

**THE CONSTITUTION /STATUTE**  
**OF**  
**THE BANGLADESH AUSTRIAN ASSOCIATION**

**1. Name, Location and Jurisdiction:**

1.1. The name of the Association shall be "Bangladesh Austrian Association", hereinafter referred to as the Association.

1.2. It shall be located in Vienna and shall have jurisdiction over the whole of Austria.

**2. Language:**

2.1. The official language of the Association shall be simultaneously Bangla, German and English. All correspondences and records shall be maintained in one of the above three languages, whichever the Executive Committee finds fit and or convenient.

2.2. For day-to—day operation and for all official purposes, the English version of the constitution shall be considered as authentic, final and shall be binding on all organs of the Association.

**3. Objectives:**

3.1. While maintaining non-political and non-profit status, the primary objective of the Association shall be to promote and accelerate friendship and cultural activities between Bangladesh and Austria.

3.2. To serve as a mutual bond and centre of common interest for the Bangladeshi community living in Austria.

**4. Financial means to achieve the objectives:**

4.1. Accession and membership fees.

4.2. Voluntary contributions and collections.

4.3. Any other means not contrary to the objectives of the Association.

**5. Association year:**

The year of the Association for all purposes shall be from 1<sup>st</sup> November each year to 31st October of the subsequent calendar year.

## **6. Types and eligibility of membership:**

6.1. Membership in the Association shall be open to all nationals of the world.

6.2. Minimum age required to be a member shall be 18 (eighteen) years on the date of the application for membership.

6.3. The Association may have three type of member, namely:

- a) General
- b) Associate
- c) Honorary

6.4. Nationals of Bangladesh and Austria who are residing in Austria shall be eligible to apply for **general membership**.

6.5. Bangladeshi and Austrian nationals residing outside Austria and all other nationals irrespective of their place of residence may apply for **Associate Membership**.

6.6. Honorary Members are nominated for their extraordinary contributions to the Association and or Bangladesh. The Ambassador of Bangladesh accredited to Austria shall be offered honorary membership of the Association.

## **7. Enrollment of Members:**

7.1. Application for General and Associate membership shall be made in the prescribed form set out in Annexe A and must be proposed by a General member and seconded by another General Member. Such applications shall be accompanied by an accession fee of AS 50.00 and one year's subscription in full for that Association year.

7.2. The Executive committee shall decide on the General and Associate membership and may reject any application without assigning any reason thereof. Rejected applications must be forwarded to the General Assembly for a final decision.

7.3. Application for General membership received after 31<sup>st</sup> August shall not be accepted for membership for that Association year.

7.4. The Executive committee may ask an applicant to present his/her national passport or any other identification document in original, issued by his government or by an internationally recognized authority in order to prove the nationality and age. To verify the place of residence the Executive Committee may ask for the "Meldezettel" too.

7.5. To verify past records the Register of members (Article 9) must be consulted before granting membership.

7.6. Honorary membership shall be proposed through or by the Executive committee and approved by the General Assembly by a two-thirds majority of General Members present.

**8. Annual Membership Fees:**

8.1. Annual membership fees shall be fixed by the General Assembly.

8.2. In Order to maintain continuity of membership, members must pay their annual membership fee within 31st August each year.

8.3. The first reminder to pay the membership fee shall be sent out within 31st January each year by the Treasurer or any other person authorized by the Executive committee.

8.4. The final reminder for membership fees shall be sent out within 15th July each year drawing attention of the members to Articles 11.3.

8.5. Annual subscription paid at the time of applying for membership shall be credited to the Association Year from when the membership is granted irrespective of the month or the year when it is paid.

**9. Register of members:**

The Association shall maintain a permanent Register of members. Name, local address, telephone number, nationality and the date of entry into the Association shall be entered into this Register. Separate page shall be used for each member. Entries shall be closed as soon as the membership is discontinued and while doing so the exact reason for discontinuation of membership shall be entered.

**10. Privileges and obligations of members:**

10.1. Except where otherwise provided, all members are entitled to participate in all activities and to use the facilities of the Association.

