BANGALORE CHAPTER OF THE **INFORMATION SYSTEMS AUDIT AND** CONTROL ASSOCIATION (ISACA)

No.531, S 13 Second Floor, Priya Chambers, Dr. Rajkumar Road, Rajajinagar Bangalore -560010

> MEMORANDUM OF ASSOCIATION AND **RULES AND REGULATIONS**



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TABLE OF CONTENTS MEMORANDUM OF ASSOCIATION......4 Article I - Name Article II - Purpose4 Article III - Membership and Dues......4 Rules and Regulations5 Section 1- Membership Types and Qualifications... 5 Section 2- Admission 6 Article IV – Social Meetings7 Section 4 - Special Meetings......7 Section 8 - Act of the Membership......8 Article V. Society/Association's Board of Directors 8 Section 1 - Society/Association Board of Directors...... 8 Section 2 -Term of Society/Association's Board of Directors . Section 3 -Duties of Society/Association's Board of Directors......9 Section 4 - Society Officer Vacancies11 Article VI. Nominations and Elections......11 Section 1 - Society Nominations......11 Section 7 – Removal......18

J. Hypeyrellaustee

Auturn 7

Article VIII. Society Committees	18
Section 1- Committees/ Special Interest Group (SIG)	18
Article IX. Indemnification	19
Article X. Dissolution	19
Section 1- Procedure for Dissolution	19
Section 2 Disposal of Assets	19
Section 3 - Prior approval of the Association	19
Article XI. Applicability of Karnataka Societies Registration Act Section 1 - Applicability of K.S.R Act 1960	20
Section 1 - Applicability of K.S.R Act 1960	
	20
Section 3 - Filing of Annual return with RO	20
Section 4 - Amendments in conformity of K.S.R Act	20
Section 5 - Section - 5 Primacy of K.S.R Act	20
Article XII. Amendment of Society Bylaws	20

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BYLAWS OF BANGALORE CHAPTER OF THE INFORMATION SYSTEMS AUDIT AND CONTROL ASSOCIATION

Effective: DAY/MONTH/YEAR

Article I - Name:

The name of this non-profit society shall be the BANGALORE CHAPTER OF THE INFORMATION SYSTEMS AUDIT AND CONTROL ASSOCIATION as legally registered at No.531, S 13 Second Floor, Priya Chambers, Dr. Rajkumar Road, Rajajinagar Bangalore – 560010 (hereinafter referred to as "Society") a chapter affiliated with the Information Systems Audit and Control Association, Inc. (ISACA), hereinafter referred to as the "Association" Although the Society is affiliated with the Association and is subject to the Chapter Affiliation Agreement and other directives of the ISACA Board of Directors, the Society is a legally independent entity from the Association as well as any other association, enterprise, or entity, and is responsible for its own legal and administrative affairs, including compliance with all applicable laws and regulations.

Article II. Purpose

Society's Purpose

The primary purpose of the Society is to promote the education of individuals and provide networking opportunities for the improvement and development of their capabilities relating to the auditing of, management consulting in, or direct management of the fields of IT governance, IS audit, cyber security, privacy, control, and assurance.

The objectives of the Society are:

- To promote the education of, and help expand the knowledge and skills of its members in the interrelated fields of IT governance, IS audit, cyber security, privacy, control, and assurance;
- To encourage an open exchange of IT governance, IS audit, cyber security, control, and assurance techniques, approaches, and problem solving by its members;
- To promote adequate communication to keep members abreast of current events in IT governance, IS audit, cyber security, privacy, control and assurance that can be of benefit to them and their employers;
- d. To communicate to management, auditors, universities, and IS professionals the importance of establishing controls necessary to ensure proper IT governance and the effective organization and utilization of IT resources; and
- e. To support the Association's professional certifications and certificates.

