

München Tamil Sangam e.V.

Vereinsatzung



(English Version 1)

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Introduction

Tamil is one of the longest surviving classical language with rich heritage and culture in the world. Tamils from India are now spread across the globe, an estimate evaluates about two thousand Tamil speaking people live in the state of Bavaria, Germany. The founders of München Tamil Sangam intend to create an Association for the Tamils in the state of Bavaria, that promotes culture, language and arts of Tamil and to integrate Tamil community with one of the oldest European culture, the München community.

In the past, the Tamils of Bavaria have come together and celebrated the traditional Indian festivals such as Diwali, Pongal and Tamil New Year. The idea of the Association is to advance the Tamil language and culture and inspire the next-generation of München Tamils to appreciate the richness of language and its culture. In addition we would like provide welfare and advisory services to the members of the München Tamil Sangam along with organising events that promote various forms of arts, youth activities and recreation.

Articles of the Association

§1 Name, Registered Office and financial year

1. The Non-Profit organization name shall be “München Tamil Sangam”, and in short: Association or MTS.
2. The Association should be registered in the register of organizations in the same name.
3. The addition of “registered Association” (e V) shall also represent the Association.
4. The financial year is the calendar year.

§2 Purpose of the Association München Tamil Sangam e.V.

1. To unite Tamils and to enrich the heritage of Tamil language and culture.
2. To organize events that promote Tamil language, Literature, culture, traditions and art.
3. To provide a platform for interaction amongst the Tamil community living in the state of Bavaria, Germany.
4. The purpose of the Association is also realized through regular seminars, conferences and suitable publications and educational programmes that promote character, family and global awareness of the well-being of the community.
5. To integrate Tamils with the München community.

§3 Charitable status

1. The Association is a non-profit Association that pursues exclusively and directly charitable purposes within the meaning of the section "tax-privileged purposes" of the tax code as amended. The Association is selflessly active. The Association does not pursue primarily self-economic purposes. The representing members of the Associations shall not be benefited monetarily from the funds of the Association
2. The funds of the Association may be used only for the statutory purposes. The members receive no benefits from the funds of the Association, unless they provide work services in the context of an employment contract for the realization

of the purpose of the statute. No person may be favored by expenses that are foreign to the purpose of the Association or by disproportionately high remuneration.

§4 Vital parts of the Association

1. The Governing Board
2. The Executive Committee
3. The Members

§5 The Governing Board

1. The Governing Board essentially consists of the President, the vice-President, the secretary, the treasurer and the joint treasurer and is chaired by the President.
2. The Association is represented in court and out of court jointly by the President and one another member of the Governing Board.
3. The founding members of the Association shall assume the offices of the Governing Board and its responsibilities for a tenure of 2 years.
4. Decision to add additional members shall be made on need basis to the Governing Board by the vote of two-thirds majority of the Governing Board members present. In such an event, the total number of Governing body shall not exceed 10 members.
5. The Governing Board members shall be elected by the members of the Association. In the event that a position or positions in the Board falls vacant, the Governing body shall organise an election only if the total number of Board members are less than five members.
6. Interim-members to the Board shall be appointed by a resolution of the Board for the reminder of the tenure of the Governing Board. Such members to be appointed shall be a member of the association according to article [§8](#) of the articles of the association and have been a member of the association for at least 1 calendar year. Former board members shall only be appointed to such positions provided that there were fewer than five nominations received after the electoral declaration.
7. All members of the Governing Board shall have a tenure of 2 years and the interim Governing Board Members for the remaining of the tenure of the Governing Board.
8. The members of the Governing Board are responsible for the policy making, administrative & Executive decisions of the Association through

- means and methods according to article [§16-3](#) of the articles of the Association.
9. All members of the Governing Board are expected to be present in all the Board meetings.
 - a. A member of the Board who is consecutively absent for 2 Board meetings without a prior notice to the Secretary forfeits his right to vote in the next Board meeting that he/she is present.
 - b. A member of the Board who is consecutively absent for 4 Board meetings without a prior notice to the Secretary shall be excluded from the Governing Board.
 - c. Such notices shall be in accordance to the policies and amendments that are in effect at the time.
 10. In the event of an exclusion and/or termination, such decision is of immediate effect and the excluded/terminated Board member shall handover his roles and responsibilities within 15 working days to another Board member chosen in the same meeting by the vote of two-thirds majority of the Governing Board members present. The handover proceedings shall be effected in a manner as decided by the President and the Secretary.
 11. The Governing Board may appoint an Executive committee to administer the Association.
 12. The President and the Treasurer shall jointly authorize all legal transactions that are not more than Euro 150 (Euro one hundred and fifty). In transactions exceeding Euro 150, shall be decided by vote of two-thirds majority of the Governing Board members present.
 13. No member of the Governing Board shall have any extraordinary rights or responsibilities except those described hereinafter
 14. The President -
 - a. is the head of the Governing Board, Association and presides over Board meetings.
 - b. oversees the planning, execution and operational aspects of the Associations
 - c. may also serve as a spokesperson for the Association
 - d. along with Treasurer is a signatory authority for official financial transactions according to article [§3](#) of the articles of the association
 - e. along with Secretary authorizes all the minutes of the meeting.
 15. The Vice-President -
 - a. aids in all the duties of the president