10.2. Members shall not use the name, goodwill or the stationery of the Association for their personal benefit. Nor shall they take advantage of their post or position in the Association for anything other than the interest of the association.

10.3. General members who have paid their annual subscription as per Article 8.2 shall be eligible for election to the Executive Committee and shall have the right to vote at the General Assembly.

10.4. Each member shall act to the best of his/her ability in the interest of the Association and shall abide by the Constitution and the decisions of the General Assembly.

10.5. In case of Change of local address, members shall inform the General Secretary in writing. The Association shall not be responsible for non-receipt of any correspondences due to change of local address which has not been communicated to the Executive committee.

#### **11. Termination of membership:**

11.1. Membership is terminated through death, resignation, expulsion and cancellation. Terminated members cannot claim reimbursement of their membership fee and voluntary contributions.

11.2. Members may resign at anytime giving six weeks' notice to the executive Committee and by handing over all the duties and responsibilities, documents and assets if he/she has been holding any.

11.3. General and Associate members who fail to pay their yearly subscription within 31<sup>st</sup> August in spite of written reminders as per articles 8.3 and 8.4 shall lose membership of the Association automatically.

11.4. The Executive Committee may propose to the General Assembly to expel members whose conduct is detrimental to the objectives of the Association. This matter has to be approved by the General Assembly by a three-fourths majority of members present. At least 25% of the first 100 and 10% of the subsequent hundreds General Members must be present at the time of taking decision of this issue.

#### **12. Re-eligibility of membership:**

12.1. Anyone who is ceased to be a member of the Association by resignation or due to non-payment of the yearly subscription may be readmitted on fresh application as per Article 7.1. The register of members (Article 9) must be consulted before membership is granted.

12.2. An Expelled member may apply for re-admission as per Article 7.1 and his/her application must be accompanied by a written explanation. Such applications shall be referred to the General Assembly for a decision.

#### **13. Membership sub-committee:**

The Executive Committee at its first meeting shall constitute a sub-committee of three or more members to propagate membership and to encourage members to participate

actively in the activities of the Association. Any member including the office Bearers shall be eligible for membership of the sub-committee. The organizing Secretary shall be the convener of the sub-Committee and he/she shall report to the General Assembly about the sub—Committee and its progress of work.

**14. Organs of the Association:**

14.1. The General Assembly (Articles 15, 16 and 17)

14.2. The Executive Committee (Articles 18, 19 and 20)

14.3. The Auditors (Article 24)

14.4. The Election Commissioner (Article 25)

14.5. Court of Arbitration (Article 28)

**15. The General Assembly:**

15.1 The types of General Assembly shall be as follows:

a) Regular

b) Annual

c) Special

d) Extraordinary

15.2. There shall be two Regular General Assemblies in each Association year. 1st one shall be held within two months from the date of election of the Executive Committee, and the 2<sup>nd</sup> one around the middle of the Association Year.

15.3. The Annual General Assembly shall be convened in October every year. The Executive Committee for the subsequent Association year shall be elected at the Annual General Assembly.

15.4. The Executive Committee may convene a Special General Assembly at Short notice in case of emergency.

15.5. The Executive Committee is obliged to convene an Extraordinary General Assembly within three weeks if a written request is made for it by one-fourth or at least twenty General Members whichever is minimum.

15.6. The General Secretary on behalf of the Executive Committee shall convene the General Assembly. At least four weeks' notice specifying the place, date, time and provisional agenda shall be given to this effect.

15.7. The provisional agenda of the General Assembly shall, inter alia, include the following:

- a) Adoption of Agenda;
- b) Approval of the minutes of the previous General Assembly and matter arising;
- c) Presentation of summaries of correspondences received and sent out by the Executive Committee since the previous General Assembly;
- d) Discussion and approval of the Auditors' report (Article 14.4);
- e) Nomination of Honorary member (Article 7.5), if any;
- f) Approval for expenditure from reserve Fund (Article 23), if any;
- g) Amendment of the Constitution (Article 26), if any;
- h) Expulsion and or readmission of an expelled member (Articles 11.4 and 12.2), if any;
- i) Report of the Court of Arbitration (Article 28), if any.