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To promote the Association's professional certifications and IT governance,

- f. To disseminate knowledge and information on the current developments and research for the benefit of industrial commercial and social organizations of India, State and Central Governments, Banks, Insurance Companies, Financial Institutions, Public and Private Sector Organization including publication of letters.
- g. To initiate, co-ordinate and sustain research work, on publish research reports and findings for the benefits of the members and organizations:
- The profits of the Society are utilized only for the development of the Society and shall not be distributed among members or anybody.

Rules and Regulations

Article III. Membership and Dues

Section 1. Membership Types and Qualifications

Membership in the Association is a requirement for membership in the society. Membership types in the Society will mirror membership types in the Association. Any member of the Association shall be eligible for membership in the Association with the same membership type, subject to rules established by the Association Board. Only the Association Board of Directors has the right to add or remove membership types in the Association. Membership types in Association are:

- a. Professional Member—Any individual with a professional membership in the Association. Professional members of the Society shall be entitled to vote and to hold office at the Society level.
- b. Retired Member—Any member of the Association, who presents proof of retirement status, subject to rules established by the Association Board. Retired members of the Society shall be entitled to vote and hold office at the Society level.
- c. Student Member—Any member of the Association who is a full-time student currently enrolled in a degree program of an accredited college or university, subject to rules established by the Association Board. Student members of the Chapter shall not be entitled to vote or hold office at the Chapter level.
- d. Recent Graduate—Any member of the Association who graduated within the last two years from a recognized college or university, subject to rules established by the Association Board. Recent Graduate members shall be entitled to vote and hold office at the Society level

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Professional, Recent Graduate & Retired Member shall hold the valid membership as on 30th June are entitled to vote and hold office at the Society level.

Section 2 - Admission

A. 1. Potential members shall:

Meet the requirements of membership as outlined in Article III, Section 1.

- 1. Complete an Association and Society membership application form.
- 2. Pay required Society and Association dues to the Association.
- 3. Follow the Code of Professional Ethics of the Association.
- B. Membership in the Society shall be conferred upon an individual when the Association has accepted the membership application and received the required Association and Society dues, for that individual.

Section 3 - Dues

- A. Association and Society dues must be paid annually, in full, to the Association. Amount of Society dues shall be determined by the Society Board of Directors.
- B. A member shall forfeit membership in the Society and Association, if dues have not been paid to the Association or Society in compliance with terms set by the Association Board of Directors, as required.
- C. Resignation—Any member who resigns shall not be entitled to a refund of his/her annual Association or Society dues.

Section 4 - Member Termination

Only the Association has the authority to terminate Association and Society membership of an individual. Termination of membership in the Association, for whatever reason, shall automatically terminate membership in the Society.

Article IV. Society Meetings

Section 1- Regular Meetings

Regular meetings of the Society Board shall be held once in a month unless otherwise ordered by the Society Board and shall be for the purpose of conducting the regular business of the Society.

Section 2- Educational sessions

Educational sessions of the Society membership shall be held once in a month at least but must be at least 4 (four) per year unless otherwise ordered by the Society Board.

Section 3- Annual General Meeting (AGM)

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The annual general meeting shall be held on or before end of October every year at the registered office of the Society and shall be for the purpose of electing officers, receiving reports of officers and committees, and for any other business that may arise. The report of the Society's Board of Directors of the previous year and the audited accounts shall be discussed and submitted for confirmation.

The AGM may be held in-person or electronically, as long as all members can simultaneously hear each other and participate during the meeting. The decision to hold a meeting electronically shall be approved by the Society Board. Meeting can be conducted electronically during the pandemic period or any other restrictions imposed by the government [In the case of an emergency, such as a local, regional, national, or international disaster, pandemic, or state of emergency]

Section 4 - Special Meetings

Special meetings may be called by the President or 1/3rd of members of Society Board or upon written request by 10% of the members entitled to vote. The purpose of the meeting shall be stated in the call. Special General Body Meetings may be called as per Section 11 (3) of Karnataka Societies Registration Act 1960.

