise the powers, perform the functions and discharge the duties of the Treasurer until a new Treasurer is nominated and assumes office or until the Treasurer resumes his duties, as the case may be.

(3) When the office of the Treasurer and the Joint Treasurer are both vacant by reason of leave, illness or other cause or are temporarily unable to act, the President may nominate one member from among the members to act as Treasurer or the Joint Treasurer till a new Treasurer or Joint Treasurer is nominated and assumes office or the Treasurer or the Joint Treasurer resumes his duties, as the case may be.

**19A. FUNCTION OF SECRETARY, STUDENT WING.-**

(1) The Secretary, Student Wing, shall

(a) assist the General Secretary in coordinating with the Newar Students of different Colleges, Schools and other Institutions with a view to create awareness about the Newari culture, tradition, social practices, Newar language and literature and to motivate them to participate in all activities of the Guthi.

(b) exercise such of the functions and discharge such other duties as may be delegated to him by the President.

(2) He shall function in close coordination with the General Secretary.

**9B. FUNCTION OF SECRETARY, CULTURAL AFFAIRS.-**

(1) The Secretary, Cultural Affairs shall

(a) be responsible for all the activities concerning cultural affairs including coordination with Zonal Guthis and other organizations including Government Departments in connection with the cultural activities of the Guthi.

(b) exercise such of the functions and discharge such other duties as may be delegated to him by the President.

(2) He shall function in close coordination with the General Secretary.

**19C. FUNCTION OF SECRETARY, LANGUAGE & LITERATURE.-**

(1) The Secretary, Language & Literature shall

(a) be responsible for all the activities concerning popularization and developmental activities of Newar language and literature, development of text books, publication of magazines and periodicals in Newar language, coordination with Organizations and Government Departments dealing with Newar Language and Literature.

(b) exercise such of the functions and discharge such other duties as may be delegated to him by the President.

(2) He shall function in close coordination with the General Secretary.

**19D. FUNCTION OF SECRETARY, HEADQUARTERS.-**

(1) The Secretary, Headquarters, shall

(a) look after the management of office including press and publicity. He will assist the General Secretary to coordinate with all the functionaries of the Guthi.

(b) exercise such of the functions and discharge such other duties as may be delegated to him by the President.

(2) He shall function in close coordination with the General Secretary.

**20. ZONAL EXECUTIVE COMMITTEE.-**

(1) There shall be constituted a Zonal Guthi comprising the area falling under the jurisdiction of the following District and Sub-Divisions of the State of Sikkim, namely,-

- (1) Mangan, North District
- (2) Gangtok Sub-Division
- (3) Pakyong Sub-Division
- (4) Rongli Sub-Division
- (5) Namchi Sub-Division
- (6) Ravangla Sub-Division



- (7) Gayzing Sub-Division
- (8) Soreng Sub-Division.

(2) A Coordinator will be nominated in the General Body Meeting of the Guthi who shall be responsible for organizing and convening the meeting of the Zonal Guthi to elect and constitute Zonal Executive Committee.

**(3) There shall be Zonal Executive Committee** consisting of the following, viz:

- |       |                            |            |
|-------|----------------------------|------------|
| (i)   | President                  | one        |
| (ii)  | Vice President             | one        |
| (iii) | Secretary                  | one        |
| (iv)  | Treasurer                  | one        |
| (iv)  | Joint Secretary            | one        |
| (v)   | <b>Executive Members -</b> | <b>six</b> |

**To be nominated by the President.**

(4) The office bearer of the **Zonal** Executive Committee shall be elected, in the presence of authorized representative of the Central Executive Committee, from among the members at the General Body Meeting of the **Zone** by raising hands or by secret ballot, if there is any necessity of holding an election.

(5) A member so elected shall hold office for a term of three years unless he resigns or is removed or dies before his term is over:

Provided if the election to constitute new Executive Committee could not be held due to reasons to be recorded in writing, the Central Executive Committee may extend the term of the Zonal Executive Committee for a period not exceeding six months from the date of expiry of the term of the Committee and the President of the Zonal Executive Committee shall ensure that General Body Meeting of the Zone is convened and election is held within the extended term of the Committee:

Provided further that where the President of Zonal Executive Committee fails to convene the General Body Meeting of the Zone and hold election within the stipulated time, the Central Executive Committee may, at any time, after expiry of extended period of term of the Zonal Executive Committee, dissolve the Zonal Executive Committee and take appropriate steps to hold General Body Meeting of the Zonal Guthi and hold election to constitute new Zonal Executive Committee.

