

# CONSTITUTION

**North Bengal University Employees' Association**

**Trade Union Registration number: 21154 (dtd. 05/04/1991)**

Constitution after the amendment in the  
50<sup>th</sup> Annual General Meeting held on 07.08.18

# North Bengal University Employees' Association

## CONSTITUTION

Constitution after the amendment in the 50<sup>th</sup> Annual General Meeting held on 07.08.18

### 1. Name:

The Association is a combination of the employees working in the University of North Bengal. The name of the Association is and shall be **“NORTH BENGAL UNIVERSITY EMPLOYEES' ASSOCIATION”** to be designated as **NBUEA** in abbreviated form hereinafter referred to as the “Association”.

### 2. Registered Office:

Registered Office of the Association shall be at Raja Rammohunpur (Atharakhai), P.O. North Bengal University in Darjeeling District. Any change of address shall be referred to all concerned and to the Registrar, Trade Union, West Bengal within 40 days from the date of which the change taken place.

### 3. Aims and Objects:

The objects for which the association is framed are:

(a) To organize the body of the employees of the University of North Bengal, and foster the spirit of Co-operation among the employees of this Institution.

(b) To watch, promote, safeguard, and further the interests, rights and privileges and duties of the employees of the University of North Bengal in all matters relating to their employment and non-employment and specially in regard to Pay Allowance, Provident Fund, Gratuity, Pension, Medical Aid, Hours of work, Leave etc.

(c) To strive to ameliorate the social, economics and cultural conditions of the employees by establishment of co-operative stores, canteens, club, reading room, organization of lectures, social gatherings and by any other means for developing brotherhood and understanding among the employees about the mutual advantages of organized life.

(d) To represent the grievances of the employees to the authority of the University. Central or State Govt. to ameliorate, safeguard and protect the interests of the members of the association by representation,

negotiation and other constitutional and legal means including strike with such notice as may be required in law for the time being in force.

(e) To ensure further and develop the sense of duty towards the University of North Bengal in particular and towards the Society, as a whole, in the minds of all members.

(f) To ensure equality of rights and privileges and abolition of any kind of favouratism.

(g) To maintain the official organ of the Association.

(h) To purchase, take and lease or in exchange, hire or otherwise acquire and hold and manage any immovable or movable property and any rights and privileges which the Association may think necessary or convenient with reference to any of these objects and capable of being used profitably.

(i) To sell, exchange of mortgage or dispose of any properties for such consideration as the Association may think fit.

(j) To borrow and raise or secure payment of money in such manner as Association shall think fit subject to the provisions of Indian Trade Union Act, 1926.

(k) To provide funds for the relief of the needy or distressed members or their dependents in case of unemployment sickness, death and accident, detention or conviction by government for Trade Union activities and other contingencies;

(l) To provide funds for legal proceedings undertaken by the Association for the purpose of securing or protecting any legitimate right of the Association.

(m) To provide funds for legal proceedings undertaken by the Association for the purpose of security or protecting any legitimate right of the Association or its members and to pay for legal assistance to the employees in respect of any matter arising out of or incidental to the condition of the employment or non-employment of any members.

(n) To federate or affiliate itself to any other Registered Association or Union with similar aims and objects;

(o) To do all other such things as may be considered necessary incidental or conducting the attainments of the above objects or any of them subject to the provisions of Section 15 of the Indian Trade Union Act, 1926 or to provision of any other law for the time being in force.

#### **4. Membership:**

(a) An employee who is appointed against substantive post on permanent basis (provision period shall be treated as permanent) in the University of North Bengal, Raja Rammohunpur, Dist. Darjeeling shall be eligible for admission as ordinary member of the Association provided he agrees to abide by the Constitution of the Association. An ordinary member shall pay the monthly subscription and admission fees as per rules of the Constitution-All members shall enjoy equal rights and privileges.

(b) The Executive Committee of the Association shall have the right to refuse admission of any person at its discretion. Such person shall have right to apply to the General Body through the General Secretary of the Association for reconsideration of the decision of the Executive Committee and the decision of the General Body shall be final and binding.

(c) The Executive Committee may take such disciplinary action as it may find proper against members guilty of anti-association activities against whom disciplinary action has been taken, may appeal to the Appellate Committee against the decision of the Executive Committee and the decision of the Appellate Committee shall be subject to the approval on the Executive Committee. Before taking any disciplinary action against any member he/she have to be served show-cause notice for his/her action against Association. The member must reply the show-cause within seven days.

