

The Indian Speech & Hearing Association – Madhya Pradesh Branch

Memorandum of Association 2018

MEMORANDUM OF ASSOCIATION OF THE INDIAN SPEECH AND HEARING ASSOCIATION - MADHYA PRADESH BRANCH

1. Name: The name of this Association shall be THE INDIAN SPEECH, AND HEARING ASSOCIATION - MADHYA PRADESH BRANCH.

2. Registered Office: The Registered Head Office (HO) of the Association shall be at Indore, M.P. - i) at own premises of the Association or ii) or any Central/State Government Institute with post graduate training in Speech and Hearing in the state. If the above two alternates are not available, only then shall the Registered Office be in leased premises, with a maximum lease period of 2 years.

3. The Aims and Objectives of the Association: To encourage scientific study of the processes involved in Speech – Language and Hearing to promote investigation of Speech-Language and Hearing disorders, to stimulate exchange of information among persons thus engaged and disseminate such information:

- a) By encouraging basic scientific research and experimental work in Speech Language and Hearing.
- b) For obtaining facilities for research and for guiding such research.
- c) To promote high educational and research standards in the field of Speech Language and Hearing
- d) By establishing committee on educational standards to supervise, advice, monitor and develop and implement educational standard laid down by the Association for training by various institutions in the State.
- e) By holding scientific discussions and reading papers related to the field of Speech-Language and Hearing.
- f) By watching and advising on legislation affecting Speech-Language and Hearing specialists and the persons affected with Speech-Language and Hearing disorders.
- g) By bringing together members of the Association periodically at conventions and continuing education programs, seminars and workshops and, in general by working for alleviating the problems of Speech-Language and Hearing afflicted population in the Indian Union.
- h) By holding properties movable or immovable that may be necessary or advantageous for the aforesaid objectives: to purchase and to sell, to lease and to mortgage the same for the purpose of the Association and to construct, after that maintain its own building necessary for the transactions of the Association.
- i) By receiving donations and contributions from members as well as from generous public and by holding the same in trust for any particular purpose or purposes for the advancement of the field of Speech-Language and Hearing.
- j) By co-operating with the medical and allied Association connected with Speech-Language and Hearing in Indian Union or outside for the promotion of the field.
- k) By organizing exhibition of machinery, implements, tools, appliances, aids, etc connected with or pertaining to speech Language and Hearing field in different parts of the state and to improve the implements, machinery, instruments and appliances related to the field.
- l) By making subsidiary rules and regulations of the Association and to delete alter and amend or add to the same, as and when necessary for purposes of better management.
- m) By doing all such other things as may be incidental and conducive to the attainment of the aims and objectives of the Association.

4. Management of the Association: The affairs of the Association shall be managed by an Executive Council (EC) consisting of Seven members elected at the Annual General Body (AGB) meeting and in accordance with the rules and regulations of the Association annexed herewith.

5. Income and Property: The income and property of the Association wheresoever shall be applied solely towards the promotion of the objectives of the Association set forth in this memorandum of the Association and no portion thereof shall be paid or transferred directly or indirectly by way of profit to any of the members of the Association, provided that nothing herein contained shall prevent the payment in good faith of remuneration to any officer of the Association who may also be a member thereof in return for any work done or services actually rendered to the Association.

6. Powers of the Executive Council:

- a) The Executive Council shall have full power of control and management of the affairs of the property of the Association and to engage such officials, or other persons as may be found necessary for proper conduct and management of the affairs of the Association in carrying out its objectives, all such actions must be brought to the notice of the General Body of the Association at its immediate next meeting.
- b) The Executive council shall have power to invest and deal with the money of the Association and to borrow such sums of money as it may resolve as tending to benefit the Association. All such transactions must be brought to the notice of the general body of the Association at its immediate next meeting. Such money and properties of the Association that are not utilized for the objectives of the Association may be invested in such manner and in such bonus and in such way as the Executive Council may in its discretion think proper and the Executive Council may at their discretion change the investments (in concurrence with the rules laid down by the Government of the state) in order to better fulfill the objectives of the Association.
- c) The Executive Council shall have powers to purchase, construct or acquire on lease or in exchange or on hire or by gift or otherwise any real or personal property and any rights or privileges necessary or convenient for the purpose of the Association and to improve, develop, manage, sell, lease, mortgage, dispose of, turn to account or otherwise deal with all or any part of the property of the Association provided in the case of transactions exceeding Rs.5000/- (Rupees Five thousand only) consent of the two thirds of the General Body shall be necessary.

