

THE MOOT COURT COMMITTEE

RULES AND REGULATIONS

DR.RAM MANOHAR LOHIYA NATIONAL  
LAW UNIVERSITY,LUCKNOW

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## **PREAMBLE**

This constitution intends to regulate moot court and other activities in college in a fair and just manner and aims at facilitating such activities to their best potential.

## **EXTENT**

This constitution shall extend to all students and staff of Dr.Ram Manohar National Law University, Lucknow , and will be subject to the rules and regulations of the University

## **DEFINITIONS**

## **CHAPTER 1**

### **S.1 COMPOSITION OF COMMITTEE**

The committee shall consist of Chairperson, Faculty Advisors and students.

### **S.2 NUMBER OF STUDENT MEMBERS**

The Committee will consist of a minimum of 21 student members. 5 members each from I,II, III and IV year and 1 member from the V year.

Additional members may be inducted from the V year as 'advisory members'. At no point may the total effective membership fall below 21 members.

2.1 Provided that in the event of suspension or termination of any member the membership may fall below 21.

2.2 In case of termination of a member, MCC shall induct a new member as expeditiously as possible.

### **S.3 ELIGIBILITY FOR STUDENT MEMBERS**

All students of BA.LLB (Hons) of Dr. Ram Manohar National Law University , Lucknow will be eligible to become members of the committee.

#### **S.4 SELECTION OF MEMBERS**

All members will be selected by a 2 member panel consisting of faculty advisors for the committee who shall accordingly frame the rules for such selection. Their decision will be final and binding.

4.1 Endeavour should be made to change this process to the election system, in due course of time, where the members are chosen by popular vote.

#### **S.5 OFFICE BEARERS**

For the purpose of organisation the committee will have 4 Secretaries,1 co-convenor and 1 convenor selected from amongst the student members.

#### **S.6 ELIGIBILITY OF OFFICE BEARERS**

6.1 All members from III and IV year will be eligible for the post of secretary.

6.2 Only Members from IV year will be eligible for the post of co-convenor.

6.3 Only members' from V Year will be eligible for the post of convenor.

#### **S.7 SELECTION OF OFFICE BEARERS**

Office bearers will be selected by a 2 member panel of faculty advisors for the committee at the time of selection of other members. The panel shall lay down special eligibility criteria for respective posts at their discretion. Their decision will be final and binding.

#### **S.8 TERM OF OFFICE BEARERS AND MEMBERS**



8.1 The term of all office bearers and members shall extend to one academic year post which they must all sit for re-selection.

#### **S.9 SUSPENSION OF MEMBERSHIP**

9.1 The committee itself or on the recommendation of chairperson or faculty advisors suspend the membership of a particular member by resolution.

9.2 Membership of a particular member or members may be suspended for a period of no more than 6 months. Post the period of 6 months the member must appear before the committee members and plead his/her case. Only by passing of a resolution in his/her favour may his/her membership be reinstated.

9.3 In cases where the committee is not satisfied with the explanation of the suspended member and the resolution for his reinstatement is not passed in his/her favour, then the member shall be deemed to be terminated from the committee.

9.4 Such termination under section 9.3 should be resorted to only in exceptional circumstances and generally the membership should be reinstated unless there are compelling reasons to do the contrary.

#### **S.10 GROUNDS FOR SUSPENSION OF MEMBERSHIP**

10.1 Membership may be suspended if any member is found engaging in activities violating provisions of the committee constitution.

10.2 Membership may also be suspended if member does not appear for 2 consecutive meetings without prior application to convenor or valid reason in case of emergency.

10.3 Membership may be suspended if the member is found negligent towards his duties as envisaged under this constitution.

10.4 Suspension proceedings under Section 10.3 may be initiated only on an official complaint by any student followed by a resolution of the committee passed with simple majority and further approved by the faculty advisor or the chairman of the MCC.

10.5 Resolution under Section 10.4 shall be taken up for vote in the first meeting after the complaint has been registered.

### **S.11 EFFECT OF SUSPENSION OF MEMBERSHIP**

A suspended member for the duration of the suspension cannot participate in any activities of the moot court committee and may not represent the committee as a member or office bearer in any way. Such suspension will be kept on record.

### **S.12 TERMINATION OF MEMBERSHIP**

12.1 The moot court committee itself or on the recommendation of chairperson or faculty advisors terminate the membership of a particular member by special resolution.

12.2 The member in question may present his/her case before the faculty advisors and/or chairperson before the final decision is taken.

