

Constitution



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List 8 members of Bar & Narwana
Constitution. Keep it as record.

for Khar

THE CONSTITUTION

Of

THE SUB DIVISIONAL

BAR ASSOCIATION NARWANA

2006

Judicial Complex

Narwana - Jind Road,

Narwana-126116

The Constitution of the (Sub Division) Bar Association Narwana

Part-I

1. Name : The Association shall be Called.
The Sub Divisional Bar Association,
Narwana.
2. Aims & Objects : The aims & objects of the association shall be :-
1. The welfare of the members of the Bar Association.
 2. The encouragement of mutual goodwill and social relations amongst the members of the Bar Association themselves, with public and clients and with the Bench.
 3. Maintaining the purity of the profession and its dignity.
 4. Save the members of the Bar Association from the hardships of executive administration as well judicial system.
 5. Rendering help and assistance tot he litigant public whereby their legitimate grievances may be easily removed and free legal aid to poor clients.
 6. To help fearlessly in the administration of law, and the maintenance of the standard and purity of justice.
 7. The maintenance of the Bar room for the personal and corporate comforts of the members.

8. To provide facility of Free legal Aid to the litigant who are enable to pay fees.

9. Struggle against injustice.

Part II

3. Membership :

1. Membership of the association shall be of two kinds.

A. Ordinary

B. Honorary

2. The ordinary members of the Association shall be open to all legal practitioners who has been enrolled as an advocate by any Bar Council under the advocate Act, 1961.

3. An ordinary members shall pay a subscription monthly of Rs. 20/- in advance and an admission fees of Rs. 200/- both of which may, from time to time, be varied by the Association at its annual meetings.

4. If a member wants to pay the subscription in a lump sum he may compound the annual subscription for Rs. 200/- in the month of January or such other time as the association may fix.

5. In case of re-admission, fresh admission fee will be charged form the members as in case of fresh admission (who has not paid regularly subscription for three months or for some other reasons).

6. If a member does not pay the subscription fees continuously for six months or more his name will be struck of from the list of membership and all facilities will be withdrawn

and his re-admission will be subject to approval of at least ½ members present in the meeting.

7.If an practicing Advocate is found dealing in business such as (industry-factory or shop) his name will be shut down and leave to be member of Association Narwana.

8.If a member is not remained regular in practice will struck of his name from the list of voters.

B.Honorary Members :

All retired members of the association shall remain honorary members if they so desire. They shall be exempt from the payment of the monthly subscription. Any lawyer may be admitted as an Honorary members if he is deemed fit for the honour. But he will not entitle to right of vote.

OBLIGATION OF MEMBERS

4. Obligation:
and privileges of
members

1. Every member shall have to sign a pledge not to practice toutism and to do his best to eradicate the evil of toutism.
2. Every member shall abide by the Aims and objects of rules and constitution of the association and shall be bound to act upon the resolutions, decision passed by the association or committees from time to time.
- 3.No. member shall receive any brief or otherwise take any case from or through any of the following persons.

4. Any person whose name is entered on the list of any court as being a tout.

5. Any person whose name is entered on the list of touts kept by the Bar Association.

Note :

For the purpose of rules C(1)(2) the Bar Association shall maintain a list of person reputed to be touts and shall revise the list from time to time.

4. No member shall employ as a clerk, Munshi chaprasi, or other servant:

1. Any person mentioned in above noted clause C (I) (II)

2. More than two munshi for purpose of his practice.

3. As a clerk or munshi, any illiterate person.

4. In any capacity, any person has a) at any time been placed on security for good behavior b) At any time, been convicted of giving or fabricating false, evidence, theft, forgery, criminal misappropriation, criminal breach of trust or cheating or any other offence, which is the opinion of the association, tenders him unfit to be so employed by a legal practitioner.

Note :

1. Every member engaging any person as a clerk or Munshi shall intimate the fact by a letter to the secretary stating the full name his father's

name and residence etc o the proposed employee.

2. The Bar Association shall have power to call upon any member to dismiss any munshi or clerk, if that person falls within the above mentioned categories .

PRIVILEGES OF MEMBERS

1. Every member shall be entitled to share all comforts and conveniences provided Bar Association in the Bar room, and to use its library according to rules prescribed for it.
2. Every ordinary member shall have a right to vote at a meeting of the association and he eligible for election and nomination as an office bearer of the association (provided he or she has paid all the dues of the association regularly and fulfill such other conditions as may be specified in the Advocate Act 1961 & rules)

Note :

An honorary member shall have right to attend the meeting and to take part in discussion, but shall not have a right to vote.