## **21. FUNCTION OF THE ZONAL EXECUTIVE COMMITTEE.-**

(1) The Zonal Executive Committee shall function under the guidance and supervision of Central Executive Committee.

(2) The Zonal Executive Committee shall implement all resolutions passed and directions issued by the Central Executive Committee and the General Body.

(3) The Zonal Executive Committee shall do all things that are incidental and necessary for the furtherance of the aims and objects of the Guthi at the Zone duly keeping the Central Executive Committee informed about the action without delay.

(4) It shall be the function of the Zonal Executive Committee to refer to any matter for the advice of the Central Executive Committee in case of difference of opinion of

the members thereon.

(5) It shall have the power to operate the funds of the Guthi at the Zonal level in the manner it considers proper and appropriate:

Provided that such operation shall be subject to submission of detailed accounts of income and expenditure along with certified copy of balance sheet at the annual General body meeting or extra-ordinary General Body meeting as may be needed.

(6) It may, if necessary, constitute sub-committee of not less than three members from among the members of the Guthi at the Zonal level for dealing with any particular subject whenever required.

(7) It shall do such other things that are incidental and conducive for the furtherance of the aims and objects of the Guthi.

- (a) represent the Guthi at the Zonal level whenever necessary;
- (b) preside over the meetings of the Zonal Executive Committee and also the meeting of General body;
- (c) exercise supervision and control over the act done and action taken by the members of the Zonal Executive Committee;
- (d) authorize payment out of the Zonal fund of Guthi;
- (e) cause preparation of all statements and reports that may be required;
- (f) exercise such other powers, perform such other functions and discharge such other duties as the Guthi at the Zonal level may, by general or special resolution direct;

**24. FUNCTION OF VICE PRESIDENT.-**

The Vice President shall

**22. MEETING OF ZONAL EXECUTIVE COMMITTEE.-**

(1) Zonal Executive Committee shall meet as frequently as necessary but in any case once in the interval of three months to assess the functioning of the Zonal Guthi. One half of the total members of the Executive Committee will form the quorum of the meeting.

(2) The Secretary shall give at least a week's notice of the meeting to all the members indicating therein the venue and time of such meeting.

(3) The President may, whenever he thinks fit, in the interest of the Guthi or upon receipt of a written requisition of not less than one half of the total number of members of the Guthi at the Zonal level, call a meeting of the Guthi within a period of fifteen days from the date of receipt of such requisition.

**23. FUNCTION OF PRESIDENT OF ZONAL EXECUTIVE COMMITTEE.-**

The President shall

- (a) in the absence of the President regulate the meeting of the Zonal Executive Committee or the General body meeting of the Guthi at the Zonal level, as the case may be;
- (b) exercise such of the powers and perform such other functions and discharge such other duties of the President as the President may, from time to time, delegate to him by order in writing.

**25. FUNCTION OF SECRETARY.-**

The Secretary of the Zonal Executive Committee shall –

- (a) be responsible for maintaining all the administrative records of the Guthi at the Zonal level;

(b) maintain a Zonal directory of all the members of the Guthi containing the names, occupation, address and number of family members duly incorporating all necessary changes from time to time as may be necessary and forward a copy of the same to the Central Executive Committee for record;

(c) undertake all correspondences for the Zonal Executive Committee in pursuance of decision taken by the Zonal Executive Committee and General body in its annual meeting;

(d) oversee the function of the Treasurer of the Zonal Executive Committee; and

(e) exercise such powers and perform such other functions and discharge such other duties as may be deemed necessary by the Guthi at the Zonal level.

**26. FUNCTION OF JOINT SECRETARY.-**

(1) When the Secretary is, by reason of leave, illness or other cause, temporarily unable to act, the Joint Secretary shall exercise the powers, perform the functions and discharge the duties of the Secretary until a new General Secretary is elected and assumes office or until the General Secretary resumes his duties, as the case may be.

