

WEST BENGAL SALES EXECUTIVES' (P & C) ASSOCIATION

(Regd. No. 20365 under T. U. Act.' 1926)

CONSTITUTION & RULES

(As passed Extraordinary General Body Meeting at Kolkata on 27.08.2006)

REGD. OFFICE

WBSEA GUEST HOUSE, H/O, Samar Ghosh, E-4, Kunja
Mallick Bag, Anjangerh, Dumdum
Kolkata- 700030.



CONSTITUTION AND RULES OF WEST BENGAL SALES EXECUTIVES' (P & C) ASSOCIATION

CONSTITUTION

1. NAME

The name of the association shall be "WEST BENGAL SALES EXECUTIVES' (PHARMACEUTICALS & CONSUMERS) ASSOCIATION".

2. OFFICE

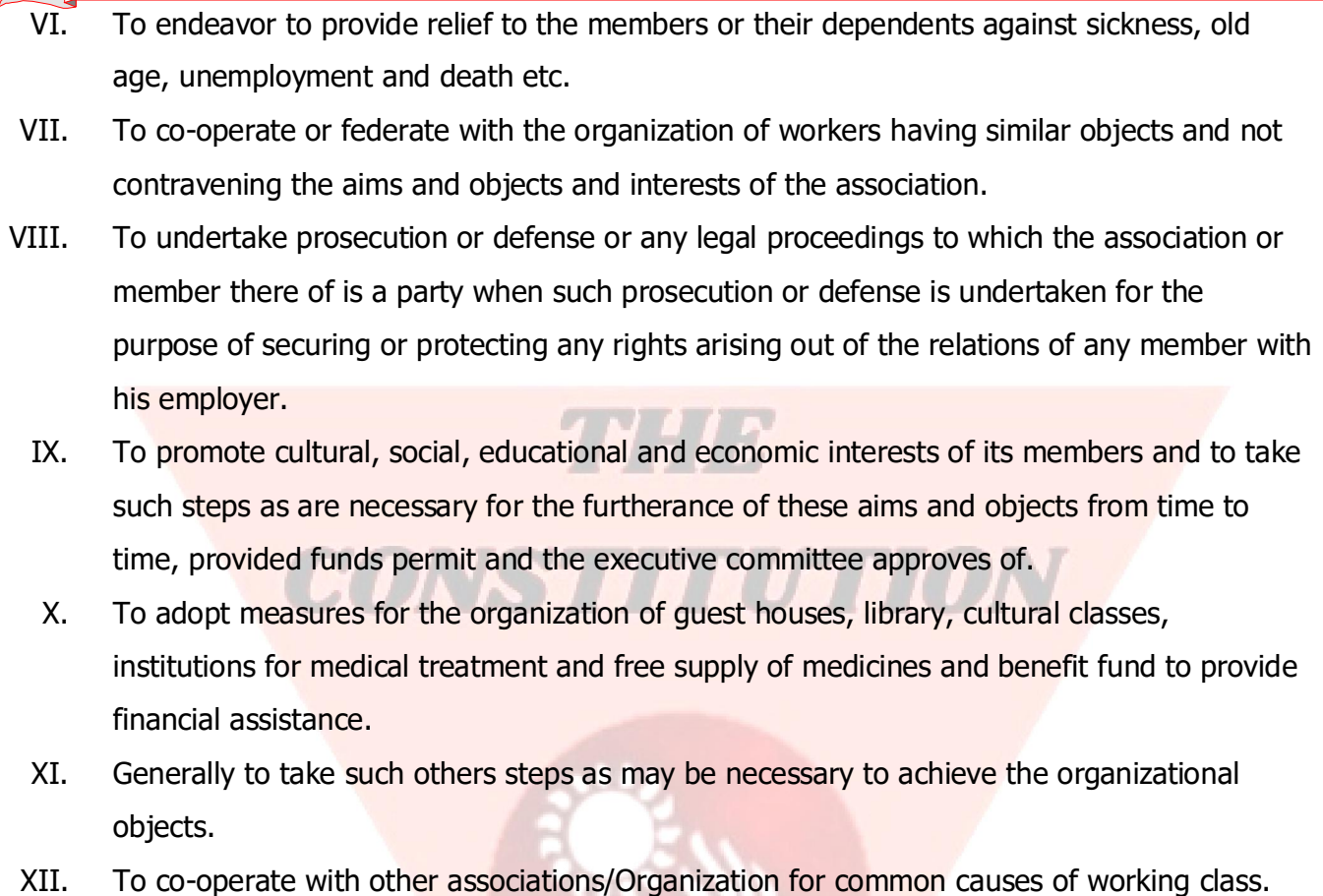
The registered office of the association shall be at the under mentioned address:-