15.8. In addition to items under Article 15.7, the provisional agenda of the Annual General Assembly shall also include the following:

- a) Discussion and approval of the Annual Report of the General Secretary (Article 21.3(e)).
- b) Election of the Executive Committee (Articles 18.2 and 19.4).

15.9. The minutes of the General Assemblies and the reports described in Articles 15.7(d), 15.8(a), 21.3(e). and 24.4 shall be made available to the General Members present before the General Assembly starts.

15.10. A simple majority of General Members with voting right present in the General Assembly shall constitute a quorum. In case of a lesser number of members being present, the Assembly shall start thirty minutes later.

## **16. Rules of the General Assembly:**

16.1. No decision shall be taken in any General Assembly on any items mentioned under Articles 15.7 and 15.8 unless they have been notified as per Article 15.6.

16.2. The President shall chair the General Assembly. In his absence the Assembly Shall be chaired by the Vice—President. The Absence of both, the General Assembly shall nominate a Chairperson for that Assembly from among the General Members present.

16.3. Except where otherwise provided, decisions shall be taken by a simple majority of members present.

16.4. The number of interventions by each speaker on any question shall be limited to a maximum of three.

16.5. For the purpose of attendance and voting at the General Assembly, "Members present" means General Members with voting right present.

**17. Functions of the General Assembly:**

17.1. Election and or co-option and or removal of Office bearer (s) / Member (s) of the Executive Committee.

17.2. Consideration and approval of the annual programme and budget (Articles 20.1 and 21.3(c)).

17.3. Election of Auditors (Article 24.1).

17.4. Expulsion and or readmission of General and Associate Member (s) (Articles 11 and 12).

17.5. Granting and cancellation of Honorary Membership (Articles 7.6).

17.6. Fixation of membership fee (Article 8.1).

17.7. Amendment of constitution and liquidation of the Association (Articles 26 and 29).

17.8. Discussion and decision on other outstanding matter(s).

**18. The Executive Committee:**

18.1. The Executive Committee shall be responsible for the day-to-day operation and administration of general affairs of the Association. While carrying out its duties and responsibilities, it shall always abide by the constitution and the decision of the General Assembly.

28.2 The Executive Committee shall consist of eleven post which shall be as follows:

a) The President (Article 21.1)

b) The Vice-President (Article 21.2)

- c) The General Secretary (Article 21.3)
- d) The Assistant General Secretary (Article 21.4)
- e) The Treasurer (Article 21.5)
- f) The Organizing Secretary (Article 21.6)
- g) The Cultural Secretary (Article 21.7)
- h) The Assistant Cultural Secretary (Article 21.8)
- i) Three Members of the Executive Committee (Article 21.9)

18.3. The General Assembly may decide to increase or decrease the number of the Office Bearers/Members of the Executive committee any time by a two—thirds majority of General Members present in the meeting.

18.4. The Executive Committee is elected for one Association Year term at the Annual General Assembly.

18.5. Completion of at least one Association Year without interruption immediately prior to the election shall entitle a General Member for election to the post of President, Vice-President, General Secretary and Treasurer. For the other posts this time limit shall be at least six months.

18.6. The President of the Association cannot seek re-election to the same post for more than two successive terms.

19. Rules of the Executive Committee:

19.1. The outgoing Executive Committee is obliged to hand over all charges and responsibilities including documents and assets to the newly elected Executive Committee within ten days of the election.

19.2. The newly elected Executive Committee is obliged to take over charges and responsibilities including documents and assets from the outgoing Executive Committee within 10 days of the election.

19.3. If an Executive Committee member fails to take over the duties and responsibilities within the stipulated time as per Article 19.2, his/her post shall be considered vacant.

19.4. The General Secretary shall be responsible for calling the meetings of the Executive Committee. In case he is unwilling or unable to do this, either the Assistant General Secretary or the President or the Vice—President in the descending order shall assume this responsibility.

19.5. The Executive Committee shall meet at least once in every two months. Maximum 10 days' notice is needed for this purpose.