(2) When the office of the Secretary and the Joint Secretary are both vacant by reason of leave, illness or other cause or are temporarily unable to act, the President may nominate one member from among the members of Guthi at the Zonal level to act as General Secretary or Joint Secretary till the person is elected in a regular manner and assumes office or resumes his duties, as the case may be.

**27. FUNCTION OF TREASURER.-**

(1) The Treasurer shall

(a) be responsible for maintaining the financial records of Guthi at the Zonal level;

(b) be responsible for presenting the detailed accounts of income and expenditure thereof along with certified copy of balance sheet at the meeting of the Zonal Executive Committee and also at the annual General body meeting of Guthi at the Zonal level for discussion;

(c) exercise such other powers, perform such other functions and discharge such other duties as may be deemed necessary by Guthi at the Zonal level for proper maintenance of financial records and proper utilisation of funds of Guthi thereof.

(2) When the office of the Treasurer is vacant by reason of leave, illness or other cause or temporarily unable to act, the President may nominate one member from among the members of the Guthi at the Zonal level to act as Treasurer till a new Treasurer is elected and assumes office or the Treasurer resumes his duties, as the case may be.

**28. LOCAL GUTHI.-**

(1) There shall be constituted local Guthis if such Guthis do not exist in any area where the Newar population is substantial in number.

(2) It shall be the primary responsibility of Zonal Guthi to form local Guthis within its jurisdiction under intimation to the Central Executive Committee.

(3) The President of the local Guthis, by whatever name it is called, shall be the ex-officio member of the Zonal Executive Committee.

(4) The local Guthis shall regulate their functions according to the provisions of this Constitution and guidelines issued by the Central Executive Committee from time to time. The local Guthi may take suitable and appropriate decision to regulate local social functions depending upon the local conditions.

(5) A local Guthi and/or Zonal Guthi shall take prior permission from the Central Executive Committee, through the President of the Zonal Executive Committee, for its activity of any nature outside the State of Sikkim.

**29. RESIGNATION.-**

(1) The President of the Central Executive Committee or the President of Zonal Executive Committee, as the case may be, may, by written letter under his signature giving reason thereof, addressed to the Vice President, with a copy to the General Secretary or the Secretary, as the case may be, of the relevant Committee, resign his office.

(2) Likewise, the Vice-President of the Central Executive Committee or the Zonal Executive Committee, as the case may be, may by writing, addressed to the President of the relevant Committee resign his post.

(3) Other office bearers of the concerned Committee may resign his post by writing under his hand addressed to the President of the relevant Committee.

(4) The resignation shall become effective from the date of its acceptance by the competent authority. The Competent authority shall take decision either to accept or to reject the resignation and communicate the decision to the applicant within 21 days from the date of receipt of the resignation by it failing which the resignation shall be deemed to have been accepted on and from the date following immediately the date on which the period of 21 days expires.

*Explanation.-* "Competent authority" means,

- (a) in relation to the President, the Executive Committee, and
- (b) in relation to other office bearers, the President.

**30. CEASSATION OF OFFICE BEARER.-**

(1) [Deleted]

(2) The concerned member shall immediately, after his migration, intimate the fact in writing to the President of the concerned Committee.

**31. FILLING OF VACANCY OF MEMBER OF COMMITTEE.-**

(1) If the office of a member of Committee becomes vacant by reason of his death, resignation, and removal or otherwise, such vacancy shall be filled in by election of another person under the provision of this Constitution.

(2) Till such time the election is held, the President may nominate a person or one of the Executive Member to fill the vacancy in the interest of the works of the Guthi and such member shall take over charge forthwith and will continue as such till the vacancy is filled by election.

(3) The person elected shall take office forthwith and shall hold such office for the unexpired term of office of his predecessor.

(4) However, no election for filling in of a vacancy shall be held if the vacancy occurs within a period of six months preceding the date on which the term of office of the concerned Committee expires.

### **32. ANNUAL GENERAL MEETING.-**

(1) The annual General body meeting of the Guthi shall be held in the first week of May every year.

(2) The General Secretary of the Central Executive Committee, **with the approval of the President**, shall convene such meeting by giving at least fifteen days prior notice in writing indicating the venue and time of such meeting and duly enclosing the agenda papers to all the members of the executive committee and the President of the Zonal Executive Committee.