7. Dissolution of the Association: If upon dissolution of the Association there shall remain after the satisfaction of all its debts and liabilities and property whatsoever, the same shall not be paid to or distributed among the members of the Association, or any of them, but shall be given or transferred to the Association or Associations, institution or institutions having objectives similar to any of the objectives of this Association to be determined by the votes of not less than two thirds of the members present personally or by proxy in meeting at or before the time of the dissolutions or in default thereof by referring to the principal Court of Original Civil Jurisdiction of Indore (M.P.).

RULES AND REGULATIONS OF THE ASSOCIATION

Article I: Name of the Association

The name of this Association shall be THE INDIAN SPEECH AND HEARING ASSOCIATION - MADHYA PRADESH BRANCH

Article II: Interpretation

In the interpretation of these: Rules & Regulations unless repugnant to the context:

1. The singular shall include the plural and the masculine, the feminine and vice versa and writing shall include printing, lithograph and typing or/and other substitute for writing.
2. "State" shall mean and include the entire State of Madhya Pradesh.

Article III: Membership

1. Honorary Members: They shall be those from speech Language and Hearing or allied specialties holding a respective degree who have made significant contributions to the advancement of the discipline of Speech-Language and Hearing in the state/country.
2. Life Members: They shall be those who hold a degree in Speech-Language and Hearing from a recognized university from India or abroad and having paid the life membership fee.
3. Ordinary Members: They shall be those who hold a degree in Speech-Language and Hearing from a recognized university from India or abroad and having paid their annual membership fee.
4. Associate Members: They shall be those who are not primarily from the field of Speech-Language and Hearing but from a related discipline (medical or non-medical) closely associated with the field and holding a minimum of graduate degree in their respective discipline and having paid towards annual membership fee.

Article IV: Procedures for Becoming a Member

1. Life/Ordinary/Associate memberships: The prescribed application form can be had from the secretary, ISHA-MP and shall return the same duly filled along with a DD drawn in favour of "Indian Speech and Hearing Association – Madhya Pradesh Branch" or cash for the prescribed membership category. The applicant should be duly nominated by two life or ordinary members whose names appear on the register of the Association of existing members and such applications shall be sent to the Honorary Secretary.
2. The Executive Council (EC) shall have the right to decide the eligibility and the class to which the applicant belongs. The EC has the right to deny the membership. However, such decision of the EC can be overturned/denied by 50% members voting in the General Body Meeting.
3. The members must abide by the code of ethics of the Association.

Article V: Financial Year

1. Membership and financial year of the Association shall be from 1st April to 31st March.
2. The working hours of the Association at the Head Office shall be between 10am to 2 pm.

Article VI: Office of the Association

1. The Registered Head Office (HO) of the Association shall be at Indore, M.P., The Registered Office shall be at i) own premises of Association or ii) or any Central/State Government Institute with post graduate training in Speech and Hearing in the city. If the above two alternates are not available, only then shall the Registered Office be in leased premises, with a maximum lease

period of 2 years. The Secretariat of the Association shall be at the place of Honorary Secretary duly elected by the GB or as directed by the EC in the event of emergency. However, a copy of every document received or dispatched by the office shall be marked to the Registered Office of the Association.

2. The office of the treasurer shall be at the place of the treasurer duly elected by the GB or as directed by the EC in the event of emergency. However, a copy of every document received or dispatched by the office shall be marked to the Registered Office of the Association.

Article VII: Membership Register

There shall be a register maintained at the registered HO of the Association, by the Honorary Secretary, in which names of all the members of the Association shall be entered with their names, qualification and addresses corrected from time to time.

