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Alliance Française
Pondichéry



Alliance Française
Pondichéry

BYLAWS

Memorandum of Association

Article 1: Name and Style of the Association

The Name and style of the association shall be “Alliance Française de Pondichéry” also known in French as “Alliance Française de Pondichéry”

Article 2: Registered Office

The registered office of the association shall be at 58, Suffren Street, Pondicherry -605001, India.

Article 3:

A. Preamble.

Alliance Française of Pondicherry, a nonprofit making association registered in the Registrar of Societies, Pondicherry (Certificate No. 273, dated 15-09-1999), is constituted according to Indian Law and Bylaws of Alliance Francaise, founded in 1883 at Paris whose respect and continuity is maintained by the “Fondation Alliance Française” in Paris since the 1st of January 2008. Its aim is to promote French language and culture and to enhance the cultural understanding between India and France by developing cultural exchanges between the two countries. Its functioning is free of any political, religious or commercial influence. Its duration is unlimited. The Association can only be constituted after approval of the Bylaws by the Fondation Alliance Française, Paris.

In limine, it is recalled that the Treaty of Cession of the French Establishments of India of May 28, 1956, as well as the subsequent acts and exchanges, emphasized the maintenance and the development of cultural life between the two countries. To this end, specific provisions and derogations from common law provide in particular for a facility granted by the Indian government to any assistance that the French government may wish to provide to facilitate exchanges in the fields of education, letters, sciences and arts.

Alliance Française de Pondichéry is an integral part of these establishments, which pre-existed the transfer and were taken into consideration by the Contracting States, as guarantors of the sustainability of French culture in India.

The possibility of full retention of French nationals in Pondicherry, guaranteed by Article 17 of the Treaty, further underlines the importance that the two countries have given to people from these former establishments called to play a key role in the perpetuation of the cultural interconnection.

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B. Aims and Objectives.

The aims and the objectives of the association shall be:

1. To spread education generally and particularly the teaching of French in Pondicherry an erstwhile French Territory either independently or in collaboration with the Government of India, Government of Pondicherry and other Indian Universities.
2. To provide systematic, scholastic instruction, schooling and training in French to the young and old in preparation for the work of life.
3. To conduct French Language courses for the preparation of examinations and certificate courses such as DELF-DALF, conferred by the French Ministry of National Education and recognized by French Universities and Corporates throughout the World.
4. To establish and maintain institutions intended for the educational, cultural, and economic welfare for the advancement of Indo French culture.
5. To conduct courses and workshops in any educational field related to French and other Indian languages through any medium such as Computer Science, Fine arts, theatre, music.
6. To regroup all those who wish to contribute to the development of the French language and thought.
7. To support and train French teachers in the teaching of the French language in Indian schools/educational institutions.
8. To grant stipends, scholarships and to help students generally to learn French in Pondicherry.
9. To foster better mutual understanding and friendship and to enhance cultural understanding between India and France by conducting and organizing linguistic and cultural exchanges, excursions, study trips and travels.
10. To work for diffusion of French/Indian cultural assets and French/Indian cultural activities (by written or audio visual supports, shows, recitals, exhibitions, conferences, meetings, colloquium..) through appropriate facilities (libraries, media-libraries, movie-clubs, exhibitions and theatre rooms) and through participation in cultural network, creation of appropriate forums and by participation in tours of cultural diffusion.
11. To establish libraries and reading rooms for French and Indian languages.
12. To publish books, booklets, leaflets, pamphlets, magazines, periodicals and other educative or publicity materials in French, Tamil and other languages with the object of educating people.
13. To publish journals in French and other languages for the dissemination of useful news and information.
14. To act as channel for inter-change of experience and ideas through seminars and conferences, group meetings and discussions.
15. To raise or borrow funds required for the purpose of the society from any individual, institution, government agency or non-government organization on mortgage or pledge of the Society Estate or any part thereof with or without any security and at such rate of interest and on such terms as the executive committee shall think fit.
16. To purchase, take on lease or in exchange or otherwise acquire, possess and dispose of any movable or immovable property which may be deemed necessary,

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expedient or desirable for any of the objects of this society.

17. To carry out any commercial activity only if it is incidental to the attainment of the objectives of the society and within the parameters laid down in Section 11(4A) and Sec 80G (v) (i) of the Income Tax Act 1961.
18. To do any other act for the advancement of the above objects and other objects of general public utility not involving the carrying on of any activity for profit. 19. All the above objects shall be for the benefit of the general public without any distinction of caste, color, creed, race, sex, religion or language.

