



CONSTITUTION OF

KOLHAPUR MEDICAL ASSOCIATION

(BRANCH OF INDIAN MEDICAL ASSOCIATION)

REGD. NO. KE-127

COPY OWNED BY DR. _____

SCHEME

ANNEXTURE - 'A'

(Scheme settled for better management of the trust by name "Kolhapur Medical Association" - Kolhapur P.T.R. No.E-127 (Kolhapur) in scheme proceeding No.-2/92 by an order passed by the Dy. Charity Commissioner, Kolhapur, dated 18-7-1994 under Section 50A of the Bombay Public Trust Act-1950.)

1) NAME AND REGISTRATION :

The association shall be called 'Kolhapur Medical Association, Kolhapur'. This will be a branch affiliated to the Indian Medical Association and shall be known as 'Kolhapur Medical Association'. (K.M.A.) The same shall to be registered at Public Trust Register No. E-127 (Kolhapur) at the Public Trusts Registration Office, Kolhapur Region, Kolhapur.

2) REGISTERED OFFICE :

The Office of the Kolhapur Medical Association will be at 2802 B Ward, Mangalwar Peth, Kolhapur.

3) PROPERTIES OF THE TRUST :

The properties of the trust shall consist of immovable and movables, registered and recorded in Sch-I maintained in Public Trust Registration Office at Kolhapur and such other properties which belong to the said trust which may through error, oversight or inadvertance have remained to be mentioned in the Schedule. All these properties and new accretions thereto and acquisitions, donations received thereafter shall be called the trust properties.

4) VESTING OF THE PROPERTY :

The trust properties shall vest in the trustees for the time being under this scheme and shall be administered and managed by them subject to and in conformity with the provisions of this Scheme.

5) OBJECTS :

- (a) Promotion and advancement of the medical and allied sciences in all their different branches. The improvement of Public

health and medical education in India. The maintenance of the honour and upholding the dignity of the medical profession and co-operation amongst members thereof.

- (b) To hold seminars, clinical meetings, research paper reading and to diffuse the knowledge among the medical practitioners about latest researches and newer modalities in investigation and treatment, in furtherance of the objects.
- (c) To treat all medical practitioners on equal footing irrespective of their qualifications and to do all other things conducive to attainment of the above object.

6) CONSTITUTION :

Kolhapur Medical Association shall consist of members - males as well as females in all, whose names are on the register of Kolhapur Medical Association at the time when these provisions came into force and of the subsequent members who shall be those persons, who being eligible, shall be duly proposed, seconded and admitted in such a manner and upon such conditions as may be prescribed from time to time by the scheme.

7) REGISTER OF MEMBERS :

There shall be a register of the members in which names of all the members will be entered with their qualifications and addresses. A member means a male or a female member whose name appears in the register as aforesaid.

8) ELIGIBILITY OF THE MEMBERS :

Any person possessing medical qualification registrable in India will be eligible for membership, provided he or she is qualified in modern medical science as defined in Indian Medical Degrees Act 1916 Clause 2 (Act. VII of 1916). An Indian national possessing foreign qualifications in modern medical sciences not yet registrable in India, may also be eligible as a member on his/her qualifications being approved of by Central Council under Maharashtra Medical Council.

9) CLASSIFICATION OF THE MEMBERS :

- A) Ordinary member :** A person possessing qualification as in Clause 8 and paying subscription as per clause 11 (a)

B) Life member : A person possessing qualification as in Clause-8 and paying subscription as per clause 11 (b).

C) (a) Honorary member :

Person of high scientific or literary attainment or person who has rendered conspicuous services to the Kolhapur Medical Association or persons whose connections with the Kolhapur Medical Association may be deemed desirable, if willing to be made honorary member when selected according to the rules laid down hereinunder. The honorary membership shall be confirmed by the general body.

(b) Honorary Senior Member :

Member of Kolhapur Medical Association having uninterrupted membership of Kolhapur Medical Association for 30 years.

