

PROPOSAL TO AMEND THE SJA CONSTITUTION – 2017

CURRENT PROVISION	PROPOSED PROVISION	RATIONALE
<p>2) GB Meetings.</p> <p>c) The quorum shall be a minimum of ten percent of the total membership of the GB. If there is no quorum, the meeting shall stand adjourned to the same day, time and place the following week. No quorum is necessary for the next meeting.</p>	<p>2) GB Meetings.</p> <p>c) The quorum for the meeting shall be a minimum of ten percent of the total membership of the GB. If there is no quorum, the meeting shall stand adjourned to the same day, time and place the following week <i>or at any other day, time and place in case of a necessity</i>. No quorum is necessary for the next meeting.</p>	<p>Just to make the process a little flexible in case such a situation was to arise.</p>
<p>4) Societies.</p> <p>a) ...</p> <p>xi) <i>Society for Environmental Awareness and Activism</i></p>	<p>4) Societies.</p> <p>a) ...</p> <p>xi) <i>Nature Committee</i></p> <p>xiii) ADR Society</p>	<p>The current name was adopted four years back and approved by the Executive Committee subsequently. Even though the Committee has been defunct lately, we hope to revive it very soon. However, the current name does not adequately represent the idea of the original Nature Committee which was supposed to undertake tangible improvements on the campus along with academic initiatives.</p> <p>The Committee discharges essential functions</p>



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	<p>xiv) Weekend Lecture Series</p>	<p>which were earlier discharged by the Moot Court Society. Under the scheme of the SJA Constitution, it is hard to imagine a co-curricular activity being regulated by a committee which is completely unaccountable to the SJA.</p> <p>The Weekend Lecture Series (“WLS”) was first started in December 2015 by the then SJA office bearers as a PR exercise – with a vision to bridge the gap between academia and industry in addition to effectively supplementing classroom instruction with practical insights on the working of law and various allied fields. Much to our dismay, WLS has struggled to invite enough guests over the course of last academic year – due to lack of any financial support from the University and absence of any constitutional accountability to the SJA. With an increased budget, the SJA is now more than capable of</p>



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		funding WLS' activities and taking the initiative to greater heights.
<p>4) Societies.</p> <p>d) A person shall not be allowed to be a part of more than <i>two</i> SJA societies at the same time, either in the capacity of a member or an office bearer. If a person secures a position in more than <i>two</i> SJA societies, he shall resign from all but <i>two</i> of these societies within two weeks of becoming a member of a third SJA society.</p>	<p>4) Societies.</p> <p>d) A student shall not be allowed to be a part of more than <i>three</i> SJA societies at the same time, either in the capacity of a member or an office bearer. If a person secures a position in more than <i>three</i> SJA societies, he shall resign from all but <i>three</i> of these societies within two weeks of becoming a member of a fourth SJA society.</p> <p>Provided, however, that a first year student shall not be allowed to be a part of more than two SJA societies at the same time, either in the capacity of a member or an office bearer.</p>	<p>Many students who are interested in and willing to work for more than two societies are unable to do so because of the existing provision which disallows a person to be a part of more than two SJA societies. Consequently, the societies also lose out on interested and dedicated candidates. Hence, a person should be allowed to be a part of three societies simultaneously, instead of two.</p> <p>At the same time, the consideration of providing ample opportunity to <i>all and not a select few</i> first years remains pivotal to the continued success of the SJA.</p>



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	<p>If a first year student secures a position in more than two SJA societies, he shall resign from all but two of these societies within two weeks of becoming a member of a third SJA society.</p>	
<p>4) Societies.</p> <p>f) The total number of members in any SJA committee cannot exceed five percent of the total strength of the GB.</p>	<p>4) Societies.</p> <p>f) The total number of members in any SJA committee cannot exceed five percent of the total strength of the GB.</p> <p>Provided any SJA committee may have up to six percent of membership of the GB with the prior approval of the President.</p>	<p>The societies have become much more active than before, and the number of activities and events conducted by each society has increased. In such a situation, societies have found the existing maximum strength as insufficient to manage all the events in the best possible manner. Thus, there is a need to increase the maximum strength to six percent so as to allow societies to have more members, which will help in better functioning of the society.</p>
<p>10) The Convener and the Co-Convener.</p> <p>...</p> <p>If a <i>committee</i> wishes to have more</p>	<p>10) The Convener and the Co-Convener.</p> <p>...</p> <p>If a Committee wishes to have more than one Co-Convener, the same shall be done only if</p>	<p>Another provision which has not been followed in the past. This proposal will make it both possible for the societies to actually be in a position to comply with the procedure and</p>