H/O, Samar Ghosh,
E-4, Kunja Mallick Bag, Anjangerh,
Dumdum
Kolkata- 700030.

3. AIMS AND OBJECTS

The objects of the association shall be:-

- I. To organize first line managers employed in the Pharmaceutical, Drug and Consumer goods industry dealing in the manufacture and/or distribution of Pharmaceuticals drug and Consumer goods in the state of West Bengal.
- II. To secure for them fair conditions of life and work.
- III. To safe guard the rights and interests of the members and to regulate relations between the members and their employers.
- IV. To constantly strive for improved wages, working conditions and security of service.
- V. To endeavor to secure compensation for members in case of accident and/or death.

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- VI. To endeavor to provide relief to the members or their dependents against sickness, old age, unemployment and death etc.
 - VII. To co-operate or federate with the organization of workers having similar objects and not contravening the aims and objects and interests of the association.
 - VIII. To undertake prosecution or defense or any legal proceedings to which the association or member there of is a party when such prosecution or defense is undertaken for the purpose of securing or protecting any rights arising out of the relations of any member with his employer.
 - IX. To promote cultural, social, educational and economic interests of its members and to take such steps as are necessary for the furtherance of these aims and objects from time to time, provided funds permit and the executive committee approves of.
 - X. To adopt measures for the organization of guest houses, library, cultural classes, institutions for medical treatment and free supply of medicines and benefit fund to provide financial assistance.
 - XI. Generally to take such others steps as may be necessary to achieve the organizational objects.
 - XII. To co-operate with other associations/Organization for common causes of working class.

4. SEAL OF THE ASSOCIATION

The association shall be a body corporate and shall have a common seal. All documents submitted to the Register of Trade Unions, West Bengal shall bear the seal of the association.

5. METHOD

The association shall always adopt peaceful and constitutional methods in achieving its objectives.

6. OFFICIAL YEAR

The official year of the association shall be from First January to Thirty First December.

7. ORDINARY MEMBER

- I. Any First Line Manager working in the part or whole of the state of West Bengal, on salary or commission or on both the basis, in the Pharmaceutical, Drug and/or Consumer goods/ Sales trade industry shall be eligible for admission as an Ordinary Member of the Association provided. He agrees to abide by the rules and regulations and byelaws framed

by the association from time to time. An Ordinary Member shall pay Admission Fee of Rs. 100/- only on enrollment and an annual subscription of Rs. 60/- payable yearly.

- II. The membership of any member of the association is automatically liable to be lapsed on nonpayment of the annual subscription for that year within 31st March of that year. The same can be renewed on payment of the arrears. Only the Executive Committee shall have the right to waive off part or whole of the membership arrears of a defaulting member on receipt of an application from him requesting to that effect. A defaulting member shall cease to enjoy all rights and privileges embodied in the rules of the Association.

8. HONORARY MEMBER

Persons who are got eligible for admission as Ordinary Member under rules above may be admitted as Honorary Member of the Association for the purpose of being elected or co-opted to the Executive Committee of the Association provided, that such a person is or had been associated with the Pharmaceutical, Drug and/or Consumer goods/Sales trade industry at any time in a Supervisory or Managerial or Administrative capacity, or that the Annual General Body of the Association has given consent for granting such membership to that person.

