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CONSTITUTION

Of

Amritsar Bar Association

(Registered under Societies Registration Act)

As Approved By the General

Body Meeting held on 30/4/91



Seal of Amritsar Bar Association



**CONSTITUTION OF THE AMRITSAR BAR ASSOCIATION
AMRITSAR**

1. The Association shall be called the **AMRITSAR BAR ASSOCIATION** with its office in the Bar premises in the Districts Courts, Amritsar.
2. The aims and objects of the Association are:-
 - a) To maintain the dignity of the profession.
 - b) To carry out the Rules & Regulations laid down by the Punjab Council and the rules and regulations made by High Court of Judicature Punjab State regarding the Bar.
 - c) To create a sense of fellowship and corporate life in the members of the Bar.
 - d) To seek redress of the grievances of the Members of the Bar.
 - e) To eradicate corruption, bribery.
 - f) To take such steps as may be found necessary to maintain the dignity of the profession.

3. MEMBERSHIP

- a) Every person qualified to practise under the Advocate Act, can become a member of the Association on payment of Rs. 200/- as admission fee and such monthly subscription as the Association may from time to time determine.
- b) Any member who fails to pay subscription for three months consecutively shall be deemed to be a defaulter.
- c) A member shall automatically ceases to be a member of the Association, if he:-
 - i. Fails to pay his monthly subscription for a period of three months, or
 - ii. If he is debarred by High Court from practicing as a Legal Practitioner for any reason whatsoever, or
 - iii. If he is guilty of any such conduct which in the opinion of 2/3rd members of total strength of members present in a meeting specially convened for the purpose after two weeks' notice is found held unworthy of a member or a lawyer.

4. SUBSCRIPTION

- I. a) Monthly subscription for the members shall be Rs. 20/- P.M. with effect from 1.1.1992.
- b) A member of the Bar who pays the lumpsum subscription in advance in the month of January for a complete year will have to pay only Rs. 200/- otherwise Rs. 20/- per month as mentioned in the preceding para.
- II. The monthly subscription can be enhanced by the Executive Committee, if deemed necessary

and the lumpsum subscription for advance payment will also be determined accordingly.

III. Re-admission: A defaulting member who ceased to be a member under rule 3 (C) (i) above can continue his membership by paying the arrears and half the admission fee provided that if a member had not been able to pay his subscription on account of illness or any other sufficient cause to the satisfaction of the Executive Committee of the Association for the time being, he may be granted any reasonable concession.

5. OFFICE BEARERS/GOVERNING BODY

a) The following shall be the office bearers of the Association whom the management of the affairs of the Association is entrusted subject to these rules:-

- i. President
- ii. Vice President
- iii. Secretary
- iv. Joint Secretary



b) EXECUTIVE COMMITTEE

The Executive Committee of the Association shall consist of the office bearers and seven other members of the Association to be elected by the House.

6. ELECTION RULES:

I. Returning Officer:

The Executive Committee shall appoint one of the members of Bar Association as Returning Officer for holding elections in the ensuing year. The Returning Officer may appoint one other member as Presiding Officer to conduct elections under his directions. Both the Returning Officer and the Presiding Officer shall be debarred to seek election for any office or membership of Executive Committee in that year.

II. Regarding Security:

a) The following will be the amount of security to be deposited by the candidates in cash while filing nomination papers for the offices of:-

- a) President.....Rs.1000/-
- b) Vice President.....Rs. 750/-
- c) Secretary.....Rs. 500/-
- d) Joint Secy.....Rs. 300/-
- e) Executive Member.....Rs. 200/- each member.