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<p>than one Co-Convener, <i>the issue will be brought up before the Executive Committee, and the same shall have to be approved by a two-thirds majority of the Executive Committee.</i></p>	<p>the newly reconstituted Committee affirmatively votes for it with a simple majority immediately before it holds elections for their new office bearers.</p>	<p>eliminate scope for arbitrary imposition of authority with relation to such questions by the outgoing office bearers.</p>
<p>11) Treasurer of the SJA.</p> <p>a) The SJA will have <i>one</i> Treasurer who will be responsible to the Executive Committee of the SJA.</p>	<p>11) Treasurer of the SJA.</p> <p>a) The SJA will have <i>two</i> Treasurers who will be responsible to the Executive Committee of the SJA.</p>	<p>The practice of having two as opposed to one treasurer has been long followed. The practice has become indispensable to the working of the SJA since it provides the President and Vice President the flexibility of dividing duties of managing SJA and Outlawed funds among two individuals rather than burdening a single person with them.</p>
<p>12A) Administrative Secretaries of the SJA.</p> <p>a) There shall be two Administrative Secretaries of the SJA.</p>	<p>12A) Administrative Secretaries of the SJA.</p> <p>a) There shall be two Administrative Secretaries of the SJA.</p> <p>Provided that the President shall have up to four Administrative Secretaries based on his discretion.</p>	<p>In light of the fact that the process of selection for Administrative Secretaries merely through candidates' Statements of Purpose had been long followed, the number of application for the position was poor in the preceding years. Last year, however, since there were 18 applications of substantially good quality, we decided to hold interviews for selections.</p>



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		<p>Given the fact that having more Administrative Secretaries serves the dual purpose of increasing the SJA's capability to serve the General Body and providing more deserving and willing students an opportunity to work in the interest of the General Body, the President should be allowed the leeway to make such a choice based on the quality of applications.</p>
	<p>12B) Press Secretaries of the SJA.</p> <p>a) The President may appoint Press Secretaries to the SJA.</p> <p>b) The Press Secretaries shall be responsible for publicizing the various activities undertaken by SJA and its committees, in addition to such tasks and duties as may be bestowed upon them by the President from time to time.</p> <p>c) The procedure for selection of the Press Secretary would be the same as that of the</p>	<p>Self-explanatory.</p>



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	Treasurer. d) The Press Secretaries shall be directly responsible to the President.	
15) Rules of Business. (iii) The activity list along with the budget proposed shall be presented <i>in a Executive Committee meeting wherein the various members shall vote on the allocation of the SJA Budget to various societies.</i>	15) Rules of Business. (iii) The activity list along with the budget proposed shall be presented <i>to the President and the Vice President by the members/Office-Bearers of the concerned committee.</i>	Inconsistent with <i>proviso</i> to Article 12(b), the prevailing practice for the last two years and rules of English grammar.
18) Vigilance Commission. ... Provided further that no member of the Vigilance Commission shall <i>hold any other position or office in the SJA or any SJA committee.</i>	18) Vigilance Commission. ... Provided further that no member of the Vigilance Commission shall <i>be the President, the Vice President, an Administrative Secretary, a Press Secretary, a Treasurer, a member of an SJA committee, anyone nominated to any SJA office by the SJA President or a member of a non-SJA committee which falls under the jurisdiction of</i>	The current provision first caused confusion when last year Pratik Ranjan Das (“ PRD ”) was selected for membership of the Moot Court Society. Since he was already the SJA Faculty Advisor’s nominee to the Vigilance Commission (“ Commission ”), there was an obvious conflict of interest if he were to continue as a member of both the Commission and the Moot Court Society. However, if one were to assume that the term “any other