- b. takes effect as the signatory authority in the absence of the President.
 - c. shall act as interim President, if the office of President falls vacant until the Board appoints a President by vote of two-thirds majority of the Board members present.
16. The Secretary –
- a. Shall keep records of the Association, manages Licence/statutory renewals and other legal obligations of the Association.
 - b. Shall send out notices/announcements to the members of the Governing Board, Executive Committee and members according to the policies and amendments that are in effect at the time.
 - c. Proposes agenda, maintains the minutes of the meeting
 - d. along with President authorizes the minutes of the meeting according to article [§18](#) of the articles of the Association.
17. The Treasurer –
- a. is responsible for safekeeping of cash on hand
 - b. oversees all financial transactions both incomes and expenses including but not limited to membership fee, sponsors, donations, Association events and services related transactions and operational expenses.
 - c. along with President authorizes all the financial transactions according to [§3](#) of the articles of the Association.
 - d. maintains the records of all financial transactions as required by the laws of the land.
 - e. Ensures fulfilment of all tax related obligations expected of the Association.
 - f. submits such records for both internal and external auditing.
18. The Joint Treasurer –
- a. aids in all the duties of the treasurer
 - b. takes effect as the signatory authority in the absence of the Treasurer.
 - c. along with treasurer oversees all financial transactions both incomes and expenses including but not limited to membership fee, sponsors, donations, Association events and services related transactions and operational expenses.
 - d. along with treasurer maintains the records of all financial transactions as required by the laws of the land.

§6 The Executive Committee

1. Executive Committee shall be appointed and/or terminated by the vote of two-thirds majority of the Governing Board members present.
2. Members of the Executive Committee shall also be members of the Association.
3. The members of the Executive committee are appointed and terminated by a vote of two-thirds majority of the Governing Board members present.
4. The members of the Governing Board may also be part of the Executive Committee.
5. Executive Committee if appointed shall have a tenure as decided by the Governing Board.
6. Executive Committee shall act as the administrative wing of the Association in accordance with the articles of the Association, statutes, all amendments of the Association that are in effect at the time.
7. Executive Committee shall provide recommendations for the Governing Board.

§7 Resignations of the Governing Board and Executive Committee

1. A member of the Board or the Executive committee wishing to resign from post may do so by giving a resignation letter to the President stating the reasons for resignation and effective date of the same. One month of prior notice is required for such resignations.
2. The date in which the resignation letter is received by the President is considered the date on which notice of resignation is given.
3. In the event of extraordinary proven emergencies or hardships, the Governing Board may waive the period of notice and agree to a termination with immediate effect.
4. The handover proceedings shall be effected in a manner as decided by the President and the Secretary.

§8 Membership

1. A default claim to membership in the Association does not exist. The Board decides the admission of new members.
2. The following persons and none other shall be the members of the Association
 - a. Such persons shall be Tamils or Tamil Speaking persons or persons interested in Tamil language and/or culture or individuals recognized by the Governing Board of the Association.

- b. Such persons shall subscribe to the Articles of the Association, and its amendments, memorandum and policies that are in effect during the entire duration of the membership.
 - c. Such persons shall apply for membership and pay the full membership fee.
 - d. Such persons who are already members and are in no due to the Association by means of the membership fee and other sums (if any).
3. The Board has the right to reject the membership applications. In the event of refusal, the Governing Board shall have no obligation to give reasons and the membership fee shall be refunded.
4. Membership shall not be transferable

