



MAHARASHTRA NATIONAL LAW UNIVERSITY, MUMBAI



**MAHARASHTRA NATIONAL
LAW UNIVERSITY MUMBAI
CONSTITUTION OF STUDENT'S
BAR COUNCIL**

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Student's Bar Council:

1. Objectives:

A) The Student's Bar Council (hereinafter called SBC) shall be the sole forum of students' opinion in Maharashtra National Law University Mumbai (MNLU). The objectives and functions of the Students' Bar Council are:

- (i) To maintain discipline amongst the students, be a part of the Disciplinary Committee and recommend action in case of indiscipline;
- (ii) To bring to light the grievances of the students for the consideration of the authorities;
- (iii) To assist the university in conducting other academic functions;
- (iv) To take up such other activities concerning the students as are proposed by the SBC and approved by the Vice Chancellor on the recommendation of the Advisor.

2. Membership:

2.1) Every bona fide student of MNLU Mumbai, pursuing a full-time under graduate course (not less than one-year duration), as a regular student, is a member of the General Body of the SBC. The students from the LLM program (Regular Program) are also members of the student body and are eligible to vote. (however LL.M. students can't stand for any post on the SBC Executive except as Class Representative). Further, the students admitted to short term or diploma/certificate courses conducted by MNLU Mumbai shall not be considered as members of the SBC and other societies.

3. Executive Committee:

3.1) There shall be an Executive Committee of the SBC consisting of:

- 1) President
- 2) Vice President
- 3) Treasurer
- 4) General secretary (Female)
- 5) General secretary (Male)
- 6) Deputy secretary (Female)
- 7) Deputy secretary (Male)

8) Class representatives (Two from each class, of which one shall be a female student.)

4. Adviser:

- a) There shall be an Adviser appointed by the Vice Chancellor from among the members of the teaching staff.
- b) There shall be Associate Advisers nominated by the Vice Chancellor in consultation with the Adviser.
- c) The Adviser or their Associates shall be present at ordinary meeting of the SBC Executive. He/she will assist by helpful suggestions in proper conduct of the meetings of the SBC.
- d) The Adviser may, if he/she is unable to be present at the meeting, request the Associate Adviser to take their place and such a person will discharge all the functions of the Adviser.
- f) The Adviser can preside over a meeting if specially requested by the President.
- h) The Adviser shall have the power to convene the extraordinary meeting of the Executive Committee or of the General Body whenever he deems necessary with the approval of the Vice Chancellor.
- i) The Vice Chancellor shall be the Ex-Officio Patron of the SBC.

5. Powers and responsibilities of the Student Bar council Members

5.1 PRESIDENT

1. There shall be a president of the Student Bar Council.
2. The President shall be the foremost representative of the Student Body.
3. The President shall set the agenda of the meeting of SBC. The President shall preside over the meetings of SBC.

4. The President shall be responsible for maintaining order and correctly interpreting rules.
5. The President shall be the Student Body's primary contact with the University's Administration.
6. The resolutions of the Student Body shall be represented to the administration by the President.
7. The President shall have an obligation to ensure the functioning of the Student Bar Council in a fair, democratic, transparent and efficient manner.
8. The President needs to be in active consultation with all members of the Executive and may propose policy decisions other than those with immediate effect.
9. The President may delegate duties of a routine nature to the Vice-President.

5.2 VICE PRESIDENT

1. The vice President shall preside over the meetings of SBC in the absence of the President and shall assume all their rights and duties.
2. Support and aid to the President in the working of SBC.
3. The Vice president shall act as President when: -
 - 3.1 Impeachment against President has been exercised
 - 3.2 President has resigned
 - 3.3 President has communicated an inability or unwillingness to discharge the duties of the office of the President.
4. The Vice President Shall discharge duties as allocated by the President.

5.3 TREASURER

1. There shall be a Treasurer of the Student Bar Council.
2. The Treasurer shall head all matters related to the finances of the Student Bar Council (if any).
3. It shall be the duty of the Treasurer, in consultation with the respective Student Committees, to prepare a tentative budget and present it before the first meeting of the Student Bar Council.
4. It shall be the duty of the Treasurer to ensure a fair, rational and equitable distribution of the Student Bar Council's events.

5. The Treasurer shall be mandated to allocate finances towards the economic support of the Student Body.
6. The Treasurer must record each requisition for allocating funds towards any student activity. The Treasurer must further record the reasons for rejecting or accepting such requisition after discussion with the executive body.
7. The Treasurer will strive, along with the Secretaries, towards raising funds from external contributors, trusts, endowments, scholarships, sponsorships, and subsidies for student welfare.
8. In the absence of the President and the Vice-President, the Treasurer may act as President.

