

THE CONSTITUTION OF THE ASSOCIATION

(As on 4th March 2022)

Preface

Constitution is a living document, an instrument that makes the Indian Association work. Its strength and flexibility lie in its amendments. In this edition, the text of the constitution has been brought up to date based on the long experience of Indian Association board.

Indian Association Board

Shanghai, China

4th March 2022

The Constitution of the Association

ARTICLE I.

Name

The Association is known as The Indian Association (IA)

ARTICLE II.

Logo

Following logo is adopted by the IA and shall be used in all its communication and during its programs.



IA China name and logo is a proprietary to the association. Use of IA logo is limited, should be non-infringing, and only for non-commercial use with express written permission from IA board.

ARTICLE III.

Objectives

The objectives of the Association are to:

1. Provide a forum/platform for individuals/families of Indian origin in China to connect. Social/business activities of common interest are arranged for all registered members to participate in. Non-members may be included depending on the event and decision of the board for every event.
2. Create social / sporting events and celebrate occasions & festivals like Diwali to enable the community to interact together and for members to know each other better.

3. Promote events/activities for children to show case their talents and promote Indian culture.
4. Engage in and support activities that are oriented towards charity.
5. Promote trade and commerce between India and China. (This activity involves meeting, guiding, and helping Indian organizations, businesses, journalists, professionals, and others to understand China better and to set up establishments in China)
6. Arranging interaction with business leaders and professionals to discuss topics of common interest.

ARTICLE IV.

Membership

The following types of memberships are available:

1. Individual Membership is membership of any Indian citizen / individual of Indian origin with good standing and with a valid China resident visa.
2. Members should be above 21 years of age.
3. Family Membership is for two adult members of the family.
4. Corporate Membership is membership of any corporation or legal entity that exists under the laws of India or any other legal entity where an Indian citizen / individual of Indian origin have invested with controlling interests, and which has established a legal entity in China and has representatives in China.
5. Honorary Membership – It can be given as per the simple majority of IA board to distinguished contributors to the community
6. The membership will cease to exist 3 months after relocation from China.

Membership Application and Fee

1. Individuals of Indian origin in China who are interested to become members of the association will need to fill the required Application Form and provide required details. These include copy of passport, valid China visa number, address in China, email ID and contact number.
2. Membership fee will be charged as and when it is approved by the Board.
3. Corporate Memberships are not being offered yet.

4. Honorary membership may be extended to distinguished contributors of the community.

ARTICLE V.

The Board

The Board is the Apex body of the IA and consists of the following members:

- i. Patron
- ii. Advisors (past presidents of SHIBA & IA residing in China)
- iii. Immediate past President
- iv. President
- v. Financial Controller
- vi. General Secretary (Sponsorship)
- vii. General Secretary (Membership)
- viii. General Secretary (Culture)
- ix. General Secretary (Business)
- x. General Secretary (Sports)
- xi. General Secretary (Charity)
- xii. General Secretary (Media & Communications)
- xiii. Vice-President of IA Business Council
- xiv. Additional General secretaries (of different functions in the board)

ARTICLE VI.

Term and Office

1. The year for the association is determined as January to December
2. The President of the IA is elected by the members of the association in a meeting specifically convened for this purpose. Elections are only held if there are multiple nominations accepted by the board. In case of acceptance of single nomination election will not be called for. The outgoing President will continue till the Incoming President takes charge.

3. The General Secretaries are appointed/nominated by the board. General Secretaries can be persons of Indian origin

4. The following form the pre-requisites for contesting in elections of the IA President:

- Must have been a resident of China for at least one year
- Should have a valid resident permit of China
- The President must be an Indian national (Indian passport holder) (If required, a person of Indian origin can be approved on 2/3rd majority of the board)
- Should have been a member of IA for at least two years and have been a part of the board for a minimum of 1 year.
- Should be nominated by at least two people

Nomination should be accepted by the Board.

It is important that the board evaluates every application based on the ability displayed by the applicant to serve the community and take on the role of “President”. The acceptance in the board will be done by secret ballot. When more than one applicant is approved by simple majority within the board only then would an election in the AGM be announced. In the event, an election is called for, the required process will be communicated to the members.

In case of multiple acceptance, the board will officially advise the selected candidates their selection. Candidates will be given two weeks to canvas for votes in the community. It is expected that the canvassing to be positive keeping in mind the objectives of IA in the constitution.

Should any canvassing be done contrary to the IA’s objectives or ethos, the board reserves the right to cancel the nomination.

5. The term for the President is two years and the maximum number of terms are two. After completion of two years the second term of the President will be approved by the board by secret ballot with simple majority. The President shall not participate in the secret ballot.

6. General Secretaries will be selected by the board based on the applications received. President along with available board members will have in person or e-meet meetings

to make a selection. The board will make all efforts to give every applicant an opportunity to join as volunteers for various activities/programs. Objective is to include all interested members to serve as 'Volunteers'.

7. General Secretaries will also serve two, two-year terms. The second two-year term will have to be approved by the board by secret ballot with simple majority. In case a General Secretary has completed the maximum two terms the board may take the decision to retain him/her in another function should no OTHER suitable candidate be available. The extension shall be approved by secret ballot with simple majority by the board.
8. Every General Secretary has the freedom to tap into volunteers for events being organized. They are encouraged to approach the community in advance and seek volunteers. There is no time limit for volunteers and past General Secretaries may also function as volunteers. Volunteers are not considered as board members.
9. Financial Controller (FC)

Financial Controller is the manager of all funds in the IA. No transaction is to be made without FC's knowledge.

All General Secretaries must present their budgets to the FC and ensure the accounts are submitted to the FC within 10 days of completion of the event.