§9 Rights of the Members

1. All members shall have the right
 - a. to submit proposals and/or raise concerns to the Executive Committee and/or to the Board.
 - b. to participate in all events and services of the Association that incur no participation/entry fees and in case of events and services that incur participation/entry costs, then only upon paying fees set for such events and services.
 - c. to vote according to article [§9-1](#) of the articles of Association.
 - d. redress upon exclusion from membership, then according to article §8 of articles of Association.
2. Voting rights of the members -
 1. All members who are 18 years old on the date of the election.
 2. All members of the Association who are in no due of the membership subscription or other sums (if any) to the Association; not suspended from the membership at the time of the election; with proof of identity such as passport or driving license or such identity documents declared to be accepted in the official election announcement are entitled to one vote per position for general election that elects the members to the Board.
 3. All former Board members have the same rights as members.
 4. Votes shall be casted by a member only in person or by proxy.
 5. The member choosing to vote by proxy shall do so in writing an undersigned authorization letter addressed to the “Chief-election Officer” according to article [§19-1](#) of the articles of the Association with the full name, date of birth and address of the proxy.

6. The proxy shall cast the appointers vote in person and by presenting acceptable written authorization letter and a valid identity proof such as passport, driving license or such identity documents declared to be accepted in the official election declaration by the election officers.
7. The Controllers shall be elected in Annual General Meeting by simple majority.

§10 Duties of the Member

1. The members are obliged
 - a. to comply with the statutes and decisions.
 - b. to promote the purpose of the Association to the best of her/his ability.
 - c. to pay the membership fee for at least 1 calendar year in advance. The direct debit procedure may be used.
 - d. to communicate change of address to the Association immediately.
 - e. to refrain from anything that is likely to damage the reputation of the Association in public.
 - f. To encourage non-members to become a member.

§11 Resignation of Members

1. The members are entitled to quit the Association.
2. Resignation with a notice period of 4 weeks is only permitted at the end of a calendar year.
3. The resignation must be declared in writing from their electronic email or by an undersigned letter sent to the office of the Governing Board or Executive Committee through mail. The date in which the resignation letter is received by the Executive committee and/or the Governing Board shall be considered the date on which notice of resignation is given.
4. In the event of extraordinary proven emergencies or hardships, the Governing Board may waive the period of notice and agree to a termination by the end of the month.
5. The resignation from the membership shall be accepted only after all the dues to the Association are settled.

§12 Exclusion of Members

1. If the Board is of the opinion, that behavior of a member is dishonorable within and/or outside the life of the Association, and/or affects the Association discipline-
 - a. The member shall be suspended until further notice from the membership as decided by the Governing Board.
 - b. The member shall be issued a memorandum and shall be asked for an explanation in written and be given 7 working days of time. If the member does not submit a written explanation within this time, then it is considered that the member forfeits his right to written explanation on the issued memorandum.
 - c. The secretary of the Board in a Board meeting of the Association shall read to the Board the issued memorandum, the written explanation from the member and shall decide on the continuity of the membership.
 - d. In the event that the Governing body decides to terminate the membership, he/she ceases to be a member and forfeits all his rights as a member in the Association. His/her membership fee shall not be refunded.

§13 Membership fees

1. Categories of the membership in the Association and membership fee shall be decided in a Board meeting by the vote of two-thirds majority of the Governing Board members present.
2. The membership fee covers membership for that calendar year only and must be paid in full.
3. The paid membership fee is not-transferable and is not refundable unless an application for membership is rejected.

§14 Liability to members

1. The Association is not liable for damages caused by the member or to the legal issues that stems thereof.

§15 The Controller

1. The elected auditors shall have a tenure for 2 years. The auditors may be re-elected and if the post of the auditors falls vacant during the term of 2 years, a interim-auditor shall be appointed by the Governing Board.

2. The auditors shall not be members of the Board and shall not necessarily be members of the Association.
3. They are not subject to any instructions or supervision by the Governing Board.
4. The auditors have the right to make unexpected checks on the cash register, account and receipts.
5. After the end of the financial year, the auditors have to carry out an overall audit of the cash register, the account and the supporting documents. The examinations extend to mathematical and factual correctness. The result of the examination is to be reported at the annual general meeting.

§16 Meetings

1. The Association shall convene the following meetings
 - a. Annual General Meeting
 - b. Board Meeting
 - c. Extraordinary Meetings
2. **Annual General Meeting**
 - a. The Association shall convene one Annual General meeting in every calendar year.
 - b. The yearly report detailing the activities of the Association, future directions of the Association, retirements and any appointments of the Governing Board and/or the Executive Committee, a balance sheet of the income and expenditure attested by the auditor are to be presented.
 - c. No business shall be transacted during the annual general meetings.
 - d. Time and place shall be determined by the Governing Board
 - e. At least fourteen days of prior notice must be given in all the formal modes of communication such as official websites, electronic emails.
3. **Board Meetings**
 - a. The Board meeting is the main deliberative, policymaking and representative organ of the Association.
 - b. The Board meeting constitutes the members of the Governing Board.
 - c. Time and place shall be determined by the President, the Vice-President & Secretary.
 - d. At least three days of prior notice must be given by the Secretary through electronic mails.

