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## CONSTITUTION FOR THE DISTRICT BAR ASSOCIATION BARNALA 2009.

1. **Name :-** The Bar Association as heretofore known, will continue to be called as District Bar Association Barnala (hereinafter called the Bar Association).
2. **OBJECT OF THE RULES:-**

Is to primarily define and regularize procedure for election of its office bearers, conduct of business and membership. They are also aimed at imposing and standardizing norms of professional ethics for the members and their full co-operation, contribution and co-ordination in the administration of justice and to regularize Bar library and other miscellaneous works.
3. **Membership:-**
  - a) All legal practitioners on the rolls of the Bar Council of Punjab and Haryana practicing on Civil, Criminal Revenue, Income-Tax, Sales-Tax sides whose ordinary place of Practice Barnala, subject to all relevant rules, applicable heretofore, under the Advocate Act and Bar Council Rules, shall be eligible for the membership of the District Bar Association, Barnala. The members already enrolled will continue as such under the said provisions inter-alia applicable to them and on regular payment of the monthly and other subscriptions duly passed by the Bar from time to time.
  - b) The Bar Association will have inherent powers to remove any member from its rolls if the conduct of the member is in the opinion of 3/4<sup>th</sup> majority of all the members of the Bar as hereunder, be such as to disentitle him from the membership under the Advocates Act and Rules framed herein and the Bar Council Barnala.
  - c) The Bar Association has also right to dis-member any of its members if the conduct of the member is persistently against the principles of legal ethics and is violative of the professional antiquates and insulting and unfading to the association. The conduct of such member will be examined by the members in regularly called meetings more than once. And if considered so in two successive meetings then through resolution adopted by 3/4<sup>th</sup> majority present and voting of Bar Association, the dis-membership will take effect instantly. Such a meeting would be called on requisition by atleast 1/3<sup>rd</sup> members of the Bar Association. The member against whom a move for dismembershp is initiated shall have as ample opportunity of meting the charges levelled against him.
  - d. **Office bearers:-**

The Bar Association will elect the following office bearers in the manner hereunder provided annually possible in the Ist week of April every year.

    - i) The President.
    - ii) The Vide President.
    - iii) Secretary-cum-Treasurer.
    - iv) Joint Secretary-cum-Librarian.

The treasurer and the librarian may be cleared separately if the house so requires or desires.

e. **Procedure for election:-**

i) Any candidate for any of the said offices will at the appropriate time to be notified by the office bearers, would file nomination papers with President if President is not in chair then to Vice-President or Secretary in case of absence of either of The (President or Vice-President). But no member of the Bar would be eligible for any office for more than 3 successive terms.

ii) The Secretary will notify the date, time and place for filing of nomination papers at such time to be fixed after consultation with the President, before the election is to be held. The nomination would then be scrutinized by the office bearers in presence of all the candidates at time and date to be notified by the Secretary. Any of the nomination paper may after scrutiny be withdrawn by the candidate himself. The election programme itemwise as above shall be notified atleast a fortnight earlier to the date of polling votes.

f. **Nomination Form:-**

Name of the Office.

Name of the Candidate.

Name of the Proposer.

Name of the Seconder.

Name of the Candidate.

**Declaration by the Candidate:-**

"I do hereby declare that I agree to this nomination and solemnly affirm that if cleared to this office I shall discharge my duties to the best of my ability without any fear or favour and shall keep my conduct above board. I further declare that I will not misuse or abuse my position as an office bearer. I further declare and solemnly affirm that I shall not pay or receive any thing in kind or cash not allow the other office bearer to do so for procurement of the briefs and my engagement as counsel. I further declare that I have cleared my accounts and all dues towards the Bar Association, before filing nomination.

Dated:

Signature of the Candidate

4. The candidate, and all voters before the filing of nomination shall have to clear all dues of the Bar Association and is shall be accompanied if so desired, by a certificate of Secretary to that effect. Those members who do not clear the arrears of subscription will not be allowed to participate in the election proceedings.

5. The president shall have the power to reject nomination paper if it does not conform to the rules. The decision would, however, be subject to confirmation of the house in its meeting by majority vote, held atleast two days prior to the date of election.

6. The elected office bearer will assume charge on the next working day after declaration of the results.

7. The election would be held by secret ballot. If two contestants secure equal votes, the decision would be taken by lots.

8. If any office falls vacant on any account whatsoever, the vacancy shall be filled up by election to the office under the rules as above .

9. **Functions of the office bearers:-**

i) The President is to preside over all the meetings of the Bar except where his own conduct is subject of discussion. The Vide-President instead would. Preside in his absence.

ii) The Secretary will record all minutes of the proceedings of the meeting and will realize the subscription and other dues from the members. He will maintain regular accounts of all collections and expenditure in regularly kept account books. He will, alongwith joint secretary, if separate librarian is not elected, be incharge of the library. All the office bearers would collectively be responsible for all and property care of affairs of the association. The servants, employed by them will be under the control of the President and over all control of the house.