Article VIII: Cessation of Membership

1. Membership of the Association shall cease by voluntary resignation as from a specified date, by giving one month's notice in writing to the Honorary Secretary. The resignation shall not be effective until the dues to the Association are cleared and accepted by the EC which shall be intimated to the member by the Honorary Gen. Secretary.
2. Membership of the Association shall cease if a member fails to pay the subscription for six months after the due date and in spite of one month's registered notice with acknowledgment due, demanding payment, either by the Honorary Treasurer or by Honorary Secretary, However, if the member clears all outstanding dues, the member can be reinstated with the approval of the EC.
3. After a member is in arrears for one year without any valid reason, the EC has a right to suspend the membership. Against the notice of suspension of the membership the member concerned has a right to appeal to the EC within three months of the receipt of the notice. However, this suspension automatically terminates the membership if the member either fails to appeal within the prescribed period or the General Body confirms the termination. The GB by $\frac{3}{4}$ majority of the members present at the meeting may reinstate member on clearing all outstanding dues with a penalty of 50% of the dues.
4. Membership of the Association shall cease by death or,
5. By resolution of the GB by three-fourths majority of the members present or,
6. Ipso facto:
 - a) Upon sentence after conviction in Court of Justice of any claim involving moral turpitude.
 - b) Upon being deregistered by their primary Associations/councils on grounds of unethical conduct for the duration of deregistration.
 - c) Upon forfeiture through misconduct of the qualification by virtue of which the member was eligible for memberships, or
 - d) Any member who violates the laws or code of ethics of the Association may be dropped from membership by a three-fourths vote of the EC. Persons who have thus been dropped may upon a recommendation of a committee on ethical practice specially appointed by the GB for the purpose may be reinstated after one year by a two thirds vote of the GB.
 - e) If by article VIII (clause 1) the membership of the Association is ceased for a member, the fees paid by such member shall into be refunded either in part or full.

Article IX: Forfeiting Membership

Members forfeit the right to question the reasonableness or otherwise of a resolution passed under Article VIII (clause 5).

Article X: Membership Subscription

Subscription shall be paid in advance. For all categories of memberships, a processing fee of 100/- (Rupees Hundred only), for members in India and \$10 (USD Ten only) for overseas members shall be charged.

1. Life membership: Life membership fee shall be Rs. 2000/- and \$200 for members abroad.
2. Ordinary Memberships: The annual subscription for the ordinary members shall be Rs. 500/- and \$50 for the members abroad.
3. Associate Membership: The annual subscription for the Associate members shall be Rs. 750/- and \$50 for the members abroad.

Article XI: Privileges of Memberships

1. All Honorary members of the Association shall be entitled to participate in all activities of the Association and shall receive the journal.
2. All life members shall be entitled as of right to participate in all activities of the Association including right to vote (one vote for member) and shall also be entitled to receive the journal during the continuance of membership.
3. All associate members and student members of the Association shall be entitled to participate in all activities of the Association and shall also be entitled to receive the journal during the period of their memberships. But they shall not be entitled to vote at the meetings of the Association or to hold the position of office bearers.

Article XII: Annual General Body Meeting

1. The president of the Association shall preside over all the official meetings and functions of the Association.
2. The Annual General Body Meeting (AGB) of the Association shall be held at a time and place to be notified by the Honorary Secretary, and such meetings shall be held within twelve months after the previous AGB unless the EC by a majority resolves to extend it for a further period of six months. However, in no case shall it be extended for over eighteen months from the previous GB.
3. The Honorary Secretary shall give at least two months notice of the AGB meeting and shall call for agenda items to be placed before the general body for action.
4. The time and place of the annual meetings shall be decided by the general body coinciding with the annual conference of the Association unless and until a special general body is called at a place decided by the EC.
5. For attending to the needs and requirements of the AGB Meeting, the Executive Council shall appoint a local Organizing Secretary from the place where the meeting is scheduled to be held. In the event of no nomination from the place where the GB is scheduled to be held the GB shall nominate a person from amongst the members present at the particular GB meeting.
6. One full afternoon session shall be marked for the business meeting of the Association during the annual conference.
7. The quorum at the AGB meeting shall be ten members present in person. If within half an hour of appointed time no quorum is present the meeting shall stand adjourned. The quorum at a special General Meeting shall be 15 members present in person.

8. The Executive Council may call a special General Body meeting whenever deemed necessary for a specific agenda only, by giving one month's notice. The quorum for such a meeting shall be ten members present in person.

Article XIII: Executive Council

The management of the Association shall vest in an Executive Council that shall consist of nine members. The members of the Executive Council shall be persons with qualification in Speech-Language Pathology and/ or Audiology who are life members of ISHA Association.