12.3 Once terminated he will no longer be a part of the Committee and must stop exercising all official powers and functions thereof.

12.4 He will be debarred from MCC membership for all time in the future. Such termination will be kept on record.

12.5 Termination may also be by way of resignation.

12.6 Nothing contained in Section 12.4 shall apply to a member whose membership had terminated by way of resignation.

12.7 A resignation tendered after the termination proceedings have been commenced shall not be considered "termination by way of resignation" and shall be treated as termination under Section 12.1.

### **S.13 FACULTY ADVISERS**

The university shall appoint 2 faculty advisors to the committee. They must be a part of the teaching staff of the university. Their tenure and powers shall be at the discretion of the vice-chancellor.

### **S.14 CHAIRPERSON**

The university shall appoint 1 chairperson to the committee. He/She must be a part of the teaching staff of the university with a minimum experience of 1 year at the university. His/ Her tenure and powers shall be at the discretion of the vice-chancellor.

## **CHAPTER 2**

### **S.15 FUNCTIONS OF MCC**

This part shall contain the functions of the committee subject to the **directions and discretions of the university.**

### **S.16 PRIMARY FUNCTIONS**

#### **S.16(1) ORGANISATION OF INTERNAL MOOT COURT COMPETITONS**

The committee shall organise all moot court competitions held within the college exclusively for students of the university.

#### **S.16(2) ORGANISATION OF EXTERNAL MOOT COURT COMPETITONS**

The committee shall organise all moot court competitions inviting participation from other universities. Such competitions include those hosted by the university independently and those hosted in association with other agencies.

#### **S.16(3) MAINTANACE OF ANNUAL REPORT**

The convenor **shall prepare an annual report** to the vice- chancellor stating the performance of the college in various moot court competitions and the working of the committee in general.

#### **S16(4) ANNUAL GENERAL MEETING**

The committee will hold an annual general meeting wherein the annual report and annual audit shall be presented to the student community and faculty. The meeting will be addressed by the convenor and shall be the last official act of the outgoing committee. Such meeting must take place in the last month of the academic year.

### **S.17 FISCAL FUNCTIONS**

MCC will prepare an annual budget of all financial expenses incurred during the academic year. The records of such expenses will have to be maintained. Such records shall be available for public scrutiny on payment of a nominal fee of Rs.100/-

#### **S.18 SUPPORTIVE FUNCTIONS**

MCC will prepare a separate set of rules dealing with supportive functions made available for the teams selected.

#### **S.19 MISC. FUNCTIONS**

The MCC will organise a moot orientation programme in the first week of the academic year which will include memorial drafting, research methodology and using electronic databases.

### **CHAPTER 3**

#### **S.20 POWERS OF MCC**

**S.20(1)** The committee shall have the sole authority to regulate all moot court activities in the university.

**S.20(2)** It shall be the sole discretion of the committee to choose moot court competitions in which the university shall participate.

**S.20(3)** The committee shall have the power to impose any reasonable penalty on any team or individual participating in an external or internal moot court competition as per the rules of the competition or the provisions of the constitution.

#### **S.21 POWERS OF CHAIRPERSON**

#### **S.22 POWERS OF COMMITTEE FACULTY ADVISORS**

**S.23 POWERS OF VICE CHANCELLOR**

**S.24 POWERS OF ANY OTHER ADMINISTRATIVE OFFICER OF  
DR.RMLNLU, LUCKNOW IN RELATION TO MCC**

**CHAPTER 4**

**S.25 RESTRICTIONS ON MCC**

The committee will be restricted to functioning only with respect to moot court activities in the university.

**S.26 RESTRICTIONS ON MCC MEMBERS**

**S.26(1)** The member shall not be officially a part of any other permanent student committee in the university.

**Proviso** *Honorary and advisory membership from such committees will not fall under the purview of the above clause.*

Comment [R1]: Define this term

**S.26(2)** No member participating in a moot court competition as provided in Section 16 (1) may be associated with the committee in any capacity other than that of participant.

**S.27 RESTRICTIONS ON MCC OFFICE BEARERS**

The convenor shall not participate in any moot court competitions while holding the post of convenor.

**CHAPTER 5**

**S.28 DUTIES OF THE MCC**

It shall be the duty of the committee to ensure utmost transparency fairness and non-arbitrariness in the execution of all its activities obliged under this constitution.

## **CHAPTER 7**

### **S.29 RULES FOR INTERNAL MOOT COURT COMPETITIONS**

The committee shall have exclusive jurisdiction in framing rules for the internal moot court competitions for the selection of teams for inter university moot court competitions.