Exclusion from
Membership and
Consequence:

1. The name of any member shall be liable to be removed from the membership of the Association if at least 2/3 of the members on the roll of the association vote for such removal in a meeting specially called for this purpose with prior notice of one week for

the holding of such a meeting. Show cause notice is mandatory to through upon the member against whom such action is initiated.

2. Exclusion from membership shall entail forfeiture of all privileges ordinarily available to members and subscription paid and would debar him from the use of the Bar library.
3. In case of removal of any member for professional misconduct, no member shall give or extend, take or remove, any professional help or assistance, directly or indirectly, inside or outside the courts, or give or take legal advice, hold professional consultation with or in any manner accommodate him in professional work.
4. Reasons for exclusion, among others, may include, practice of toutism and disobedience of the rules and resolutions passed by the Bar association.

Part III

Management

1. The Management of the ordinary business and affairs of the Association shall be carried out by a managing committee. Managing Committee will decide right to vote for election of Bar Association.
2. The Managing committee shall consist of:
 1. President
 2. Secretary

3. Three members of the association shall be appointed by the Member of General body.

Arbitration
Committee :

1. All disputes and matters relating to or concerning the affairs or working of the Association and its members shall be referred to Arbitration committee consisting Management committee aforesaid and five more members whose decision shall be final. Bar Association shall nominate those five members.

Disciplinary
Committee

1. A special disciplinary committee constituting of five member shall each year be nominated from amongst the ordinary members of the association to watch and report on
 1. All the question relating to the practice of touts.
 2. The question of professional misconduct of the members of the Bar, petition writers and clerk etc.
2. The disciplinary committee shall submit its proposals and findings to the President, Bar Association for presentation to a special meeting of the Bar Association for necessary action.
3. Before formulating its findings or proposals, the committee shall give reasonable notice through stating particulars of the charge to the offending person to show

cause why action be not taken against him.

Vigilance Committee : President and Secretary shall be the members of the vigilance committee.

Legal Committee : The committee shall give its opinion on any legal matter whenever its opinion is sought by this Association. It shall consist of five members.

Copying Agency Committee : The legal Committee shall see that the certified copies are supplied promptly and without any discrimination to the public. It shall consist of 5 members.

Purchase committee
Khoka cum-canteen
Committee : The Purchase committee shall constant of three members including President & Secretary. The committee shall supervise the working of khokha owner and will suggest measures to improve the working. The president and the Secretary shall be the ex-officio members of the committee.

Part IV

Duties and Powers of the Office bearers shall be as follows:-

President :

1. The President shall-
 1. preside over all the meetings of the Association when present.

2. Represent the association on all occasions unless when any other members is deputed to represent the Association on any particulars occasion.
3. Issue orders to other office-bearers for the well-being of the Association.
4. Generally supervise and control the affairs and activities of the Association and all framed committee.
5. Incur and sanction any expenses of Bar fund up to 5000/- during the year.

Secretary :

1. Secretary Shall

1. subject to orders of the President
 - a) issue notices of the meeting.
 - b) carry on correspondence of the Association and supervise collection of subscription and issue notices of demand for arrears etc. as provided for here-in-after
 - c) supervise the accounts of the Association and cause them to be audited form time to time.
 - d) Use funds of the Association for maintenance, up-keep and improvement of the Bar Room, and establishment of the Association, and under the direction of the President for the Bar Library, or as required

by resolution of the Managing committee or the Association,

- e) To transact all other business of the association,
- 2. carry into effect all resolutions of the managing committee or the Association,
- 3. Keep minutes of the proceedings of the meeting of the Association and the Managing committee,
- 4. Keep necessary record of other record of orders.
- 5. Supervise and control the menial and other staff.
- 6. Arrange to collect all subscription from the members.
- 7. Maintain account books relating to funds of the association,
- 8. Place all funds of the association into some bank or some bankers except such amount as he may think necessary to keep with himself for the current expenses of the year.
- 9. Maintain the following registers :-
 - a) A Minute book.
 - b) A correspondence book.
 - c) A peon book
 - d) A cheque book
 - e) Suggestion book
 - f) Subscription Register.
 - g) Register of approved Munshis.
 - h) Register of reputed touts.

- i) Register of disreputable persons ineligible for employment etc, as clerk etc.
- j) Any other register which he may consider necessary.

Note :

The suggestion book, which shall be kept in the Bar-Room in the custody of the Bar Servant, the members shall enter any suggestions or complaints and the secretary shall take necessary action on that.