Rules and Regulations of the Association

I. General

Article 1: Name and Style of the Association

The Name and style of the association shall be "Alliance Francaise de Pondichéry" also known in French as "Alliance Francaise de Pondichéry".

Article 2: Registered Office

The registered office of the association shall be at 58, Suffren Street, Pondicherry - 605001, India.

Article 3: Jurisdiction

The association shall be within the jurisdiction of the Registrar of Societies, Pondicherry. No activities of the society shall be carried on outside India.

Article 4: Membership

1. The Association comprises of lifetime members, ordinary members and honorary members, students and temporary members. These last two types of members are not full-fledged members and therefore cannot take part in the General Body and have no power to vote.
2. A life time member is someone who has paid the Association a sum equal to twenty years subscription of an ordinary member.
3. An ordinary member is anyone above 18 years of age and who pays to the Association his subscription corresponding to one or other of these categories, paid according to the modalities in use.
4. A member student is one who studies in India and who pays the required subscription under this category, fulfilling the modalities applied.
5. In the event of modification, the annual subscription of members is proposed by the Executive Committee of the Alliance to the general assembly which may meet for this purpose.
6. The Consul General of France in Pondicherry is by right the Honorary President of the Association. He is invited to the meetings of the Executive Committee, where he has a consultative role. An important Indian personality chosen by the General Body, on the proposal of the Executive Committee, could be invited to assume the post of Honorary Co-President.

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7. A paid staff of Alliance Française de Pondichéry cannot acquire the position of a member. However, as per the Bye laws he can take part in the activities of Alliance Française de Pondichéry, quoted in Article 3.
8. Anyone who enjoys a benefit from the activities and properties of Alliance Française cannot be a member of the Executive Committee.

Article 5: Termination

The right to membership is lost:

1. Upon resignation
2. For non-payment of membership
3. Upon dismissal by the Executive Committee either for serious reasons after calling the concerned member for explanation. The General Body must be informed of this decision at the next meeting.

II. Governing Body and General Body.

Article 6: Executive Committee

1. The Association is administered by an executive committee composed of 11 members elected by the General Body through ballot for a period of 3 years. The outgoing members can be re-elected only once. Committee members cannot serve more than two consecutive mandates, irrespective of the mandatory period and position held. A three year of waiting period is mandatory before being allowed to contest for an Executive Committee member post once again.
2. If vacancy arises, the Executive Committee has provision to fill up the post. The choice of the Committee shall be placed for ratification before the next General Body.
3. At the first executive meeting which follows the election General Body, the Executive Committee selects amongst its members by ballot, a President, one Vice President, a General Secretary and a Treasurer.
4. The Director of Alliance Française is by right a member of the Executive Committee on advisory basis without power to vote.
5. The principal of Lycée Français is by right, a member of the Executive Committee with an advisory capacity.
6. The executive committee may invite for an advisory role, a representative of the students and representation of the staff.
7. It is preferable that the majority of members of the Executive Committee must be of Indian Nationality. If this condition is not fulfilled, the Executive Committee will nevertheless be constituted.
8. The resolution of the Executive Committee being in French, it is desirable that its members understand the language. It is necessary that the members of the Executive Committee reside permanently in Pondicherry
9. The President must compulsorily be an Indian National

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- 10.
- a. The members entitle to vote are life time members and ordinary members whose annual subscription is paid at the latest until the eve of the date of convocation of the General Body.
 - b. The outgoing Executive Committee appoints the members of the Electoral Bureau which consists of Director, a legal counsel and a member of Alliance Française who shall be nominated by the Executive Committee.
 - c. The ballot paper shall be composed of a single list containing all the names of the candidates in the order of the dates of filing of their candidature.
 - d. The Votes must select a maximum of 11 names on the ballot paper.
 - e. The ballot papers having more than 11 names selected are declared as invalid votes.
 - f. The polling shall be conducted in a single phase and the counting would be conducted as soon as the polling is finalized by the Electoral Bureau. The candidates with maximum votes registered shall be identified by the Electoral Bureau. The contesting candidates for the committee shall be physically present on the day of election
 - g. The vote by proxy is allowed. The power of attorney enclosed with the membership card of the absent member should be handed over by the power agent to the chairman of electoral body at the beginning of the General Body sitting. The number of proxy is limited to two for each voting member.