**A member may be charged with if he or she involves in anti-Association activities as are given below:**

- (i) Constantly violates the directives/ decision of the Association.
- (ii) Involves himself in such activities which may cause injury to the solidarity of the Association.
- (iii) Involves himself in any group policies which are detrimental to the interest of the Association.
- (iv) Uses the name of the Association for any unlawful gain.
- (v) Takes action in the Court of Justice being aggrieved by any decision of the Association.
- (vi) Files suits in the Court of Justice against the Authority without taking the Association into confidence.
- (vii)Fails to submit statement of accounts against the fund advanced to him within the stipulated period and where the period is not stipulated within a reasonable time.
- (viii)Behaves in such manner which may cause injury to the pride and prestige of the Association.

**Penalty:**

The following penalties may be imposed for the offences stated above:

- (i) Cessation of the membership.
- (ii) Suspension of membership for a limited period.
- (iii) Censure in a general meeting.
- (iv) Unadjusted amount will be recovered from him by installment.

(d) Membership shall cease on resignation or expulsion for failure to pay membership subscription after the last day fixed for payment. Any member whose membership has been struck off from the roles of the Association for non-payment of membership may be re-admitted to membership on payment of all arrear of the Association. The member whose membership has been ceased due to resignation/ may

apply to the General Body through the General Secretary and the decision of the General Body shall be final.

**1. If an employee wants to take re-admission in the Association who previously resigned from the Association , the following procedure of re-admission shall have to be maintained:**

- a) The application for re-admission / re-membership of the candidate will be considered after sixty days from the date of receiving the application and to be placed in the meeting of the Executive Committee within ten days from the expiry of sixty days. The decision of the Executive Committee will be placed in the next General Body meeting to be conducted within fifteen days from the date of meeting in which the decision was taken. If the General Body accept the decision of re-admission / re-membership , the membership will be offered to the employee within fifteen days from the date of the General Body meeting subject to the following restrictions:
  - i) The employee who will take re-admission shall have to pay all the arrear / dues of the Association including the arrear of NBUEA Welfare Fund from the date of his /her resignation.
  - ii) No financial assistance will be provided by the Association to the re-admitted employee for the first six months from the date of his/ her re-admission/re-membership”.

**(e) NBUEA Welfare Fund:**

- (i) Every member of NBUEA shall automatically be a member of the NBUEA Welfare Fund.
- (ii) No seperate subcription for Welfare Fund will be paid by the member directly but Rs 10/- per month per member shall be transferred from NBUEA subcription Account to NBUEA Welfare Fund Account.
- (iii) Each member shall have to declare in the prescribed form for recovery of the loan amount (if he takes loan from NBUEA Welfare Fund) from his/ her salary and each member shall have to also declare that if he/ she resigns / leaves from his/ her service/ NBUEA, he/ she must pay his/ her balance loan amount, if he/ she takes loan from NBUEA Welfare Fund from his salary or by cash at a time.

**5. Membership subscription:**

- (a) Each member shall pay membership subscription of Rs.30/- per month or as may befixed by the Association from time to time. Rs. 10/- per month per member shall be transferred to NBUEA Welfare Fund subcription Account from NBUEA subscription account and to be shown under head of NBUEA welfare Fund subscription in the account of NBUEA Welfare Fund.
- (b) Monthly subscription shall be deducted annually for a financial year (April to March) fromthe salary of October to be paid in November every year. In case of the members who will be superannuatedafter March, subscription shall be deducted in advance for the rest of the period(between April and September). If any member fails to pay subscription of the currentfinancial year then his/ her membership will be

terminated. In this case membership can be renewed after paying all the dues including the renewal charge of Rs. 50/-.

#### **6. Special subscription:**

(a) The Association shall have right to realize special subscription from the members as and when necessary.

#### **7. Admission Fee:**

An admission fees Rs. 50/- and no separate admission fees for NBUEA Welfare Fund the amount paid shall never be refundable. The amount under the head of admission fees for NBUEA Welfare Fund (Rs. 25/-) transfer to the NBUEA Welfare Fund.

