

# CONSTITUTION

**(As amended March, 2018)**

**Registered under the West Bengal Societies  
Registration Act, 1961**



## **WEST BENGAL ORTHOPAEDIC ASSOCIATION**

**102/3A, Dr. Suresh Ch. Banerjee Road (Beliaghata Main Road)**

**1<sup>st</sup> Floor, Kolkata – 700 010**

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## **Part -01**

### **MEMORANDUM OF ASSOCIATION**

#### **OF**

### **WEST BENGAL ORTHOPAEDIC ASSOCIATION**

#### **1. NAME**

The name of the Association will be “West Bengal Orthopaedic Association”

#### **2. ADDRESS**

The address of office of the Association will be 102/3A Dr. Suresh Ch. Banerjee Road (Beliaghata Main Road) 1<sup>st</sup> Floor, Kolkata-700 010.

#### **3. JURISDICTION**

The territorial jurisdiction of the association shall be the city of Calcutta including its metropolitan area and State of West Bengal.

#### **4. GENERAL POLICY AND OBJECTIVES**

4. (A). Whereas the Indian Orthopaedic Association in its constitution encourages formation of local bodies (chapters), Association of Orthopaedic Surgeons of West Bengal, which have been conducting since 1964, scientific meetings, social gatherings etc. decided to form West Bengal Orthopaedic Association to function as a chapter of Indian Orthopaedic Association, a non- profit earning organization, the objective of which shall include all such activities for the advancement of art & science of Orthopaedic Surgery within its territorial jurisdiction with aims & objects as under:

4. (B). To promote, encourage and develop a continuing interest in different branches of Orthopaedic Surgery and its allied disciplines among the members of medical profession and among other persons who are closely associated with and /or actively interested in the advancement, study, practice, scientific research, experimental work etc. in various problems of orthopaedic and traumatic surgery.

4. (C). To foster uniform standard in teaching, training, research etc. in orthopaedic surgery in all its branches and allied subjects.

4.(D). To hold meetings, scientific discussions, conferences etc. either among its members or with other associations or bodies, to arrange for presentation of papers on the subjects & provide for and holding of lectures, classes etc. for the cause of advancement of art and science of Orthopaedic surgery and its allied disciplines as and when necessary.

4.(E). To print and publish articles, bulletins, brochures, periodicals, proceedings of association and other materials pertaining to the specialty and to promote social and cultural activities among its members.

4.(F). To act independently, advice, co-operate contact and associate with other associations, voluntary bodies, Govt. agencies etc. who are directly or indirectly associated with matters affecting the interest, development and various facets of orthopaedic surgery in all its branches and collaborate with such bodies in teaching, training and travelling facilities for above purpose.

4.(G). To hold, rent, acquire, construct and purchase buildings and properties both movable and immovable that may be necessary and advantageous for the fulfillment of the objectives of the association and to sell, rent, lease, mortgage, alter, renovate and maintain such properties either in full or part thereof for the said purpose.

4.(H). To receive and collect donations, subscriptions award, prizes etc from members, non- members, other associations and similar bodies for the benefit and advantage and advancement of the aim of the association and to raise funds as and when necessary for the purposes stated above.

4.(I). To do all such activities as may be incidental or conducive to the attainment of all or any of the above objects which may be decided upon from time to time by the association.

4.(J). The association will endeavor to protect the professional interest of its members and to look after the welfare of its members and their families.

4.(K). The association encourages the formation of city & district clubs with the approval of the West Bengal Orthopaedic Association.

## **PART-02**

### **Rules, Regulations & Bye Laws of West Bengal Orthopaedic Association**

#### **1. Membership:**

1. (A). Membership of the association shall be of three categories- LIFE MEMBERS, ASSOCIATE LIFE MEMBERS and HONORARY MEMBERS.

##### **1. (A). (i) LIFE MEMBERS:**

Life membership shall be open to qualified Orthopaedic Surgeons, residing in any part of India or abroad, either permanently or temporarily, provided they possess a basic medical graduate degree recognized by MCI / WBMC (example MBBS), plus at least one post graduate diploma and / or degree, as recognized by MCI /WBMC and /or according to IOA guidelines.

