

Constitution 62

Gohana

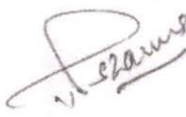
THE CONSTITUTION OF BAR
ASSOCIATION, GOHANA

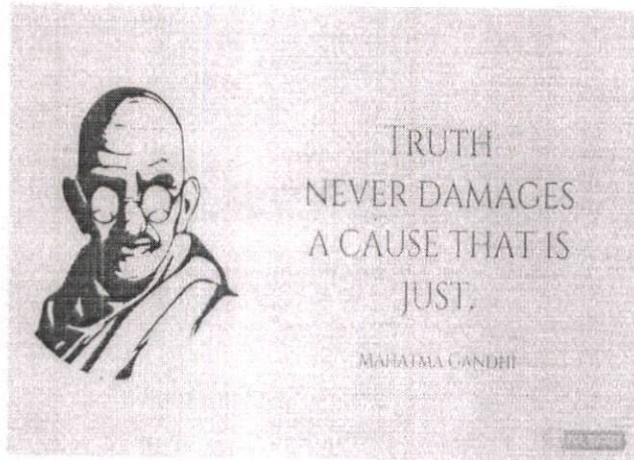


Bar Association, Judicial Courts
Complex Gohana District Sonapat

PINCODE-131301

Ajay Verma
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President
Bar Association
Gohana



OFFICE BEARERS

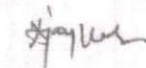
President:- Ved Prakash Sharma

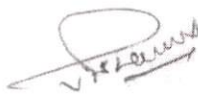
Vice President:- Bhupender Mann

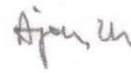
Secretary:- Ajay Lathwal

Joint Secretary:- Sanjay Sharma

2020-2021


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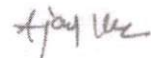

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Gohana


Bhupender Mann

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BAR ASSOCIATION, GOHANA

CONSTITUTION / ARTICLES

ARTICLE:

1. **Name**-The name of this Association shall be Bar Association, Gohana.

2. **Territorial limits** - The territorial limits of this Association are boundaries of Revenue Sub Division of Gohana.

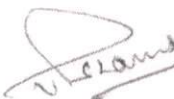
3. **Commencement Office** - It shall come into force on 07-12-2020.

4. **Office** - the Office of the Association shall be located at the Judicial Court Complex Bar Room.

5. **Objects & Functions:**

The object and functions of this Association are as under:-

- (i) To admit Advocates being members of this Association.
- (ii) To prepare and maintain a Register of Membership of this Association
- (iii) To encourage and foster the ideals of rendering legal assistance.
- (iv) To remain in touch with the Bar Council of Punjab and Haryana
- (v) To promote and implement all the directions regarding standard of professional conduct and etiquette for advocates lay down by Bar Council of India & State Bar Council of Punjab & Haryana.


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(vi) To safe guard rights, profession and interest of members of this Association

(vii) To manage and invest funds of this Association.

(viii) To promote law and justice

To make arrangement for the comfort and amenities of the members of this Association by providing:-

a) A library of law books, E-Library and law journals;

b) Canteen, tuck shop, fruit shop, cigarette counter for refreshment of members of the Association and their clients;

c) Shop for sale and distribution of forms, papers, file covers, along with arrangement of typing, Photostat machine, computerized typing;

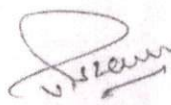
d) To provide parking place for cars, scooters, cycles for the members and their clients on payment of reasonable fee;

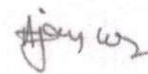
e) To regulate working of clerks, typists and other deed writers and stationery vendors.

6. Meetings: - The Association shall meet at least once in a month and at any other time meeting may be called by the President/Secretary or on the requisition of at least ten members of the Association.

(i) QUORUM:

One fourth of the present members shall constitute a quorum for ordinary general meeting. Majority shall constitute quorum for Annual General Election Meeting


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7. Method of Voting:

The method of voting in all General/Special Meetings, Annual Meeting and meetings of the Executive Committee shall be viva voce except the election of the Office Bearers which shall be secret ballot.

8. Decision by Majority:

All decisions in the meetings of the General House or the Executive Committee shall be taken by majority. In case of a tie, the President or a person acting as President will have a casting vote. Decision of Executive committee can be set aside by the majority of full house.