(3) On receipt of such notice from the General Secretary of the Central Executive Committee, the Secretary of the Zonal Executive Committee shall intimate all the members of the Guthi at the Zone and local Guthi about the said meeting.

(4) Such meeting shall be presided over by the President or in his absence, the Vice President of the Central Executive Committee.

(5) The Presiding Officer shall allow general discussion on the report presented at the meeting.

(6) The General Secretary of the Central Executive Committee may propose allotment of funds to the Zonal Executive Committee and the local Guthis for any specific purposes in the said meeting.

(7) Such meeting shall also discuss any proposed amendments, alteration and addition in the constitution of the Guthi.

(8) In such meeting election for the constitution of Executive Committee at the Central and Zonal level or filling in any causal vacancy in any such Committee shall be held.

(9) It shall discuss welfare measures for the furtherance of aims and objects of the Guthi.

(10) It shall discuss such other matters which may be conducive to and beneficial for the members and the Community as a whole.

### **33. ANNUAL ZONAL GENERAL BODY MEETING.-**

(1) The annual General Body meeting of the Guthi at the Zonal level shall be held in the first week of March every year.

(2) The Secretary of the Zonal Executive Committee shall give at least fifteen days' notice to all members within the Zone indicating therein the date, time, venue and agenda items of such meetings.

(3) Such meeting shall be presided over by the President or in his absence, the Vice President of the Zonal Executive Committee.

(4) The Presiding Officer shall allow general discussion on the reports presented at the meeting.

(5) [deleted].

(6) In such meeting, election for the constitution of Executive Committee at the Zonal level or filling in any casual vacancy in such Committee shall be held.

(7) It shall discuss welfare measures for the furtherance of aims and objects of the Guthi.

(8) It shall discuss such other matters which may be conducive and beneficial for the members and Community as a whole.

**34. EXTRA ORDINARY GENERAL BODY MEETING.-**

(a) Any extra-ordinary meeting of the Guthi shall be convened by the Central Executive Committee, through the General Secretary whenever there be genuine need of such meetings or at any time when in its opinion, any matter require the decision of the Guthi.

(b) The General secretary of Central Executive Committee, after obtaining approval of the President, shall convene any extra-ordinary meeting on the requests made by the Zonal Executive Committee for consideration of any matter relating to the aims and objects of the Guthi or of general interest and welfare.

(c) The quorum for such meeting shall be two-third of the total number of members present and voting.

(d) At least forty eight hours' notice shall be required to be given for all such extra-ordinary meetings.

**35. EXTRA ORDINARY ZONAL BODY MEETING.-**

(a) The Secretary shall convene any extra-ordinary meeting of the Zonal body with the permission of the President of Zonal Executive Committee, for consideration of any matter which may fall within the purview of the Zonal body at any time and forward the resolution to the Central Executive Committee:

Provided that the resolution thus adopted shall not be implemented unless approved by the Central Executive Committee:

Provided further that the Central Executive Committee may approve or modify the resolution or adopt its own resolution in the matter, whichever is considered appropriate and shall be binding on the Zonal Executive Committee.

(b) The quorum for the extra-ordinary meeting shall be two third of the total number of members within the Zone.

(c) At least twenty four hours' notice shall be required to be given for all such extra-ordinary meetings.

**36. FUNDS AND ITS OPERATION.-**

(1) The funds of the Guthi and all other assets and properties, movable and immovable shall vest in the Central Executive Committee which shall have absolute discretion to hold and administer the same in any manner it may deem fit for promotion of the aims and objects of the Guthi in consultation with Zonal Executive Committee.

(2) The Central Executive Committee shall have power to acquire and hold properties by purchase or lease or otherwise, and lease out or mortgage or sell or exchange or hypothecate the properties of the Guthi.

(3) The Central Executive Committee shall have the power to enter into any

contract or carrying out the aims and objects of the Guthi.

(4) The Central Executive Committee may authorise the General Secretary of the Guthi by resolution to sign any document on its behalf and authenticate any order passed by the Central Executive Committee.

(5) The Central Executive Committee shall have power to accept any gifts or properties either movable or immovable, donations in cash or kind, and to obtain grants from any lawful willing bodies.