1. President
2. Immediate Past President
3. Honorary Secretary
4. Honorary Treasurer
5. Five members elected by the GB.

Further, the EC has the right to co-opt members to the EC whenever required for the smooth transaction of the business of the Association. It shall also invite co-opted members and the Organizing Secretary of the immediate forth-coming conference for any particular EC meeting as special invitee.

Article XIV: Election of the Office Bearers

1. All office bearers shall be elected at the Annual General Body Meeting by Ballot for a period of two years. The President shall hold office as ex-officio member as past president in the next EC.
2. In the event of vacancy occurring amongst office bearers of the EC during the course of any year, the existing members of the Executive Council shall nominate the office bearer or office bearers in the vacancy or vacancies and the persons so nominated shall hold additional charge till the next annual general body meeting.

Article XV: Duration of the Office Bearer:

1. All office bearers are entitled to hold office for one term and shall retire after expiry of the term; but shall be eligible for re-election, only for another consecutive term. And, no one shall hold more than one post at the same time. Members who wish to contest for the second term should have relinquished the office of the EC.
2. Office bearers shall cease to hold office:
 - a) If they cease to be members of the Association.
 - b) If by a resolution, the general body decides by a two-thirds majority of the members present that such office bearer be removed from office.

Article XVI: Nomination for Election:

1. The Honorary Secretary under the direction of the EC shall call for nomination for various posts of the EC from the qualified members of the Association. The nominations shall be called two months before the Annual General Body Meeting. The nomination closes one month before the General Body Meeting. Withdrawal of nomination is allowed even on the floor of the house up till before the election. The election shall be held at the General Body Meeting.
2. Nomination papers for the posts of all office bearers (above mentioned) must reach the Honorary Secretary within stipulated time.

3. Nominations should be filed in the format prescribed and shall be proposed and seconded by the registered eligible members of the Association.
4. If no nominations are received for any specific post(s) or if the elected office bearer fails to assume the office, the GB can call for the nomination from the floor and shall nominate the person.
5. The EC shall form an election committee with Returning Officer for the smooth conduct of the election.
6. The Returning Officer shall be responsible till the results are declared and the same shall be handed over to the President of the Association with full signature date, and station and with official designation.

Article XVII: Meeting of the Executive Council:

1. The members of the Executive Council shall meet at least once a year physically before the Annual General Body Meeting. The EC meeting shall be called with one month notice.
2. In the event of not able to meet physically, the Honorary Secretary in consultation with the president shall use the electronic media or postal services to obtain the opinion on specific issues of importance.
3. Any five members of the Executive Council shall form a quorum.
4. The president when present shall preside at all the meetings of the Executive Council and in his absence; the Immediate past president shall preside. If they happen to be absent, the meeting may elect its own chairman and for the purposes of the meeting, he shall have all the powers of the president.
5. In every case of a tie, the Chairman? President shall have additional or casting vote.
6. The voting could be either by show of hands or by ballot.
7. Whenever it is found inconvenient to call a meeting of the Executive Council, the Honorary Secretary shall call for the opinion of the Executive Council, he shall do so by post or by electronic mail and act in accordance with the recorded view of the majority.
8. If the EC decides to get the opinion of the GB members on matters of importance and where swift action is needed, it shall do so through post or by electronic mail and shall take the majority opinion.
9. The President has the power to call for an EC meeting in the matters of urgency in consultation with the Honorary Secretary.

Article XVIII: Powers and Functions of the Executive Council:

1. The Executive Council shall exercise general management of the affairs of the Association and shall be the financial and business instrument of the Association. It is a body to which all office bearers of the Association shall report and are immediately responsible. In general, its duties as set forth elsewhere in the laws. Its actions in all matters shall be reported to the members of the annual general meeting for information. However, the decision of the GB shall be final, and EC is bound by the decision of the GB and all the actions of the EC must be ratified by the GB.
2. The Association through its Registered Office shall serve as a permanent repository for the Association records, maintain current membership list and function in appropriate ways to facilitate the work of the office bearers in the administrative policies and activities of the Association
3. It shall be the duty of the Honorable Secretary to maintain all the records, assets, money and fixed deposits, proceedings of EC, AGB, Special GB, membership list, memorandum of Association and any modification made therein.