(provided he continues to pay existing Head Quarter's Fund Contribution i.e. H.F.C.)

D) Associate Member :

(a) Persons having registrable qualification under the Medical Practitioners Act of 1938 who can not be members of Indian Medical Association, can be associate members of the Kolhapur Medical Association on payment of subscription as per clause 11 (d). They are not entitled to vote or to stand for any election. They shall not be required to pay the Head Quarter's Fund Contribution.

(b) Persons having registrable qualification under Ayurved and Unani Board, Homoeopathic Council, Dental Council who can not be a member of Indian Medical Association; on payment of annual subscription minus Head Quarter's Fund contribution. They are not entitled to vote or to stand for Kolhapur Medical Association election. They shall not be eligible for life and/or honorary membership of I. M. A.

10) BRANCH YEAR :

The year of the K.M.A., shall be from 1st April to 31st March for all purposes.

11) SUBSCRIPTION :

(a) Ordinary Member :

Ordinary members shall pay an annual subscription of Rs. 300/- inclusive of Head Quarter's Fund Contribution. If not changed same subscription shall be continued for the next coming years.

- i) A member enrolled at any time during the first half of the year shall pay the full subscription for the year irrespective of the date of enrolment.
- ii) New member joining the Kolhapur Medical Association in the second half of the year shall pay half the annual subscription of the Kolhapur Medical Association but the full contribution of the Head Quarter's Fund Contribution.
- iii) New member in all cases will pay the full entrance fee of Rs. 50.00

(b) Life member :

Life Membership fees are fixed as follow (for current year) :

IMA Membership - Rs. 3300/- (3000 + 300)

Couple IMA member - Rs. 4950/-

Associate KMA Member - Rs. 2475/-

Couple Associate Member - Rs. 3712-50

I. M. A. & Associate Member Couple Rs. 5775/-

(for all new members, entry fee of Rs. 50/- will be charged extra)

(c) Honorary Member :

Honorary members made under 9-C (a) above shall not have to pay any subscription but if made under section 9-C (b) shall have to pay only H.F.C.

- (d) Associate member shall pay the full amount fixed by the Kolhapur Medical Association for the ordinary members plus the entrance fee and not the H.F.C.

(e) General rules about subscription and contribution :

- i) Amount collected towards H.F.C. will be credited to the Central Office for each member.
- ii) All subscriptions and contributions are payable in advance in the first month of the commencement of the branch year.

12) ELECTION OF MEMBERS :

A) Honorary Member :

- (a) Honorary member shall be proposed by at least one fifth of voting members of the Kolhapur Medical Association. The election shall take place at a meeting of the General body, voting being done by ballot. No discussion shall be permitted on the merits of the person proposed. The person shall be considered elected if $\frac{2}{3}$ rd of the members present vote in his/her favour and such member shall continue for life.
- (b) There shall be no election of Honorary Senior member in case of members with an uninterrupted membership of thirty years.

(B) Ordinary Member :

A person fulfilling the qualifications and desiring to be an ordinary member shall fill in and sign the prescribed form of application for membership as required by Executive Committee and send it to the Honorary Secretary. The application shall be accompanied by one Year's subscription, if the application is made in the first half of the association year or half year's subscription if the application is made in the second half of the Association year plus the entrance fee. The application shall be put up at the next meeting of the Executive Committee for admission of the applicant as a member and the resolution of the committee shall be communicated to him/her and in the meantime he or she will be admitted only provisionally.

(C) Life Member :

A person who is an ordinary member or eligible to be an ordinary member seeking admission as a life member shall pay with his/her application, subscription as per clause No. 11 (b) above. The procedure of admission shall be the same as in the case of an ordinary member as in (B) above.

(D) Associate Member : Same as (B) above.