##### **1. (A). (ii) ASSOCIATE LIFE MEMBERS:**

1.(A).(ii).(a) Anybody possessing basic medical graduate degree, but do not have post graduate orthopaedic qualifications as degree and / or diploma that is recognized by MCI /WBMC, but has been practicing Orthopaedic Surgery, or its closely allied subjects, for more than five years may become associate life members on applying in prescribed forms and fulfilling other requirements.

1.(A).(ii).(b).Post graduate trainees in Orthopaedic Surgery can also become associate life members on applying in prescribed forms and fulfilling other requirements.

1. (A). (ii). (c). Post Graduate trainees in Orthopaedics, or an erstwhile associate life member, can become life members after attaining a post graduate diploma/ degree, as recognized by MCI / WBMC.

##### **1. (A). (iii) HONORARY MEMBERS:**

Honorary membership shall be conferred upon persons who have acquired profound knowledge, experience and distinction in any field, subject to recommendation by the executive committee and subsequently ratified by the general body.

#### **2. Procedure to acquire membership:**

2. (A). A Person, who is qualified for membership, as per criteria laid down in clause 1.(A).(i) & 1.(A).(ii), shall express his willingness to the president of WBOA, in a prescribed form for the membership after paying the required admission fees along with all credentials and duly proposed & seconded by life members.

2. (B). A person shall be deemed to be a life / associate life members as soon as his membership is approved by the executive committee.

2. (C). Executive committee will take the primary decision for honoring a person with honorary membership. After passing the proposal in Executive committee meeting this shall be placed for approval before immediate next General Body Meeting. After proper approval in this meeting that person shall become an Honorary Member.

### **3. Termination of membership:**

3. (A). Membership may be terminated on at least one of the following grounds by serving a notice to the member giving him at least 30 days time for explanation of his conduct for which decision of his membership cancellation / termination has been taken based on clause 3.(C)(i),(ii) &(iii).

3. (B). Decision of serving membership termination notice must be taken by executive committee subsequently to be passed by immediate next general body meeting before serving such a notice to the said member.

3. (C). Clauses based on which membership may be cancelled.

3. (C). (i). Willful neglect of duty (duty is specified hereinafter under Rights, privileges, Duties & Responsibilities of members under Clause 7).

3. (C). (ii). Gross misconduct against the ethos and principles of the Association. or continuously disturbing interference at business meetings of WBOA or elsewhere, thereby hampering the smooth working of the Association.

3. (C). (iii). Voluntary resignation given in writing by a member.

3. (C). (iv). After demise of a member.

#### **4. Reinstatement of membership.**

Terminated membership can be reviewed and reinstated, by the executive committee, provided such a member applies to the President fulfilling following conditions.

4. (A). Unconditional apology & proper explanation, for which the membership was terminated.

4. (B). Such a written appeal by the member must be acceptable to the executive committee.

4. (C). Subsequent approval by G.B. meeting is mandatory.

4. (D). Such reinstatement will be admissible for once only. A second similar offence by the same member will make him liable for permanent termination of membership by the executive committee without the need for general body approval.

#### **5. Admission fee, subscription, deposits, donations, special funds, forfeitures etc.**

5. (A). Admission fee, subscription, deposits, donations, special funds for special purpose, contribution for any particular issue etc. are non refundable and shall accrue no interest.

5. (B). Admission fee for members shall be as under:

**Life Member: Rs: 3000.00**

**Associate Life Member: Rs: 3000.00**

To be increased by 10 % every five year or as the executive committee may decide otherwise, subject to approval by the general body.

5. (C). The association may receive and / or collect donations, deposits, contributions, special funds etc. in addition to admission fee, if the executive committee considers it reasonable and necessary.

5. (D). Executive committee may adjust, alter waive and amend the rules and rate of admission, subscription, donation, deposit, special fund etc. if it thinks necessary and reasonable, subject to approval by general body.

#### **6. Rights, privileges, responsibilities and duties of members:**

6. (A). A member shall have the right and access to inspect books of accounts, records, resolutions of meetings and minutes and demand copies of such record etc., from the secretary, provided such request is made in writing to the secretary.