9. Membership:-

The Association shall be composed of advocates registered with the Bar Council of Punjab and Haryana and active practice in legal profession in the judicial courts at Gohana in Civil, Criminal, Revenue Law, Taxation etc. Such advocates will be admitted at the discretion of the Governing Body. But he should not be the member of other Bar.


However, on his application be re-admitted on payment of the fresh admission fee and subscription along with the arrears if any, due from him.

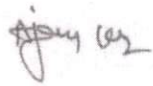
Governing body/Executive Committee of the Association on acceptance by the applicant of the constitution, articles of dues i. e. admission fee of Rs. 3100/- and subscription of Rs 100/- per month payable in advance every month or such other admission fee and subscription as may be decided by the Association.

10. Kinds of Membership:

This Association shall have two kinds of members namely:-

- i) Ordinary Members:


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Any person having the requisite qualification of an advocate as laid down in Article 9 above may be admitted as ordinary member who will be known as member.

ii) Associate Member:

Any person having qualifications to become ordinary member of the Association but is not engaged in active practice at Gohana and is practicing in courts located beyond Gohana or is member of any other Bar Association may be admitted as Associate member by the Executive Committee of this Association. A separate register will be maintained to record the names of Associate Members

11. Privileges of Associate Member:

The Associate Member shall be entitled to all the privileges of an ordinary member except that he will neither have right to vote nor will be entitled to propose or second any candidate nor contest election for any office of the Association.

12. Subscription:


i) The monthly subscription shall be Rs. 100/- or such other amount as may be decided and prescribed by the Association in its General Meeting.

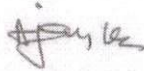
ii) The subscription shall be payable in advance by 7th of every month.

iii) In case of failure to pay the subscription for three months, the membership shall be liable to be terminated.

13. Re-Admission of a Member:

The person whose membership is terminated under Article 12 (iii) may on his application be re-admitted on payment of the fresh admission fee and Subscription along with the arrears if any, due from him.


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Secretary

14. Receipt of Subscription:

The Treasurer/Secretary or any other person authorized by the Executive Committee shall issue receipt in respect of the admission fee, subscription and other dues paid by members to the Association.

15. Dual Membership will be discouraged:

Advocates who are members of Bar of any other Bar Association or who are practicing outside the limits of Courts of Gohana will not be permitted to become ordinary members of this Association.

16. Duration of Membership:

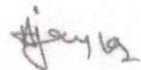
The membership shall continue unless terminated as hereinafter provided.

17. The membership shall be liable to be terminated on account of the following reasons:

- i) By death
- ii) By resignation
- iii) By non-payment of dues for three months
- iv) By removal of the name of the advocate from the roll of Bar council
- v) By termination of sufficient cause by the Association in its General Meeting specially convened on the recommendation of the Executive Committee for which a notice of 4 days with a clear agenda will be issued by the Secretary. Such resolution may be passed by 2/3rd majority and majority shall constitute the quorum.
- vi) By becoming member of other Bar Association.

18. Forfeiture of Membership:


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Any person whose membership has been terminated in any manner or on any of the grounds mentioned above shall forfeit his all rights in the Association.

19. How to Re-join:

Any member whose membership is terminated on account of resignation or removal of his name from the roll of the Bar Council may make a new application for membership when he wants to resume practice and his name has been re-entered in the roll of Bar Council and if his membership is approved by the Governing body/Executive Committee and he pays the fresh admission fee, subscription and arrears, if any, will be member of the Association.

20. Officers/Office-Bearers:

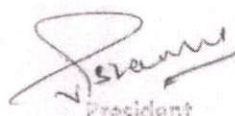
The officers/office bearers of this Association shall be:

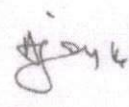
- i) President
- ii) Vice-President
- iii) Secretary
- iv) Joint-Secretary
- v) Treasurer

21. Governing Body :

The Governing Body of this Association shall be the office bearers and Executive Committee consisting of the above said five Office Bearers & other members of the Association to be nominated by the President with the consent of other office bearers at the Commencement of the term out of whom:-

- i) Two members shall be those who have put in 30 years or more than 30 years of practice;


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- ii) Two members who have put in more than 15 years and less than 30 years of practice;
- iii) Two member who have put in less than 15 years of practice or more than 5 years of practice;
- iv) Immediate past President and immediate past Secretary shall be ex-officio members of the Executive Committee.