5.3 GENERAL SECRETARIES

- 1) There shall be 2 General secretaries. (1 Male and 1 Female). In case of only two candidates fill the nomination for the election, then both will be considered elected irrespective of gender.
- 2) General Secretaries shall be responsible for executing the decisions taken by SBC in consultation with the President and the advisor.
- 3) They shall notify the President and Vice-President regarding day-to-day activities.
- 4) General Secretaries shall prepare Agendas before every meeting.
- 5) General Secretaries shall give notice of all the meetings and record the minutes of all the meetings.
- 6) They shall aid President and Vice President in representing the University in External institutions, Organizations, Alumni and other Councils.

5.4 DEPUTY SECRETARIES

- 1) There shall be 2 Deputy secretaries. (1 Male and 1 Female). In case of only two candidates fill nomination form the election then both will be considered elected irrespective of gender.
- 2) The deputy secretaries shall assist the secretary in discharge of their duties and in their absence discharge all their duties.

- 3) The deputy secretaries shall ensure that continuance coordination between SBC and Sports society and Cultural society. (if needed)
- 4) The Post of Deputy Secretaries are reserved for First- and Second-Year Students.

5.5 CLASS REPRESENTATIVE

- 1) There shall be Two Class representatives from each class, of which one shall be a female student.
- 2) The Class Representatives shall raise and solve issues of the class by contacting to admin or the faculty and may take help and support of SBC wherever required.
- 3) Class Representative shall be elected by their respective class. In case no student files nomination form then the SBC executive along with faculty advisor nominate the class representative subject to the Vice Chancellor approval.

6. Election:

6.1) Once in the beginning of each academic session on such date as may be fixed by the Adviser, with the approval of the Vice Chancellor, the election of the office bearers of the SBC. Normally the elections shall be held within one month of the last date of the admission, but latest by the end of the month of September. In exceptional cases if the Adviser is satisfied that election cannot be held by the end of September, he may hold the election as early as possible or as per the direction of the Vice Chancellor.

6.2) The Vice Chancellor may appoint an Election Committee to regulate and conduct the elections as per the provisions of this Constitution and the Election Rules prescribed for the purpose from time to time. The Election Committee shall start functioning from the date of its notification till the entire process of election is over. The Adviser shall function as the Ex-Officio Election Officer.

7. Vacancies in Office

7.1) The office bearer shall hold office for the entire academic year unless they:

- i) Cease to be the student of the Under-Graduate Department.
- ii) Voluntarily resign in writing addressed to the Adviser.
- iii) Are removed from the office as provided in rule 7.2 below.

7.2) Impeachment of Any Member of SBC

There must be a representation sent by 2/3rd of strength of the General Body and the Adviser for the impeachment of a member. The SBC shall ask for a response from the member against whom the impeachment proceedings are demanded, the reply shall be made public. Then voting shall be done by the student body in which if 2/3rd of the vote against the member by marking a yes against the person than the Executive body member is impeached. The SBC along with the Advisor shall request the Vice Chancellor to nominate person for that position.

7.3) In the event of office of any major post of office bearers falling vacant within one month of elections, re-elections should be conducted, otherwise the Vice-President shall discharge the function of the President and the Deputy Secretary to the post of General Secretary, as the case may be and the appropriate decision will be taken by the advisor with the approval of the ViceChancellor.

7.4) Notwithstanding anything in the foregoing provisions if a vacancy occurs due to some unforeseen causes, the Adviser, with the approval of the Vice Chancellor, may nominate any student from the General Body to discharge the function of the office fallen vacant. When the Executive Committee is unable to meet, the Adviser, with the approval of the Vice Chancellor, shall nominate a student to discharge the function of the office bearers concerned.

8. Meetings:

8.1) Oath taking ceremony of the office bearers of the SBC shall be held on such date as the Adviser may fix soon after the elections are over, whereupon the office bearers shall assume office. The Vice Chancellor or their nominee shall administer the oath of office.

8.2) i) Meetings of the Executive Committee shall be held as may be deemed necessary and such a meeting shall be arranged by the Secretary in consultation with the President and Adviser. (There shall be at least one Executive meeting every month.)

ii) The Secretary shall be responsible for issuing notices of such meeting at least two days prior to the meeting containing particularly the date and the place of the meeting, and the agenda, etc.

iii) In the absence of both the President and the Vice-President the members present shall elect a Chairman from among themselves by election.

8.3) An extraordinary meeting of the SBC may be convened at the discretion of the Adviser or on the request of the President to the Adviser with at least one day's notice.

8.4) **Extraordinary Meeting**: The Adviser or their nominee shall preside over any extraordinary meeting.