- e. Board members who participate remotely via electronic means such that they can contemporaneously hear all other Board members at the meeting, and be heard by all other Board members at the meeting, shall be deemed to be present at the meeting.
- f. A quorum constituting of at least 60 % of the members of the Board is required for any meetings to be held. If within half-an-hour from the time appointed, a quorum is not present, then the meeting stands adjourned. The next meeting must be called within 7 days from any such adjournment. For such meetings the essential quorum shall be the Governing Board members in attendance.

4. Extra-ordinary Meetings

- a. Extra-ordinary meetings may be called by the chair or by a simple majority of the Governing Board or the Executive Committee.

§17 Resolution

1. A resolution of the Association shall only be passed in a Board meeting, if -
 - a. The decisions shall be unanimous or otherwise by vote of two-thirds majority of the Governing Board members present counted by show of hands unless a simple majority of the Board members requests differently.
 - b. If two-thirds majority of the Governing Board members cannot be arrived, such a resolutions shall be postponed to the next Board meeting if required.
2. It is sufficient to note in the minutes of the meeting that the resolution was passed unanimously or with two-thirds majority of the Governing Board members.
3. Each member of the Board has one vote. Pre-voting and voting by proxy are not permitted.

§18 Certification of the Meeting Decisions

1. A record of the decisions shall be maintained by the secretary through minutes of the meeting.
2. The ratification of a resolution is done by at least 4 members of the Board undersigning the the minutes of the meeting and/or an explicit amendment.
3. Each member of the Association is entitled to view the minutes of the meeting.

§19 Election

1. Electoral Board

- a. The management of the election is the responsibility of the electoral Board. The electoral Board shall be constituted by the Governing Board by the vote of two-third majority of the members present at least 90 days in advance to the election.
- b. The tenure of the electoral Board is for a period of 75 days and shall be extended only once for an additional period of 30 days.
- c. The electoral Board shall comprise at least 3 members and shall include a Chief-election Officer. The Chief-election officer chairs the meetings of the electoral Board.
- d. The following persons and none other shall be the members of the electoral Board
 - i. A member who is eligible to vote in the election.
 - ii. A member who bequeaths his right to contest in the election.
- e. The Electoral Board can give itself written procedural rules in addition and in accordance to the articles of the Association and its amendments at the time. Such procedural rules shall be published as election ordinance along with the electoral declaration.
- f. The electoral Board shall not change the ordinance after the electoral declaration.
- g. The Electoral Board may enlist eligible voters as election clerks to assist it in the administration of the voting and in the counting of the votes.
- h. The elections are organised by the Electoral Board to elect Board members for the Governing Board. Each member of the board has a tenure of 2 years.
- i. If insufficient nominations are received, then the electoral Board may extend the time period.

2. A Electoral list

- a. A list containing all members eligible to vote shall be drawn by the electoral Board at least 60 days prior to the election. The Governing Board shall provide to all the members of the electoral Board all the information required for conducting the election.
- b. The Electoral Board shall draw procedures to check the validity of electoral list of the members and yielding sufficient time for the members to raise such objections. Such procedure shall be drawn without violating the data privacy policy of the Association that is in effect at the time.

- c. Objections relating to the correctness of the electoral list shall be addressed with immediate effect and not exceeding 7 days. If justified, the electoral list and all other records with such incorrect information shall be corrected.
3. Eligibility to contest in election
- a. The following persons and none other, who satisfy all of the following, shall be eligible to contest in the election of the Association
 - i. A person who is not a member of the current Governing Board of the Association.
 - ii. A person who shall be the member of the Association and satisfies the membership according to article [§8](#) and [§10](#) of the articles of the Association
 - iii. A person who has been a member of the Association for a minimum of one calendar year
 - iv. A person who self nominates herself/himself and is proposed by the at least two members of the Board or 10 members of the Association.
 - v. A person who resides in the state of Bavaria, Germany.
 - b. The Governing Board shall change the eligibility to contest in the election by a vote of two-third majority of the members present. Such a change shall not be passed when an electoral Board has been constituted and is in office.
4. Election Declaration
- a. All members shall be notified using all official modes of communication of the Association and their registered electronic mail address about the election 45 days in advance.
 - b. Such a notice shall be undersigned by the chief election officer and shall include but not limited to
 - i. Date of the issue of the election declaration.
 - ii. Procedure to access and/or verify his/her details in the electoral list and a deadline for raising objections if any.
 - iii. Procedure to access the ordinance.
 - iv. Eligibility to contest in the election and eligibility to vote in the election.
 - v. The number of members/positions of the Governing Board to be elected.