13) PRIVILEGES OF MEMBERSHIP :

- a) All members except Associate members are entitled to receive a copy of the journal of the Indian Medical Association directly from the head quarters.
- b) All members shall receive the bulletin of Kolhapur Medical Association free of cost.
- c) All members shall be entitled to use the library reading room, and recreation rooms if any, set apart for the use of members.
- d) All members shall have the right to attend and take part in discussions at general meetings, lectures and demonstrations organised by Kolhapur Medical Association.
- e) All members except the Honorary and Associate members shall have the right to vote on all the resolutions put forward at any of the meetings of the Kolhapur Medical Association except at the Executive Committee meetings.
- f) All members shall have the right to attend conferences organised by the Kolhapur Medical Association on such terms as herein laid down by the Kolhapur Medical Association.
- g) All members except Associate members shall enjoy any other privilege that may be conferred hereafter by the Central Council.

14) TERMINATION OF MEMBERSHIP :

A) Membership may be terminated by Resignation :

A member at any time may resign his/her membership by giving a notice in writing to the Honorary Secretary. The retiring

- member shall pay all dues against his/her name and Hon. Secretary shall put up a statement of outstandings against the member concerned or a clearance certificate if all dues are paid up, alongwith the resignation to the Central office through the Executive Committee for information and the necessary action.
- B) By removal of name on account of non payment of subscription for 2 years. The membership will be discontinued automatically. However, on application by such a member, his/her membership can be continued by general body after payment of all arrears.
 - C) By removal of the name on the ground of the undesirable conduct with due notice to such a member.
 - D) The membership of a member shall stand automatically terminated if such a member is found guilty for an offence involving moral turpitude by a competent Court and in that event a notice of enquiry shall be necessary before taking such action. However, if such a member satisfies that the conviction is set aside finally, he shall continue as a member as before as if his membership did not come to an end as aforesaid.

Termination of the membership shall be finally decided by Indian Medical Association Head Quarters.

15. MANAGEMENT OF THE KOLHAPUR MEDICAL ASSOCIATION :

- A) The general management of the Kolhapur Medical Association shall be vested in the Executive Committee composed of minimum seven members and maximum eleven members nominated by the Nomination Committee. If the Association does not receive the required nominations, it shall co-opt. the necessary remaining members on Executive committee.
- B) The nomination committee shall select from amongst the nominated members, the following office bearers for a period of one year.

- i) Vice Presidents - First and Second Vice Presidents
- ii) Hon-Secretary.
- iii) Jt. Hon-Secretary and Treasurer.
- iv) The President shall be nominated by the nomination committee.

C) Functions and powers of the executive committee :

The Executive Committee shall direct and regulate the general affairs of Kolhapur Medical Association according to rules and bylaws and shall subject to the general control of the Kolhapur Medical Association shall have the power :

- a) To frame, alter or repeal the sub rules/bylaws, for the conduct of the business of the meetings of the Kolhapur Medical Association subject to the approval of the General Body;
- b) To frame, alter or repeal the sub-rules and bylaws of the Kolhapur Medical Association subject to the confirmation by the General Body.
- c) To appoint and delegate some or all its power to sub committees viz. standing committee, working committee, finance committee etc. and abolish, reconstitute such sub-committee from time to time under its control.
- d) To represent any matter in which they consider the Kolhapur Medical Association or the medical profession are affected, to the Government or public bodies or proper authorities.
- e) To consider and decide the application for the membership and question of taking disciplinary action against any member.
- f) To appoint or remove and punish as deemed fit, salaried officers and servants of the Kolhapur Medical Association.
- g) To write off the whole or part of the arrears against any member except subscription.

- h) To exercise in addition to the powers expressly conferred on it, all such powers and do all such acts and things as may be done by the Kolhapur Medical Association and which are not hereby and by enactments expressly directed or required to be exercised; done by the Kolhapur Medical Association in a general meeting.
- i) To appoint an Hon. Internal Auditor from amongst the members of the general body and not from amongst the members of the managing committee.
- j) Shall carry out the resolutions of the general body.
- k) The Executive Committee shall hold at least one meeting in a month.