#### **8. Register of Membership:**

The Register of membership with full particulars as may be considered necessary shall be maintained at the Registered office of the Association. Such membership Register shall be kept open for inspection by any member or office bearers on giving sufficient notice (not less than 21 days).

#### **9. Financial year:**

The tenure of Executive Committee of the Association is 2 years. The Financial year of the Association shall be from 1<sup>st</sup> April to 31<sup>st</sup> March. At the end of each financial year the Audited Report of Receipts and payments of the Association shall have to placed on the day of 1<sup>st</sup> and 2<sup>nd</sup> Annual General Meeting day of the Association. The decision thus taken in the Annual General Meeting will be effective from the next Financial year.

#### **10. Executive Committee:**

(a) The total member of the Executive Committee shall be 27. Among them elected Secretariat body member shall be 7, 1 elected Court member of the Association, one elected women Representative (Reserved), one elected Representative on behalf of Group D employees (Reserved), and 17 elected Branch Representatives as per Election Procedure by Laws 5(b).

(b) One Court member of the non-teaching employees of NBUEA shall be ex-officio member of the Association as soon he/she is elected. For this the elected Court member must have to be member of the Association. The elected Court/ Council member shall be liable to the Executive Committee of the Association. Before or after each Court/ Council meeting the member shall submit the demand, matter

of which the decision has been taken or the demand to be accepted relating to the non-teaching employees to the Executive Committee meeting of the Association. In a single word the elected Court/ Council member shall take step as per the decision taken by the Executive Committee of the Association in the matter of non-teaching employees.

**11.**

**(a) Office bearers shall be elected directly by the general members of the Association as are defined below:**

- 1) President 1 No.
- 2) Vice-President 2 Nos.
- 3) General Secretary 1 No.
- 4) Asstt. General Secretary (General) 2 Nos.
- 5) Treasurer 1 No.

(b) Branch Representatives as defined vide clause 5(a) of the Election Procedure shall be elected directly by the members of the respective Departments/ Branches.

(c) One Women Representative (Reserved) shall be elected directly by the electorates as per the Electoral Roll published by the Returning Officer.

(d) Among the Group D non-teaching employees (those who have joined in pay-scale no. 1 to 4 and subsequently has been enjoying higher pay-scale or will enjoy higher pay-scale and NBU Mess Staff of PG Hostels) one shall be the candidate against the reserved seat meant for Group D employees and will be elected by the electorates as per the Electoral roll published by the Returning Officer.

(e) All the members of the Executive Committee shall have equal rights and enjoy equal facilities.

(f) The election of the Executive Committee shall be conducted preferably within 15<sup>th</sup> March after completing the tenure of every two years.

(g) The contesting candidates shall have to remain in service till 31<sup>st</sup> March of the next election year

(h) Representative on behalf of women employees and representative on behalf of group –D employees can be called in the Secretariat Body of the Association for taking part in discussion , if necessary.

## **12. Powers of the Executive Committee:**

(a) Subject to control of the general body, the administrative all affairs of the Association shall be carried on by the Executive Committee not exceeding 27 members. The tenure of the Executive Committee shall be for 2 (two) year.

The Executive Committee shall manage and conduct all affairs of the Association according to the directions and policies framed in Annual General or Special conference of the Association.

The Executive Committee may form sub-committees and define their powers and functions. All acts done by such sub-committees shall be deemed to have been done by the Executive Committees.

(b) The Executive Body shall appoint a Returning Officer and Election Commission, not more than four members including Returning Officer to conduct the Election. The date of election for the Executive Committee of the Association to be fixed by the Executive Committee and that date shall be communicated immediately to the members of the Association by the NBUEA.”

(c) Executive Committee shall direct the General Secretary to convene the General Body meeting according to the urgency as well as merit as and when necessary.

(d) A member of the Executive Committee, unless removed by death; resignation or expulsion, shall hold office till the newly elected Executive Committee takes over charge.

(e) If any vacancy occurring amongst the Elected members of the Executive Committee by death, resignation or expulsion, may be filled up as per Election procedure.

(f) If any vacancy or vacancies occurred in any Constituency owing to non-submission of nomination papers or cancellation of the same such vacancy will be filled in by conducting election as per law of Election procedure within two months from the date of last election.