### **S.30 RULES FOR GRAND INTRA**

**S.30(1)** Two separate intras will be organised to select teams for international law moot court competitions and municipal law moot court competitions.

**S.30(2)** Themes for these 2 intras will be international law and municipal law respectively.

**S.30(3)** The committee will come out with a comprehensive list of all the international law and municipal law moot court competitions to be held that year their themes, dates, venues, level of competition and past performance of the university in the same. Teams will be given this list prior to their registration for either intra.

**S.30(4)** Teams will be required to register in advance for participation in either of the two intras.

**S.30(5)** Teams will be required to submit a memorial and take part in a researcher's test. On the basis of ranks in these two selection processes a maximum of 20 teams will be selected for the oral rounds of both intra.

**S.30(6)** Of these 20 teams from both intra only the top ten teams will be eligible to represent the university in international or national law moot court competitions respectively.

**S.30(7)** Number of teams selected under s.30(6) may vary and has to be decided by the faculty advisors and the Chairman of the committee.

**S.31 ALLOCATION OF MOOT COURT COMPETITIONS THROUGH GRAND INTRAS**

**S.31(1)** The moot court committee shall allocate international law moot court competitions and municipal law moot court competitions based on the performance of teams in respective intras.

**S.31(2)** Only teams participating in the international law intra will be awarded international law moot court competitions and teams participating in domestic intra shall be eligible for only domestic moot court competitions. Teams can opt for moot court competitions subject to their rank and availability.

**S.32 RULES FOR SCREENING PROCESS**

**S.32(1)** Notwithstanding anything contained in S.30E every team must have to go through a screening process conducted at a time prior to submission of memorial for the moot allocated to them, at a time and place to be notified by the MCC.

**S.32(2)** Teams must clear the screening process and be declared fit for participation in the moot allocated to them failing which they and no other team in their stead shall be allowed to represent the university in the same.

**S.32(3)** Judges for such screening process may be faculty or external judges who will be appointed at the sole discretion of the committee.

**S.32(4)** The decision of the judges in the screening process shall be final and binding. The judges will give feedback to the teams.

**S.33 RULES FOR CONCOURS**

The concours frehsers moot shall be conducted by the committee in the month of September unless it is postponed due to unavoidable

Comment [R2]: Define this term

circumstances. A comprehensive and detailed rules shall be framed exclusively by the committee and shall be notified to students accordingly

#### **S.34 ALLOCATION OF MOOTS THROUGH CONCOURS**

The committee shall have the sole discretion in determining which moots are to be allocated through concours and the mechanism for their allocation.

#### **S.35 ALLOCATION OF MOOT IN EXCEPTIONAL CIRCUMSTANCES**

**S.35(1)** the committee shall have the sole discretion in allocating a moot court completion to a team whose previously allocated moot has been cancelled due to no fault on their part.

**S.35(2)** It shall be the sole discretion of the committee to conduct an open challenge for any moot court competition which was not included in the list of competitions made available to teams at the time of allocation of moots through grand-intra.

*Proviso- such measures may only be taken temporarily for that one year and the moot in question must find place in the list of moots to be allocated through the next year's grand intra.*

**S.35A** in case of client counselling, negotiation competitions and trial advocacy moots, allocation will be done through separate open challenges for the same to be organised exclusively by the committee.

#### **S.36 ALLOCATION OF MOOT IN CASE OF TEAM SPLIT**

**S.36(1)** In case of a split in the team allocated a particular moot court competition wherein one member wishes to leave the team, the other 2 members may induct a new member from the list of participants in the grand intra on the providing of a NOC by the member leaving such team

**S.36(2)** In case of a divide in the team wherein the team submits to the committee that it cannot participate together. That team shall be prevented from taking part in the said moot and reallocation of moots to individual members shall be as per the discretion of the committee.



### **S.37 RIGHTS OF PARTICIPATING TEAMS**

**S.37(1)** Every team which has been allotted a moot court competition by the committee shall have the right to approach the committee on any help or assistance it may require regarding such competition. For such purposes every team shall be appointed with team liaison who shall be a member of the committee.

**S.37(2)** The committee shall prepare an exhaustive list determining the duties of the team liaison, failing which a complaint may be instituted against them and they shall subsequently be accountable to the committee.