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b) If the candidature is withdrawn on or before the date of withdrawal, the amount of security will be refunded to the candidate.

c) That the security will not be returned to the non-contesting or retiring withdrawal candidate after the date of withdrawal and the security will stand forfeited to the Bar Association.

iii) **ELIGIBILITY TO CAST VOTE**

a) As per rule 3 sub clause (c) no defaulter is eligible to cast his vote or participate in the election in any manner whatsoever.

b) Whosoever is enrolled as a member of the Bar on or before 30th of November every year is eligible to cast his vote and if any member is enrolled after 30th of November, he will not be eligible to cast his vote that year.

c) If any member becomes defaulter twice in a year, he will forfeit his right to cast his vote or participate in the election in any manner whatsoever for that year whereas he is eligible to participate in the election in the next year again if he gets himself enrolled as a regular member of the Bar.

iv) The candidate whosoever wants to contest the election of the Association must give in writing that he has gone through the constitution of the Bar and he will abide by the rules, regulations & stipulations imposed in the Constitution of the Bar Association otherwise his candidature will be treated as cancelled at the time of scrutiny.

v) All the office bearers shall be elected annually in the month of December.

vi) Any vacancy in the office bearers caused by any reason, whatsoever, shall be filled up by the election to be held as and when necessary.

vii) That on 10th December of every year, a notice for annual election for the general information to the members will be given with the following schedule:-

a) Filing of nomination papers by 12th Dec.

b) Scrutiny of nomination papers by 14th December.

c) Withdrawal upto 16th December.

d) Annual election on 20th December of every year.

All these dates are only subject to the change due to Sunday or other holiday and the whole election process is to be completed in ten days.

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ix) No candidate himself or through his supporter shall use physical force to coerce members nor will bring outsiders for the purpose of demonstrating physical force in the Bar Election Premises during election days.

X) The Returning Officer shall be competent to declare the election null and void and or cancel the candidature of the erring candidate and may disqualify him from contesting election for two years if he is satisfied on enquiry that the candidate concerned is guilty of causing breach of the restrictions imposed in clause (ix) above. The decision of the Returning Officer shall be final and binding.

xi) No office bearer of the Bar Association can avail of more than two consecutive terms at a stretch.

7. DUTIES OF THE OFFICER BEARERS:

PRESIDENT

i) To preside over all the meetings of the Association and Executive Committee and other Committees of the Association

ii) To work as the ex-officio Chairman of all Committees of the Association.

iii) To work as chief Executive of the Association and as such, to see that all the resolutions, rules & regulations of the Associations are carried on and given effect to.

iv) To operate all bank accounts or post office saving bank account jointly with the secretary.

v) To appoint, dismiss, discharge or in any other way deal with the servants or employees of the Association.

vi) Generally to represent the Association whenever required, if the House does not appoint any other representative for any special occasion or purposes.

vii) To constitute a committee whenever deemed necessary and nominate members of the committee from the members as well as from the office bearers of the Bar Association for the purpose of any particular work which he may assign to the Committee for the welfare of the Bar or for the representation of the Bar or for betterment or improvement of the Bar.





VICE PRESIDENT:

In the absence of the president, the vice president will perform all the duties of the President except for the bank operation.

SECRETARY:

- I. To keep or maintain a complete, full and accurate record of all the transactions, dealings, business and meetings of the Association, of the Executive Committee and all the other committees or sub-committees that may be appointed or may meet from time to time.
- II. To keep and maintain full and complete record of the income and expenditure incurred by the Association and to prepare balance sheets and produce them at the meeting, as may be required.
- III. To appoint, dismiss, discharge, punish, promote, grant leave, fine and grant increments etc. to the employee of the Association. All orders passed by the Secretary under this Sub-Rule shall be subject to appeal to the Executive Committee.
- IV. To call meetings of the Association, the Executive Committee and all Committees and sub-committees as may from time to time be appointed by the Association.
- V. To carry out and conduct correspondence on behalf of the Association.
- VI. To operate all accounts of the Association jointly with the President, in case no other office bearer or member is appointed or nominated by the Association for the purpose.
- VII. To incur contingent expenses to the maximum amount of Rs. 100/- per month (in addition to the salary of the servants and usual recurring expenses) relating to the Association.
- VIII. He shall be responsible for the proper and safe custody up keep and maintenance of the movable properties and books and Account books of the Association.
- IX. To do all other acts and perform all such duties as may be necessary for and in the interests of the Association.
- X. To enforce the receipt of member' subscription and admission fees and to take necessary actions against defaulters as laid down in these rules.