The FC will advise the President on the financial position after every event. Yearly accounts will be presented to the board and then to the members at the AGM.

There is no time limit to this position, but the FC maybe removed by the board by secret ballot and simple majority should there be any doubt of financial inconsistency.

The following persons qualify for this position

- Senior Executive of Indian bank in China
- Senior Executive of an international bank in China
- Financial Controller of an organization in China
- Candidates with Accounting and/or Finance background working in China

The candidate will be approved by the board by secret ballot with simple majority.

ARTICLE VII.

Others

1. The Board normally will meet at least once in a quarter.
2. All policies of the association will need to be cleared by the board. In the event of a divided board on any matter, the Patron/Past Presidents may be requested to resolve the same.
3. A General Body Meeting of the Association will normally be held at least once every year in Q1.
4. There are no full-time office bearers. All office bearers provide honorary services to the association.
5. If for any reason the President is unable to play his/her role due to any unforeseen reasons, the board will decide amongst the general secretaries to act as President till the end of the term.
6. In a General Body Meeting, the quorum will be constituted by simple majority of the Board & the patron and minimum of 30 IA registered members.
7. Any amendments or change to the constitution needs to be approved by Board by two third majority.

ARTICLE VIII.

Financial Guidelines

Financial & Accounting Procedures adopted by IA

1. The primary source of funds is sponsorship by corporate and individuals.
2. Other than sponsorship collections are made from those attending/participating in social / cultural events. Events generally organized by the association are on a non-profit.
3. The expenditure incurred in organizing an event / business talk is funded from the funds carried forward from the events and sponsorships collected during the year.
4. At the end of every event the surplus / loss is carried forward to the receipt and expenditure account which forms the basis of trial balance at the end of the year.

5. The accounting year for IA is from January – December.
6. Board needs to approve all Charity donations.
7. Only a Receipts & Expenses Account statement is generated since the association has no assets.
8. Any purchases of items equal to or less than CNY 6000 will be treated as an expense.
9. The President jointly with FC will exercise the financial power of allocating funds for an expenditure related to the activities of the association.
10. The FC will table the financials of the association at least once every six months to the board and once a year to the registered members.

ARTICLE IX.

Role of the President

1. The President is the head of the association.
2. Keep the Patron informed about all proceedings of the association.
3. Will provide sound leadership to the Office bearers
4. Will maintain confidentiality of Association database.
5. Will keep the interest of IA above his/her personal interests
6. Ensure continuous flow and execution of community activities
7. Will strive to keep all Indians in China under the banner of one entity IA
8. The president jointly with the FC will exercise the financial power of allocating funds for an expenditure related to the activities of the association.
9. Convene a General Body Meeting of the Association will normally be held at least once every year.
10. Ensure that proper minutes are maintained for each meeting of the board.
11. Ensure that the Board meets at least 4 times in a year
12. Ensure that all policies of the association are tabled and cleared by the board.

ARTICLE X.

Role of Past Presidents

1. Past Presidents residing in China will/can be part of the IA Board.
2. They play a supporting role and advise on matters of policy, ethics, and financial transparency.
3. They are not expected to perform duties in execution of events unless specifically requested to do so.
4. It is necessary for past presidents to attend minimum 4 board meetings per year to continue being part of the board.
5. Past Presidents are deemed resigned from the board once they leave China. Should any past president return to China and wishes to join the board then he/she must approach the board and request admission. The board must decide by secret ballot with simple majority on admitting the past president.

ARTICLE XI

INDIAN ASSOCIATION BUSINESS COUNCIL is a wing of Indian Association catered towards Indian commercial organizations in China.

1. Objectives

The objectives of the Council are to:

- a. Create a platform for interaction between Indian businesses in China
- b. Strengthen cooperation and understanding between Businesses in India and China
- c. Promote development of trade, commerce and investment between India and the People's Republic of China
- d. Create a data pool of resources in various industries like Automotive, Pharmaceuticals, Information Technology, Small and Medium Enterprises/ Entrepreneur organizations and other relevant industries for the business community.

- e. Maintain relations with the other chambers of commerce or commercial organizations in China and elsewhere and engage in all lawful activities as may be incidental or conducive to the attainment of the foregoing objectives.

2. Memberships

- a. Memberships, eligibility requirements, fees and other matters related to the Council shall be determined by the IA board.
- b. Acceptance of membership in the Council shall be determined by the IA board as per evaluation of the application.
- c. A member may notify the President in writing of its resignation from the Council. Member's resignation is effective immediately upon the President's receipt of written notification. No refund of membership dues shall be made, whether in whole or in part, to a resigning member.

3. Meeting of the Council

Only Members of the Council are entitled to attend Annual General Meetings of the IA board. Persons who are not members may be invited to attend only upon the approval of the IA President.

4. Officers of the Council

- a. Past President(s)
- b. IA President
- c. Vice President of IABC will head the Business Council and work together with the IA President to execute its yearly plan.
- d. Financial Controller, General Secretaries and Additional General Secretaries of IA board
- e. Various Industry Chair will be determined by the invitation of IA President in consultation with IA board

5. Appointment of Officers of the council

- a. Vice President of IABC and Industry Chairs of Business council will be appointed by the IA board
- b. Vice President and Industry Chairs shall be citizens of India.

- c. If required, a non-Indian citizen may be appointed upon 2/3rd majority of IA board.

ARTICLE XII.

ESSENCE OF THE CONSTITUTION

1. The constitution is formulated to ensure long term sustenance of the association in China.
2. It is meant to instill 'Seva' or selfless service dedicated to the community.
3. Strive to keep all Indians under one umbrella.
4. To ensure the board functions within this framework and operate as a uniting force
5. Welcome all 'Volunteers' willing to serve in its ranks and dissuade using the platform for personal gratification.