Library member
Incharge :

1. The library Member-incharge shall
 1. be incharge of the Library,
 2. be responsible for it whehter he has a paid librarian under him or not,
 3. Suggest to the managing committee the purchase of suitable books, news papers etc.
 4. And carry all other duties enjoined upon him under the Library rules of the Association contained in appendix A

Part V

Establishment :

- 1) The bar Association shall Employ
 - a) One Peon,
 - b) One Librarian,
 - c) If need be extra servant.
- 2) The appointment, suspension, dismissal of a award or other punishment to any member of the establishment, shall be made by

the Secretary in consultation with the President, provided that in case of suspension, dismissal, or fine exceeding Rs. 5/- the person affected by the punishment shall have a right of appeal to the Managing Committee whose decision shall be final.

PART VI

Meetings : 1. There shall be held

- a) General,
- b) Special
- c) Ordinary, meetings of the Association

General Meeting : 2. A general meeting shall be held at least once a year to consider the question of

- a) annual elections.
- b) Accounts and reports of the last year.
- c) expulsion and other disciplinary measures against members.
- d) changes in the constitution, rules, aims and objects of the Association, or
- e) such other matters, as may from time to time submitted for its consideration by the managing Committee.

Note : 1. The Managing Committee or the President on a written requisition of members may call a general meetings at any time for any special purpose.

2. No General Meeting shall be held unless at least 33 per cent of the members on the roll are present in the meeting, and at least 5 days notice is given by the Secretary containing the agenda and the special purpose.
3. In connection with the Annual General Meeting, a Lunch/dinner shall also be arranged by the Bar Association unless otherwise decided by the Managing Committee.

Special Meeting : 1. Special meetings of the Bar Association

1. by order of the President or at the written request of any member counter signed by members a special meeting may be convened at any time to consider important questions, which might include
 - a) the preparation of the list of reputed touts.
 - b) proposal regarding the amendment or consideration of legislative bills or acts.
 - c) Other matters of emergent necessity.
 - d) Proposal circulated by public bodies or other for opinion of the association.
 - e) Such other proposal that any member or Managing Committee may submit for decision,

2. Notice for such meeting shall be given at least three days previous to the date of the meeting,
3. quorum for such meetings shall be
 - a) for consideration of the questions relating to the list of reputed touts or other matters relevant to it, 50 percent of the members on roll.
 - b) for the other question 1/3 of the members on roll.

Ordinary Meeting :

1. An ordinary meeting of the Association shall be called at least once in three months to consider such other questions as will be circulated in the agenda by the Secretary under the orders of the President.
2. Notice for such meeting shall be of two days at least.
3. 1/2 of ordinary members shall form a quorum for such meetings.

Quorum for adjourned Meetings :

- a) In case of meetings adjourned for want of quorum, no quorum shall be necessary, but fresh notice shall have to be issued containing the agenda.
- b) In case of meetings adjourned for disposal of pending

business which could not be finalised in the sitting, no fresh notice or quorum would be necessary if the next date is fixed in the meeting.

Voting at meeting :

- a) For consideration of the question relating to the list of reputed touts or other matters relating thereto, the voting shall be carried out as provided for in the advocates Act 1961.
- b) At all other meetings, the question be decided by a majority of votes of the voting members present in the meetings.
- c) In case of equality of votes the President shall have a right to casting vote also.

Notice for emergent Meetings :

In case of emergency, any meeting may be called under the order of the president on a shorter notice than provided for any particular kind of meeting.

Chairmanship at Meetings

- a) The president and in his absence Secretary shall preside over the meetings. When none of these office bearers is present at a meeting, the member present shall elect their Chairman from amongst those present. The Secretary or the elected chairman shall vacate the chair for the President on his arrival as the case may be.

Decision of the
General meeting :

- b) The decision of the General meeting shall be final on all matters.

Service of notice of
Meeting :

Notices of meetings will, so far as practicable, be served personally on the members. If besides a notice shall be struck up on the notice board at least 24 hours before the time fixed for the meeting and this shall be considered sufficient service on such member also.

Part VII

Funds :

No funds of Bar-Association shall be utilised for the purpose of arranging any party except the Annual Dinner/Lunch.

Realization of
Subscriptions :

1. A member from whom subscription is due for 2 months shall be served with notice to pay up the dues within 7 days of the receipt of the same.
2. If payment is not made by any member inspite of the said notice his name shall be posted as defaulter on the notice board inside the Bar-Room.
3. A member who is in arrears for subscription for more than 2 months including the current month, shall have to pay an additional

subscription of Rs. 1/- for every default past or future.

4. The case of any member who allows subscription for full year to accumulate against him, shall be placed before a meeting of the Association and shall liable to such penalty as may be imposed on him by the meeting, including extreme penalty of removal of his name from membership.