The number of such Honorary Members shall not at any time exceed two in the Executive Committee.

9. SPECIAL MEMBER

- I. A person employed mainly in a Managerial or Administrative capacity, i.e. A Second Line Manager working in the part of the whole of the state of West Bengal, on salary or commission or on both the basis, in the Pharmaceutical, Drug, and/or Consumer goods industry shall be eligible for admission as a Special Member of the Association, subject to the approval of the Executive Committee.
- II. The Special Member shall get his membership application forwarded by the Sub-Unit Secretary of base unit. The Sub-Unit Secretary shall place the application through the Executive Committee Member concerned to the Executive Committee. If such membership by a 3/4th majority, then then only shall membership be granted to such applicants for Special Membership.
- III. All other rules, regulations and byelaws and other conditions, as applicable in the case of Ordinary Member shall be applicable in the case of Special members also.

10. MEMBERSHIP REGISTER

A register of members, including the Honorary and Special members, showing name, age, address telephone numbers and occupation of each member shall be kept at the registered office of the Association and properly maintain by the office bearers of the Association responsible for it. The register shall be open to inspection by any member or the office bearers of the Association on any weekday during the normal office hours of the Association, after giving three days prior notice to the same to the General Secretary/Treasurer of the Association.

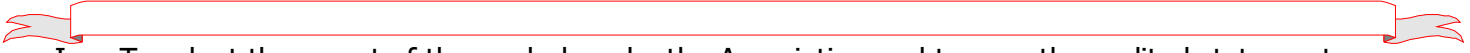
11. REMOVAL OF THE MEMBERS

The Executive Committee is empowered to reprimand, suspend or expel any member from the membership of the Association on account of :-

- I. Having acted in a manner which undermines the good name of the Association and the prestige of the profession.
- II. Having acted contrary and prejudicial to the interests of the Association.
- III. Having embezzled or misappropriated the funds of the Association.
- IV. Having deliberately indulged in indisciplined behavior and acted deliberately against the rules of the Association, its Guest House and similar other bodies.
- V. Having engineered a faction inside the Association with the objective to nullify or undermine or sabotage the line of action decided upon by the Executive body of the Association, in furtherance of the aims and objects of the Association. The aggrieved member shall have the right to appeal before a tribunal constituted by the Executive Committee consisting of the President, The General Secretary and not more than three Ordinary or Special members of the Association. The president of the Association shall preside over the meetings of such a Tribunal. The aggrieved member shall also have the right to appeal before the Biennial General Meeting of the Association. The disciplinary action taken by the Executive Committee shall take immediate effect unless otherwise deemed by the Executive Committee. This shall not prejudice the appeal preferred by the aggrieved member before the Tribunal or the Biennial General Body Meeting of the Association.

12. BIENNIAL GENERAL BODY MEETING

This shall be held before 30th June, once in every two years, i.e. biennial. The Biennial General Meeting of the members of the Association shall transact the following business :

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- I. To adopt the report of the work done by the Association and to pass the audited statement of accounts.
 - II. To pass amendments, if any, to the constitution of the Association and to the rules of the subsidiary bodies of the association.
 - III. To adopt the official and non-official resolutions.
 - IV. To elect the office bearers of the Association for the following years.
 - V. To elect 2/3rd of the delegates from amongst the members of the Association associated with the particular type of industry for which that All India Organization of workers is or may be constituted and to which the Association is affiliated.
 - VI. Any other business as may be permitted by The President.

13. QUORUM

The quorum of the biennial general meeting shall be 1/6th or 40 members, whichever is less, of the total number of members on the register of the Association. At least one month's notice should be given to members by letter.