### **S.38 DUTIES AND PENALTIES FOR FAULTERING TEAMS**

**S.38(1)** Teams must abide by the provisions of the constitution applicable to them.

**S.38(2)** Teams shall research only one moot court competition at one time. In case of participation in more than one moot court competition there must be a mandatory gap of 30 days from the completion of the first competition and the release of **compromi** or problem of the second competition.

Comment [R3]: Define this term

**S.38(3)** Teams must abide by any guideline put forth to them by the committee from time to time. Violation of such guidelines will attract a penalty to be decided by the committee at their discretion.

*Proviso such guidelines cannot violate the provisions of the constitution.*

**S.38(4)** Teams must ordinarily participate in a moot court competition which has been allotted to them unless they are prevented from doing so due to unavoidable circumstance.

**S.38(5)** Notwithstanding anything contained in S.38(4) The teams which do not participate in a moot court competition which has been allotted to them must answer to the committee for such action and if such answer is found to be unsatisfactory by the committee all team members shall face a complete ban from all moot court activities for a period of one academic year. The decision of the committee shall be final and binding.

**S.38(6)** teams shall register for any moot court competition through in committee as representatives of the university. Registration without the consent of the committee in the capacity of the college or in individual capacity will attract a one academic year ban on all members of the team from all moot court activities. The decision of the committee shall be final and binding.

## **CHAPTER 6**

### **S.39 MCC MEETINGS**

**S.39(1)** The committee shall ordinarily conduct a meeting for all student members on a bi-weekly basis.

**S.39(2)** Attendance to such meetings will be compulsory for all student members.

### **S.40 WHO MAY CONVENE MEETINGS**

**S.40(1)** The chairperson ,faculty advisors convenor or co-convenor may convene a meeting for the student members.

**S.40(2)** Secretaries may also convene meetings with the prior approval of the convenor.

### **S.41 QUROM OF THE MEETING**

The qurom of such meetings may be no less than  $\frac{2}{3}$  the number of the total student members.

### **S.42 PROCEDURE FOR MEETINGS**

**S.42(1)** A clear 3 days notice must be issued regarding time ,place of the meeting on all notice board and the committee blog. Members must also be notified of time and place by email.

**S.42(2)** Every such notice must contain the agenda of the meeting. Members may add their respected issues to the agenda by an application to the convenor.

**S.42(3)** In case of urgent issues a fresh issue not contained in the agenda may be raised in the meeting only with the prior approval of the convenor and co-convenor. In case such approval is not accepted it shall be put on the agenda for the next meeting.

**S.42(4)** The secretary office affairs must maintain the minutes of the meeting to be signed and verified by all members present and kept on record.

### **S.43 PROCEDURE FOR RESOLUTIONS**

**S.43(1)** Pending Resolutions to be discussed at a particular meeting regarding the committee affairs must appear on the agenda for that meeting.

**S.43(2)** Fresh resolutions may be introduced by any member with the prior approval of the convenor and co-convenor.

**S.43(3)** Resolutions must clearly contain the reasons for its introduction and must also contain a comprehensive plan for its implementation.

**S.43(4)** Resolutions must be discussed by the committee in detail. Discussion may at the request of majority members be postponed to the next meeting.

**S.43(5)** Resolution must be passed by a simple majority of all members present and voting.

**S.43(6)** Each member shall have one vote which once cast shall be held final.

**S.43(7)** Voting shall take place by secret ballot.

**S.43(8)** Abstention from voting will require the prior permission of the convenor and co-convenor and valid reasons must be given.

**S.43(9)**The convener shall act as the speaker and moderator at such meetings and shall also count the votes and declare a resolution as passed or failed. In his/her absence the co-convenor shall take charge and in his /her absence the role will be delegated to the senior most secretary.

**S.43(10)**In all resolutions the convener can only exercise a casting vote.

**S.43(11)**Once the votes have been casted they shall be immediately counted at the same meeting by the speaker and he / she shall declare the resolution as passed or failed.

#### **S.44PROCEDURE FOR AMMENDMENTS**

**S.44(1)** Any meeting in which a proposed amendment is to be discussed or voted should be notified a week in advance.

**S.44(2)** Such notice shall mention the amendment proposed in most clear terms.MCC shall hold not more than 3 meetings of 2 hours each to discuss the proposed amendment.

**S.44(3)**All the meetings mentioned in the above clause shall be held within a period of one week from the first such meeting. It shall be the duty of every member to ensure his/her presence in such meetings.

**S.44(4)**The committee shall put the proposed amendment to vote in no later than 4<sup>th</sup> meeting which shall be held within a week of the last of the 3 meetings held for the purposes of discussing the amendment.