4. The Honorary Secretary shall incur no extraordinary expenses above rupees five thousand (Rs. 5000/-) without the previous sanction of the Executive Council. The Honorary Secretary shall keep a record of the proceedings of the meeting of the Executive Council, and all accounts shall open to inspection by any member of the Executive Council.
5. The Honorary Secretary and the Honorary Treasurer shall jointly sign all cheques, notes, bills and other negotiable instruments unless the GB by a resolution passed by a three fourths majority decide that any two members of the EC shall jointly sign all cheques, notes, bills and other negotiable instruments.
6. The Executive Council will have powers of making rules when deemed necessary inter alia relating to the discipline and professional conduct subject to the sanction of the General Body,
7. To tide over the emergency, the Honorary Secretary in consultation with the President may delegate the duties and functions of any office bearer to any other member of the Executive Council.
8. All documents, conveyance and contract shall be made by the President for the time being until finally accepted by the General body.
9. All resolution of the Executive Council shall ultimately be brought (at the Annual General Meeting) before the General body for final sanction.
10. The Honorary Secretary and the Treasurer shall perform functions at their office and as directed by the EC and the GB and shall be responsible to the Association for carrying out the resolutions of the Association. When found to be defaulting in their duties, the EC can initiate disciplinary actions against them with the concurrence of the GB members.
11. The Honorary Treasurer shall deposit all the financial instruments in the ISHA- MP Account in the bank within seven banking days of the receipt of the same.
12. The Honorary Treasurer shall not keep cash more than Rupees one thousand (Rs.1000/-) at any given point of time, except during the annual conventions and EC meetings, for the incidental expenses.
13. The EC is empowered to review the membership fee structures and other financial sources time to time, however not less than once in two years. and under approval by GB.

Article XIX: Auditing:

The books and accounts of the Association shall be audited annually and shall be available for inspection by members at the annual meeting or by giving one month's notice to the EC for such inspection. Accounts and other annual returns etc will be submitted annually to the Registrar of Societies as required under the M.P. Societies Registration Act.

Article XX: Accounting:

1. The Honorary Treasurer shall maintain a true and accurate account of all monies received by the Association either through him or through the Honorary Secretary or through any other source and he shall make a statement regarding the financial position of the Association at the AGB meeting.
2. On or before the 60th day following the end of the financial year (31st March) the Treasurer shall file the returns with the Registrar comprising of list of names, addresses and occupations of the members of the Executive Council then entrusted with the management of the affairs of the Association and a copy of the balance sheet and income and expenditure account and any amendments approved by the GB.

Article XXI: Repealment and Amendment:

1. The rules and regulations shall not be repealed, nor any amendment or addition made in the name and rules and regulations of the Association, except by the resolution passed the votes case in favour of the resolution by the members who being entitled to do so, vote, in person or by proxy or ballot at the AGB/Special GB and such votes are not less than two thirds of the total members registered in the Association. In any case at least two months prior notice shall be given before the meeting to consider such a resolution. Any amendment to the Memorandum of the Association and Rules and Regulations thereon will be made in conformity with M.P. Societies Registration Act.
2. Further no such amendments to the Memorandum and Articles of the Association be made which prove to be repugnant to the provision of the section 2(15) and section 80G of Income Tax Act 1961. The Memorandum of Association shall not be altered, extended or abridged in any other manner except by a resolution passed in same manner as described in the Article XXIII (clause 1).
3. Whenever a new edition of the Memorandum and Rules and Regulations of the Association is published, it should be cited by the year of its publications.

Article XXII: Code of Ethics:

Preamble: The profession of Speech and Hearing is a growing field and it is the responsibility of all the members to safeguard the profession against unethical practices. The preservation of the highest standard of integrity and ethical principles is vital to the successful discharge of the responsibilities of all the members. A precedent thus set will assure us of a healthy growth in future years. Failure to specify any particular responsibility or practice in this code of ethics should not be considered as denial of existence of such responsibilities or practices that are equally important. Any act of violation from this code of ethics shall be considered unethical. It is the responsibility of the member to bring it to the notice of the Association of the instances of violation of the principles incorporated in this code of ethics.