(6) The Central Executive Committee shall have power to invest funds of the Guthi in the name of the Guthi in Nationalised Banks/Scheduled Banks in India or Post Offices. The Treasurer shall maintain correct accounts and give a detailed report in the Annual General Body Meeting.

(7) The records of utilisation of funds and all transactions of the Guthi shall be maintained up-to-date by the Treasurer, all entries being duly countersigned by the General Secretary.

(8) The Zonal Executive Committee shall have certain power to generate and operate some funds for utilisation in emergency at Zonal and local area level respectively for promotion of the aims and objects of the Guthi:

Provided, however, prior to utilisation of the above fund, the Zonal Executive Committee shall obtain approval of the Central Executive Committee.

### **37. ACCOUNTS AND AUDIT.-**

The Central Executive Committee, Zonal Executive Committee and local Guthi Executive Committee shall cause proper books of accounts to be maintained with respect to all sums of money received and expenditure incurred by them and the assets and all liabilities of the Guthi. The accounts of the Guthi at various levels shall be audited and verified by a sub-committee so constituted from time to time for the purpose.

### **38. DUTIES OF MEMBERS.-**

It shall be the duty of every member –

- (a) to abide by the Constitution of the Guthi;
- (b) to refrain from doing anything contrary to the aims and objects of the Guthi or which may be harmful to the interest of any other member thereof;
- (c) to abide by all the resolutions voted and passed by the General body meeting of the Guthi at the Centre, Zonal or local area level;
- (d) to pay their monthly subscription or any other special subscription as may be decided in time to the respective Treasurer;
- (e) to promote harmony and spirit of oneness;
- (f) to assist the Government in its programme of conservation and protection of environment;
- (g) to safeguard the property of the Guthi or public property;
- (h) to abjure violence;
- (i) to strive towards excellence in all spheres of individual and collective activity.

**39. RIGHTS OF MEMBERS.-**

All members shall have the right to put up their grievances before the Guthi for consideration in the manner as may be prescribed. ***The Guthi shall decide to take up the matter based on the merit of the case.***

**40. TERMINATION OF MEMBERSHIP.-**

The membership from the Guthi shall be terminated on any of the following grounds, viz.-

- (a) on the death of the member;
- (b) on the member being declared of unsound mind and incapable of unimpaired judgment as may be decided upon by the competent Medical Board and approved by the General Body;
- (c) if the member is found guilty of doing anything detrimental to the aims and objects of the Guthi or in contravention of the Constitution and a resolution to that effect is passed by three-fourth votes in the General Body meeting of Guthi or extra-ordinary General body meeting, as the case may be:

Provided that no membership of any member shall be terminated unless it is recommended by the Central Executive Committee or the Zonal Executive Committee, as the case may be:

Provided further that no termination of any member shall be done unless he/she is afforded reasonable opportunity to show cause against such contemplated action;

- (d) if any member fails to pay monthly subscription over a period of twelve months and such termination is recommended by the Central Executive Committee or the Zonal Executive Committee, as the case may be:

Provided that the termination of membership on the ground of non-payment of subscription shall be renewed on payment of subscription so defaulted along with a fine of rupees one hundred:

Provided further that such re-admission shall be considered on the recommendation of the Central Executive Committee or the Zonal Executive Committee, as the case may be.

**41. ELIGIBILITY FOR RE-ELECTION.-**

All retiring members of the Central Executive Committee or the Zonal Executive Committee shall be eligible for re-election.

**42. MANNER OF VOTING.-**

(1) Voting on any matter at any General Body Meeting, Central Executive Committee meeting and Zonal Executive Committee meeting shall be done by the show of hands.

(2) In the matters requiring the maintenance of secrecy of the vote, the Presiding Officer of the meeting shall direct voting by secret ballots.

(3) Majority of votes shall be the deciding factor of all matters at the meeting.

(4) The voting shall be on the basis of one man one vote. However in case of equality of votes, the President shall have a second or a casting vote.

**43. ADVISORY COUNCIL.-**



The Guthi may constitute an Advisory Council to guide the Central Executive Committee, and Local Guthis Executive Committees in matters where the Guthi feels that such guidance is essential for the furtherance and achievement of the aims and objects of the Guthi.

**44. REMUNERATION TO OFFICE BEARERS.-**

All elected and nominated posts to the Executive Committees or the Advisory Council, the Guthi shall be honorary and no remuneration of any kind shall be paid by the Guthi to such office bearers.

