



# **DEUTSCHE SCHULE NEW DELHI**

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## **C E R T I F I C A T E**

**granting the DSND (German School  
Association New Delhi)  
the status of a legal entity  
in accordance with the provisions of  
Sect. 23 of the German Civil Code.**

**Bonn, 24 February 1993**

**Federal Ministry of the Interior  
V I 5 - 122 221/32**

**p.p.**

**sgd.**

**Rogall-Grothe**

**Bye-laws  
of the DSND in New Delhi**



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## **NAME, PLACE OF ESTABLISHMENT AND PURPOSE OF THE ASSOCIATION AND THE SCHOOL**

### **1 NAME AND PLACE OF ESTABLISHMENT OF THE ASSOCIATION**

The name of the Association is "Deutscher Schulverein New Delhi" (DSND). It is established in New Delhi, India. The Association was granted status of a legal entity in accordance with the provisions of Sect. 23 of the German Civil Code through a Certificate issued by the Federal Ministry of the Interior on 24 February 1993.

### **2 PURPOSE AND OBJECTIVES OF THE ASSOCIATION AND THE SCHOOL**

- (1) It is the purpose of the Association to establish and maintain a general education school, including kindergarten and pre-school facilities, for German-speaking children.
- (2) The School aims to provide education that is based on the German education system, using German curricula and, as a rule, resulting in German school leaving certificates.
- (3) The School also sets itself the task of familiarising the students with the culture and language of India as well as to establish personal and cultural contacts and promote mutual understanding through extra-curricular activities.



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- (4) The School may consequently also admit children who are not German citizens, provided they are proficient in German, the School has the requisite capacities and this does not violate any laws of the country.
- (5) The structure and development of the School shall be in line with these objectives. Individual details shall be decided in conjunction with the German Foreign Office and in cooperation with the German Embassy in New Delhi.

## MEMBERSHIP

### 3 MEMBERS

- (1) Members of the Association must be natural persons having completed 18 years of age. In general, they must have adequate knowledge of German and agree to abide by the objectives of the Association (Clause 2). Applicants must submit a written application to the Board in which they undertake to pay the membership fees fixed annually by the General Body at its Meetings.
- (2) Legal entities may become members of the Association. They may depute a representative to the General Body who is adequately proficient in German and who is entitled to vote.

### 4 ADMISSION

Applications for membership are decided by the School Board through secret voting requiring a two thirds majority of members present. No grounds need be given for rejected applications.

### 5 HONORARY MEMBERS



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The School Board may propose persons who have rendered singular services to the German School, the German language or to cultural relations between Germany and India for appointment by the General Body as voting Honorary Members of the Association.

## **6 TERMINATION OF MEMBERSHIP**

- (1) Membership of the Association is terminated through the death, resignation or expulsion of a member. Membership is also terminated if the membership fees that fall due at the beginning of the school year have not been paid by the end of the school year despite a written reminder.
- (2) Resignations must be submitted to the School Board in writing and shall become effective at the end of the school year.

## **7 EXPULSION**

- (1) The School Board is empowered to expel members who, through their actions, harm the reputation and good standing or the interests of the Association. Such members shall be given an opportunity to respond before the decision on expulsion is taken. A decision for expulsion requires the approval of two thirds of the members present and the grounds for the decision shall be communicated to the concerned member.
- (2) The concerned member may appeal against this decision to the General Body, which shall then take the final decision.



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## GENERAL BODY

### 8 MEETINGS

- (1) The annual General Body meeting must take place within two months of commencement of the school year.
- (2) Extraordinary General Body meetings may be called if so decided by the School Board or if at least one fifth of the members submit a written application to the Chairperson of the School Board stating reasons for calling such a meeting. The General Body meeting shall thereafter be held within a period of three weeks.

### 9 CONVENING OF MEETINGS

Meetings of the General Body shall be convened and chaired by the Chairperson of the School Board. A written invitation stating the agenda must be dispatched ten days prior to the date of the meeting.

### 10 QUORUM

- (1) During voting, at least one eighth of the members of the General Body must be present to constitute a quorum. Absent members cannot be represented by members present.
- (2) If no quorum is formed, the Chairperson shall call a new meeting which must take place within the next fourteen days. The newly called General Body meeting shall be



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considered to have a quorum regardless of the number of members present.