16) FIRST TRUSTEES :

The first trustees of the Kolhapur Medical Association will be as recorded in Sch. I in Public Trust Registration Office, Kolhapur. There will be change in the trustees from time to time as provided in the scheme.

17) MODE AND MANNER OF APPOINTING NEW TRUSTEE IN CASUAL VACANCY :

Whenever any of the trustees either original or substituted under the scheme during their tenure of trusteeship shall die or be absent for six consecutive months from India without leave of absence from the Deputy Charity Commissioner, Kolhapur Region, Kolhapur or be convicted of a criminal offence involving moral turpitude or desired to be discharged from or released or becomes unfit or incapable to act as a trustee, the surviving or continuing trustees for the time being shall appoint any other eligible member or members to be trustee or trustees in the place of trustee whose vacancy is caused by any of the above causes.

18) FUNDS OF THE ASSOCIATION :

A) Income :

The funds for the Kolhapur Medical Association shall be derived from the following :

- i) Subscription of the Ordinary members after deducting the contribution to central council and subscription of the associate members.
- ii) Contribution of the life members.
- iii) Income derived from the publications of Kolhapur Medical Association.
- iv) Requests derived from legacies from persons who desire to benefit the Kolhapur Medical Association.
- v) Donations.
- vi) Interest from deposits etc.

B) Expenditures :

The Executive Committee as per budget shall let out the funds of the Kolhapur Medical Association defray all ordinary expenses and shall pay rents, salaries, wages and as such charges as may be necessary for carrying on the work of the Kolhapur Medical Association. It shall further provide for the publications as may be authorised and shall be empowered to spend money on scientific investigations, conferences, prizes, scholarships and in the furtherance of the objects of the Kolhapur Medical Association. The account of the Kolhapur Medical Association shall be operated jointly by Hon. Treasurer and President or the Hon. Secretary.

19) PROPERTY COMMITTEE :

All Properties movable and immovable belonging to the Kolhapur Medical Association shall vest in and be managed by property committee.

A) The property committee shall consist of three members of the Kolhapur Medical Association and shall include.

- a) The President of the Kolhapur Medical Association for the time being.
- b) Two senior members of the Kolhapur Medical Association whenever such persons are available having an uninterrupted membership of the branch for at least ten years. They are to be selected by the General Body.

- c) The property committee shall have the right to co-opt. two members if and when required, such members shall have uninterrupted membership of at least five years.
- d) i) The seniormost member of the property committee shall function as the Chairperson.
- ii) The Chairperson's tenure shall be for one year only.
- iii) The Chairperson voluntarily retires at the end of the year. His/her place of the Chairperson shall be taken by the next senior member of the property committee for one year.
- iv) The vacancy created by the retiring person be filled in by another senior member of Kolhapur Medical Association.

B) Duties and powers of the committee :

- a) In dealing with the permanent funds of the Kolhapur Medical Association or in taking any action in furtherence, it shall have the power to act either on the recommendations or approval to be given in the form of resolution of the Executive Committee. (It shall have vetoright to stall the alienation of the property by the trustees of Association.)
- b) At least 50% of the surplus each year shall be credited to the permanent funds of the Kolhapur Medical Association. The amount equivalent to the depreciation of the permanent assets of Kolhapur Medical Association, shall be credited to the permanent building fund. This should be taken purely as guideline.

20) OFFICE BEARERS OF THE KOLHAPUR MEDICAL ASSOCIATION :

A) The following office bearers shall be responsible for the management of the Kolhapur Medical Association :

- i) The President ii) The Vice-Presidents, iii) One Hon. Secretary iv) One Jt. Hon. Secretary and Treasurer.
- (1. Jt. Hon. Secretary should work as treasurer.
- 2. The Vice Presidents will be first and second.)