XI. To prepare and submit annual accounts and annual report at the Annual General Meeting of the Association.

XII. That out-going Secretary is not permitted to spend any amount or pass any bill on or after 10th Dec. every year i.e. the working of the office-bearers is from 1st Jan. to 10th Dec., every year and from 10th Dec. to 31st Dec., the out-going team will be working in a peaceful, legal, honourable and befitting manner. The following things cannot be decided during this period:-

- a) No appointment or termination can be made;
- b) No bank withdrawal can be made;
- c) No payment on behalf of the Bar Association can be made to anybody by the out-going office bearer nor any liability can be created against the Association.

JOINT SECRETARY

He shall perform the duties of the Secretary in co-operative with him and in his absence, besides he shall be Incharge of managing and running of the Bar Club as long as the Association deems it proper to keep the Club going.

LIBRARIAN:

That the Executive Committee shall appoint one of its members to be the incharge of the Library and his duties shall be to exercise general supervision over the affairs of the Library and for the improvement of the Library and with the consultation of the Secretary of the Bar, he can add new journals or Law Reporters or other books i.e. subject to the condition of availability of funds allotted by the Secretary. He can take all necessary steps for collecting books of the Bar Association, if he feels the necessity of doing so.

EXECUTIVE COMMITTEE:

- I. Generally to manage the affairs of the Association through the office bearers concerned and to issue directions as may be deemed necessary for this purpose.
- II. To exercise a general supervision on the collection of subscription and to hear and decide any application by the Members regarding the imposition of any fine or, other penalties as prescribed by these Rules.

- III. To use the funds of the Association through the office bearers concerned.
- IV. To keep a proper check on the income and expenditure of the Association and from time to time have accounts and balance sheet prepared by the staff or the office Bearers.
- V. To see that the funds of the Association are kept in deposit in the Post Office or such Banks or Bank as may from time to time be deemed fit for the purpose.
- VI. To take all other steps to keep the finances of the Association in a sound condition and to keep the Library also in good condition and to see that all the properties belonging to the Association are properly maintained and kept repaired, replaced or substituted, as may be found necessary.
- VII. The member of the Executive Committee not attending consecutive five meetings without any reasonable cause except being out of station or due to illness, will cease to be the member of the Executive and that vacancy will be filled up by nomination by the Executive Committee till election.

8. VACANCIES:

Any vacancy caused by any reason, whatsoever in the Members of the Committee or any of the Office bearers shall be filled up by Election as early as possible.

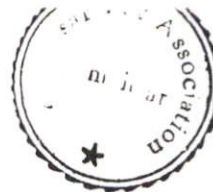
9. ANNUAL MEETINGS:

- I. Annual general meetings of the Association for the purpose of holding election of the office-bearers shall be held in the month of December every year i.e. on 20th December subject to the condition of Sundays, when the Secretary shall submit his report and annual accounts. A notice at least ten clear days shall be necessary for the purpose of this meetings as has been specified in Rule 6 provided that under the exceptional circumstances the general annual meeting may be held whenever found necessary.



EXPLANATION:

- I. Exceptional circumstances means when the office of President or Secretary of the Bar Association becomes vacant due to death, resignation or retirement from profession of the incumbent.
- II. The Secretary may call meeting of the Association on the notice of four days to the members, if so desired by the President or by the Executive



Committee and that agenda must be circulated in writing.

III. An emergent meeting of the Association shall be called by the Secretary, President of the Executive Committee on receipt of a requisition in writing by not less than 1/5 members of the Association indicating the Agenda to be considered therein. A notice of at least one day will be considered sufficient for holding such a meeting.

10. **QUORUM:**

a) One sixth of the members of the Association shall form a quorum in any meetings of the Association.

b) The quorum of meeting for Executive Committee shall be Four of which at least two shall be offices bearers provided that no quorum will be necessary for an adjourned meeting.