Article 7: Eligibility

1. Any person willing to file their candidature for becoming a member of the Executive Committee must have been an ordinary member of the Association without discontinuity for at least a year and without subscription arrears before the date of sending of the convocation.
2. The candidates fulfilling the conditions of the clause (1) of the Article 7 of this Rules and Regulations must submit their application to the Election Bureau at least 15 days before the General Body. The name of each candidate will be displayed properly and respecting the order of date of filing of their candidature at least 5 days before the date of the General Body.

Article 8: Executive Committee Meetings

1. The Executive Committee meets at least four times a year and it will be summoned each time by its President or at the request of one third of its members. The meetings are called for by "The Bureau"
2. Any member of the Executive Committee who fails to attend three consecutive executive committee meetings without proper reason or prior permission would be considered a resigned member. The presence of more than 50 percent of the members of the Executive Committee is necessary for the validity of the resolutions except those mentioned in the article 11.

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3. A report of meeting of Proceedings is to be recorded. It is written by the Secretary or his deputy in the absence of the secretary and it is signed by the writer and by the President and submitted for approval at the beginning of next meeting.

Article 9: Remuneration

1. The members of the Association cannot receive any compensation from the Alliance Française they serve, neither for the services provided, nor for a job or internal service. Therefore, no employee of Alliance could be a member of the Executive Committee.

Article 10: General Body

1. The General Body of the members of the Association meets at least once a year, and every time it is summoned by the Executive Committee or on request of at least one fourth of its members.
2. The General Body comprises of all the registered members of the Association. The Convocation notice must be sent at least 15 days before the date fixed for the General Body.
3. The student members can attend the General Body but they have no voting right.
4. To pass valid resolutions, the General Body should have the presence of more than at least one fourth of the ordinary members; these members must be physically present or should have given proxy to another member (not more than two proxies for any member).
5. If this quorum is not reached at the time of meeting as indicated in the convocation notice after a waiting of half an hour, the ordinary General Body is replaced by an extraordinary General Body with the same agenda irrespective of the number of participants. The agenda of the General Body is set up by the Executive Committee. An activity report and a financial report are presented to be approved by the General Body. The General Body also decides on the provisional budget for the next financial year. It also deals in detail the items mentioned in the agenda.
6. The annual report and accounts are kept at the disposal of all members of the Association after fixing an appointment with the secretarial office.

Article 11: Expenses and Legal proceedings

1. The expenditures approved by the Executive Committee are ordered by the Director and executed by the Treasurer on mandate by the President. The Executive Committee permits the Director to have an amount for monthly expenditure and the amount is fixed by the said Committee.
2. The Executive Committee appoints every year one or more certified auditors, not part of the association for accounting purposes. These appointments could be renewed every year.
3. The Association is duly represented for legal purposes by the President or by the Legal counsel nominated by the Executive Committee. The representative so appointed shall enjoy full civil rights.

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Article 12: Assets

Resolutions of the Executive Committee relating to acquisitions, exchanges and transfers of property which are relevant to the main objectives of the organization, to the establishment of mortgages on said properties, of leases for a period of more than 9 years and to loans must be subject to the approval of the General Body meeting.

III. Duties**Article 13: Duties of the Executive Committee**

1. Formulate the financial, preservation and development policy of the organization's assets.
2. To approve after discussion the annual activity plan proposed by the Director and presented to the General Body.
3. To fix ordinary and extra ordinary membership fees.
4. To provide the necessary signature by proxy to support the Director in his function.
5. To submit for approval the internal organizational chart proposed by the Director.

Article 14: Duties of the President

1. Ensure the legal representation of the organization.
2. Ensure adherence to the Rules and Regulations and the resolutions taken by both the General Body and the Executive Committee.

Article 15: Duties of the Secretary

1. To draft and submit the minutes of the Executive Committee Meetings as well as of the General Body.

Article 16: Duties of the Treasurer

1. To report the financial status of the Association to the Executive Committee by submitting regularly the following:
 - a. Statements of accounts and financial reports to the General body.
 - b. To sign, along with the Director, all financial documents and to proceed with the payments as decided during these meetings of the Executive Committee.

Article 17: Duties of the Director

1. To manage the Association in accordance to the Bye Laws, the regulations and the resolutions of the Executive Committee.
2. To represent the Association on behalf of the President in cases mentioned in the Bye Laws or mentioned specifically by the Executive Committee.
3. To submit to the Executive Committee the yearly budget estimate and the work plan for approval.
4. To provide to the Executive Committee the necessary reports for monitoring the work plan and the budget.

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5. To submit to the General Body the yearly financial report for approval.
6. To recruit and integrate, with the approval of the Executive Committee, the teaching and administrative staff required for the smooth running of the Association, in conformity with the Indian Labour Laws.