Section 5 - Electronic Meetings

Society meetings and educational sessions may be held in-person or electronically, as long as all members can simultaneously hear each other and participate during the meeting. The decision to hold a meeting electronically shall be approved by the Society Board.

Section 6- Quorum for Annual and Special General Body Meetings

The quorum of any Annual or Special General Body Meeting shall be twenty members present in person. In absence of a quorum the general body meeting shall be deemed adjourned and a fresh date shall be set for the same by the chapter board. The new date and time will be communicated to the members.

Section 7 - Act of the Membership

As long as a quorum is present, the affirmative vote of the majority of the members present and voting at any Society meeting shall constitute an act of the membership.

Section 8 - Notification

Members shall be notified at least 21(Twenty-one) days in advance of the AGM. Members shall be notified at least 14 (fourteen) days in advance of any regular meetings or special meetings. Notification may be by postal mail, email, or telephone.

Article V. Society/Chapter officers

Section 1 - Society/Chapter officers

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The Society/Chapter officers shall be 15 (Fifteen) in number, constituting President, Vice President, Secretary, Treasurer, (also referred as Core Committee Members / Office Bearers Immediate Past President, and 10(ten) in number (Hereinafter referred as "officers")

- 1. Director Programs
- 2. Director Membership
- 3. Director Marketing
- 4. Director SIG
- 5. Director Research & GRA
- 6. Coordinator CISM & CRISC
- 7. Director Web Services.
- 8. Coordinator CISA & CGEIT
- 9. Director Academic Relations
- 10. Director Newsletter

Any additional roles can be added as deemed necessary by Society/Chapter officers

Section 2 -Term of Society/ Chapter officers

- A. The Society/Chapter officers, except the Immediate Past President, shall be elected for a term of 1 year or until their successors are elected and assume office, or until they resign or are removed from office. The term of office shall begin at the close of the AGM at which they are elected.
- B. No Officer shall hold more than 1 (one) role of Society Board of Directors at a time, and no Officer shall be eligible to serve more than two consecutive terms in the same role. Office Bearer / Core committee can take the exception based on the Society Board members' availability for specific role.
- C. To be eligible for nomination as President, Vice President, Secretary and Treasurer the nominee shall qualify the below requirement:
 - Should have served at least 2 (two) years in the immediately preceding term on the Bangalore Chapter Board
 - At least 1(one) year if the member is rejoining the board after a break serving the Bangalore chapter board

Section 3 -Duties of Society/Chapter officers

The required roles for Society/Chapter officers are President, Vice President, Secretary and Treasurer; however, their duties may be amended based on the requirements of a Society.

The Society/Chapter officers shall perform the duties prescribed by these bylaws and the Memorandum of association and Rules and Regulations and as per the Karnataka Society's Registration Act 1960 adopted by the Society.

A. The Society President shall:

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Preside at meetings of the Society and the Society Board;

Ensure all Society Board members have reviewed the Chapter Affiliation Agreement;

- Appoint all committee chairpersons and members, except for the Nominating Committee, with approval of the Society Board;
- 4. Be an ex-officio member of all committees, except the Nominating Committee;
- Ensure the Society is represented by a Society leader at all ISACA Society leadership events, International meetings or conferences. Attendance of individual(s) should be approved by the Society board.
- Serve as liaison and advisor in coordinating the activities of the local Society in support of the Association;
- Present an annual report to members at the AGM; such report to consist of reports from various Society officers and committees;
- Maintain communications with the Association and respond to Association inquiries;
- Complete/submit the required annual Compliance documentation to the Association within 30 days after the Society's AGM;
- 10. Supervise budgetary matters and proper internal control of finances;
- 11. Execute agreements authorized by the Society Board of Directors;
- 12. Ensure Society trainers for ISACA certifications are accredited by ISACA; and
- Perform other duties as pertain to the office of President, or which may be delegated by the Society Board/association.
- 14. Discharge any other duty as prescribed by the Association from time to time

B. The Society Vice President shall:

- In the absence of the Society president, preside at meetings of the Society and the Society Board;
- In the event the president is absent or unable, perform the duties of the President;
- In the event of a vacancy in the office of President, assume the office of President; and
- 4. Perform other duties as pertain to this office.
- 5. Discharge any other duty as prescribed by the Association from time to time.
- 6. and
- 7. Perform other duties as pertain to this office.