SECTION A

1. The welfare of the people to whom the profession is serving be considered of paramount importance:
 - a) The member who engages in the professional work must possess appropriate qualification
 - b) The member must not provide services for which he has not been properly trained.
 - c) The member who has not completed his professional qualifications must not provide professional services except in the supervised clinical practical situation as part of the training program. A person holding a professional qualification and taking part time graduate work is not for the purpose of this section, regarded as a student in training.
 - d) The member must not accept any remuneration for providing service until the necessary course work and clinical practical work is completed.
 - e) The member must not accept private practice when his employer forbids it.
 - f) A member who holds a part time appointment in a free clinic must not direct the cases to their private clinics.
2. The member must follow acceptable patterns of professional conduct in their relations with the persons to whom the profession is serving.
 - a) The member must serve each client/patient to the best of his ability irrespective of who the client/patient is or how much a client/patient can or will pay for the services.

- b) The member must not guarantee the results of any speech and hearing consultative or therapeutic procedure. A guarantee of any sort expressed or implied; oral or written in contrary to the professional ethics. A reasonable statement of prognosis be made, but successful results are dependent upon many uncontrolled factors. Hence any guarantee of any sort is deceptive and unethical.
- 3. Any confidential information regarding a client/patient must not be revealed to any unauthorized individuals without the prior permission of the client /patient.
 - a) The conditions of the client/patient should not be discussed in the presence of others except in the interest of the case.
 - b) The members must take prior written consent from the client/patient before the client/patient is subjected to any research study. The member should explain the client's / patient's inclusion in to study and shall explain all the consequences. If any without hiding any facts. If the client/patient does not agree for the study he/she should not be deprived of any service otherwise would have been given and shall not be discriminated in any manner. The client/patient has the right to drop out of the study at any time and in that event he/she shall not be deprived of any services.
 - c) The member must not indulge in any wrong act with the clients/patients in the name of treatment. To avoid possible misunderstanding and misinterpretations, the testing or therapy with clients/patients should be carried out in the presence of their parents or guardians.
 - d) The member should not deprive any client/patient of his service based on caste, creed, religion, literacy or socioeconomic status.
- 4. The member must not exploit clients/patients:
 - a) By accepting client for treatment unnecessarily for monetary benefit and where improvement cannot be reasonably expected to accrue.
 - b) By prolonging the treatment unreasonably for monetary benefit,
 - c) By giving false hopes,
 - d) By giving devices without full satisfaction and acceptance by the client/patient.
- 5. The member must use every resource available including referral to other specialist before preparing a comprehensive rehabilitation program for the clients/patients.
- 6. The member must take every precaution to avoid injury to the persons who is being served professionally.

SECTION B

The duties owned by the member to other professional colleagues are many:

- 1. The profession of Speech and Hearing calls for professional interaction with different specialties and hence the member is expected to maintain high professional standards.
- 2. The member should establish a harmonious relation with others
- 3. The member should seek free professional discussion of all theoretical and practical issue, but avoid personal vindictive directed towards professional colleagues or members of allied professionals.

SECTION C

Members of ISHA: MP Branch have other responsibilities:

1. The member must not use the name(s) of the Association(s) in its abbreviated form along with professional qualification as the public may mistake it for higher qualification. If needed the same may be written with elaboration or by specifically mentioning "member of ---- (Organization)"
2. The practicing clinician must not act as a dealer for a particular product and thrust the same on patients/clients when options are available. The clientele must have the options to select the product of his choice, which gives him the best satisfaction.
3. The clinicians in practice must not indulge in unhealthy competitive advertisements. If they are recipient of any awards of the Association or awards given by business establishments, they shall not use the names of these awards to promote their practice or for advertisements. They shall indicate on their business cards the name, qualification, address, type of service being offered, telephone numbers and the ISHA life membership number. They shall give location in the classified section of the telephone directory in the manner customarily followed by physicians and attorneys. The name of the Association shall not be used in such advertisements
4. The member must not engage in commercial activities that conflict with the responsibilities of the persons being served professionally or their colleagues. The member must not permit the professional titles or accomplishment to be used in the sale or promotion of any product related to the profession.
5. A member employed by a manufacturer or a publisher shall adhere to the ethics of their organization and shall not be in conflict with objectives of the Association.
6. When difference of opinion exist between the members that should be sorted out at personal level and should not be aired at professional forums.
7. The member should keep the highest professional dignity and integrity in mind whenever any issue concerning the field is discussed.
8. The member should help in the education of the public regarding speech and hearing problem and other matters lying within the professional competence.