6. (B). A member shall have the right to appeal to the president for consideration of any issue.

6. (C). A life member only has right to vote for any election in the Association.

6. (D). Life members, who have voting rights, shall have the privilege to propose or second any application for admission to membership of the association.

6. (E). A life member, who has voting rights, shall have the right to make nomination and contest for any position of the office bearers of the executive committee, provided he has paid all his dues and is otherwise eligible.

6. (F). A member shall be expected to perform his duties and discharge responsibilities as and when entrusted by the executive committee.

6. (G). All members, life members or associate life members shall have the right to attend General Body meetings, but only life members shall have the right to vote on any matter in General Body Meetings.

6. (H).The duty of each member is to uphold the integrity and prestige of WBOA and to abide by letter & spirit, the clauses of its constitution.

#### **7. FORMATION, CONSTITUTION, FUNCTION, POWER AND DISSOLUTION OF EXECUTIVE COMMITTEE.**

7. (A). Executive committee will be formed through the process of election as mentioned the clause 11.

7. (B). The executive committee shall comprise of seventeen members as under:

President	1
President-elect.	1
Vice president	1
Secretary	1
Joint secretary	1
Treasurer	1
Members	10
Editor	1

7. (C). Ex –officio members of the executive committee will be as under:

Immediate Past President.

Immediate Past Secretary.

Immediate Past Treasurer.

7. (D). The President, in consultation with the secretary, can co-opt some members for foreseeing & supervising some specific job of the association. But number of such co opted members should preferably be restricted to not more than three. Such co-opted members should head sub- committees meant for such specific job, and will enjoy all privileges enjoyed by the elected executive members.

7. (E). The tenure of office of the members of the executive committee, including ex- officio and co-opted members shall be one year, except the secretary, treasurer and editor, who will serve for tenure of three consecutive years.

7. (F). The members of the executive committee may offer themselves for re-election for the same post for another two successive terms of one year each. Thereafter, at least one year's gap is to be given before seeking re election for the same post.

\*(For the election of the Editor, vide Clause 9(G).

7. (G). Function and power of executive committee.



7. (G). (i) The executive committee shall superintend, control and manage all affairs of the association including the sub committees.

7.(G).(ii) The executive committee shall, in the interest and betterment of the association, prescribe rules, terms and conditions regarding conduct of business and shall consider filling up of vacancies, refusal and / or cancellation of membership and other matters relating to donations, operation of the bank accounts, investment, delegation of power, disciplinary action, qualification & eligibility of membership and voters, sanctioning donations, loans, and advances to members and other associations and shall take all necessary action regarding matters as contained in clauses 3,5,7 &8.

7. (H). Dissolution of executive committee.

7. (H).(i). Existing executive committee automatically dissolves with completion of its tenure of one (1) year.

7. (H).(ii). Of all the members only Secretary, Treasurer and Editor who are elected for three (3) years will continue for the remaining period of their term. However if their tenure is completed then new Secretary, Treasurer and Editor may join the executive committee by general election.

7. (H).(iii). Executive committee also may automatically dissolve with the dissolution of West Bengal Orthopaedic Association.

7. (H).(iv). Executive committee may be dissolved in some extra ordinary situations in mid-term with the resolution taken by executive committee and subsequently passed by General Body. In such situation existing executive committee will be asked to continue as care taker executive committee until a new executive committee is formed through election.

7. (H).(v). If existing executive committee, by majority refuses to continue as a care taker committee, President along with a team of past Presidents may temporarily continue as a care-taker committee, till such time as a new executive committee is duly formed after election, which should be conducted as quickly as possible, and definitely not later than the next annual general meeting. Such a committee will continue its full term as applicable to the individual office bearers.

## **(8). Meetings, Notice of Meetings, Quorum and Resolution:**

### **8. (A). Executive Committee Meetings.**

8. (A). (i) The executive committee shall generally meet once every month on the day & time suitable to members.

8. (A). (ii). Notice of the meeting of the executive committee should be sent to its members at least seven days prior to the meeting, except in case of any emergency meeting, when the secretary can convene such a meeting at a short notice.