C. The Society Secretary shall:

- Take minutes of the meetings of the Society Board, membership meetings, and AGM, and maintain a copy of the records,
- Maintain accurate lists of the membership and attendance records.
- Be responsible for the legal affairs, Society records and correspondence pertaining to the Society,
- 4. Assist the President in the administration of Society meetings, and
- Perform other duties as pertain to this office.
- 6. Discharge any other duty as prescribed by the Association from time to time

D. The Society Treasurer shall:

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- 1. Be custodian of Society funds;
- Receive and disburse such funds of the Society as shall be required in the conduct of its affairs and the carrying on of its activities or as directed by the Society's Board;
- 3. If received locally, remit dues to the Association as required;
- 4. Submit a written report at each regular Society and Board meeting;
- Along with the President, authorize expenditures from, or transfers of funds from/to the Society's account held at the Association;
- Submit annual financial statements for presentation to the membership at the AGM;
- 7. Submit books and records for audit, if/when required;
- 8. File any and all required tax forms; and
- 9. Perform other duties as pertain to this office.

E. The Immediate Past President of the Society shall:

- 1. Provide advice and guidance to the President and Society Board, and
- 2. Perform other duties as pertain to this office.

F. Additional Roles

Additional roles such as Membership Director, Certification Director and others, should be established as a Society deems appropriate for its size, culture, etc and refer Chapter Leader Portal

Section 4 - Society Officer Vacancies

- A. If the membership of a Society officer terminates for any reason, that individual's position as Society officer shall automatically become vacant.
- B. If a vacancy occurs in the office of President, the vacancy shall be filled by the Vice President.
- C. If a vacancy occurs in any office, except that of Immediate Past President or President, the vacancy shall be filled by Society Board vote.

If a vacancy occurs in the office of Immediate Past President, the position shall remain vacant until filled by routine succession. A previous past president would not fill this role.

Article VI. Nominations and Elections

Section 1 - Society Nominations

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- Nominating Committee of 3 (Three) members shall be elected by the Society membership at a regular meeting in the month of September/October every year
- 2. One of Nominations Committee member shall be the immediate past president.
- The other two members shall be nominated by the Society's Board through a notification issued for the purpose.
- 4. The Immediate past president shall be the ex-officio chairperson of the

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nominations committee

- 5. In the event of the Immediate Past President not accepting to be a member or the chairperson of the Nominations committee or due to the non-availability of the Immediate Past President for reasons whatsoever, any other eligible past president of the society may be named the chairperson by the Board.
- B. The Nominating Committee shall solicit candidates for office from the Society membership and shall nominate candidates for offices to be filled at the AGM through email.
- C. The Nominating Committee shall report to the membership at the regular meeting in September /October month
- D. Nominations from the floor shall not be permitted prior to the election.
- E. Each candidate shall have consented to serve and shall have completed/signed a Willingness to serve agreement and Conflict of Interest form. These documents should be retained for five years manually/electronically in a location that is determined and accessible by all members of the Society board.

Section 2- Eligibility for the membership

The following members shall not be eligible for the membership of Nominations Committee -

- 1. Current members of the Board
- 2. The Immediate Past President, if he intends to participate in the forthcoming elections to the Board
- 3. A member who has offered himself as a candidate in the forthcoming elections to the Board
- 4. A member who has not completed at least two years of membership of the Society / Association
- 5. Others who are not eligible to be a member by any provisions of Rules and Regulations of the Society

Section 3 - Tenure

A. The tenure of Nominations Committee concludes on the conclusion of the Annual General Body Meeting for which it is conducting the election process.