Provided no one is in receipt of the salary or honorarium from the funds of the Kolhapur Medical Association can be elected as office bearer.

B) Duties and powers of the office bearers :

1) The President :

- i) Shall be Chairperson of all the meetings.
- ii) Shall be President at all meetings.
- iii) Shall guide and controll the activities of the Kolhapur Medical Association.
- iv) Shall regulate the proceedings of the meetings in accordance with the rules and regulations and decide doubtful points.
- v) Shall have a casting vote in addition to his/her ordinary vote in case of equality of votes.
- vi) Shall have the power to do the necessary things in the interest of the Kolhapur Medical Association in case of an emergency.
- vii) Shall be the Chairperson of the subcommittee of which he/she is a member. The property and nomination committees are the exception to the above rule.
- viii) Can call, cancel or postpone any meeting.

2) The Vice-Presidents :

- i) Shall do all the duties of the President when the president is absent.
- ii) Shall, be Chairperson of all the committees of which he /she is a member and of which president is not the member.
- iii) In case the President and the Vice Presidents are absent, any member of the committee can be elected as Chairperson of the meeting.

a) First Vice-President :

- i) Shall do all the duties of the President when the President is absent.

- ii) Shall be chairperson of all the committees of which he / she is a member and of which President is not the member.
- iii) He/she will function as the chairperson of the membership drive committee.

b) Second Vice-President :

In the absence of President and first Vice-President, he/she will do functions of first vice president. He/she shall be the Chairperson of the Bal Arogya Kendra.

3) The Hon. Secretary :

- i) Shall be in charge of the Office.
- ii) Shall conduct all correspondence.
- iii) Shall have general supervision of all accounts, pass all bills for payment and sign all cheques. The bills have to be duly sanctioned by the Executive Committee.
- iv) Shall prepare a budget in consultation with Executive Committee, then present before the annual general meeting. He/she shall submit budget as per the laws to the Dy. Charity Commissioner at Kolhapur.
- v) Shall organise, convey and arrange all meetings, lectures and demonstrations.
- vi) Shall in consultation with the President summon the meetings of the Executive Committee and general body and keep proceedings there of. The agenda for any meeting shall be confirmed by the Executive Committee except the Executive Committee meetings.
- vii) Shall maintain an up to date register of all the members of the Association.

4) The Jt. Hon. Secretary & Treasurer :

- i) Shall receive all money of the Kolhapur Medical Association and deposit in the bank to the credit of the Kolhapur Medical Association and shall operate it on its behalf. In case the operational bank needs to be changed, the property committee should be consulted.

- ii) Shall be responsible for keeping up to date accounts of the Kolhapur Medical Association.
- iii) Shall be responsible for collection of the subscription from the members.
- iv) Shall get all accounts audited from the auditor of the Kolhapur Medical Association.
- v) Shall help the Hon. Secretary to prepare the budget.
- vi) Shall perform duties of Hon. Secretary in His/her absence.

21) THE NOMINATION OF THE TRUSTEE BOARD :

- A) To avoid groupism and establish smooth functioning of the Kolhapur Medical Association, there shall be no election. The nomination committee shall nominate the Executive Committee and property committee.

The nomination committee shall consist of the following members :-

- i) Both past presidents of the advisory board.
- ii) Immediate past president.
- iii) President in Chair.
- iv) Incoming President.

The seniormost past president amongst above will function as the Chairperson of the nomination Committee.

B) Functions of the nomination committee :-

- 1. The incoming Chairperson of the nomination committee shall call the meeting of its members.
- 2. To scrutinise the applications received for working on the Executive Committee.
- 3. To arrive at a workable team in consultation with the incoming President of Kolhapur Medical Association.
- 4. The verdict of the Nomination Committee shall be final for presentation to the annual general body. The last date

of receiving the applications for working on the executive committee shall be 15th February. The appeal for the above shall be intimated before 1st January every year. The nomination committee should meet before 15 March. The general body for installation of President and his team shall be held in last week of March. Eligibility for the nomination to work on the Executive Committee is that the nominee shall be a member or associate member of the Kolhapur Medical Association for at least three full years.