## **11 RESPONSIBILITIES**

The General Body is responsible for:

- (1) Approving the minutes of the previous General Body Meeting (see Clause 13, Para 2).
- (2) Adopting the report of the Chairperson regarding the activities of the School Board.
- (3) Adopting the report of the School Principal.
- (4) Adopting the report of the auditors regarding the financial accounts of the School Board.
- (5) Approving the management of budgeted funds and the annual accounts.
- (6) Discharging the School Board from responsibility.
- (7) Adopting the budget estimates for the new financial year submitted by the School Board
- (8) Decisions concerning the acquisition or disposal of assets and taking up of loans, in such circumstances where the School Board is not empowered to take a decision (see Clause 20, Para 2.5).
- (9) Decisions concerning the amount of membership fees.



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- (10) Decisions concerning applications submitted by the School Board; copies of such application(s) to be sent to the members along with the invitation to the General Body meeting.
- (11) Decisions concerning applications from members; such applications must be submitted to the School Board in writing at least five days prior to the General Body meeting. Applications submitted by the School Board at a later date may only be discussed or voted if the majority of members present agree.
- (12) Decisions concerning appeals against expulsion (Clause 7).
- (13) Electing the School Board (in accordance with Clause 16).
- (14) Electing the auditors.

## **12 VOTING**

- (1) Unless otherwise specified, resolutions adopted by the General Body shall require a simple majority of members present. In the event of a tie, the Chairperson of the meeting has the casting vote.
- (2) Teachers and employees of the school have no voting rights with regard to the election of the School Board and discharging the Board from responsibility.

## **13 MINUTES**

- (1) Minutes of meetings shall be maintained and signed by the Chairperson of the meeting and the Secretary.



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- (2) The Chairperson of the Board shall arrange for copies of the minutes to be sent to all members and to the Ambassador of the Federal Republic of Germany in New Delhi. Amendments to the minutes must be placed on record by the Chairperson and put on the agenda of the next General Body meeting.

## **BOARD OF THE SCHOOL ASSOCIATION (SCHOOL BOARD)**

### **14 MEMBERS AND PERMANENT ATTENDEES**

- (1) The School Board comprises five members. Only members of the School Association can stand for election. Teachers, employees and parents' representatives are not eligible.
- (2) The Ambassador of the Federal Republic of Germany or his/her representative and the School Principal shall attend all meetings of the School Board in an advisory capacity.

### **15 OTHER ATTENDEES**

The School Board may at its discretion invite further persons to take part in the meetings or discussions on specific agenda items in an advisory capacity.

### **16 TERM AND SUCCESSION**

- (1) The term of a member of the School Board is two years. Half the members at the end of each school year. They may stand for re-election.





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- (2) In the event that the entire School Board is to be newly elected, half the members are elected for a period of two years while half are elected for a period of one year. Candidates who received a higher number of votes are placed in the first category (two years). If several candidates receive an equal number of votes a draw of lots will decide.
- (3) If the number of members of the School Board is odd, the number of members elected for two years will be rounded up and the number of members elected for one year will be rounded down.
- (4) In the event that a member of the Board resigns, expires or is expelled before his term is over, the Board may co-opt a new member. The co-opted member must be approved at the next General Body meeting.

## **17 POSTS AND RULES OF PROCEDURE**

- (1) The School Board elects the Chairperson, Treasurer and Secretary and their deputies from amongst its members.
- (2) The School Board adopts its own rules of procedure.
- (3) The Board shall conduct its business in German.

## **18 RESOLUTIONS AND QUORUM**

- (1) Resolutions of the School Board are adopted by a majority vote of members present. In the event of a tie, the Chairperson has the casting vote.



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- (2) At least half the members of the School Board must be present to constitute a quorum.
- (3) If the School Board does not have the requisite quorum due to the resignation, death or expulsion of member(s), the Ambassador of the Federal Republic of Germany or his representative may, if required, nominate a person who is authorised to conduct all business of the Board until the quorum is restored.

## **19 CONVENING OF MEETINGS**

The Chairperson will send out invitations for meetings of the School Board at least one week in advance. The Chairperson shall also convene a meeting within a week following an application from two members of the Board, the Ambassador of the Federal Republic of Germany or the School principal.