B. At least one of the Nomination Committee members shall be present to oversee the smooth conduct of election of the Officers and other Directors in the first meeting of the Society's Board after the Annual General Body Meeting for which the said nomination committee had conducted the election process.

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Section 4 -Board Facilitation

The Society's Board shall make available to the Nominations Committee all facilities to discharge their duties in a proper manner.

Section 5-Nominations

The Nominations Committee shall conduct the due process of elections with due care, call for nominations, classify, scrutinize and finalize the candidates as per prescribed norms and communicate the eligibility to the concerned candidate.

The Nominations Committee shall not call for nominations / participation in the election process once the deadline of call for nominations is over or on the floor of the Annual General Body Meeting, even in the event of non-receipt of sufficient applications.

Section 6 - Declarations by Candidates

The Nominations Committee, as a part of the due process shall obtain, from the candidates, the consent to serve on the board of the Society and a conflict of interest form in the prescribed format of the association.

Section 7 - Polling

The Nominations Committee shall conduct in an orderly manner, the polling, tabulation, scrutiny and counting of votes and declaration of results at the Annual General Body Meeting and for such functions, it may utilize services of volunteers from the members present at the Annual General Body Meeting.

Section 8 - Society Elections

Society officers shall be elected by ballot. In the case of an emergency, such as a local, regional, national, or international disaster, pandemic, or state of emergency, the Society Board of Directors may determine that elections will be held electronically using a secure online voting tool and following the election rules as determined by local law and the Society Board of Directors.

Article VII. Society Board

Section 1 - Composition of the Society Board:

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The Society Board shall consist of the officers listed in Article V, Section 1.

In the event of any casual vacancy in the society/chapter office society/chapter office's strength falling below the number specified in Section 1 of Article IV for any reason whatsoever, the society/chapter officers may co-opt a member otherwise eligible to be a officer provided that number of co-opted members shall not be more than three under any circumstances.

Section 2 - Duties

The Society Board shall:

A. Supervise the affairs and conduct the business of the Society subject to the

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superintendence and control of the General Body based on Karnataka Societies Registration Act, 1960 definition.

- B. Make recommendations to the membership;
- C. Hold Society Board meetings once a month at a time and place determined by the Society Board. Special meetings of the Society Board may be called by the President and shall be called upon the written request of 5 [Five] members of the Board, Notice must be given to Society Board members at least 48 hours before a Special Meeting of the Society Board and must include the purpose of the meeting;
- D. Regular or special meetings of the Society Board may be held electronically, as long as all members can simultaneously hear each other and participate during the meeting. The decision to hold electronic Society Board Meetings shall be approved by the Society President or the Society Board. A conference meeting must be arranged at least 48 hours in advance of the call. Each member should seek recognition from the chair before beginning to speak, and each member should identify himself or herself prior to speaking. Motions will be voted on by voice vote. If the chair has a problem determining the vote, he or she may call for a roll call vote. The roll call vote is for determination of the outcome of the vote and shall not be recorded in the minutes. The minutes of the meeting shall be approved at the next meeting.
- E. Perform the duties prescribed in these Bylaws as adopted by the Society and the Karnataka Societies Registration Act. 1960.

Section 3- Financial Authority

The Society Board shall have the authority to:

- A. Approve the annual budget
- B. Expend funds allotted in the approved budget.
- C. The Society may open such number of bank accounts as may be necessary in any bank in the name of Society and any two of the officers not being the immediate past president as authorized by the Society's Board of Directors shall operate the accounts jointly.
- D. The funds of the Society shall be invested in the modes specified under the provisions of section 13(1) (d) read with section 11(5) of the Income Tax Act, 1961 as mentioned from time to time. The funds and the income of the Society shall be solely utilized for the achievement of its object and no portion of it shall be utilized for payment to the members by way of profit, dividends, interest etc.