22. Vacancies in the Governing Body/Executive Body:

The vacancies in the Governing Body may be caused:

- i) By death
- ii) By resignation
- iii) By ceasing to be a member of this Association.
- iv) By vote of no confidence against the office-bearer or governing body.
- v) By becoming the member of other Bar

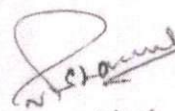
23. Vacancies-How to be Re-filled:

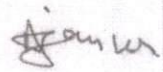
The Vacancies of any office-bearer shall be filled by co-option of any eligible member by the members of the Governing Body and vacancy of or the member of the Executive Committee by the President, for the remaining term.

24. Powers and Duties of Officers:

PRESIDENT:

- i) He shall preside over all the meetings of the General Body & Executive Committee of the Association.
- ii) He shall be the Chief Executive and shall regulate the business of the Association and all its meetings.
- iii) He shall call all the meetings i. e. General, Special, Emergent and Annual.


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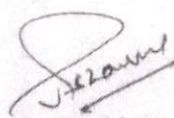
- iv) He shall be the spokesman of the Association and shall lead all delegations and represent the Association on all occasions.
- v) He shall have the financial power to incur any expenditure up to Rs. 5,000/- to promote the affairs of the Association and more than Rs. 5,000/- with the approval of the Executive Committee.
- vi) He shall be the appointing, removing and disciplinary authority for the appointment and removal of its employees subject to the approval of the Executive Committee
- vii) He shall be competent to appoint committees/Sub-Committees, their members and Chairman with the consent of other office bearers.

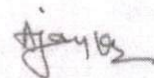
25. Vice-President:

It shall be the duty of the Vice-President to preside the meetings of the General Body and Executive Committee in the absence of the President and to perform such other duties as pertaining to the office of Vice-President or as may be assigned to him by the President. In case of vacancy of the office of President, he shall act as President till such time the new election takes place and the President is elected and takes office.

26. Secretary:

- i) The secretary shall be the executive officer of the Association.
- ii) It shall be the duty of the secretary to keep the records of membership and record the minutes of all meetings of the General Body & Executive Committee.


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iii) He shall call the meetings and issue notices for the meetings of the General Body and Executive Committee in consultation with or on the advice of the President and perform all such other duties as may pertain to the office of secretary or as may be assigned to him by the President or the Executive Committee.

iv) He shall correspond and address all letters, communications and representations as per wishes and resolution of the General Body and Executive Committee and maintain the office records.

v) He shall have the financial power to incur the expenditure up to Rs. 5000/- only.

vi) He shall issue the certificates regarding membership of the Association to the members subject to approval of President.

27. Joint-Secretary:

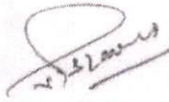
He shall be in charge of Library and prepare rule regarding issuance to the members of Bar and return of books from the members of Bar. He shall perform all duties of secretary in his absence and also perform all such other duties as may be assigned to him by the President or Secretary.

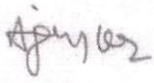
28. Treasurer:

He shall collect all dues from the members and issue receipts. He shall have the custody of all funds of the Association and maintain true records and accounts of the same and perform such other duties as may be assigned to him by the President.

29. Financial Powers and audit

The President and Secretary shall exercise the financial powers to incur expenditure as provided in their powers under articles 24 and 26


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respectively. The income and expenditure incurred every year shall be audited by the committee which shall be constituted by the Bar Association.

30. Cash:

- i. The cash will be handled by the Treasurer or any other person authorized by the Governing body/ Executive Committee, but the cash in hand shall not exceed more than Rs. 2000/- only for more than one working day.
- ii. It will be the duty of the Treasurer or any other person authorized to handle cash to deposit the same in account of the Association in the bank on the next working day, failing which interest will be levy able.

31. Operation of the Bank Account:

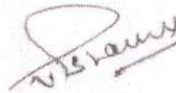
The bank account will be jointly operated by the President and one another person out of Secretary/ Treasurer.

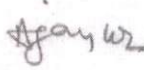
32. Term of office:

Term of office of the office bearers and the members of the Executive Committee shall be one year commencing from 1st December every year and terminating on the 30th November of the year or a per schedule fixed by the Bar Council of Punjab and Haryana; unless a notice of No Confidence is moved and passed against any office-bearer or against the Governing Body as hereinafter provided.