11. Except with the permission of the President, or the Chairman, no matter, not entered in the agenda previously circulated, shall be taken up in any meeting of the Association, provided that the house, may be majority, decide to consider or discuss any matter extraneous to the agenda in any meeting and the matter shall then be taken and considered.

12. **NOTICE:**

The Secretary shall circulate all notices required to be given to the Members in writing. Copy of every notice shall be fixed upon the Association notice board in due time and this shall be considered to be a valid circulation thereof for all purposes and every member concerned shall be deemed to have had sufficient valid and legal notice of all the matter entered in the notice so fixed up on the Association Notice Board.

13. The defaulters will stand deprived of the privileges provided by the Association to its members. They will not be authorized:-

- I. To use furniture of the bar,
- II. To have service from the employee.
- III. To use telephone of the Bar Association
- IV. To seek information from the office of the Association regarding any matter
- V. To get their names enlisted or recommended by the Bar Association for appointment of Local Commissioners,
- VI. To use the Library of the Bar Association.
- VII. To have assistance from Association in the event of any emergency.

VIII. To get their names recommended by the Bar Association to any institution for the appointment of Legal Advisor/Consultant.

14. **LIBRARY:**

The District Bar Association shall maintain an up-to-date library. The said library shall have two sections, one section in which books capable of being issued shall be maintained, the other section in which books capable of being not issued will be maintained. Manuals, reference books and text books in the library and books donated by the Donors shall not be capable of being issued to the members.

All other books shall be capable of being issued to the Members of the Bar Association on the following conditions:-

- a) That any member, who desires the privilege of getting books issued from the library, shall deposit and maintain a security amount to the tune of Rs. 100/- (Rupees one hundred only) with the Bar Association. The said security amount shall be deposited in the name of the Association with any Bank in a separate account and the said amount will not be utilized for any other purpose except mentioned here in below:-

Such Banking account shall be operated upon jointly by the President and one Member of the Executive appointed by the Executive Committee as Incharge of Library.

- b) No Member, who has not maintained any such security with the Bar Association, shall be entitled to be issued any Book from the Library.
- c) A member shall be entitled to get issued to himself maximum four books only at one time.
- d) The books issued to a member will be only for a period of four days, after which he shall be liable to pay a fine of Rupee one per book per day. The said fine shall be payable alongwith the return of books and on failure to pay the same, the same shall be recovered from his security amount and person.
- e) It shall be the duty of the members to return the books got issued to him and to get a clearance chit from the Member Incharge of the Library. In case the member fails to return any book for one complete month from the date of issue, he shall be liable to replace such book in the Library and if he fails to do so, such book shall be replaced at the cost of such member and the price of the same



shall be recovered from the security amount of such member.

f) That any amount of fine or price of books is recovered from the security from the amount of the member, he shall make up the security amount to the extent of Rupees one hundred only and till such time does not make up such security amount, he shall not be entitled to be issued any book out of the Library.

g) That the security amount shall be refunded to the member, without any interest, on his written request and on returning all books issued to him and clearing the account relating to the fine and other dues and on his express desire and undertaking that he will not get any book issued to him from the Library.

h) That the Library shall remain closed from 1st December to 15th December every year for stock listing and list of missing books shall be put up on the Notice Board of the Association. Proper steps shall be taken by the President and the Member Incharge of the Library to recover the missing books or to replace them.

i) That the interest accruing on the security amounts deposited in the bank shall be utilized for the maintenance & improvement of library.

j) The Executive Committee shall be entitled to frame any other day to day rules for the working of the Library, but it shall not be authorized to amend the above said Fundamental Rules without the approval of the Association expressed at its General Meeting.

15. No change, amendment or modification shall be made in the constitution of the Association unless the proposed change is passed by 2/3rd Members present at the Special General Meeting of the Association, specially called for the purpose.

16. One member of the Executive Committee for the time being shall be appointed by the Executive Committee Incharge of the Refreshment Department of the Association.

17. The account of the Association shall be audited every year by the Executive Committee before its placement in the annual general meeting of the Association.