Section 4- Financial Year & Annual Financial Statements

- A. The financial year of the Society shall be from First day of April of every year to March 31st day of the following year.
- B. The Society Board shall ensure that annual financial statements are prepared and verified or audited as required by local law and/or these Society bylaws by an individual(s), who is NOT a member of this Society. The verification or audit will be

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approved by the Society Board, presented to members at the AGM, and submitted annually to the Association as part of compliance reporting.

Section 5 - Insurance

The Society Board shall carry adequate insurance coverage at all times to insure the risk associated with the Society's activities. The Society shall hold the Association harmless from any lawsuits, damages, other expenses or liabilities, arising out of the activities of the Society.

Section 6 - Quorum

Five members of the Society's Board shall constitute a quorum.

Section 7- Removal

- A. Director ceases to be a director if he / she absents himself / herself from three consecutive monthly meetings of the Board with or without prior information to the President, provided that the Board may permit such absence under exceptional circumstances
- B. Any Officer may be removed on the recommendation of an independent disciplinary committee, at any meeting of the Society Board of Directors, by a majority vote of the members of the Society Board.

Article VIII. Society Committees:

Section 1- Committees/ Special Interest Group (SIG)

The Society's Board may constitute a Special Interest Group (SIG) from the members of the Society with a specific or generic objective of professional research and / or development and / or education consisting of such number of members as it may deem fit. Such SIG may have tenure as specified by the Board.

- One of the SIG members shall be the nominated as the chair of the SIG.
- The SIG shall meet as many times as required and do such other necessary activities to further its objectives
- The SIG shall communicate its working to the Board by means of reports as directed by the Board.
- The achievements of SIG shall be communicated by the Board to the members of the Society through the Society's web site, newsletter or through any other means.
- The Board shall make available to the SIG all facilities to discharge their duties in a proper manner.
- Society committee meetings may be held in-person or electronically, as long as all participants can simultaneously hear each other and participate during the meeting.

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· Other committees may be created as necessary by the Society Board.

Article IX. Indemnification

Society shall indemnify, hold harmless, and defend ISACA and its parent, officers, directors, partners, members, shareholders, employees, agents, affiliates, successors and permitted assigns ("ISACA Indemnified Parties") against any and all losses, damages, liabilities, deficiencies, claims, actions, lawsuits, judgments, settlements, interest, awards, penalties, fines, costs, or expenses of whatever kind, including reasonable attorneys' fees, fees, and the costs of enforcing any right to indemnification under the Society Affiliation Agreement and the cost of pursuing any insurance providers, incurred by the ISACA Indemnified Parties, arising out of or relating to any claim of a third party ("Claim").

Article X. Dissolution

Section 1-Procedure for Dissolution

To effect dissolution of the Society, consent of Three-Fourths (¾) vote of the members must be obtained at a Special General Meeting convened for this purpose and at least minimum twenty one (21) days' notice shall be given to each member. In the event of dissolution, the Society shall notify the President of the Association in writing, indicating the reasons for the dissolution and shall return the charter and any other Society or Association documents to the International Office.

Section 2 Disposal of Assets:

In the event of dissolution of the Society, the assets remaining on the date of dissolution shall under no circumstances be distributed among the members or the Board of Directors. The same shall be transferred to another charitable trust/society whose objects are similar to those of this Society and which enjoys recognition u/s 80G of the Income Tax Act 1961 as mentioned from time to time. The recipient society/Trusts may be decided by the Society's members present in the meeting by passing a resolution by a majority of not less than ¾ of its members present. In the absence of any such resolutions, the disposal of assets and liabilities may take a course as per the provisions of Karnataka Societies Registration Act, 1960 and Income Tax Act 1961.