**45. AMENDMENTS TO THE CONSTITUTION.-**

Any amendment to the Constitution shall be made by the Guthi by resolution adopted in its General body meeting or extra-ordinary meetings by not less than two-thirds of the members present in the meeting.

**46. POWER TO MAKE RULES.-**

(1) The Guthi shall make Rules for the purpose of carrying out the aims and objects of the Guthi.

(2) In particular and without prejudice to the generality of the foregoing power, such Rules may provide for all or any of the following matters, namely,-

- (a) the day to day functioning of the Guthi at various level;
- (b) the raising funds by the Central Executive Committee, Zonal Executive Committee and local area Guthi Executive Committee and the utilisation thereof;
- (c) the manner, procedure for holding election to the Central Executive Committee and Zonal Executive Committees;
- (d) the manner in which grievances shall be put up;
- (e) the manner in which the Central Advisory Council may be constituted;
- (f) the manner in which the Sub-Committees for the purpose of auditing the accounts maintained by the Central Executive, Zonal Executive Committees and the local area Guthi Executive Committees are to be constituted;
- (g) any other matter for which the Central Executive Committee deems it necessary to make rules.

(3) The rules so made by the Central Executive Committee will be presented at the first annual General body meeting after they are made and if the General body deems it necessary to amend or otherwise modify the Rules by Resolution adopted in the meeting, the Rules will, thereafter, take effect in such amended or modified form.

**Sd./**

**M.P. Pradhan  
President  
Sikkim Newar Guthi.**

**Sd./**

**G.P. Pradhan  
General Secretary,  
Sikkim Newar Guthi.**

**SIKKIM NEWAR GUTHI****FOUNDER MEMBERS**

1.	Mr. Mohan Pratap Pradhan, IAS (Retd) Chief Secretary, Sikkim
2.	Mr. Keshap Chandra Pradhan, IAS (Retd) Chief Secretary, Sikkim
3.	Mr. Govind Prasad Pradhan, IAS (Retd) Addl. Chief Secretary, Sikkim
4.	Mr. Bhim Raj Pradhan, Secretary, Law
5.	Mr. Mitra Kumar Pradhan, Secretary, SNT
6.	Mr. Daya Prasad Pradhan, (Retd.) Adm. Officer, Agriculture
7.	Mr. Arun Kumar Pradhan, Managing Director, STCS
8.	Mr. Bhola Nath Pradhan, Principal CE-cum-Secretary, Buildings
9.	Mr. Dinesh Prasad Pradhan, Chief Engineer, SPWD (Roads)
10.	Mr. Purna Kumar Pradhan, Chief Engineer, Buildings
11.	Mr. Bhim Singh Pradhan, (Retd.) Jt. Secretary, Motor Vehicle
12.	Mr. Narendra Kumar Pradhan, (Retd.) Jt. Secretary, Motor Vehicle
13.	Dr. Sunder Kumar Pradhan, Consultant Surgeon, STNM Hospital
14.	Mr. Rohit Kumar Pradhan, Superintending Engineer, Power
15.	Mr. Chandra Kumar Pradhan, Assistant Engineer, SPWD (Roads)
16.	Mr. Moti Chand Pradhan, Accounts Officer, Forest
17.	Mr. Shyam Kumar Pradhan, R.T.O., Motor Vehicle
18.	Mr. Prakash Kumar Pradhan, P.S. to Minister
19.	Mr. Padam Bahadur Pradhan, Jr. Engineer, Building
20.	Mr. Naveen Kumar Pradhan, Vendor, Gangtok.
21.	Mr. Baikuntharaj Shrestha, Tadong
22.	Mr. Jagdish Pradhan, (Contractor), Tadong
23.	Mr. Bhagat Pradhan, (Contractor), Ranipul.
24.	Mr. Krishna Kumar Pradhan, (Contractor), Hee
25.	Mr. Gopal Prasad Pradhan, Duga
26.	Mr. Judhabir Pradhan, Tadong
27.	Mr. Shyam Pradhan, Tadong
28.	Mr. Bhojraj Pradhan, Tadong
29.	Mr. Satish Narayan Pradhan, Tadong
30.	Mr. Bhakta Pradhan, Tadong.