19.6. Emergency meeting of the Executive Committee may be convened any time by giving three days' notice.

19.7. The President shall chair the meetings of the Executive Committee. In his/her absence the meeting shall be chaired by the Vice-President, General Secretary in the descending order. In the event of all three of them being absent, the meeting shall be reconvened on a later date.

19.8. Simple majority of members present in the meeting shall constitute a quorum. This shall constitute a quorum. This shall apply to the Emergency Meetings as well.

19.9. The decision of the Executive Committee shall be taken by a simple majority of member present. In case of an equal vote the President shall exercise a casting vote.

19.10. For extraordinary reason, an office bearer or a member of the Executive Committee may avail to leave only once for a maximum period of ninety days by handing over charges in writing to the president or the Vice-President or the General Secretary. Failure to resume duties immediately after the expiry of ninety days' leave shall result in automatic cancellation of his/her membership of the Executive Committee.

19.11. Failure on the part of an office bearer or Member of the Executive Committee to attend three consecutive meetings of the Executive Committee, unless he/she is on approved leave, shall result in automatic cancellation of his/her post. This shall apply to all meetings regardless of quorum. The matter shall then be reported to the next General Assembly.

19.12. An office bearer/Member may resign from the Executive Committee any time giving at least seven days' notice in writing to the Executive Committee and by handing over all charges and responsibilities including documents and assets. In case of simultaneous resignation of the President, Vice-president and the General Secretary, the Executive Committee shall convene a Special General Assembly within three weeks from the date of resignation to replace them. These resignations shall be effective only after the General Assembly elects new members or reallocates duties among the remaining members.

19.13.1. The General Assembly may remove any or all office bearer (s) or member (s) of the Executive Committee the following reasons:

- A) Serious violation of the constitution in general and Article 10.2 in particular;
- B) Taking part in any activity contrary to the interest of the Association;
- C) Misconduct.

19.13.2. A decision for removal must have the support of two-third General Members present.

19.13.3. Voting on this issue shall take place if at least 25% General Members are present at that moment.

19.14.4. In case of cancellation or resignation or expulsion or death of an Office bearer/member, the Executive Committee may reallocate responsibilities among the remaining members until the next General Assembly.

19.15. An Office bearer/Member of the Executive Committee who loses his/her General Membership or post in the Executive committee shall hand over all the charges and responsibilities including documents and assets to the Executive Committee within fifteen days.

#### **20. Functions of the Executive Committee:**

20.1. To propose an annual programme and budget to the 1<sup>st</sup> General Assembly.

20.2. To convene the General Assembly and the meetings of the Executive Committee.

20.3. To maintain records and documents.

20.4. To administer fund and to maintain accounts.

20.5. To grant General and Associate membership.

20.6. To nominate an Election Commissioner.

20.7. To prepare voter list.

20.8. To form or re-form a membership sub-committee

20.9. To form or re-form any other sub—committees the Executive Committee might find necessary.

#### **21. Duties and responsibilities of the Office Bearers and members of the Executive Committee:**

21.1. The President is the head of the Association. He/she shall

- a) Act in accordance with the decisions of the Executive committee;
- b) Preside all meetings of the Executive Committee as well as the General Assembly;
- c) Sign all correspondences sent to other organizations and shall maintain records thereof while giving a copy of each to the General Secretary;
- d) Operate the bank accounts jointly with the Treasurer.

21.2. The Vice—President shall assist the President in all matters relating to his post and shall take over all the responsibilities of the President in his/her absence. He/she shall be responsible to make sure that the Austrian Authority is timely and properly informed about the election and change of the constitution.

21.3. The General Secretary shall be responsible for general administration. He/she shall:

- a) Convene the General Assemblies as well as the meetings of the Executive Committee and shall record the proceedings of the program.
- b) Maintain records of all correspondences and documents;
- c) In consultation with the Executive Committee, prepare an annual programme and budget and shall present the same at the first General Assembly;
- d) Sign all correspondences of general administrative nature sent to the members;
- e) Prepare and present an annual report of all activities of the Association at the Annual General Assembly;
- f) Approve or disapprove bills for payment;
- g) Maintain liaison with the Auditors and the Election commissioner to facilitate smooth progress of their work.