Eligibility of Voter :

1. Member should complete his subscription in full. There ought to be not dues against him.
2. Voter should be regular and practicing as an advocate of the Bar.
3. Voter should be member of only One Bar for voting purposes. He will not have double voting right in case of voter of any other association. He could not cast his vote in another bar Association.
4. Member who has no right of vote if he pursuing/doing any other work or nature, such as factory, shop, trade and agent of any company.
5. If a member convicted of an offence involving moral turpitude, a committee will struck of his name from the list of voter.

6. If a member work against u/s 24 (A) Advocate Act a committee will stuck his name from the list of voter.

Part VIII

Review :

- a) No resolution passed in any meeting shall be liable to review within a year, unless application for review is supported by the signatures of at least members or is recommended by the Managing Committee.
- b) An application for review shall be put up in a special Meeting and the previous order shall be reversed or modified only if 2/3 majority of the members present, vote for such reversal or modification, provided that the two-thirds are not less in number than those who originally voted for the decision under review.
- c) If any member feels aggrieved by any act or omission of the Managing Committee, he may request the President in writing countersigned by member to convene a general meeting of the Association to consider the matter.

Part IX

General

1. Except on the introduction by a member no stranger shall be allowed admittance in the rooms occupied by the Association.

2. No publicity will be given to any private conversation which may take place in the rooms of the Association.
3. No proposal sent up by any member for consideration of the Association will be dealt with unless the proposer either attends personally to move and support his proposal or authorizes in writing some other member to represent the matter of the proposal before the meeting in order to facilitate its decision.
4. Any person aggrieved from any decision of the Managing Committee or displeased with any act of the Secretary or other official may appeal to the Association within 30 days and not after.

Drafted by,

Randhir Singh Nain,
Adv. Civil Courts,
Narwana

Anil Goyal
Secretary
Bar Association
Narwana

Bhagat Singh Sheokand
President
Bar Association
Narwana

Appendix 'A'
LIBRARY RULES

1. Library shall be open to the members of the Bar-Association only.
2. Every member joining the Association shall pay Rs. 5/- per month as Library fee.
3. The Managing Committee of the Bar Association shall order for the suitable book from time to time on recommendation of Library member.

Note :

Every member desiring the purchase of a new book shall be entitled to give his suggestion in writing to the Library Superintendent (member Incharge). It may be mentioned that now there is a suggestion book with the Library-clerk. The librarian shall show it to the Member-incharge whenever a suggestion has been made.

4. The member-incharge of the Library shall perform the following duties:-
 1. Shall cause to be maintained an up-to-date register of books in the Library containing the serial no. the name of the books, it's cost, date of purchase etc.
 2. the register for issue and return of books.
 3. Such other registers as may be considered necessary from time to time.

5. The appointment, salary, dismissal and punishment etc of the Librarian will be governed by the provision of the constitution of the Bar-Association.
6. The Library Clerk will be responsible for the maintenance of the library and for safe-custody of books under the supervision on the member of incharge.
7.
 - a) The member-incharge with the approval of the Managing Committee shall prepare a list form time to time and revise it, of the books which are not be taken out of the Library ordinary and have them marked as not removable. He shall have another list of the books prepared with the approval of the Managing Committee which can be taken out for the maximum period of three days.
 - b) Books marked not removable may, however, be removed during court hours, in case of emergency with the permission of the Librarian, but such books must be returned by the close of court hours.
 - c) In case of default of clause (a) a penalty of Rs.1 per book per day will be levied after the date of default, and in case of contravention of clause (b) a penalty of Rs.5/- per book per day will be charged.

- d) The member-incharge will realise penalty imposed under clause (c) and shall issue a notice to the defaulting member to make the payment within a week of it. In case such a penalty is not paid within the prescribed period the defaulting member shall be debarred from use of library books.
 - (e) The member incharge shall report to the Managing Committee the names of such defaulting members mentioned in clause (d) and the Managing Committee shall treat the arrears of penalty as arrears of subscription and for the payment of which the Managing committee will have the powers to remove the names of the defaulters from the membership of the Association and to take such other and further action as it deems proper.
8. In case any book is lost, destroyed or damaged by any member, he shall be liable to replace the same by a new addition of such book. Damage will not include damage to the binding only and such damage if costs, could be got repaired by rebinding at the cost of the defaulter but it shall include marking in the books or loss of some part of the book.
9. a) No member shall remove any book from the library without giving a receipt for the same. While returning the book it shall be the duty of

the member to get an entry made on the receipt kept for the purpose.

