

THE MULUNGUSHI UNIVERSITY LAW ASSOCIATION



Mulungushi University Law Association

CONSTITUTION

DATE OF ENACTMENT

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PREAMBLE

WE, the MEMBERS OF THE MULUNGUSHI UNIVERSITY LAW ASSOCIATION being fully aware of the duty and obligation we have in the promotion of human rights, constitutionalism and justice for all;

ACKNOWLEDGE the overriding responsibility the legal profession has in the development of the law so as to cater for the needs of our country;

AND BEING determined and prepared to take our rightful place in society;

DO HEREBY GIVE TO OURSELVES THIS CONSTITUTION

PART I

Preliminary

1. The body shall be known as The Mulungushi University Law Association hereinafter referred to as the Association.
2. The Association shall be affiliated to;
 - (a) The Mulungushi University Students Union
 - (b) The Students' Law Association of Zambia; and
 - (c) The Law Association of Zambia.
3. The objectives of the Association shall be;
 - (a) To promote the interest of Law students at The Mulungushi University and maintain honour and integrity of the profession;
 - (b) To give necessary legal assistance to the underprivileged in society so as to contribute to the effective implementation of the legal aid scheme established and governed by law;
 - (c) To cooperate with other Law Student Associations, professional organizations and institutions in the promotion of human rights and legal education among the citizens of Zambia;

- (d) To promote events of educational nature and provide students with a platform and opportunity of interacting with students from other institutions and Legal practitioners; and
 - (e) To promote applied research in the development of law.
 - (f) The Association through the Executive shall have power granted by this Constitution to carry out what is necessary or incidental to the foregoing.
4. Membership shall be compulsory to all Law students at the Mulungushi University and members shall pay a prescribed fee which shall be determined by the Executive.
5. (1) The Association shall be composed of the Executive.

PART II

THE EXECUTIVE

6. There shall be an Executive consisting of the-
- (a) President;
 - (b) Vice President;
 - (c) Secretary General;
 - (d) Vice Secretary General;
 - (e) Treasurer;
 - (f) Information and Publicity Secretary;
 - (g) Moot Court Coordinator
 - (h) Three Committee Members.
7. The President Shall;
- (a) be the Chief Executive of the Association
 - (b) preside at all meetings
 - (c) be responsible for the supervision and control of the other officers
 - (d) suspend any erring members of the Executive in Consultation with the other members of the executive
 - (e) be a signatory to the Association Account(s)
8. The Vice President shall;

- (a) perform the duties of the president in his or her absence and shall represent the President at all functions in his or her absence or whenever he or she is unable to attend
- (b) be principal advisor to the President
- (c) be signatory to the Association account(s)

9. The Secretary General shall;

- (a) be the Chief Administrative Officer of the Association
- (b) be in charge of academic affairs of the Association and shall organize and supervise academic tours
- (c) record the minutes of the Annual General Meeting, Executive meetings, or any other meetings of the Association and shall attend to all correspondence of the Association
- (d) be in charge of the Legal Aid Clinic
- (e) be the Chief Spokesperson of the Association.

10. The Vice Secretary General shall;

- (a) perform the functions of the Secretary General in his or her absence.

11. The Treasurer shall;

- (a) prepare and maintain all books of account for the Association
- (b) supervise all business ventures of the Association
- (c) prepare and publish a detailed financial report to the members of the Association at the end of each month of a calendar year, save for vacations
- (d) be a signatory to the Association account(s) and shall execute all financial transactions of the Association provided that such transactions shall be documented and approved by the majority of the Executive Members
- (e) in consultation with the other members of the Executive prepare a budget for all activities of the Association and present such budget to the members of the Association for approval at their meeting after assuming office Provided that such budget will only pass if a two third majority of the members present assent to it by vote

- (f) present a report on the management and financial affairs of the Association to the Student body within the first four weeks of each semester and another report four weeks before the commencement of the study break in each semester.
- 12.** The Information and Publicity Secretary shall direct the organization and publication of the activities of the Association
- 13.** The Moot Court Coordinator shall;
- (a) be in charge of organising all extra-curricular moot court activities;
 - (b) plan moot court activities; and
 - (c) attend to all matters incidental to the foregoing.
- 14.** The Committee Members shall assist other Executive Members in the execution of their duties.
- (a) In the event that the Executive is suspended or impeached pending the determination of the same by the Judiciary, or holding of by-elections. If such situations arise, the next person in hierarchy will temporally hold the positions awaiting by-election.
- 15.** The Executive shall;
- (1) Plan activities for the Association
 - (2) Provide adequate legal materials for the Legal Aid Clinic.
 - (3) Confer honorary awards to deserving members for their performance or contributions to the Association.
 - (4) Ensure that the Legal Aid Clinic is adequately provided with materials.

