

TANGANYIKA LAW SOCIETY

15/03/2019

IN THE MATTER OF ANNUAL GENERAL MEETING OF 2019

MOTION ON SHIFTING ANNUAL GENERAL MEETING FROM SATURDAY TO
FRIDAY DURING THE ANNUAL ASSEMBLY OF MEMBERS OF TANGANYIKA
LAW SOCIETY

Made under *Regulation 13 (3) (c) of the Tanganyika Law Society (General Meetings) Regulations, 2018* and any other enabling provisions of the Law.

FROM: MATOJO MUSHUMBA COSATTA

TO: ALL MEMBERS OF THE TANGANYIKA LAW SOCIETY AT THE ANNUAL
GENERAL MEETING TO BE HELD IN APRIL, 2019.

WHEREAS: Traditionally **Annual Conference** is held on Friday and **Annual General Meeting** (AGM) is held on Saturday during the **Annual Assembly** of TLS Members in Arusha City;

WHEREAS: The practical experience tells us that usually **Annual Conference** which always is held on Friday enjoys large number of attendance of TLS members and AGM records lowest number of attendance on Saturday. The reasons for this phenomenon are obvious, **Annual Conference** held on Friday enjoys large number of attendance because it is conducted on a first day of **Annual Assembly** of TLS Members in which the legal minds of advocates are very active and sober;

WHEREAS: AGM is conducted on the second day in which the legal minds of advocates and members of Tanganyika Law Society are very inactive, tired, intoxicated and bacchanalian;

WHEREAS: The minds of many advocates are usually very inactive, tired, intoxicated and bacchanalian on Saturday during Annual Assembly of advocates in Arusha City mainly because of alcoholic drinks usually taken by advocates during the traditional night party (**Dinner Cocktail**) hosted by TLS Secretariat normally at **Destination 360 Degrees**. The said recreational activities usually do cause many advocates to go to bed very lately or even skipping such biological and natural obligation;

WHEREAS: The drunkenness or intoxication caused by alcoholic drinks, going to bed very late or not going to bed at all and all sorts of the said other recreational activities which take place on Friday night make legal minds and physical bodies of advocate very tired, weak and inactive on the following day, that is, Saturday. Weakness, tiredness and inactiveness of legal minds and physical bodies of advocates hamper meaningful and active participation of advocates in AGM on Saturday and this phenomenon does result into drastic drop or decrease of number of advocates who attend AGM on Saturday. This state of affairs in practical terms places major and critical decisions of TLS into hands of minority of TLS Members who do attend and make such decision on behalf of majority of TLS Members. And this is likely to cause serious grievances among the majority members of TLS;

WHEREAS: Lowest attendance of advocates at AGM on Saturday during the Annual Assembly of Advocates in Arusha City stands to have serious and adverse legal ramification on the legality of AGM. The legal ramification of lowest attendance by advocates at AGM is that all Annual General Meetings may end up being illegal for want of statutory Quorum as **Regulation 10 of the Tanganyika Law Society (General**

Meetings) Regulations, 2018 provides that quorum for AGM is **one-third (1/3)** of members in good standing attending AGM in person or by proxy.

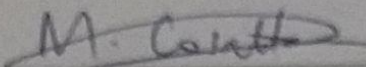
WHEREAS: This honourable Annual General Meeting should take into account that AGM is the **statutory meeting** prescribed by provisions of **Section 21 of the Tanganyika Law Society Act, Cap. 307** and AGM is the decision making statutory body with supreme and final authority over affairs of TLS that makes very critical and vital decision of Tanganyika Law Society whereas the **Annual Conference** strictly is **not** a statutory meeting as it exists not as matter of law rather as matter of administrative decision and that **Annual Conference has got no power** to make decision under legal regime regulating the National Bar Association of Tanzania, that is TLS.

NOWETHEREFORE, I wish to present this motion before the Annual General Meeting of the Tanganyika Law Society, in April, 2019, in the following terms:-

- (1) That Annual General Meeting of Tanganyika Law Society pass resolution that Annual General Meeting should be always held on Friday and Annual Conference should be held on Saturday.
- (2) That Annual General Meeting of Tanganyika Law Society passes resolution that instructs Governing Council to enact subsidiary legislation to give effect the resolution on shifting AGM from Saturday to Friday.
- (3) That traditional night party (**Dinner Cocktail**) hosted by TLS Secretariat should take place after immediate after Annual General Meeting of Tanganyika Law Society and not before the said Annual General Meeting.

LODGED BY:

Dated and signed at Dar es Salaam this 15th day of March, 2019.


MATOJO MUSHUMBA COSATTA
TLS MEMBER

RECEIVED BY:

Lodged with the Tanganyika Law Society Secretariat at Dar es Salaam on this 15 day of March, 2019.

NAMES: SYLYIA F. LUBUVA

DESIGNATION: ADMINISTRATIVE ASSISTANT

SIGNATURE: 

TABLED BEFORE THE ANNUAL GENERAL MEETING BY MATOJO MUSHUMBA COSATTA AND ON BEHALF OF, AND FOR INTERESTS AND RIGHTS OF ALL MEMBERS OF THE TANGANYIKA LAW SOCIETY THIS _____ DAY OF APRIL, 2019.