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	<p><i>the Vigilance Commission for either a part or the entirety of its concerned term.</i></p>	<p>position or office in the SJA or any SJA committee” was to be interpreted in the same way as the term “office bearer” as set out under Article 6, he could have continued as a member of both. Luckily, in this instance, PRD virtuously resigned at once on being made aware of the conflict.</p> <p>Additionally, I (Arjun), by virtue of my membership of the SJA Constitution Amendment Committee (“Amendment Committee”) that proposed the current provision (ANNEXURE), can testify that our intention behind proposing the current provision was based on the simple principle that one cannot audit himself or a society that he/she is a part of. This can easily be inferred from a plain reading of Article 19.</p> <p>Moreover, if Class Representatives are disallowed to serve on the Commission simultaneously in addition to being unable to be a member of any SJA Committee, it has a</p>



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		<p>further adverse impact on the already low incentive for a potential member to be a part of the Commission. Again, if one were to look at such a situation in light of the intention of the Amendment Committee, disallowing Class Representatives to serve as members of the Commission simultaneously would be entirely excessive and completely unnecessary.</p>
<p>21) Amendment of the Constitution.</p> <p>b) The Executive Committee of the SJA shall take up <i>the issue in the meeting.</i></p>	<p>21) Amendment of the Constitution.</p> <p>b) The Executive Committee of the SJA shall take up <i>the issue either in an Executive Committee meeting or via circulation through electronic mail.</i></p>	<p>Again, something that has not been followed in the past due to practical difficulties. Hence the proposal.</p>

ANNEXURE

Arjun Agarwal <arjunagarwal999@gmail.com>

Submission of final SJA Constitution

Jay Sayta <jnsayta@gmail.com>

Fri, Aug 1, 2014 at 11:21 PM

To: SJA NUJS <sja@nujs.edu>, sja nujs <sja.nujs@gmail.com>

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Dear Akshat & Adithya,

Vide email dated 2nd June 2014 applications were invited to form a committee to amend the Student Juridical Association ('SJA') constitution. Subsequently, 8 members were selected as part of the SJA Constitution Amendment Committee ('Committee') through an emailed notice dated 9th June, 2014 and I was given the responsibility to coordinate proceedings of the committee. The terms of reference ('TOR') of the Committee was to give suggestions as to changes in the current SJA Constitution *'to have a robust internal policy and clear guidelines'* in suitably amending the Constitution to have a strong framework governing SJA and its various committees.

The Committee had two meetings on 7th July 2014 and 15th July 2014. After internal discussion as also after studying the framework in constitutions of other National Law Schools, the Committee decided to propose following major changes to the current SJA Constitution:

1. Deletion of clauses pertaining to Student Representative Council.
2. Reconciliation of SJA Constitution with Election Rules framed by the Election Commission.
3. Creation of an Academic Reforms Committee to give specific suggestions on improving the academic environment of NUJS.
4. Creation of an independent Vigilance Commission to ensure proper auditing of accounts and compliance with rules and regulations as also to provide a grievance redressal mechanism to the General Body for any arbitrary or capricious action by any functionary of the SJA.
5. Making Executive Committee and General Body meetings easier.
6. Incorporating amendments passed in 2008 in the main text of the SJA Constitution.

The proposed changes to the current SJA Constitution after incorporating the 2008 amendments in track change mode and comments are attached herewith. With this, I trust we have completed the TOR and mandated entrusted to us. It is hoped and suggested that the proposed amendments are given widest circulation and suggestions are invited from all stakeholders before ensuring expeditious passage of the aforementioned proposals.

I would like to thank all members of the Committee for their valuable inputs and assistance. I would like to specially acknowledge the hard work and efforts of Arjun Agarwal and Sohini Chatterjee.

With warm regards,
Jay Sayta.

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