21.4. The Assistant General Secretary shall assist the General secretary in all matters relating to his post and take over all the duties and responsibilities of the General Secretary on his/her absence. He/she shall specifically be responsible for maintaining an up-to—date list of members in consultation with the Treasurer and the Organizing Secretary and shall be responsible for mailing of all circulars, notices and invitations. He shall also assist the Election Commissioner, the Auditors and the Court of Arbitration for mailing their correspondences if necessary.

21.5. The Treasurer shall be responsible for:

- a) Maintaining and operating the bank accounts jointly with the President;
- b) Maintaining accounts and records of all monetary transactions and while doing so shall make sure that the rules laid down under Article 22 are strictly followed;
- c) Collecting subscriptions from the members;

- d) Issuing reminders for un-paid subscriptions and recommending appropriate action against the defaulters;
- e) Maintaining an up—to—date list of paid subscriptions;
- f) Preparing voter list together with the Organizing secretary;
- g) Maintain liaison with the Auditors and arrange timely audit of accounts as per Articles 24.2 and 24.3.

21.6. The Organizing Secretary shall be the convener of the membership Sub-Committee and shall be responsible for:

- a) Propagating membership and encouraging members to participate actively in the activities of the Association;
- b) Working closely with the Treasurer to issue reminders for in-paid annual subscription and to prepare voter list.
- c) Maintaining the Register of Members as per article 9.

21.7. The Cultural Secretary shall be responsible for organizing cultural activities such as, musical programmes, seminars, lectures etc. and publish Association's Bulletin.

21.8. The Assistant Cultural Secretary shall assist the Cultural Secretary in all matters relating to his post and shall take over all the duties and responsibilities in his/her absence.

21.9. The three Members of the Executive shall assist the executive Committee in all matters relating to the work programme of the Association.

## **22. Maintenance of Fund and Accounts:**

22.1. The Association shall maintain a bank account with a recognized bank in Austria for its regular fund. The president and the Treasurer shall jointly operate the bank account of the Association.

22.2 All funds, irrespective of the mode or purpose of receipt, "shall be deposited into the bank account of the association immediately.

22.3. Payments shall, as far as possible, be made by cheque.

22.4. All expenditures must have prior approval of the General assembly. In case of emergency the Executive Committee may spend up to a maximum of one thousand Austrian Schillings. Approval for such expenditures must be obtained from the next general Assembly.

22.5. All monetary transactions shall be entered in the books of accounts immediately and shall be reported to the next executive Committee meeting.

22.6. All bills must be made either on a A—4 or on a A-5 size paper and must indicate the name and signature of the person who made the expenditure. Purpose and date of expenditure shall also be written clearly. Payment may be denied if these procedures are not followed.

22.7. All bills must be settled within four weeks from the date of submission. In case of irregularity, the person concerned must be informed within the above time limit.

22.8. The annual accounts shall be closed at least five days before the Annual General Assembly.

### **23. Reserve Fund**

23.1. A Reserve Fund shall be maintained through annual appropriation of at least ten percent of the gross income of the Association.

23.2. Reserve Fund shall not be spent for regular activities.

23.3. Prior approval of the General Assembly shall be required for expenditure from the Reserve Fund.

23.4. Request for approval from the Reserve Fund must be included in the agenda for the General Assembly as per Article 15.7 (e).

23.5. A separate savings account, with a recognized bank in Austria, shall be maintained for the Reserve Fund.

### **24. The Auditors:**

24.1. The first General Assembly shall elect two Auditors who shall hold office up to the first General Assembly of the subsequent Association Year. Re-election is permitted.

24.2. They shall verify and check both the accounts as well as all the administrative records to ensure strict adherence to the constitution and the decisions of the General Assembly as per the check list set out in Annexe B.

24.3. They shall prepare a list of all the assets and liabilities and compare the same with the previous year's list.

24.4. They shall present their report in all General Assemblies.

24.5. Regarding mailing of correspondence they may seek assistance from the Assistant General Secretary.

## **25. The Election Commissioner:**

25.1. The Executive Committee shall nominate an Election commissioner at least eight weeks before the Annual General Assemble to conduct the election.

