

**National Democratic Association Of Lawyers  
Student Chapter Constitution**

## **Preamble**

**WHEREAS** the Constitution of South Africa, Act 108 of 1996, is the Supreme Law of the Republic of South Africa;

**AND WHEREAS** we recognise, respect and honour those who have sacrificed, suffered and worked tirelessly towards the realisation of the rights, aspirations and values as contained in the Constitution of this Association as well as those in the Constitution of the Republic of South Africa;

**AND WHEREAS** we recognise, respect and honour those who have sacrificed, suffered and worked tirelessly towards the formation of this Association;

**ACCORDINGLY WE HEREBY COMMIT OURSELVES** to adhering to and upholding of the principles and values of this Association and to the realisation of the goals and objectives as set out in the Constitution of this Association and those set out in the Constitution of the Republic of South Africa; in particular we recommit ourselves to:

- (a) meaningfully and assiduously strive for a truly democratic and just society, free from oppression and exploitation; and
- (b) combat and prevent all instances of injustice, malpractice and unfair discriminatory practices based on race, colour or creed.

**NOW THEREFORE IN DEDICATION TO THE ABOVE BELIEFS AND COMMITMENTS WE HEREBY CONFIRM OUR COMMITMENT TO PROMOTE, UPHOLD, SUSTAIN AND DEVELOP THIS, THE NATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS (NADEL), INCLUDING ANY PROJECTS CONDUCTED UNDER OR IN ITS NAME.**

## **1. Name**

The Society is to be called the "University Of South Africa National Democratic Of Lawyers Association Student Chapter. UNISA NADELsc. (Tshwane branch)

## **2. Aims and Objectives**

The aims and objectives of the Association shall be:

- 2.1 To uphold and to strive for the fulfilment and attainment of the beliefs and commitments in the preamble.
- 2.2 To develop, promote and sustain a system of law, which shall be fair, just, equitable, accessible to and understood by all.
- 2.3 To support and promote the African Charter on Human and People's Rights, the United Nations Declaration of Universal Human Rights and any other such \* instruments / documents consistent with the aims and objectives of this Association.
- 2.4 To affiliate to any organisation, local or international, having aims and objectives consistent with those of the Association provided that such affiliation shall be first approved by the General Council.
- 2.5 To render, and co-ordinate the rendering of, legal assistance to persons and organisations involved in matters affecting inter alia human rights.
- 2.6 To assist members in matters relating to and arising from their professions.
- 2.7 To assist those who wish to study, research, practice or teach law either through financial grants, law clinics or other institutions.

To promote the study of and research into transformation of the legal profession, including the judiciary, magistracy.

## **Structures of the Organisation**

### **3. Structures**

The organisation is to be governed by the following structures

#### 3.1. Branch General Meeting (BGM)

3.1.1 At a properly constituted BGM members;

3.1.1.1 are to make any and all decisions relating to the organisation, except the election of a new BEC

3.1.1.2 Ratify any BEC decision or conduct

3.1.1.3 Veto and set aside any decision or conduct of the BEC

#### 3.2 Branch Executive Committee (BEC)

3.2.1 The BEC shall be the highest decision-making body in between BGMs

3.2.2 The BEC has all the powers incidental to the proper running of the organisation, except where stated otherwise in this constitution or in a resolution of a BGM or elective BGM

3.2.3 The BEC is to be elected at an elective BGM, which must be convened annually.

3.2.4 The BEC has the power to appoint a sub-committee, the structure of which, will be decided by the BEC

#### 3.3 Elective Branch General Meeting (elective BGM)

3.3.1 The Elective BGM, has all the powers of a BGM

3.3.2 The Elective BGM also has duty at beginning of its seating, to dissolve the seating BEC and Elect a new BEC.

## **Constitution of the BEC**

### **4. BEC and Its Election**

4.1 As stated in clause 3.3.2 the Elective BGM at the beginning of its seating elect a BEC, which is to seat for a one-year term.

4.2 The BEC is to be constituted as follows:

- a) Branch Chair
- b) Brand Deputy Chair
- c) Branch Secretary
- d) Branch Deputy Secretary
- e) Branch Treasurer
- f) Branch Academics and Communications officer
- g) Branch Events Planner

### **Powers and Duties of the BEC Members**

### **5. Powers and Duties of the Branch Chair**

5.1 The Branch as the head and leader of the BEC has the following powers and duties

5.1.2 To Chair BEC meetings

5.1.3 To Chair BGMs

5.1.4 Immediately upon their election, chair the proceedings of the Elective BGM

5.1.5 In the event of an Impasse at BEC meetings, resolve on issues discussed

5.1.6 Be the chief delegator in the Branch

5.1.7 With the Deputy Branch Chair, seat as the adjudicative panel at disciplinary proceedings

5.1.8 Suspend any member accused of wrong doing from participating in Branch activities, only when it seems rational to do so.