8. (A). (iii). Nine members shall constitute quorum at the executive meeting.

8. (A). (iv). The President will have the right to ask for a satisfactory explanation from an executive member who fails to attend more than three consecutive meetings.

8. (A).(v). In absence of any satisfactory reason, the member may be warned. If the members still remains absent in subsequent meetings, the President, in consultation with the executive committee, can terminate his membership from the executive committee.

#### 8. (B). General Body Meetings.

8. (B).(i). Annual general meeting shall be held not later than 31<sup>st</sup> March, of each year, preferably during annual conference to consider and accept the Annual Report and Annual accounts of the association and result of the election of office bearers and may include any special item if desired by a member and accepted by the President.

8. (B).(ii) Fifty (50) valid members shall constitute a quorum at the annual general meeting.

#### 8. (C). Extra Ordinary General Body Meeting.

8. (C).(i). Extra ordinary general body meeting may be called by the president with a notification of at least 30 working days in advance with a very specific or single agenda and not more than two agendas.

8. (C).(ii). Eighty (80) valid members shall constitute a quorum at the extra ordinary general body meeting.

#### **9. Duties, Power, Responsibilities, Registration, Removal of the Office bearers:**

## **9. (A). President:**

9. (A). (i). The President elect will be promoted as President after one year year, as the head of new executive committee and shall remain in office till 31<sup>st</sup> March next year, or till such time he tenders his resignation and subsequently its acceptance by the executive committee.

9. (A). (ii). If the President wishes to resign for any reason, he will submit his resignation to the executive committee through the secretary.

9. (A). (iii). The President, after normally completing his term, shall serve as an ex-officio member for the next one year, in all committees.

9. (A). (iv). The President will normally preside over all meetings of the association, conduct the business in all meetings and perform such other duties as ordinarily pertains to his office.

9. (A). (v). In the absence of the president for any reason, the President –Elect, or the vice-president, in that order, will perform the duties of the President, temporarily.

9. (A). (vi). If both the president –elect and the vice –president are absent , then any senior member, either a past president, or the likes, will temporarily preside over that particular meeting.

9. (A). (vii). The President shall, subject to approval of the executive committee, appoint any committee/ committees if he thinks necessary and by virtue of his post he will be the member of all such committees. He may declare any such committee/committees or office invalid if he thinks necessary.

9. (A).(viii). The president , who has not served a full term, expect due to unavoidable reason, shall not enjoy the privileges of a past president, as depicted in subclause (iii) of this clause.

## **9. (B). President-Elect.**

9.(B).(i) The President elect will assume his official duties from 1<sup>st</sup> April of every year, after his election and shall remain in office till 31<sup>st</sup> March next year.

9. (B).(ii).The President- Elect shall assume the post of President after the existing President's term expires on 31<sup>st</sup> march. The President- Elect shall deputies for the President on all occasions when the President is absent or ceases to hold office during his term. He shall succeed as President for the rest of the term. He shall submit his resignation to the President.

#### **9. (C). Vice President:**

9.(C).(i) The Vice President will assume his official duties from 1<sup>st</sup> April of every year, after his election and shall remain in office till 31<sup>st</sup> March next year.

9. (C).(ii).In absence of President and President-Elect, vice presidents will deputies on all occasions. He shall submit his resignation to the President.

#### **9. (D). Secretary:**

9. (D)(i). The Secretary will assume his official duties from 1<sup>st</sup> April and shall remain in office for next three years.

9. (D). (ii). The Secretary, after assuming his office shall convene all meetings, of the association and shall continue to serve for the full term of next three years.

9. (D). (iii). The Secretary shall maintain all records of membership, meetings and minutes of such meetings, documents and seal, if any. He shall send out notice for all meetings, prepare reports required for different meetings and perform such other duties as he may deem necessary, or are entrusted to him.

9. (D).(iv). Secretary by virtue of his post shall be the member of all subcommittees or offices appointed by the president with approval of executive committee.

9. (D). (v). Secretary after completing his term of three years shall be ex-officio member of all committees and enjoy all privileges thereof.

9. (D). (vi). Secretary shall submit his resignation to the President.