8.5) **General Body**: If any emergency occasion occurs, the President or the Adviser may convene the meeting of the Executive Committee and of the General Body in the premises of the MNLU Mumbai (University and Hostel). The SBC Executive shall conduct at least one general body meeting per semester.

8.6) Requisition Meetings

If the two-thirds majority of the members of the Executive Committee by writing request the Adviser to convene a meeting of the Executive Committee, then the President or the Secretary shall convene it on such date as the Adviser may fix.

8.7) General Rules

- a) During meetings, all general rules regarding meetings shall be observed.
- b) The President may call any member to order and ask any member to leave the meeting.
- c) Minutes of every meeting shall be made public in a week.

8.8) RULES FOR SETTING AGENDA

- 1) Any SBC executive member can table the agenda.
- 2) The SBC executive must accept every agenda being tabled for discussion.
- 3) The agenda needs to be tabled and discussed within two meetings and must be completed on time.
- 4) If the majority of the SBC Executive members think any agenda should be discussed on an urgent and priority basis, then the chairperson shall table the same in that same meeting.

9) Financial Procedure

a) The annual budget of the SBC shall be approved and passed by the Executive Committee in the presence of the Adviser and Associate Advisers. The Treasurer with the written consent of the President can draw money for students' welfare activities as per the approval of the

Executive Committee. The funds will be sanctioned by the Vice Chancellor on the recommendations of the Adviser. The **Treasurer** shall be responsible for the submission of vouchers through the Adviser for the funds drawn and utilised by him/her within a week of the completion of the function/activities. All functions must be over by either **30 November (Odd Semester)** or **31 May (Even Semester)**.

Funds for any programme/event shall ordinarily be made available to the SBC in two instalments. The second advance shall ordinarily be released after the submission of the vouchers by the Treasurer against the first advance drawn by him/her. The Treasurer is liable to submit the accounts of the expenditure incurred by him before the Executive Committee and should get it approved and then submit the same to the Adviser for necessary action.

10) Procedure of Quorum

One-third of the membership shall constitute quorum of the ordinary meeting of the Executive and Ordinary General Body Meetings.

11) Unforeseen Situations

The Vice Chancellor shall have the power to make such rules and take such decisions as he may deem fit to meet any unforeseen situation in future in connection with SBC. The Vice Chancellor shall be the final authority in all matters relating to the SBC. He may frame rules from time to time for the smooth functioning of the SBC.

12) Amendment to The SBC Constitution

The following process needs to be followed to amend the Constitution: -

To amend the SBC constitution, the President shall keep the proposal to the Executive body; then, if simple majority of the body agrees to the proposal, the proposal shall be sent to the faculty advisor for review and then it must be sent to the Vice-Chancellor for final approval.

13) OFFICE FOR SBC

- 1) There shall be a designated office space allotted for SBC.**
- 2) The SBC meetings and all other work shall be conducted in the office**

14) DISSOLUTION OF SBC

The Vice Chancellor shall have the power to dissolve the SBC if the SBC is functioning against the interest of the University.

GENERAL RULES FOR ELECTIONS TO STUDENTS' BAR COUNCIL AND SOCIETIES

1. General Rules

- a) Any full-time regular student (as on the date of filing of nomination paper) who otherwise fulfils the eligibility criteria prescribed for the purpose can contest the elections to the different posts of the office bearers of the Students' Bar Council and other societies.
- b) Written nominations to such elections in the prescribed format duly signed, proposed and seconded by the bona fide students shall reach the Election Officer on such date and time as may be fixed by the Adviser for the purpose.
- c) Every eligible student of the UG Department and the students from the LLM program (Regular Program) are also members of the student body and are eligible to vote. (LLM students can't stand for any post on the SBC Executive except as Class Representative). No member shall cast more than one vote for each of the offices to be filled-up.
- d) The election shall be conducted by means of Secret Ballot and votes shall be recorded and attested in such manner as the Election Committee determine;
- e) The candidate obtaining the highest number of votes shall be declared elected.
- f) In case of a tie, the election of the successful candidates shall be decided by lots.
- g) Candidates shall have the right to request in writing on the spot for recounting within half an hour of the declaration of the results. The Election Officer may order for recounting on the basis of such written request by the candidate, if there is a difference only 5 (five) or less votes in respect of any election. In no case, the ballot papers once declared as invalid shall be considered for recounting.
- h) The entire process of elections commencing from the date of filing of nomination papers to the date of declaration of results, including the campaign period, shall not exceed 10 (ten) days.