(g) The Executive Committee must meet at least 12 (twelve) times a year. The General Secretary, in his absence Asstt. Secretaries shall convene the meeting by a written notice to be countersigned by the President at least 7 days before the date of the meeting.

(h) Quorum of the meeting of the Executive Committee:

(i) Quorum for regular meeting of the Executive committee shall be one third of the members of the Executive Committee. Such meeting shall be presided over by the President, in his absence Vice-President will preside over the meeting.

(ii) Emergency E.C. meeting may be convened by 12 hours notice.

(iii) Special Emergent meeting may be convened at the instance of the General Secretary, according to the merit of the urgency.

(iv) Meetings of the Executive Committee shall be preside by the President and in his absence by the Vice-President and in the event of the absence of the President and the Vice-President by any member elected by the members present and he shall enjoy all the powers, rights and privileges of a President, in that meeting only.



(v) The first meeting of the newly elected Executive Committee shall be convened by the outgoing General Secretary at the earliest preferably within **17<sup>th</sup> April**.

### **13. Functions:**

(a) **President/ Vice-President:** The President when present shall preside over and conduct all meetings. In absence of the President the Vice-President shall preside over the meeting. In absence of President and Vice-President, any Executive member will preside the meeting.

#### **(b) General Secretary/ and AGS:**

The General Secretary shall with the concurrence of the President shall convene all meetings and Conferences. He shall take minutes of all proceedings, conduct all correspondences, make representation, arrange interviews and exercise general supervision over all affairs of the Association. He shall scrutinize all bills and vouchers for any expenses incurred by the Association put his countersignature on the body of each bill. In case of doubt he shall settle the matter in consultation with the Executive Committee. The General Secretary shall be responsible to execute all the decisions of the Executive Committee and General Body and shall report Body at its next meeting and also in performing such functions he shall be responsible to the Executive Committee.

Asstt. General Secretaries shall assist and help the General Secretary in conducting general affairs of the Association. The Asstt. General Secretaries shall carry out the duties in collaboration and consultation with the General Secretary and shall carry out the functions of the GS in his absence.

The General Secretary shall be responsible along with the Registrar, Trade Union, Govt. of West Bengal, every year.

(c) **Treasurer:** Treasurer shall be responsible for all money belonging to the Association (except Welfare Fund). He shall make payment on sanction of the G.S./ E.C. and shall keep accounts of expenditure. All single expenditure above Rs. 2000/- shall require the sanction of the Executive Committee.

Treasurer shall be responsible along with the General Secretary for maintaining proper accounts.

### **14. Fund:**

(a) The fund of the Association shall consist of Subscriptions, donations, special levies made by the Association from time to time and income from miscellaneous sources. All expenses of the Association including salaries and allowances if any provision of financial benefit and otherwise shall be met from the General Fund. If and when necessary the Executive Committee may invite the members of the Association to contribute to the special fund for promotion and advancement of the aims and objects of the Association.

(b) All money belonging to the Association except Rs.2000/- for immediate expenses shall be deposited in the State Bank of India, NBU Campus Branch or shall be invested in some approved securities or shall be partly deposited and partly invested. Bank Account shall be operated by the General Secretary jointly with the Treasurer.

(c) If any member fails to submit statement of accounts against the fund advanced to him/ her within three months from the date of advance, money will be realized by installments, from his/ her salary (Maximum installments).

#### **15. Accounts and Audit:**

Books of Accounts, Register of memberships, subscriptions books, constitution and rules shall be opened for inspection by any member of 7 days notice in writing to the General Secretary. The Auditor or Auditors shall be appointed at the Annual General meeting. The Annual Return of the Association shall be submitted to the Registrar of Society, W.B. every year. Books and accounts shall be audited by the auditors annually.

#### **16. Annual General Meeting:**

Though the tenure of the Executive Committee is of 2 years but a Annual General Meeting shall have to be convened in each year on or before 12<sup>th</sup> **April**. The Annual General Meeting held at the end of the 1<sup>st</sup> year shall be called 1<sup>st</sup> Annual General Meeting. And the Annual General Meeting held at the end of 2<sup>nd</sup> year shall be called 2<sup>nd</sup> Annual General Meeting.

(a) Quorum: The quorum for such meeting shall be one-fourth of the total number of member of the Association.

(b) In absence of the President/ Vice-President the E.C. member present shall elect a chair person from amongst the E.C. members to conduct the meeting.