22) GENERAL MEETINGS OF THE KOLHAPUR MEDICAL ASSOCIATION :

a) Ordinary Clinical Meetings :

This shall be generally held once in a month on a fixed day and should be named as ordinary clinical meeting. No quorum is required for this meeting and the business should be clinical only. There could be a non-clinical meeting to the maximum of three per year.

b) Extraordinary Meetings :

As and when required Hon. Secretary shall call the meeting with the consent of the president. The quorum should be 50 or one third of the total number of members whichever is less for meeting of the General Body.

c) Special Requisition meeting :

A special requisition meeting of the General Body shall be called within a fortnight of receipt of the requisition signed by at least one fourth of the members of the Kolhapur Medical Association stating the business for which the meeting is required. Nothing else shall be discussed in such meeting other than the business stated in the requisition. If within half an hour from the appointed time quorum is not formed the meeting shall be postponed and the postponed meeting shall be summoned within seven days.

2. The matter shall be investigated by the Nomination Committee in association with the members of the Past President's Club of Kolhapur Medical Association.
3. If the nomination committee finds the prima facie evidence at the conclusion of investigations against the President or Vice-Presidents it shall compel the president to call the special general body meeting within three weeks. The quorum for such a meeting shall be 2/3rd of the total members. The person under impeachment shall be given an opportunity to plead his/her case before this general body within the specified time given by the nomination committee. The impeachment process shall be taken as ratified, if 2/3rd of members present vote in favour of it by secret ballot. The person under investigation has a right to resign before such a special general body meeting is called.

25) PERMANENT ACTIVITIES OF KOLHAPUR MEDICAL ASSOCIATION :

1. To achieve the objects, Kolhapur Medical Association may undertake an activity for the welfare of the society or the members of Kolhapur Medical Association.
2. To start or to close the permanent activity, the approval of the general body shall be necessary.
3. The name of such permanent activity shall not be changed without the approval of General body.

26) POWER TO SELL, MORTGAGE ETC. :

The trustees shall have power to sell, mortgage, exchange, lease or gift any immovable property belonging to the trust subject to the conditions and restrictions as laid down by Section 36 and 36 (A) (3) of the Bombay Public Trusts Act 1950 and provisions of the scheme.

27) REGISTER OF MOVABLE AND IMMOVABLE PROPERTY :

The trustees shall keep a register showing the list of movable and immovable properties of the trust and keep it up to date by making additions to the same and when the new properties are purchased

or acquired or disposed off by the trust. Such first list shall be signed by all the trustees and by any new trustees when appointed. Trustees shall verify the register at least once in a year.

28) POWER TO FRAME SUB-RULES :

The trustees shall have power from time to time to make such rules and regulations as they may think fit and proper for the administration and carrying into effect the provisions of this scheme and to provide for the management of the said trust and its properties. Also time to time alter such rules and regulations or in respect of them substitute others in their place, provided always that no sub-rules and regulations framed or subsequently amended shall be inconsistent with any of the provisions of the scheme of the Bombay Public Trusts Act, 1950 or rules framed thereunder.

29) REFERENCE TO DEPUTY CHARITY COMMISSIONER IN CASE OF DISPUTE :

If any dispute arises about the interpretation or construction of any of the clauses or provisions of the scheme, the matter will be referred to the Deputy Charity Commissioner Kolhapur whose decision shall be final and conclusive.

(SEAL OF D.C.C. KOLHAPUR REGION)

PLACE : KOLHAPUR

Sd/-

DATE : 18th July 1994.

(S. S. Pendse)

Dy. Charity Commissioner
Kolhapur Region, Kolhapur.