2. Eligibility Criteria for Candidates

- i. The bona fide regular students of the U.G. Departments are eligible to contest in the elections.
- ii. A candidate should in no event have any academic arrears in the year of contesting the election.

iii. The candidate should have attained the minimum percentage of attendance of attendance as prescribed by the University.

iv. A candidate shall have **Three** opportunities only to contest for the post of office bearer of the Students' Bar Council.

v. A candidate shall not have a previous criminal record (that is to say, he should not have been tried and/or convicted of any criminal offence or misdemeanor) and shall also not have been subject to any disciplinary action by the University authorities. "A candidate shall not have a previous criminal record (that is to say, he should not have been tried and/or convicted of any criminal offence or misdemeanour) and shall also not have been subject to any disciplinary action by the University authorities. Further, the candidate should not be subjected to any ongoing disciplinary proceedings by the University at the time of commencement of the Code of Conduct under the following policies: a. CASH Policy; b. SC/ST Policy; c. Anti-Ragging Policy.

vi. A candidate must be a regular, full time student of the UG Department of the University. That is to say that all the eligible candidates must be enrolled in a full-time course.

vi. The post of President, Vice President and Treasurer (Executive Committee of SBC) shall be open for candidates from II year onwards.

3. Code of Conduct for Candidates and Election Administrators

vii. The Students' Bar Council and other Sister Associations shall be completely apolitical.

viii. No candidate shall indulge in, nor shall abet, any activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic, or between any group(s) of students.

ix. Criticism of other candidates, when made, shall be confined to their policies and programmes, past record and work. Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the other candidates or supporters of such other candidates. Criticism of other candidates, or their supporters based on unverified allegations or distortion shall be avoided.

x. There shall be no appeal to caste or communal feelings for securing votes.

xi. All candidates shall be prohibited from indulging or abetting, all activities which are considered to be “corrupt practices” and offences, such as bribing of voters¹, intimidation of voters, impersonation of voters, canvassing or the use of propaganda within 100 metres of polling booths, holding public meetings during the period of 24 hours ending with the hour fixed for the close of the poll.

xii. No candidate shall be permitted to make use of printed posters, printed pamphlets, or any other printed material for the purpose of canvassing. Candidates may only utilise hand-made posters for the purpose of canvassing.

xiii. Candidates may only utilise handmade posters at certain places in the campus, which shall be notified in advance by the Election Officer/Head.

xiv. No candidate shall be permitted to carry out processions, or public meetings, or in any way canvass or distribute propaganda outside the University campus.

xv. Neither the candidate nor their supporters shall deface or cause any destruction to any property of the University campus, for any purpose whatsoever, without the prior written permission of the University authorities. All candidates shall be held jointly and severally liable for any destruction/defacing of any university property

xvi. During the election period the candidates may hold classroom meetings provided that such public meetings do not, in any manner, disturb the classes and other academic and co-curricular activities of the University. Further, such public meetings shall not be held without the prior written permission of the University authority.

xvii. The use of loud speakers, vehicles and animals for the purpose of canvassing shall be strictly prohibited.

xviii. On the day of polling the candidates and their supporters shall:

- i. cooperate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction;
- ii. not serve or distribute any eatables, or other solid and liquid consumables, except water on polling day;

¹ Bribing of voters shall include, but not be limited to, the following actions: a. distribution of intoxicating substances; b. distribution of freebies in any form, material or digital.

iii. not hand out any propaganda on the polling day.

xix. Excepting the voters, no one without a valid pass/letters of authority from the Election Committee or from the University authorities shall enter the polling booths.

xx. The Vice Chancellor shall appoint impartial observers. If the candidates have any specific complaint or problem regarding the conduct of the elections they may bring the same to the notice of the Observer(s).

xxi. All candidates shall be jointly responsible for ensuring the clearing up of the polling area within 24 hours of the conclusion of polling.

xxii. Contravention of any of the above provisions/rules may make the candidate liable to be stripped of their candidature, or their elected post, as the case may be. The Vice Chancellor may also take appropriate disciplinary action against such a violator.

xxiii. In addition to the above mentioned code of conduct, certain provisions of the Indian Penal Code 1860 (Section 153-A and Chapter IX-A “Offences relating to Election”) shall be made applicable to these elections.

4. Grievances Redressal Mechanism

There should be a Grievance Redressal Cell with the Adviser, Students’ Bar Council as its chairperson. In addition, one senior faculty member, one senior administrative officer and two students – one boy and one girl (till the election results declared, students can be nominated on the basis of merit and/or participation in the co-curricular activities in the previous year). The grievance cell shall be mandated with the redressal of election-related grievance, including, but not limited to breaches of the code of conduct of elections and complaints relating to election-related expenditure. This cell would be the regular unit of the University (the detailed duties of the Grievance Redressal Cell will be notified by the Registrar for information of all concerned).

THE OFFICIAL EMBLEM: -



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Approved by the Hon'ble Vice Chancellor on 31.08.2023