5.1.9 Be joint signatories with Branch Treasurer, when dealing with Branch monies

### **6. Powers and Duties of Deputy Branch Chair**

6.1 As the second in command the Deputy Chair has the following powers:

6.1.1 All the powers and duties of the Chair in the absence of the chair, subject to this Constitution

6.1.2 In the absence of the Chair the Deputy Chair can suspend a member only with the concurrence of the Branch Secretary

6.1.3 Prefer charges against anyone who acts contrary to this constitution, or any rules of adopted by the BEC, BGM and or Elective BGM

6.1.4 Convene a disciplinary panel to consider disciplinary proceedings against any member

## **7. Powers and Duties of Branch Secretary**

7.1 As the Chief Administrative Officer of the Branch, Secretary has the following powers and duties:

7.1.1 Establish and maintain the organisation's members register

7.1.2 Be consulted on all essential communications coming out of the organisation

7.1.3 Convene BEC meetings

7.1.4 Circulate information within the BEC

7.1.5 Convene in consultation with the Branch Chair BGMs and or Elective BGM

7.1.6 At a BGM or Elective BGM, deliver the organisational Report

7.1.7 Be in charge of the credentials and accreditation process at BGMs and Elective BGMs

7.1.8 Establish and maintain a record of resolutions and decisions of BEC meetings BGMs and Elective BGMs

7.1.9 Be Responsible for the Sub-committee

### **Powers and Duties of Branch Deputy Secretary**

7.2 Branch Deputy-Secretary has the following powers and duties:

7.2.1 All the powers of the secretary in the absence of the secretary, except the power to consent to the suspension of a member

7.2.2 Be Responsible for recording minutes of BEC meetings

7.2.3 Establish a record of the BEC meetings

## **8. Branch Treasurer**

8.1 Treasurer as the chief financial officer of the organisation, Treasurer has the following powers and duties:

8.1.1 Canvass resources for the organisation

8.1.2 Be signatory with Chair, in allocation of organisational funds

8.1.3 Deliver at BGMs and Elective BGMs the Financial Report of the Organisation

8.1.4 Be entitled to all event plans, in order to evaluate the financial implications thereof

8.1.5 Work closely with the Branch Events Planner

## **9. Branch Academics and Communications Officer**

9.1 As the academic hub of the organisation, the officer has the following powers and duties:

9.1.1 Imagine and come up with Academic programs to be run by the organisation, in pursuit of academic excellence

9.1.2 Liaise with Faculty Rep on matters related to the academic success of students

9.2 The communications Officer has the following powers and duties;

9.2.1 Draft statements on behalf of the organisation

9.2.2 Liaise with the public on matters for which the Secretary has consented to

## **10. Events Planner**

10.1 As the Chief Events Organiser of the organisation, the Planner has the following powers and duties:

10.1.1 Be head of organising, in relation to all events and programs of the organisation

10.1.2 Liaise with Treasurer in the planning of events

10.1.3 Liaise with suppliers for purposes of getting quotations in relation to programs and events of the organisation

## **Membership**

### **11. Becoming a Member**

11.1 Any law student of the university has the right to be a member of the organisation, upon payment of a membership fee, to be decided on by the BEC annually.

11.2 Every member must renew their membership by paying the stipulated membership fee annually.

11.3 Failure to pay the stated fee, results in one ceasing to be a member of the organisation

### **12. Membership Rights**

12.1 Members having the following rights:

12.1 to participate in all events and programs of the organisation, unless suspended

12.2 to vote at any BGM and or Elective BGM on any resolution put to the floor

12.3 be nominated to hold office and if elected hold the said office within the BEC

12.4 Nominate any member to hold office, and cast a vote in the election of BEC members

12.5 Only students studying LLB, Criminal Justice, Higher Certificate in Law, Bcom Law and the Diploma in Law Enforcement are to be entitled to be elected as BEC members

### **13. Removal from Office**

13.1 Any BEC member, cease to be member thereof in the following circumstances

13.1.1 Ceases to be a member of the organisation

13.1.2 Is expelled from the organisation, following a disciplinary hearing, properly constituted



13.1.3 Resigns from office

13.1.4 After a vote of no confidence in the concerned official, at a BGM

13.1.5 After a vote of no confidence in the BEC and a properly constituted BGM

13.1.6 On a Resolution of the BEC, which must be supported by three fourths of the entire BEC, to exclusion of the member who is the subject of the resolution

13.1.7 The Resolution of the BEC in clause 13.1.6 must be ratified by a BGM with four weeks of it being passed, failure will result in the official resume their duties.

## **Branch General Meeting**

### **14. BGM quorum**

14.1 Quorum at a BGM shall be 25% of the members in good stand entitled to vote on any resolution at the BGM

14.1.1 if quorum is not met at the first seating, beyond thirty minutes from the time for which the meeting scheduled to start

14.1.1.a) the chair must postpone the meeting, for 32 hours.

14.1.1.b) at the postponed meeting, members present are to be regarded as constituting quorum

### **15. BGM Business**

15.1 Every BGM must be furnished,

15.1.1 with a chairperson's report

15.1.2 the organisational report

15.1.3 the organisation's financial report

15.2 the unless circumstances do not allow, the reports are to be tabled as outlined above

### **16. Elective BGM**

## 16.1 Quorum

16.1.1 The provisions relating to BGM quorum apply mutatis mutandis to Elective BGMs

16.2 Immediately after the delivery and debating of the reports as outlined in the provisions relating to the BGM, the secretary must henceforth dissolve the BEC, and preside over the nomination of the new chair.

16.3 The chair of the now dissolved BEC, if not contesting is, with two other persons appointed by majority vote of the members, to preside over the election of the new chair

16.4 The new chair, upon their election is to takeover from the outgoing chair and preside over the election of the remaining office bearers in whatever order the chair and his panel deems fit.