10. **Maintenance of Accounts:-**

The accounts of the Bar shall be placed before the annually any every member shall have the right to examine the accounts at any time.

11. **Funds:-**

Every new member seeking enrolment will pay Rs. 1000/- admission fee which will not be refundable.

The monthly subscription payable every month shall be Rs 50/- which shall be payable upto 10<sup>th</sup> of every month after which the names of the defaulters will be put on the notice board and on the expiry of two months after that, the name of the defaulter will be brought to the notice of the house and the house shall be entitled to remove such defaulter from the membership of the Bar Association.

Rs. 10/- will be charges as penalty for one month for non payment of subscription. The conduct of the defaulter will be discussed in the house and appropriate action would be taken according to the rules, as stated above.

The association in its special meeting can increase or decrease the admission fees or amount of monthly subscription or make special collection to meet the exigencies of expenditure as the need be. No enhancement or decrease is permissible unless resolution to that effect is passed by majority of the present members of the Bar.

The defaulter whose name has come upon the notice board as above may be given notice for realization of arrears from him by the Secretary in consultation with the President before their names are placed before the house in meeting as in sub rule 2 and such member may be debarred from participation in meetings and proceedings of the Bar till the arrears are not cleared by him. The rules are supplement ary to the

provisions contained in rules and orders of High Court and rules of Bar Council of Punjab and Haryana.

12. **Meetings:-**

All the previous office bearers shall have to resign before the however, they will conduct the election for new office bearer as interim office bearers. In case any office bearer seeks re-elections to any post, He will be replaced by sum other member of the Bar Association nominated by the other office bearers and in case all the office bearers seek re-election then the hose will opined of a committee of four members to conduct the election and such committee shall be headed by the Senior most member out of members of such committee.

There shall be annual meeting as aforesaid, every year possibly the 1st week of April to elect office bearers and the ancillary matters may also be taken up in that meting.

- (a) Adoption of proceeding of yearly account.
- (b) Proposals and miscellaneous estimates for the coming year.
- (c) Quorum for such meting will be  $1/3^{\text{rd}}$  of total members of the association.
- (d) The President, in his absence the Vice-President and if both are absent the Secretary can cal emergency meeting of the Bar Association of any convenient day for transaction of business regarding any matter relating thereto any his discretion.
- (e) Any ten members of the Bar competent of vote can by requisition, in writing to the President, in his absence to the Vice-President and if both are absent of the Secretary, to call meting at any suitable time. Such a meeting will be convened by the concerned office bearer not later than three days from the date of requisition and shall be presided over by the President and in his absence by the Vice-President of any member elected for the purpose for that day.

13. **Vote of no confidence:-**

$1/4^{\text{th}}$  members of the total number of the Bar can move for vote of no confidence against any office bearer while the motion will be carried only by  $2/3^{\text{rd}}$  majority of the members of the Bar Association. The concerned office bearers shall have no right toi vote in that meeting.

Quorum for all meetings except for which special quorum is prescribed will be  $1/3^{\text{rd}}$  of the total membership but the adjurned meting can be held without any restriction of such quorum.

Due notice before meting shall be served upon all available members of the Bar personaly against their signatures beneath the notice of the meting. If any member is out of station the notice may in discretion of the President be served through substituted service.

14. **Library:-**

The joint Secretary far the Present will be incharge of the library. Members of the Bar will be entitled to get the photo state copies of books at his own expense and no book will be issued for taking the same away for any period for any other purpose.

15. Records of the Bar Association:-

The minutes of every meeting of the association shall be recorded in the register and it shall be got confirmed in the next meeting after having been read over to the members and their signatures would be obtained by way of approval thereof.

The Bar Association has power to amend, after or review any of the provisions contained in these rules by a 2/3<sup>rd</sup> majority of the total members of the Bar Association, in any meeting specially called for the purpose.

The Original of the rules will be in the office for record and a copy will be available to member who requires it on payment of Rs 50/-.

16. **Power to Spend:-**

The office bearer will have the power to spend as under on non-recurring items:-

- (1) **President : Rs 5000/- P.M.**
- (2) **Vice-President : Rs. 2000/- P.M. if elected.**
- (3) **Secretary : Rs. 3000/- P.M.**
- (4) **Managing Committee : Rs. 1000 P.M. if elected.**

The money as stated above would if needed from the funds of the Association in hand will have to be got approved in the next meeting of the house. In all cases the account shall be put before the house every Six months. The President in consultation with the Managing Committee if constituted and with subsequent approval of the house, shall have authority spend on recurring items without said restrictions.

17. **Eradication of Toutism:-**

The Bar Association may, on the requisition of a special meeting, pass a resolution declaring any person as out and send his name to the District Judge for proper action. Such resolution will only be passed if 2/3<sup>rd</sup> majority of the members vote for the motion and the quorum for such a meeting will be 2/3<sup>rd</sup> of the total members.