Elections

- 16.** (1) A person qualifies to be elected to the position of President; Vice President; Secretary General; Vice Secretary General; Information and Publicity Secretary Treasurer and Moot Court Coordinator if that person is;
- (a) a full-time third or second year student at the time of election
 - (b) a fully paid-up member of the Association
 - (c) of proven good character
 - (d) not having any repeat course at the time of election

- (e) has not been elected twice as Executive member; and
 - (f) not a member of the Union cabinet
- (2) A person qualifies to be elected to the position Committee Member if that person is;
- (a) be fully paid-up member of the Association;
 - (b) of proven good character
- (3) Any such candidate shall not be a member of the Electoral Commission.

Provided that where such a candidate so holds an office in the aforesaid, such a candidate shall relinquish such a position before one can qualify for the aforesaid positions.

- 17.** (1) Elections shall be held in the second semester on a Friday four weeks before the official close of the semester.
- (2) When a semester is disturbed due to unforeseen closures, elections will take place on a Friday in the fourth week of opening the University.
- (3) If such a Friday be a public holiday, then elections will be held on a Thursday of the same week, or if a Thursday be a holiday, elections shall be held on a Wednesday of the same week.
- (4) Aspiring candidates shall file their nominations seven days before Election day upon paying a prescribed fee.
- (5) Elections shall be by secret ballot.
- (6) The candidates shall be elected by simple majority.
- (7) Where any position falls vacant, a by-election should be held within fourteen days after such vacancy.
- 18.** (1) Each member of the Executive shall serve for a term of one year until his or her successor is or are elected, or until his or her death, resignation, exclusion from school, mental illness or dismissed, under the respective Articles, in which case the Association shall hold By-elections to elect members to serve for the remaining term of office.

Electoral Commission

- 19.** There shall be an independent Electoral Commission which shall consist of five full-time and fully paid up members with due regard to gender, each class to nominate one member and one appointed by the Matron or Patron of the Association.
- 20.** The Chairperson of the Electoral Commission shall be elected by the Electoral Commissioners from among themselves within Seven days from the day of their appointment, and shall communicate results of such elections to the Executive immediately.
- 21.** (1) The duties of the Electoral Commission shall be;
- (a) To conduct, supervise and approve nominations of candidates
 - (b) To conduct, supervise and monitor elections
 - (c) To compile a report on the election proceedings and to declare the winner.
 - (d) To ensure that nominations and elections are conducted in a transparent, democratic, free and fair manner.
 - (e) To perform any other functions incidental to the electoral process.
- (2) The Commission Chairperson shall announce the election results and declare the winners immediately after all the votes have been counted.
- 22.** Each member of the Electoral Commission shall serve for a term of one academic year until his or her successor is appointed by the Executive or until his or her death, resignation, mental illness, and exclusion from school, graduation or dismissal in which case the Executive shall appoint a replacement to serve for the remaining term.

PART III

FINANCES AND RECORDS

- 23.** The Executive may receive funds from any lawful source on behalf of the Association and shall deposit such funds in the Association bank account(s) and

shall reveal such receipts of such funds to the whole Association within Five working days from the day of such receipt.

- 24.** Such accounts shall be held with a reputable bank.
- 25.** Funds shall not be withdrawn from any account(s) of the Association except upon the signature of the Treasurer, President and Vice President.
- 26.** Under no circumstances shall any funds of the Association be paid to any person or entity as remuneration, or appreciation for services rendered by any such person or entity, or as loan, donation or aid to any person or entity without the prior approval by the simple majority in the Executive and the Council of class representatives.
- 27.** All financial books of accounts as well as all other records of the association shall be made available for inspection to any member(s) of the Association at any reasonable time on request by such member(s).
- 28.** (1) All significant financial books of accounts as well as other records of the Association shall be closed and left in the custody the Head of Department of Law, Labour and Human Resource Management.
(2) No funds shall be withdrawn from the accounts of the Association during vacations without the prior approval of such withdrawal by the Head of Department of Law, Labour and Human Resource Management.
- 29.** (1) There shall be a Finance Committee which shall be appointed by the Executive.
(2) The Committee shall consist of;
 - (a) The Treasurer who shall be the Chairperson of the Committee; and
 - (b) Four other members
- 30.** The functions of the Committee shall be to;
 - (a) Plan fundraising activities for the Association
 - (b) Make a report of their activities to the Executive whenever required.

