

Rules and Regulations of District Bar Association Fazilka

1. Name

These rules may be called the rules of District Bar Association Fazilka 2014, and they shall come into force w.e.f. 20.09.2014.

2. Admission of New Members

Every person who has been enrolled as an Advocate by a competent authority may be enrolled as a member of this Bar on payment of Rs. 2100/- which may be increased by the executive from time to time fixed in this behalf.

3. Resignation/Removal from membership

i) A member may resign from the membership and he will cease to be its member on the day his resignation is received by the president/ Executive Committee/Secretary or from such date as the member may intimate in his resignation.

ii) A member who is defaulter in the payment of monthly subscription shall cease to be its member if he is in arrears of amount to such sum which is equal to 15 months arrears. The Secretary may by notice in writing bring to the notice of such defaulting member the provision of this rule one month before the date on which the membership of such member may come to an end but the non issuance of such notice by the Secretary will not be a defence for such member to continue as the member of the bar.

4. Monthly Subscription

The monthly subscription payable by each member shall be Rs. 100/- per month or such other amount as the house May from time to time fix in this behalf. The subscription for each month shall be payable in advance latest by

the 15th day of the month and in case of non payment of Subscription by the said date the member will be declared to be in arrears for the said month and shall not be allowed to vote in any meeting unless he clear his arrears. If any members pay his subscription for one year in advance a concession of two months would be given to him.

5. Elections

- i) The Association shall elect from its members a President, Vice President, Secretary, Joint Secretary and a Treasurer.
- ii) The election shall be held as per rules of Bar Council of Punjab and Haryana other wise in the third week of month of April Every year.
- iii) The Returning officer to conduct the election shall be appointed one month prior to the date of election in the General Meeting by the house and the date, time and place for filing the nominations, withdrawal of nomination and of polling if necessary shall be fixed in the said meeting. The returning officer shall not be empowered to spent money/any amount except the election process.
- iv) The nominations and withdrawal for the offices shall be presented to the Returning officer alongwith a non refundable fee for the post of President of Rs.5000/- (Rs. Five Thousand only), Vice President Rs. 3000/-, Secretary Rs. 3000/-, Joint Secretary of Rs. 2000/- and Cashier of Rs.2000/- which may be altered by house from time to time. The nomination shall be proposed and seconded by members. The candidate, proposer and the seconder should not be in arrears on the day the nomination is filed. The proposer or seconder shall not propose more than one candidate for the same post.

v)

The election shall be held by secret ballot and only those members will be entitled to right to vote who are actively engaged in legal practice at Fazilka for minimum 100 working days in current year, have their seats in court compound or jointly working with some other advocates, whose name are included in the list of members eligible for voting, not in arrears more than four months at the time of decision of right to vote and as a matter of fact working in courts. Every member shall file an affidavit that he is not indulged in any other trade, business, profession, nor member of document writer association. The member who is enrolled one year prior to declaration of election shall be entitled to right to vote in the next coming election. The right to vote shall be decided by committee consisting of President, Secretary, Treasure, Two immediate out going Presidents. The decision of committee for providing right to vote shall be taken by majority and shall be final, provided a member who is not satisfied with the report of committee he may apply for right to vote, along with fees of Rs.1000/- which is returnable if right to vote to that member is given in house or adjustable in subscription, to the appellate authority which consists of five senior most five members of District Bar Association provided they will not be candidates in the forth coming elections. The decision of objection to new member by the appellate authority shall be final.

vi)

The Returning officer shall be associated with two members to assist him in the election work as he may consider necessary which shall be nominated by the house and this shall be considered as election committee.

- vii) The candidate or one of his appointed election agent out of two election agents shall be entitled to sit in polling booth to watch the election and counting, subject to the condition that the secrecy of ballot is not disclosed.
- viii) The counting of Votes shall start immediately after the close of the poll. Any ballot paper which does not clearly indicate intention of the voter for whom the elector wants to cast his vote, shall be rejected. Similarly a ballot paper through which the identity of the elector may be disclosed shall also be rejected.
- ix) A candidate securing the highest number of votes shall be elected for the office provided that if two or more candidates securing the highest number of votes get equal number of votes such candidates shall share the tenure of office equally by draw of lots.
- x) On Procedural matters the decision of the election committee shall be final and binding upon all the candidates.
- xi) Immediately after the counting of the ballot papers, the result shall be announced by the Returning officer. The elected candidates shall take the charge from the out going office bearer on the day fixed by the returning officer in consultation with newly elected and outgoing office bearers.
- xii) The election of office bearer shall be held as per program of Bar council of Punjab & Haryana. In case no meeting of the house to appoint committee and initiation of the election process before 31st March is convened and Returning officer is appointed by the house in that event, any five members may convene meeting of the house and in such meeting a election committee may be appointed to discharge the functions for conducting the

election as stated above.