9 .(D).(vii). Secretary shall have power to supervise, control, guide, suggest and direct all activities of the association and take necessary actions for such and report such action to the executive committee.

9. (D). (viii). Secretary may incur petty expenditure, not exceeding Rs: 10000.00 (Ten thousand only.) in one month. Expenditure exceeding this amount has to be approved by the President and treasurer and ratified by the immediate next executive committee meeting.

#### **9. (E). Joint Secretary:**

9. (E). (i). The Joint Secretary will assume his official duties from 1<sup>st</sup> April of every year, after his election and shall remain in office till 31<sup>st</sup> March next year.

9. (E). (ii). Joint Secretary shall, ordinarily, assist the secretary in all his activities. In absence of the secretary for any reason, he will deputise for the secretary for the current year.

9. (E).(iii). In case the secretary ceases to hold office in the middle of his tenure, for any reason, joint secretary will take charge of the secretary for the remaining period of the current year. At the end of the current year, a new secretary will be elected as per guidelines given in the constitution.

9. (E). (iv) He shall look after day- to-day working of the office under the direction of the secretary.

## **9. (F). Treasurer:**

9. (F). (i). The Treasurer will assume his official duties from 1<sup>st</sup> April and shall remain in office for next three year.

9. (F). (ii). He shall arrange for collection of all deposits, donations, subscriptions or any special fund. He shall arrange for entry of such deposits & collections in the respective books for the purpose and maintain up – to- date accounts.

9. (F).(iii). It shall be the duty and responsibility of the treasurer to have custody of all funds and to make all statements showing financial position of the association upon demand and requisition; prepare annual accounts and budget estimates and to perform such other duties pertaining to his office. He shall present audited accounts of the current year at the annual general body meeting.

9. (F). (iv). He shall normally deposit all collections to the bank, within the first ten working days of each month, unless otherwise decided by the executive committee.

9. (F). (v). All bank transactions shall be jointly operated by the treasurer and either the President or the secretary.

9. (F).(vi). The treasurer shall be by virtue of his post shall be member of all committees/sub committees / office relating to financial matters of the association.

9. (F).(vii). The treasurer shall make all payments and disbursements against proper authorization vouchers, bill and relevant paper duly signed by him.

9. (F). (viii). The treasurer shall submit his resignation to the President.

9. (F). (ix). Treasurer shall be the custodian of all assets (movable & immovable properties) of the association and shall hand over the same to his successor.

9. (F). (x). The treasure after completion of his tenure of three years in the office will be the member of any finance committee for the next tenure to help the new

treasurer for next three years and he should attend in the office on request as and when required to discuss financial matters that is related to his period of serving the office.

#### **9. G. Editor:**

9. (G). (i) The Editor will assume his official duties from 1<sup>st</sup> April and shall remain in office for next three year.

9. (G). (ii) He should be life members of the association.

9. (G). (iii) He should have at least two publications in an indexed journal.

9. (G). (iv) He should be preferably be a reviewer in any indexed journal of Orthopaedics.

9. (G).(v).He shall be responsible for the publication of the journal of West Bengal Orthopaedic Association; He shall convene meetings of the Editorial Board every three months, or as & when required.

9. (G).( vi). Editor will nominate one editorial board in consultation with and approval of the executive committee. The Editorial Board shall consist of members who will have requisite qualification as per standard criteria followed by indexed journals. This editorial board can be modified or changed time to time by editor with consultation of executive committee if he thinks necessary.

9. (G). (Vii). The editor shall submit resignation to the President.

#### **10. Election of Office bearers, nomination and declaration of result.**

10. (A).The President –Elect will be the election officer and will chair the election committee, which will consist of himself, the immediate past president, two members of the past president if desired by the election officer with consultation of president and secretary. The president and the secretary will remain ex- officio members of the committee. Election Committee shall perform such duties as they consider necessary for the smooth conduct of the election. The election committee shall meet not later than 15<sup>th</sup> September each year to start the election process.

10. (B). The election Officer shall issue notices relating to election, nomination; prepare & publish voter list every year; supply ballot paper, select or appoint scrutinizers for scrutiny of nominations, ballot paper etc. He will inform members regarding any issue/point/suggestions/objection relating to election; eligibility of voters etc.