## **20 RESPONSIBILITIES OF THE SCHOOL BOARD**

- (1) The School Board is responsible for the orderly conduct of all business of the Association that is not subject to a vote by the General Body. The Board implements the resolutions of the General Body.
- (2) The School Board is specifically responsible for the following:
  - 1. Selection, appointment and termination of the School principal.
  - 2. Appointment and termination of School teachers and employees; preliminary decisions on the employment



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**contracts of teachers deputed by the Federal Office of Administration - Central Agency for German Schools Abroad - in Cologne in consultation with the School principal as provided in his/her Terms of Appointment.**

- 3. Decisions concerning the objectives and development of the School as set out in Clause 2 Para 5.**
- 4. Putting into effect the rules introduced by the School principal.**
- 5. Drawing up and discussion of the budget estimates for the new financial year taking into account the conditions for receiving official German grants.**
- 6. Provision of the requisite financial resources for the School. Monitoring adherence to the budget. The School Board shall decide about taking up loans with a term of less than one year and whose amount - individually or collectively together with other loans - shall not exceed one twelfth of the annual budget.**
- 7. Representing the School in judicial and extra-judicial matters, issuing and receiving legal statements on behalf of the School Association, undertaking all legal acts, insofar as these do not pertain to movable and immovable assets that were created with official funds from the Federal Republic of Germany.**
- 8. Decisions concerning applications for reduction in school fees.**
- 9. Decisions concerning the admission and expulsion of Association members.**



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10. Convening the General Body and drawing up the agenda.
  11. Decisions on disciplinary measures, as provided in the School Regulations.
- (3) Decisions that have a bearing on the extent and type of official German funding shall be made in coordination with the Ambassador of the Federal Republic of Germany.
- (4) Organisational matters pertaining to the School shall be resolved in coordination with the principal, whose duties and responsibilities in educational and administrative areas are laid down in his/her Terms of Appointment.

## **21 SIGNING OF DOCUMENTS**

Documents shall have a legally binding status if they are signed by the Chairperson or his/her deputy and one other member of the School Board. In matters that may have a bearing on the extent and type of official German funding, the concurrence of the head of the competent German diplomatic or consular representation must be obtained in advance. The principal shall be consulted on documents concerning issues that fall within his/her area of responsibility.

## **MISCELLANEOUS PROVISIONS**



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## **22 RIGHTS AND DUTIES OF THE SCHOOL PRINCIPAL**

The rights and duties of the School principal, particularly his/her influence on decisions of the School Board relating to staff issues are laid down in his/her contract, Terms of Appointment, the School Regulations and the Conference Regulations.

## **23 PARTICIPATION OF TEACHERS, STUDENTS AND PARENTS**

The School Board is responsible for ensuring that teachers, students and parents enjoy adequate influence on and participation in school life as laid down in the School Regulations.

## **24 AUDIT**

- (1) The General Body elects two auditors who are responsible for overseeing management of all assets, especially cash accounts, and adherence to the budget. They are also responsible for auditing the annual accounts once these are finalised.
- (2) The auditors are elected for the following financial year. They may be re-elected.

## **25 SPECIAL RELATIONSHIPS OF THE SCHOOL BOARD AND THE SCHOOL**

- (1) The present bye-laws regulate the duties and internal areas of responsibility of the School Board. At the same time, they



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provide the basis for conferring the status of a legal entity on the Association.

- (2) In addition to this, the School Association and the School have specially defined relationships with:
- The competent, local education authorities, if they are responsible for supervision of the School.
  - The German Foreign Office and the Federal Office of Administration - Central Agency for German Schools Abroad - with regard to the conditions for official grants.
  - The Conference of Ministers for Education and Culture concerning the curriculum, German examinations and official recognition of the School, i.e. accreditation within Germany, and the working conditions of the teaching staff.

## **26 AMENDMENT OF THE BYE-LAWS**

- (1) The bye-laws may only be amended by a General Body meeting of the School Association and require a two thirds majority of the valid votes cast.
- (2) Any amendments to the bye-laws must be approved by the German Foreign Ministry and the Federal Minister of the Interior.

## **27 DISSOLUTION OF THE SCHOOL ASSOCIATION**

- (1) The School Association can only be dissolved with the agreement of three fourths of members entitled to vote.



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- (2) The liquidation of the Association's assets shall be executed by one or more persons appointed by the Board.
- (3) The existing assets shall then be handed over to the Federal Republic of Germany with the provision that they will be held for a period of ten years for establishing a new German School at the same place. On expiry of this period, the assets of the Association are to be utilised for other German schools abroad, preferably in the same country, as decided by the German Foreign Office.

Signed and executed in New Delhi on this 21<sup>st</sup> day of January 1993