- vi. Nomination procedures shall include a reference to nomination form, deadline for the submission and instructions for the submission of the nomination form, withdrawal procedure and deadline for withdrawal.
- vii. Voting procedures for the voters according to article [§9](#) of the articles of the association.
- viii. Details of the electoral Board.

5. Nominations -

- a. The electoral Board shall acknowledge the receipt of nomination forms.
- b. The electoral Board shall draw a list of all nominations received on or before the deadline.
- c. The validity of the nominations shall be checked in accordance to articles of the Association and amendments that are in effect at the time and also based on the eligibility to contest in the election, completeness and timely submission of the nominations.
- d. Invalid nominations shall be rejected and the reasons thereof shall be communicated to the candidate in accordance to the election ordinance.
- e. The electoral Board shall draw a list of valid nominations and announce the nomination list at least 15 days prior to the election to all the candidates.
- f. The candidates shall be given at least 3 days of time for withdrawal of their nomination.
- g. The candidate list shall be announced at least 7 days in advance to the members of the Association in all official modes of communication of the Association and registered electronic mails.
- h. If only one valid nomination is received for a position, then the electoral Board shall declare that the candidate be chosen to office without opposition and no voting shall be conducted for that position.
- i. If no nominations are received the electoral Board shall extend the tenure of the current Governing Board for an additional one year.
- j. If fewer than 5 valid nominations are received -
 - i. All the candidates who have been nominated shall be declared to have been chosen to office without opposition and no voting shall be conducted.
 - ii. the Electoral Board shall extend the tenure of existing Governing Board members to fill-up the remaining positions on the Board such that the Governing Board constitutes at least 5 members according to article [§5-1](#) articles of the Association.

- iii. The Governing Board member(s) who has served for the least amount of time and who accepts to continue to serve on the Governing Board shall be extended. In case of ties on the account of the duration of time spent as a Governing Board member, the member who will continue on the Governing Board shall be chosen by picking lots.

6. Voting

- a. The electoral officer or the election clerks at the election venue shall record the names and membership ID of the voter before handing over the ballot to the voter.
- b. The electoral Board shall take suitable measures to ensure that the voter cannot be observed while a voter is casting her/his vote.
- c. At least two members of the electoral Board or if election clerks are appointed then one electoral Board member and a clerk shall be present during the time of the voting.

7. Open Vote Counting

- a. Immediately after the conclusion of the voting, the Electoral Board shall perform a open vote count and shall announce the election result based on the count. The validity of the vote shall be checked and if valid shall be added up to the votes casted for the corresponding candidate.
- b. A candidate with the highest number of votes shall be declared to have won the election. In case of a tie, the winner of the election shall be decided by a toss of coin and shall be declared to have won the election. The coin shall be tossed by one of the election officer present at the venue. The sides of the coin shall be assigned to the contestants by picking lots.
- c. The electoral Board shall document a election record the details of vote count for each position with following details
 - Total number of voters visiting the polling stations, Total Votes casted, Total Valid Votes for each position.
 - Total votes counted for each candidate in the candidate list and the candidate who won the election.
 - The election officer shall undersign the election record
- d. The electoral Board shall notify the results of the election with the election record to the candidates
- e. If an elected person declines the election results and refuses to assume office, then he/she shall be replaced by the person who is in receipt of the second highest number of votes.

- f. All members shall be notified using all the official modes of communication of the Association and their registered electronic mail address about the results of the election.

§20 Dissolution of the Association

1. The organization shall be dissolved by resolution of the Board meeting.
2. The resolution requires a vote by 80% of the Governing Body.
3. The organization shall be dissolved when insolvency proceedings have been opened on its assets.
4. The organization dissolution does not immediately bring about the "end" of the organization, rather continues to exist until the complete liquidation.
5. Upon dissolution of the Association or the abolition of tax-privileged purposes, the assets of the Association shall fall to a legal entity of public law or another tax-privileged entity that aids in public service.

§21 Entry into force

The statutes were approved at the founding meeting on in Munich
and enters into force upon entry in the register of Associations.