The President may, with the consent of the Executive Committee, call the General meeting of the Association when he considers it necessary and shall call it on the requisition, signed by 1/3rd of the total numbers of the Association within 30 days of the requisition. If The President fails to call the requisition meeting within 30 days, the requisitionists shall have right to convene such a meeting themselves after giving seven days' notice mentioning specific date on which the meeting would be held. The requisitionists shall discuss only such items which were included in the first requisition notice. The quorum of the requisition meeting shall be 1/3rd of the members of the Association.

14. EXECUTIVE COMMITTEE

- I. The General Body of members shall have control over all the affairs of the Association and the administration of the Association shall be carried on by an Executive Committee of a maximum of 13 members including one President, two Vice Presidents, one General Secretary, two Joint Secretary, one Treasurer and the three Honorary/Special co-opted/elected members.
- II. The Executive Committee, including its office bearers but excluding the co-opted Honorary member/so shall be elected by the Annual General Meeting of the members of the Association and shall hold office until the next election of the office bearers and the members of the Executive Committee takes place.
- III. The Biennial General Body Meeting shall elect three scrutinizers to conduct the elections. These scrutinizers shall, form amongst themselves elect a convener, who shall occupy the

chair till the elections are completed and results are declared. The scrutinizers shall have neither the right to vote nor the right to contest any post in the elections they shall be conducting. In the case of a tie the convener scrutinizers shall have the right to vote.

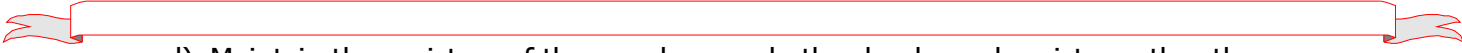
- IV. Vacancies occurring in the Executive Committee, by reason of death, resignation, expulsion etc. of the members, shall be filled in by the Executive Committee and the member/members so co-opted shall hold office till next election of the Executive Committee.
- V. The Executive Committee shall meet at least once in two months. The General Secretary of the Association shall issue 15 days' notice for such meeting with the agenda mentioned therein. The quorum of the Executive Committee meeting shall be 2/3rd of its total number of members. The venue of the meeting of the Executive Committee will be decided by the General Secretary of the Association.
- VI. More than 3/4th of the member of the Executive Committee are empowered to jointly requisition meeting of the Executive Committee by issuing notice jointly with the agenda mentioned therein, to the General Secretary of the Association on minimum 7 days' notice.
- VII. The Executive Committee shall have powers to frame byelaws from time to time not inconsistent with the rules and constitution of the Association and the various resolutions passed by the General Meeting of the Association. The Executive Committee shall seek confirmation of such byelaws from the General Body of the Association.
- VIII. The Executive Committee is entitled to take steps for affiliating or co-ordinating te Association to one or more states of All India Organizations provided such a step does not infringe upon the fundamental aims and objects of the Association and promotes the interest of the Association.
 - a) The Executive Committee shall when deemed necessary constitute committee, subcommittee, commissions and tribunals from time to time and control and supervise their functioning.
 - b) Raise funds, if any when necessary, by way of donations, subscriptions, levies etc for the furtherance of the interest of the Association.
 - c) Give effects to the decision of the Annual General Meeting of the Association and take such steps as it deems necessary for the furtherance of the aims and objects of the Association.
 - d) Submit to the All India Body for enrollment for members as members of that All India Body to which the Association is affiliated, the names of such members of the

Association associated with the particular type of industry as provided in the aims and objects of the Association.

- e) Nominate 1/3rd of the delegates for the conference of the All India Body to which the Association is affiliated, from amongst the members of the Association associated with that particular type of industry in respect of which that All India Body of workers is constituted.
- f) Take steps for realization of the membership fee and any other charges which may be required by the constitution and decisions of such an All India Body from such members of the Association who are eligible and enrolled as member of the All India Body.
- g) Co-opt to fill the vacancies of the delegates elected/nominated caused by resignation, transferred, death etc.
- h) An office bearer or the member of the Executive Committee of the Association shall automatically cease to be the member or office bearer of the Executive Committee on having failed to attend consecutively three meetings of the Executive Committee without assigning any satisfactory reason.