(c) If any member of the Association wants to move any motion in the Annual General Meeting, he or she shall have to serve a notice along with a copy of the proposal to the General Secretary of the Association at least 7 days before the date of the Annual General Meeting.

#### **17. Agenda of the Annual General Meeting:**

(a)(i) Placing of all works executed by the Association on behalf of Executive Body and Thereafter taking approval of the same.

(ii) To place the Audited report of Receipt and Payments of the Association by the Auditors discussion and taking decision.

(iii) To discuss regarding any Clause of the Constitution if any Amendment, addition, if any, discussion and taking decision there of.

(iv) Miscellaneous, if any.

(b) The agenda of the Second Annual General Conference will be remain unchanged as it were before the Amendment of the Constitution.

(c) To appoint Auditors for the next financial year.

(d) To add, to amend, alteration or rescind any section/ rule of the Constitution.

(e) To discuss and decide the resolution if moved by any member of the Association as per clause 16(c).

(f) To chalk out in General the principal programme of the activities of the Association during the ensuing year.

### **18. Special General Meeting:**

(a) The Executive Committee shall have the power to call a special General meeting of the Association to deal with important matters relating amendment/ addition/ alteration of the Constitution as and when necessary. The quorum of such meeting shall be one-third of the total number of members of the Association for the time being and if the said meeting fail due to quorum of one-third the E.C. shall have right to take decision regarding the particular agenda and the decide of the E.C. shall be binding upon all members of the Association.

(b) Special General meeting shall have to be convened on a requisition made in writing by at least 2/3<sup>rd</sup> of the total members of the Association transacting the definite business mentioned in the requisition except on General Budget and amendment of the Constitution. In case the General Secretary on the advise of the Executive Committee fails to hold the requisitioned special general meeting within one month from the date of receipt of such requisition, the President shall have the power to call such general meeting. The same regulations as specified in the case of annual general meeting shall also be effective in the case of special conference or convention.

### **19. BYE LAWS:**

The Executive Committee shall have the power to make bye laws and revise the same in so far as such bye laws are not repugnant to any clause of the Constitution, subject to the ratification in General Body meeting.

### **20. Amendment or Alteration of the Constitution:**

Subject to the Trade Union Act, 1926 and Bengal Trade Union regulation 1927 amendment, alteration, addition, in any form of the Constitution shall be made either in Annual General Meeting or in a special general meeting to be called for the amendment, alteration of the Constitution. The quorum of such meeting for amendment shall be 2/3<sup>rd</sup> of the total members of the Association. The amend/ addition/ alterations shall be passed by majority of these members present or voting by Secret Ballot.

## **21. Appellate Committee:**

The Executive Committee shall elect an Appellate Committee consisting of 5 members, none of whom shall be a member of the Executive Committee. Convener shall be selected by E.C. out of 5 members. Any member aggrieved by any decision of the

Executive Committee or any sub-committee shall have the right to prefer an appeal to the appellate committee whose decision shall be subject to the approval of the general body, if necessary. No decision of the Executive Committee and Sub-committee of the Association shall be challenged in any court of law without preferring an appeal to the appellate committee and without obtaining a final decision from it.

## **22. Special provisions may be made in the following cases:**

(a) If President express his willingness for tendering his resignation he may request the General Secretary to convene a E. C. meeting on this issue and the Executive Committee in its discretion will take decision.

(b) If General Secretary express his willingness for tendering his resignation he will submit his resignation letter to the President and the President at his misrule shall advice the Asstt. Secretaries to convene a E.C. meeting for decision.

(c) If all the Executive Committee members along with Secretariat body desires for tendering resignation the whole matters shall be placed before the General Body to be convened by the President as Chief of the Association.

## **23. Dissolution:**

The Association shall not be dissolved except by the decision of the majority for the members of the Association assembled at the meeting specially called for the purpose. The quorum for such meeting shall be the presence of three-fourth of the total number of members of the Association for the time being. This meeting will also decide in what manner the funds of the Association after dissolution shall be sent to the Registrar of Trade Union, West Bengal. The Dissolution shall not be effective until the same has been certified by the Registrar of Trade Union, West Bengal.

Date: 28.08.2018

**Sumon Chatterjee**  
General Secretary  
North Bengal University Employees' Association