**S.44(5)**All such amendments have to be passed by a two-third majority of the total members of the MCC.

**S.44(6)**Every member will have to cast his vote.

**S.44(7)** In case a member is not in the university, then he/she shall cast his vote by sending an official mail from the email id registered with the MCC on the official address of the MCC and shall confirm his/her vote on phone.

## **CHAPTER 8**

### **GRIEVANCE REDRESSAL**

#### **S.45 FORUMS**

Grievances/suggestions regarding the committee shall be routed exclusively through the committee and may be made at a special sections devoted for the same, in the committee blog or at a separate email address of the committee.

#### **S.46 REVIEW OF GRIEVANCES**

**S.46 (1)** The blog shall be accessible to any person whereas the e-mail address shall be exclusively accessible to the chairperson, faculty advisors convenor, co-convenors and one secretary and one member chosen by the committee.

**S.46(2)** It shall be the responsibility of such member and secretary to check both forums on a regular basis and keep records of all grievances/suggestions.

**S.46(3)** Such secretary and member must put all complaints and suggestions on the agenda for the earliest meeting.

**S.46(4)** The committee shall discuss deliberate on all grievances/suggestions for not more than 1 meeting.

**S.46(5)** The committee then by simple majority of all members present and voting will approve in the same meeting whether any action must be taken regarding the grievance/suggestion or not.

**S.46(6)** Subject to S.46(5) ,in case the committee approves that action must be taken regarding the grievance/suggestion, a resolution shall be

introduced by the convenor in that regard for the next scheduled meeting.

**S.46(7)** Notwithstanding anything contains in S.46(6) in case of regarding the grievance/suggestion being of an urgent nature the convenor shall together have the discretion to convene unscheduled meetings and introduce a resolution in them in order for speedy disposal of the regarding the grievance/suggestion.

**S.46(8)** Once a regarding the grievance/suggestion has received the approval of the committee and its disposal requires the introduction of an amendment in the constitution, it shall be treated as a proposal for amendment as contained in..

#### **S.47 REGISTERING COMPLAINT AGAINST A COMMITTEE MEMBER**

**S.47(1)** In case a non –member wishes to make a complaint against a committee member for not having discharged his/her duties in accordance with the provisions of the constitution, he/she may put forth a written complaint to any other member of the committee.

**S.47(2)** Once such complaint has been made, the member to whom it has been made shall forward the complaint to the faculty advisor within 3 working days of having received it.

**S.47(3)** In case a committee member with wishes to bring a complaint against a fellow member of the committee for not having complied with the provisions of this constitution he/she may directly make a written complain to the faculty advisor.

**S.47(4)** Once receipt of such a complaint has been acknowledged by the faculty advisor it shall be declared registered.

#### **S.48 INVESTIGATION OF COMPLAINT**

**S.48(1)** Once a complaint has been registered. The Faculty may appoint a sub-committee to investigate the complaint.

**S.48(2)** Notwithstanding anything contained in **S.48(1)** the subcommittee must consist of committee members only who are senior or equal to the accused member in rank.

**S.48(3)** the accused member himself shall not be a part of the said sub-committee.

**S.48(4)** The said subcommittee shall duly investigate the matter and submit its report to the faculty advisors and the student members within one week. Report must ascertain the credibility of the case and the verdict of the sub-committee.

**S.48(5)** Further proceeding against the said member shall be instituted if the subcommittee finds in its report the complaint to be credible and genuine. In case the report proves the complaint to be false or misconceived no further proceedings will take place by order of the convenor and the complainant shall be notified of the same.

#### **S.49 DECISION REGARDING COMPLAINT**

**S.49(1)** subject to **S.48(5)** of the constitution the committee shall review the report of the subcommittee and conduct deliberation not exceeding 3 meetings to confirm or deny charges levied against the concerned member and if confirmed then action that is to be taken against him .

**S.49(2)** Prior to the voting process the accused must be given a chance to present his case before the committee.

**S.49(3)** .Post deliberations the committee must vote as to the confirmation of charges levied against the accused member.

**S.49(4)** Based on the nature of punishment decided by the committee appropriate quorum shall be required to pass said vote.

## **CHAPTER 9**

**S.50** The committee shall have the authority to frame temporary rules and guidelines in the face of emergence of a special circumstance provision not provided for in this constitution.

**S.51** Such rules must be put into the process of conversions into amendments to the constitution within a period of 6 months.