15. DUTIES OF THE OFFICE BEARERS

- I. **PRESIDENT:** The President shall preside over all the meetings of the Association including the Executive Committee and General Body meetings, sign minutes of the meeting presided over by him and shall have a casting vote in the case of a tie.
- II. **VICE PRESIDENTS:** In absence of President all the organizational formalities will be taken care off by the Vice Presidents.
- III. **GENERAL SECRETARY:** The General Secretary of the Association shall be the Chief Administrative Officer of the Association, and shall be responsible for the proper functioning of the Association. He shall:
 - a) Carry out all instructions of the General Body and the Executive Committee of the Association.
 - b) Conduct all correspondence on behalf of the Association.
 - c) Be responsible to maintain the minutes of the meetings of the Executive Committee and the General Body meetings of the Association.

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- d) Maintain the registers of the members and other books and registers other than account book and registers.
 - e) Convene the consultation with the President, meetings of the Executive Committee, and "issue" notice and agenda there-of. He shall issue notices for the Annual General Body meetings or any other meetings of the Association.
 - f) Submit annual returns, statements and other documents as required under the Trade Union Act.
 - g) Incur expenditure upto Rs. 1000/- at a time without the sanction of the Executive Committee. He must however seek approval of such expenditure in the immediate next meeting of the Executive Committee.
 - h) Prepare and submit to the Biennial General Body Meeting, report of the activities of the Association for being adopted.

IV. JOINT SECRETARY: The Joint Secretary will work as per the duties entrusted to him by the General Secretary & the Executive Committee. In the absence of General Secretary, the Joint Secretary shall work for General Secretary.

V. TREASURER:

- a) The Treasurer shall maintain the accounts of the Association, collect amounts due, issue receipts, thereof and make payments in proper and authorized vouchers. He shall be responsible for submitting report and accounts of receipts and expenditure at each meeting of the Executive Committee as well as the Biennial General Body Meeting of the Association.
- b) The Treasurer shall make provisions for the Annual Audit of the Association for each year ending 31st December by Auditors approved by the Executive Committee. He, along with the General Secretary of the Association, shall submit the annual returns to the Register of Trade Unions as required under Trade Union Act.

16. INSPECTION AND AUDIT OF THE ACCOUNTS OF THE ASSOCIATION

The Association shall have a General Fund raised from the contributions from members, donations, levies and other miscellaneous sources. The General Secretary shall make provisions for the Annual Audit of the accounts of the Association for each year ending 31st December by Auditor or Auditors appointed by the Executive Committee. The account books of the Association shall be opened to the inspection by any office bearer or the member of the Association during the usual office hours or any weekdays, excluding holidays, after giving one week prior notice for the same at the Association office. The accounts of the Association shall also be opened for

inspection by Register or Deputy Register of Trade Unions at the Association office or at a place fixed by him.

17. OBJECTS FOR WHICH THE CENTRAL FUND OF THE ASSOCIATION CAN BE SPENT

The General Fund of the Association shall not be spent on any other objects other than the following:-

- I. The payment of salaries, allowances and expenses to the staff and office bearers of the Association.
- II. The payments of expenses for the administration of the Association including Audit of the accounts of the General Fund of the Association.
- III. The prosecution or any legal proceeding to which the Association or any member thereof is a party, when such prosecution is undertaken for the purpose of securing and protecting rights of the Association as such or any rights arising out of the relations of any member with his employer.
- IV. The conduct of the Trade Union disputes on behalf of the Association or any member thereof.
- V. The compensation to members for loss arising out of the Trade Disputes.
- VI. Allowance to members or their dependents, on account of sickness, death old age, accident, unemployment of such members.
- VII. The provisions of social, educational and cultural benefits for the members.
- VIII. The upkeep of Periodicals or any other publication mainly for the purpose of discussing questions affecting employers or workmen or their trade disputes and ideas related to the same.
- IX. The issue of or the undertaking of liability under the policies of assurances on the levies of members or under policies insuring the members against sickness, accident or unemployment.
- X. Provisions for the payments of levies & other contributions or donations to the All India Body to which the Association is co-ordinated or affiliated.
- XI. The payment furtherance of any of the objectives on which the General Fund of the Association may be spent or Contributions to any cause intended to benefit workmen in general provided, that the expenditure in respect of such contributions in any year shall not any time during the year be in excess of half the combined total of the gross income which