- b) Member taking out books without passing receipt shall be liable to a penalty of Rs. 1/- per book per day in addition to the penalty leviable under the other rules. The realisation of such penalty shall also be governed by rule 7 clause (d) (e) of the rules.

Maintenance of order in the Library
and other Room of the Association

10. No member shall make any noise in the Library or any other rooms adjoining if and member will in a dignified manner.
10. No person who is not a member shall be admitted to the Library room unless at the request or introduction of a member of the Bar and that too for a short time.

Drafted by,

Randhir Singh Nain,
Adv. Civil Courts,
Narwana

Anil Goyal
Secretary
Bar Association
Narwana

Bhagat Singh Sheokand
President
Bar Association
Narwana

APPENDIX B

ELECTION RULES

- A) Framed under part 6 rule 2 (d) of the constitution of the District Bar Association, Narwana
- b) The Rules shall come into force with effect from 24.11.2006

Returning officer : 1. For holding election of the office bearers of the Association. The outgoing president of the Association provided himself is not a candidate for any office would be the Returning officer, in his absence outgoing Secretary who provided himself not a candidate for any office would be the Returning officer. The Returning officer shall have all the powers requisite for effectual conducting the election in the manner provided by these Rules. He shall fix the date of election on consultation with the Managing Committee.

Nomination Paper : 2. The nomination paper for the president and the Secretary shall be filed upto 3.P.M. on the working day in the Library Hall before the Returning Officer by the candidate himself at least 7 clear days before the date of election fixed under rule (1) along with a receipt of the secretary/or cashier showing the deposit 300/- in the case of candidate for the office of President and Rs. 150/- in case of Secretary, which amount shall not

be refundable in the case of candidate, who ultimately contests the election. A member can contest the election for one office only.

3. A nomination paper to be considered valid shall be signed not only by the candidate himself as assenting to the nomination but also by a member proposing and another member seconding his candidature.

Scrutiny of

- Nomination Paper :
4. On the following working day, after the expiry of date of receipt of nomination papers, the Returning officer shall examine the nomination papers in the presence of the candidates. He may hear objections, if any, presented by the objectors in person to the eligibility of any candidate and determine these objections after such enquiry at the spot as he may consider necessary and expedient. The decision of the Returning Officer rejecting or accepting the nomination paper shall be final. The returning officer shall display the list of candidates daily at 3:30 P.M. on the Notice Board of the Association.

5. The person objecting under rule (4) must be an contester.

Withdrawal of :
Candidate

6. A candidate may withdraw the nomination by a notice in writing which shall be scribed by him and delivered to the returning officer 4 days before the date of election and the security deposit shall be refunded.

7. The Returning Officer shall declare the validly nominated candidate elected if there is only validly nominated candidate for the office of the President/or the Secretary as the case may be.

Procedure and

Program of Election 8.

- On the date fixed for the General Meeting and the Elections, after the Secretary's annual report has been read and adopted and other business of the General Meeting transacted, the Returning Officer shall take the chair and conduct the elections with the help of the President, Secretary and any other member/members of his choice.
9. The Secretary shall 10 days before the date of election display on the Notice Board and also provide the Returning officer with a list of eligible voters which list shall be signed and authenticated by the President and the Secretary.
10. The contesting candidates may before the commencement of voting appoint in writing one elector as his agent to be present besides himself, to assist the returning officer in the smooth conduct of the elections.
11. There shall be separate ballot paper each for the offices of the President and the Secretary bearing the names of the contesting candidates, typed or printed on each ballot paper separately. Both the ballot papers duly signed by the Returning

Officer shall be issued to a voter at the same time.

12. Voting shall be by secret ballot and every member wishing to record his vote shall do so in person by putting a sign ' ' mark with pen or stamp which will be provided to him at that time by the Returning Officer against the candidate of his choice fold the Ballot paper and put the same in the ballot box.

13. Immediately after the polling, the counting will commence and the result will be declared immediately thereafter.

Procedure in
Case of tie :

15. In after the counting of votes is completed, an equality of votes is found to exist between any candidate, and the addition of one vote will entitle any of those candidate to be declared elected, the Returning officer shall forthwith decide between those candidate by lot and proceedings as if the candidate on whom the lot falls, has received an additional vote.

Disposal of
Ballot papers :

16. The Ballot papers shall be sealed in envelopes (one envelope for the ballot papers of the office of the President and the other for the secretary) by the Returning officer under his signatures and shall be destroyed one month after the announcement of the result and the disposal of objections, if

any, by the Returning officer, in
the presence of the members of the
Association.

Drafted by,

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