IV. Resources

Article 18: Sources of Income

The resources of the Association are:

1. Membership fees
2. Donations and legacies accepted by the Executive Committee.
3. Grants it might be endowed with
4. Some assets created on exceptional basis, if required with the consent of the competent authority.
5. Resources obtained from services provided by Alliance; admission fees collected for the French courses, sale of course manuals, examination fees, diploma fees, contribution to cover general expense for the free use of premises, use of media libraries (internet etc).
6. In case of Foreign contributions, such contributions shall be accepted only after registering the Association under the Foreign Contributions Regulations Act, 2020 and after complying with the provisions of the said act. Letter of permission from the Home Ministry to receive Foreign Contribution shall be forwarded to the Commissioner of Income Tax as and when received.

Article 19: Accounts

1. Account books shall be regularly maintained from day to day for receipts and expenditure and a property-register shall also be maintained by the Association.
2. The Accounting year of the Association shall be from April to March.
3. The accounts of the Association shall be audited by a qualified Chartered Accountant every year.

Article 20. Use of funds

1. The whole or part of the income of the Association or accumulation there or whole or part of the Funds of the Association may be applied solely to any one or more of the objects of the association and not for any other purposes.
2. No portion of the income/funds of the association shall be utilized for payment to member or office bearers by way of profit, interest, dividends, etc.

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Article 21: Investment

For the furtherance of the objects of the association and in accordance with the provisions of the income tax act, for the investments of the funds of charitable organizations for the time being in force, the governing body shall have the following powers:

1. To open account in the name of the society and /or institutions run/conducted by the society with a bank or banks, to operate such accounts and to give instructions to the bank and to provide for opening and operation of such accounts by one or more member of the Executive Committee or by an agent appointed by the Executive Committee.
2. All moneys which shall not immediately be required for current expenses may be invested by the Governing Body in Fixed Deposits or savings bank accounts in any bank or banks or in immovable property.
3. The surplus funds may also be invested in such other investment and securities authorized by law for the investment of the funds of charitable organizations and in particular according to the provisions of Section 13(1)(d) read with Section 11(2)(b) and 11(5) of the Income Tax Act, 1961.
4. Subject to the provisions of the Income tax Act, the Governing Body may alter, vary or transpose such investment from time to time in such manner as it may deem fit.
5. All investment shall be in the name of the Association.

V. Amendment and Dissolution.**Article 22: Amendment and Dissolution.**

1. The Bye Laws can be only be amended upon a proposal by the Executive Committee or at least by half of its members. The last proposal should be submitted to the Executive Committee at least two months before the convocation of the General Body.
2. The Association shall not make any amendments to the Memorandum of Association or any amendments which may prove to be repugnant to the provisions of Sec 2(15), 11,12, 13, and 80 G of the Income Tax Act 1961.

Article 23: Approval of Amendments

1. Even after the approval of the General Body, the modification of Bye laws is validated after confirmation by Alliance Française Foundation, Paris. After registration with local authorities, copies of the act of registration and registered Bye Laws should be addressed to Foundation for archiving. They must be accompanied by a translation into French. All these documents must be initialed on each page, signed and dated by the President.

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2. Any amendments to the MOA and Rules and Regulations having a direct bearing on the registration of the Association u/s 12A or grant of exemption u/s 80G of the Income Tax Act 1961 shall be carried out only with the approval of the Commissioner of Income Tax having jurisdiction over the Association.

Article 24: Dissolution

1. The General Body convened to give decision on the dissolution of the organization and exclusively to this effect, the necessary quorum for the decision to be valid is half of the member plus one. If this quorum is not reached, the general body at a later date, after period of at least fifteen days, at which time the resolutions it makes will be valid regardless of the level of attendance. In any case, the dissolution could be decided only if at least two third of its members are present.
2. In case of dissolution, the General Body assigns one or several auditors charged with the liquidation of the organization's assets.
3. In the event of the dissolution or winding up of the Association, the assets remaining after full satisfaction of its liabilities shall under no circumstances be distributed among the members/members of the governing body or their relatives or persons defined in Section 13 (1) (C) of the Income tax act. Bu the same shall be transferred to another organization whose objects are similar to those of the Association and which enjoys recognition under Section 12A /80G of the Income tax act preferably another Alliance Française in India having recognition under Sec 12A/80G of the Income Tax Act 1961.
4. The Dissolution shall be irrevocable.

20 October, 2021

Pondicherry


President
Satish NALLAM