has up to that time accrued to the General Fund of the Association during that year and the balance at the credit of these funds of the commencement of the year.

18. GENERAL FUND AND SAFE CUSTODY

I. The General Fund of the Association shall consist of:-

- a) Admission Fee.
- b) Membership Fee.
- c) Legal Affairs Fees.
- d) Members Welfare Fees.
- e) All India Federation Fees.
- f) Donations or any extra collections made from members for general purpose of the Association or for any particular purpose.
- g) Collections made by organizing drama, cultural programs or any other entertainment beneficial to the workmen in particular and the society in general.
- h) Levies from the Guest Houses of the Association.
- i) The Association shall not accept any donations from the employers.
- j) The General Funds of the Association shall not be spent for any purpose other than those mentioned in section 15 of the Indian Trade Union Act. 1926. The money collected from the above mentioned sources shall be deposited in a bank/banks, approved by the Executive Committee in the name of the Association and the General Secretary, Treasurer and one Executive Committee member shall jointly operate the account. The General Secretary or the Treasurer shall not keep more than Rs. 1000/- each with them for current expenses.

19. SUBMISSION OF ANNUAL RETURNS

The General Secretary shall submit Annual Returns to the Register of Trade Unions as required as per the rules of the Trade Union Act.

20. AMMENDMENTS, VARIATIONS, RESCINDING OF RULES

- a. Subject to the over writing provisions of the Trade Union Act, any rule or rules of the Association can be amended, varied or rescinded by a 2/3rd majority of members assembled at a meeting of the General Body of the Association voting in favor of the amendments variations or rescindments.

- b. Notice of the change or changes in the rules shall be sent to the Register within 15 days of the meeting referred to above. The change or changes shall not affect until the same has been registered and certificate of registration obtained from the Register.

21. STRIKE

The Association shall not resort to strike unless all efforts for a suitable settlement have failed. No strike will be launched without obtaining the approval of the General Body Meeting of the members. Specially convened for this purpose. The Association shall not organize or encourage any such strike which is against the law in force at that time.

22. LOCAL COMMITTEE

- I. For smooth functioning of the organization, throughout the state of West Bengal different local committees can be formed.
- II. Membership renewal / new member to be completed by the Local Committee in accordance with the constitution of the Association.
- III. The Local Committee shall prepare and maintain the membership register on the annual basis of the respective Local Committee and will submit it to the President.
- IV. The Local Committee will follow the guidance from the Executive Committee time to time.
- V. The maximum number of members the Local Committee should be 13.
- VI. The Local Committee Secretary should be one of the Executive Committee member and Local Committee President will be ex-officio invitee in the Executive Committee meeting.

Unlike the General Body meeting the Local Committee annual meeting to be held to adopt work reports, accounts for the preceding years.

23. DISSOLUTION OF THE ASSOCIATION

The Association shall not dissolve, except by the decision if the majority of the members assembled at the General Meeting specially called for this purpose. The quorum of the meeting specially called for this purpose shall be 3/4th of the total member of member of the Association. In case of dissolution of the Association, a notice signed by the General Secretary and seven members of the Association along with the certificate of registration shall, within 14 days of dissolution be sent to the Register of the Registration, and the dissolution shall affect from the date of such registration. The meeting shall also decide in what manner the funds of the Association, if any, after dissolution, shall be disposed of.

- **END** -