Legal Periodicals

- 31.** The Executive shall:
 - (a) Appoint six members of the Association to the editorial board of the periodical devoted to law and published by the Association.

- (b) Appoint one of the editors as editor in chief, who shall report the activities of the Periodical for the preceding year at the members' first Annual General Meeting of the academic year.
 - (c) The Executive may also appoint one or more legal practitioners as advisors to the Editorial board.
- 32.** (1) such periodicals shall be published at least sixty days before the Executive's tenure of office comes to an end.
- (2) Money realized from the sale of the legal periodicals shall be kept in a separate account and shall be used to publish the legal periodicals for the following year.

PART IV

MEETINGS AND DISCIPLINE

Meetings

- 33.** (1) There shall be a meeting of the Executive at least once a month during the academic semesters.
- (2) Five members of the Executive shall form a quorum.
- (3) The Executive shall make regulations in respect of procedure to be followed at its meetings and for notice thereof.

Provided that such regulations shall not be in conflict with this Constitution nor repugnant to its spirit.

- 34.** (1) There shall be an Annual General Meeting which shall be held on a Friday four weeks before the official closing of the second semester.
- (2) The Executive shall make regulations in respect of the procedure to be followed at the Annual General Meeting.

Discipline

- 35.** The President may in agreement with other four Executive Members curtail the rights and privileges of any member of the Executive, and may dismiss from office any such member of the Executive for the following reasons:

- (a) Financial mismanagement or misappropriation of funds;
- (b) Failure to perform duties of his or her office as prescribed by this Constitution;
- (c) Failure to attend, without reasonable excuse, three consecutive Executive meetings, or five Executive meetings within a semester; and
- (d) For gross-misconduct.

Provided that no member shall be so disciplined for not attending such meetings which he or she had no notice thereof.

36. If it is resolved by at least five members of the Executive that the President has violated any provision of this Constitution, the said members may, by notice in writing, suspend the President, refer such case to the Judiciary for determination.

37. Any member(s) so suspended under Article 35 shall have the right to be heard before such suspension, and shall have the right to challenge such suspension within seven days of its commencement to the Judiciary.

Impeachment

38. (1) The Association may impeach any one, some or all Executive members on the following grounds;

- (a) that a member has conducted himself in a manner which brings or is likely to bring the Association into hatred, ridicule, contempt or disrepute;
- (b) financial mis-management; and
- (c) insanity

Provided that no member of the Executive shall suffer for the offence committed by another member, and that any such member shall, before being so suspended, be given the right to be heard in person.

(2) No complaint against any Executive member under article 38 (1) (a) shall be lodged after fourteen days from the date of the alleged incident.

(3) No such action under Article thirty-eight clause one shall be taken unless all members submit a written petition and least two thirds of those members should

be paid up members of the Association and such a petition shall be submitted to the Chairperson of the Judiciary who shall call for a special meeting of the members to deal with the disciplinary matter.

Amendments

39. (1) A motion to amend any provision of this Constitution may be moved by one fifth of the members.

(2) Such a motion shall only be passed by two thirds of all the members entitled to vote.

(3) The notice given for any meeting at which the proposed amendments are to be considered shall include a statement describing the proposed amendments.

40. The Executive may at any time appoint a commission for purposes of reviewing the Constitution and proposing amendments, or replacement of the new Constitution.

Provided that such replacement, or amendment is assented to by a Constituent Assembly appointed by the Executive.

PART VII

Miscellaneous

41. (1) The Executive shall formulate the code of conduct which shall be approved by a simple majority of all paid-up members.

(2) Any member alleged to have breached the code of conduct shall be brought before the Judiciary for a hearing.

(3) A member found guilty of breaching the code of conduct shall be punished according to the punishment provided in the code of conduct.