33. Annual General Meeting:

Annual General Meeting of the Association shall be held in the first week of November every year to transact the following business:


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i) To consider annual report submitted by the President and copy of same will be distributed at least seven days prior of meeting to house.

ii) To consider audited accounts of the Association.

iii) To hold election of office bearers of the Association.

34 Notice of the Annual General Meeting:

Notice of the meeting shall be given by the Secretary before the date of Annual General Meeting on which election shall be held which shall not be later than 10th November every year in any case.

35 Quorum:

Majority shall constitute quorum at the Annual General Meeting.

36 Election:

Election of the office bearers will be held as per directions/rules of Bar Council of Punjab and Haryana every year.

37 Appointment of Returning Office :

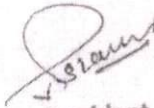
The members of Bar in its special meeting shall appoint a Returning Officer/Assistance Returning Officer to conduct free and fair elections of the office bearers as per directions of Bar Council of Punjab and Haryana directions.

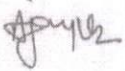
38 Notice of Election Programme:

The Returning Officer shall issue a notice notifying the date of election and the election programme.

39 Nominations:

The Returning Officer shall invite nominations to be filed in the office of the Bar Association and conduct election as per schedule of Bar Council of Punjab and Haryana.


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40 Qualifications for Right of Vote and for Contesting the Election:

The ordinary members who have been on the roll of the Bar since 31st December preceding the ensuing election and have paid their dues up to the month of December of the year in which election takes place will have the right of vote and to contest the election. No ordinary member who has not completed one year active practice in courts at Gohana from his registration has no right to cast his vote or contest election in coming election.

41 Disqualification:

The ordinary members who have not paid their dues of subscription and other Amounts declared as dues up to the month of November of the year in which election takes place, will not have right of vote nor will be entitled to contest election for any office nor propose nor second any member for any office.

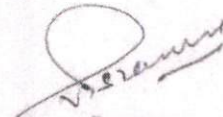
42 Security Deposit :

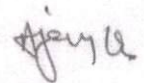
Nominations will be filed by the members for any of the office accompanied by the security deposit which will be fixed by the Bar and security deposit will remain with the bar and it will not be returned to the candidates.

43. Ballot Paper:

The nomination duly received by the Returning Officer shall be placed on a ballot paper in alphabetical order under each office.

44. Method of voting/Casting of Vote:


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The eligible members will cast their vote by stamping on the ballot paper against the name of the candidate only by a stamp to be provided by the office. No other mode of voting will be accepted.

45. Result:

The candidates for President, Vice-President, Secretary, Joint-Secretary and Treasurer receiving a majority of the votes shall be declared elected to their respective offices. In case of a tie, the Returning Officer shall have a casting vote

46. Completion of Election Process:

The election programme will be completed as per rules framed by Bar Council of Punjab and Haryana.

47. Returning Officer's Decision to be final:

In all matters concerning election i. e: the election programme, receiving of nominations and their scrutiny, holding of election, counting process and finally declaration of results, the decision of the Returning Officer shall be final and binding on all concerned.

48. Commencement of New Term:-

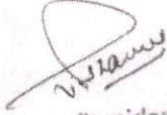
The newly elected office bearers shall take office on the 1st December

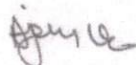
49. Amendment of Constitution/Articles of Association:

Constitution/Articles of Association may be amended by giving notice of clear 10 days by 2/3rd majority in a meeting.

50. Motion of No Confidence:

- i) A motion of No Confidence against any office bearer or against the Governing Body may be moved by at least 1/3rd of the total members having right to vote and be put up in the house after giving a clear notice of 10 days, which may be passed by not less than 2/3rd of the total members of the house having right to vote.


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ii) In the event of passing a 'No Confidence Motion' against the total Governing Body, the house may by majority make interim arrangement by electing an interim President to arrange for the new election within one month to elect the office bearers for the running term.

51. Repeal:

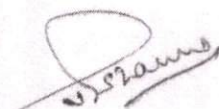
The previous prevalent constitution is hereby repealed

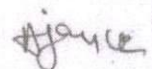
52. Savings:

i) The President, Vice-President, Secretary, joint Secretary & Treasurer elected under old constitution and already functioning will continue to hold their office till 30th November or till the new election takes place & the new office bearers take charge on 1st December.

ii) The members who have not paid their dues for the last 3 months and in case of their failure to clear the dues within stipulated period of seven days, their membership will be terminated.

iii) If the constitution is silent on any point, then, the provisions of Bar Council Act will prevail.


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