25.2. He she shall not be a candidate in the same election for which he has been appointed Election Commissioner.

25.3. He she shall be provided with a valid voter list at least 15 days before the election.

25.4. All nominations must be made in prescribed form which shall be obtained from the General Secretary for a nominal cost to determine by the Executive Committee. Proforma of the nomination is set out in Annexe C.

25.5. Nominations for election must reach the Election Commissioner at least ten days before the election. This rule shall not apply to article 18.3 — increase or decrease of executive Committee members.

25.6. The Election Commissioner shall scrutinize the nomination as per Articles 10.3, 18.5 and 18.6 and make the valid candidates' name available to the Executive Committee.

25.7. In absence of a valid nomination due to withdrawal or rejection on technical grounds, fresh nomination for that post shall be accepted in the Annual General Assembly.

25.8. Counting of votes and declaration of the results shall be made immediately after the election.

25.9. Election Commissioner's verdict shall be considered final in case of a dispute concerning election.

25.10. The election Commissioner may ask a voter to present this identification document issued by any national or international legal authority to prove his/her identity.

25.11. In absence of the Election Commissioner on the Election Day the house shall elect a successor to conduct the election provided the nominations and the voter list are available.

25.12. The Election Commissioner shall hand over all nomination papers and documents with the exception of the ballot paper to the General Secretary, after the election. Ballot paper shall be kept by him until the Half-yearly General Assembly and then shall be destroyed by him personally if there is no dispute.

25.13. Regarding mailing of correspondence he may seek assistance from the Assistant General Secretary.

**26. Amendment of the Statute:**

26.1. The General Assembly alone has the authority to make amendments to the Constitution. Amendments may be made by simple majority of members present.

26.2. Proposals for amendments may be made by the Executive Committee or by the General Members.

26.3. All proposals for amendments must be circulated to the General Members as per Article 15.7(f).

26.4. Amendments proposed by the General Members must be made in writing to the Executive Committee. The Executive Committee is obliged to include such proposals in the agenda if they are received at least eight weeks before the General Assembly.

26.5. Amendments approved by one General Assembly shall become effective after the approval of the exact wording and phrasing at the subsequent General Assembly.

26.6. The President, Vice-President and the General Secretary shall maintain separate files for the constitution. All amendments shall properly and timely be collected in these files.

26.7. All concerned including the Austrian authority if necessary shall be informed about the amendments immediately after the wording and phrasing have been approved by the general assembly.

**27. Maintenance and mailing of correspondences:**

27.1. Each Office bearer and Members of the Executive committee shall maintain his/her own files for correspondence.

27.2. Unless where otherwise specified, all the Office Bearers shall be responsible to make correspondence in his/her area of duties and to co-operate and help the Assistant General secretary regarding mailing of the same. Prior consultation with the General Secretary is necessary for making correspondence. The General Secretary shall always be given a copy of the correspondence for his file.

27.3. In order to save cost and time, the Assistant General Secretary shall coordinate the mailing. All concerned shall contact him/her in this regard.

**28. court of Arbitration:**

28.1. All disputes arising from Business shall be settled by the Court of Arbitration.

28.2. Each disputant shall choose two members to form the Court. These members shall co-opt another member by consensus to chair the Court.

28.3. Only General Members shall be eligible to be member of the Court.

28.4. All the members of the Court must be present at the time of taking a decision.

28.5. The decision of the Court is final and binding on all the parties.

**29. Mode of voting**

Except in case of election of office bearers, vote shall normally be taken by show of hand. Ballot shall be applied where secrecy is required.

**30. Liquidation of Association:**

The Association may decide to liquidate itself voluntarily by A two-thirds majority of General Members with voting right present in a Special General Assembly convened for this purpose. The accumulated funds shall then be donated for a charity to be decided by the General Assembly.

**31. Entry into force:**

This Statute, upon adoption by the General Assembly, shall enter into force on the 1st day of July one thousand nine hundred ninety-two. Adoption of this statute shall however not curtail the term of office of any member of the present Executive Committee.

((K. H. Rahman (Nasim))

(S. R. Khan)

(S. M. Farhad))