Section 3 - Prior approval of the Association

The approval of International President and Chief Executive officer of the Association shall be obtained prior to Dissolution, including approval of distribution of net assets

If dissolution of the Society becomes inevitable, these Society bylaws must be rescinded by a two-thirds vote of the Society members present and voting at a Society Meeting after ten (10) days' notice has been provided via postal mail or email to each member. In the event of dissolution, the Society shall notify the President or Directors of the Association, in writing, indicating the reason(s) for dissolution and shall return the Society charter and any other Society or Association documents to ISACA Global/the Association. All net assets shall be distributed to other selected ISACA Societies, or to a welfare, education, or civic project designated by the Society

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membership, and which enjoys recognition u/s 80G of the Income Tax Act 1961 as mentioned from time to time. The recipient society/Trusts may be decided by the Society's members present in the meeting by passing a resolution by a majority of not less than 3/4 of its members present. In the absence of any such resolutions, the disposal of assets and liabilities may take a course as per the provisions of Karnataka Societies Registration Act, 1960 and Income Tax Act 1961.

Article XI. Applicability of Karnataka Societies Registration Act 1960

Section 1 - Applicability of K.S.R Act 1960

The rules and procedures as contained in K.S.R Act 1960 as amended from time to time shall be applicable to the Society and shall be the authority for all matters of procedure for the Society if not specifically covered by these Rules and Regulations.

Section 2 - Annual filings of List of Directors

As applicable to other societies, the list of the Society's Board of Directors with addresses and occupations along with copy of the audited Balance Sheet shall be forwarded annually to the Registrar of Societies as contemplated in Section 13 of K.S.R Act, 1960.

Section 3 - Filing of Annual return with ROS

Annual Returns will be filed with the Registrar of Societies in accordance with section 13 of the K.S.R Act, 1960.

Section 4 - Amendments in conformity of K.S.R Act 1960

Amendment to Rules and Regulations of the Society shall be made in conformity with Section 9 and 10 of K.S.R Act, 1960.

Section - 5 Primacy of K.S.R Act 1960

In the event of any conflict of interpretation between the stipulations of the Association and the provisions of K.S.R. Act, the provisions of K.S.R. Act 1960 shall prevailing.

Article XII. Amendment of Society Bylaws:

In conjunction with the Society Bylaws Committee, the Society Board shall approve all suggested bylaw changes and forward them to the Association in English, with changes indicated. The Association must give written approval to all bylaw changes prior to them being submitted for a vote by Society membership.

Society bylaw amendments can be approved at any Society meeting by a two-thirds (2/3) vote of the Society Members present and voting, provided the amendment has been submitted in writing at the previous meeting, or has been mailed or emailed to the entire Society membership at least fourteen (14) days prior to the meeting at which it will be considered. The Society Board should advise the Society Relations team at the Association after the bylaw amendments have been approved by the membership and send a copy of the final, approved version of the bylaws. If the bylaws were approved in a language other than English, an English translation of the same should be provided.

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The Society Board shall conduct a periodic, ideally annual, comparison of the Society practices to the bylaws. The Society must ensure the Society bylaws comply with the Association's bylaws and applicable local laws and requirements.

No amendment to the Society's Memorandum of Association/ Rules & Regulations shall be made which may prove to be repugnant to the Income Tax Act of 1961 as amended from time to time. Further, no such amendment shall be carried out without prior approval of the Commissioner of Income Tax.

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ಸಂಘಗಳ ಜಿಲ್ಲಾ ಕೊಂದಣಾಧಿಕಾರಿಗಳು.

ಮುದ್ಧೆಯೊಂದಿಗೆ

ಒಂದನ್ಯೇ ಫಲಯ್ಯು ಬೆಂಗಳೂಡು ನಗರ ಜಿಲ್ಲೆ ಒಂದನೇ ವಲಯ. ಬೆಂಗಳೂರು ನಗರ ಇಲ್ಲೆ.

Chapter.

Bangalone Chapte