10. (C). The election notice should be issued, in the office notice board and newsletter, sms message or e-mail, not later than 30<sup>th</sup> September each year.

10. (D). (i) Last date for filling nomination should be 15<sup>th</sup> November or the next working day, if 15<sup>th</sup> November falls on a holiday.

10. (D). (ii). Date of Scrutiny & publication of valid candidate list: Within seven days after the last date for filling nomination, those should be scrutinized and a list of valid candidates should be exhibited in the office notice board.

10. (D). (iii) Last date of withdrawal of nomination is 30<sup>th</sup> November or the Next working day.

10. (D). (iv). Ballot papers should be sent by post from 7<sup>th</sup> December.

10. (D). (v). A properly sealed ballot box should be kept continuously in the office at a secured place, on & from 8<sup>th</sup> December till the last date of voting i.e. 31<sup>st</sup> January or the next working day.

10. (D). (vi). Counting: Counting of votes should be done on 2<sup>nd</sup> February or the next working day.

10. (D). (vii). The ballot should be opened in presence of all the candidates or their valid representatives. The representative must be a life member of WBOA. No outsider can be nominated as representative of any candidate.

10. (D). (viii). Eligible voters & voter list: All life members, who have been inducted before 30<sup>th</sup> September of the concerned year, i.e. the date of sending election notice, are eligible for voting. Associate or honorary members are not eligible for voting. The election officer shall prepare a voter list as per the guideline stated



above, and display the same in the notice board. A candidate is eligible to get a copy of the voter list, if asked for.

10. (D). (ix). Result of the election shall be declared officially by the election office at the next annual general meeting and thereafter in the website of the Association.

10. (D).(X). Tie: In the rare event of a tie: (a) if tie occurs for a post whose tenure is one year (example President-Elect or executive member); both will enjoy the post one after the other. The person, who is senior by membership of WBOA, will enjoy the post first. Next year the other person will automatically enjoy the post. No election for that post will take place next year.

(b) If tie occurs for the post whose tenure is three years (example Secretary, Treasurer and Editor), fresh election will have to be conducted at short notice, not necessary the mandatory three month notice.

## **11. Amendment of constitution:**

11. (A). Any life / annual member can propose amendment of any clause or sub clause of the constitution by making written proposal to the secretary/president. Such proposal has to be seconded by not less than thirty (30) members who have voting rights. Such a proposal, if properly placed, will be binding upon the executive committee to place at the next annual extra-ordinary general meeting for consideration. If the latter approves the proposal(s), necessary amendments shall be made. Before convening such extra- ordinary general meeting, copy of the proposed amendments has to be sent to each member.

11. (B). The executive committee, in any of its meetings, if decides for any amendment, they can do so without the requisite approval of thirty members. Rest of the procedure of amendments remains the same as depicted in the previous sub clause.

11. (C).A Notice of minimum thirty (30) days has to be given before calling an extra-ordinary general meeting.

11. (D). 20% of the members or 80 members, whichever is higher shall constitute quorum for an extra-ordinary general meeting.

11. (E). No proposal for amendment of any section, clause or sub clause of this constitution can be made which is against the general policy and objectives of the association, as depicted in Clause 1.

11. (F). Any amendment, if duly approved, will be effective from next executive year, i.e. immediately next 1<sup>st</sup> April.

11. (G). All provisions of the West Bengal Societies Registration Act, 1961, as amended from time to time, shall be applicable to the association.

## **12. Dissolution/Winding up of the association:**

12. (A). The association may be wound up or dissolved by a resolution to that effect passed by not less than 75% of the total life members of the association, at an extra-ordinary general body meeting. The issue of quorum of an extra –ordinary general body meeting as depicted in clause 12(D) will not be applicable in this case. 75% of all life members of the association has to support a proposal of dissolution.

12. (B). After winding up or dissolution of the association, any property and /or funds and assets whatsoever, which remains after satisfactorily meeting all debts and liabilities, shall not be distributed amongst the members of the association, but shall be transferred to the State Government.

**Long live  
WBOA**