6. Tenure of office Bearers

The maximum tenure of the office bearer shall be one year.

7. Resignation of office bearers

i) In case the president may resign or may become incapable of discharging his function as president, the Vice President shall automatically become the president for such remaining period for which the president would have served if he had not resigned.

ii) In case the Secretary may resign or may become incapable of discharging his duties as Secretary, the Joint Secretary shall automatically become the Secretary for such remaining period which the Secretary would have served if he had not resigned. In case treasure resign than joint Secretary shall automatically become the treasure.

iii) In case joint Secretary may resign or become incapable of discharging his duties as joint Secretary, the Secretary shall automatically took the charge of Joint Secretary to such remaining period which the joint secretary would have served if he had not resigned.

8. Executive Committee

The Executive Committee shall consist of all the elected office bearers and eleven other persons to be nominated by the President with consultation with other office bearers from amongst the members and the tenure of the Executive Committee shall terminate with the term of the office bearers. The executive Committee may also appoint such committee as time to time required for proper, effective and betterment of Bar.

9. Functions of President

i) The President shall be the Chief Executive

head of the Association.

- ii) The President may appoint such committees as may be considered necessary for the proper discharge of the functions of Association.

10. Functions of Vice President

- i) The Vice President shall be the incharge of the Library of the District Bar Association for all intent and purpose.

11. Functions of Secretary

- i) The Secretary shall maintain all the records except library.

- ii) The Secretary shall record the proceedings of the Executive Committee and the general body in a book specially kept for the purpose known as proceeding book which shall be countersigned by the Chairman of the meeting and the minutes shall be read over and confirmed in the next meeting. A member who was present in a meeting whose minutes are put for confirmation may object if the minutes are not correctly recorded and the minutes shall be corrected modified or rectified with the consent of the majority of the persons present in the meeting whose minutes are subject to such rectification.

- iii) The Secretary shall be custodian of the entire moveable and immoveable property of the Association.

- iv) The notice of every meeting shall be issued by the Secretary who shall also issue the agenda for such meeting.

- v) All the employees of the Association shall be under the direct control of the Secretary and the appointment and the removal of any employee by the Secretary shall be with the approval of the President.

12. Functions of Joint Secretary

- The Joint Secretary shall do all necessary ar-

rangement of meetings in the Bar Room and shall inform all the message to members through mobile, internet. He shall assist the secretary in all respect.

13. **Functions of Treasurer**

The Treasurer shall be custodian of the funds of Association who shall maintain the accounts with proper bill and if the needs service of any professional accounts the same may be obtained on the expenses of Bar

14. **Disciplinary Committee**

i) That to maintain the discipline amongst the Bar member a disciplinary committee shall be formed consisting of president and two immediate out going Presidents as mentioned herein after (i) Immediate past President (ii) Ist Runner up president candidate otherwise second past president and other nine member would be nominated keeping in view of standing of member from up to five years, up to ten years, up to fifteen years, upto twenty five years, upto twenty five years, up to thrity years, morethan thirty years and one lady member. The term of this Committee shall be in accordance with the terms of office bearer of District Bar Association Fazilka.

15. **Conduct of Meeting**

i) The Secretary shall give at least 24 hours notice for conduct of an ordinary general meeting and urgent meeting may be called by giving one hour notice.

ii) At every meeting, the President shall preside and if he is absent, the vice president and in case vice President may also be absent then any member so elected in that meeting for the purpose, may preside over the meeting. The Presiding officer shall be known as the Chairman.

- iii) The matter to be discussed in the meeting shall strictly be in accordance with the agenda provided the chairman may, with the consent of the majority of the members present in the meeting change the order of the agenda, delete or defer any item of agenda. The house may with the permission of the Chairman and majority of members present in the meeting, consider any other matter which is not included in the agenda.
- iv) Unless the contrary intention may appear from these rules, every matter shall be decided by the majority of the persons present in the meeting.
- v) Unless a contrary intention is expressed in these rules, the quorum of ordinary meeting of the general body shall be 1/5th of the total members on roll and the quorum in case of Executive Committee meeting shall be 1/3rd of the total Strength of the members of the Executive. However if the meeting is adjourned for want of quorum, no quorum shall be necessary for the adjourned meeting.
- vi) The decision so made in the meeting by the house shall be final and shall be reconsidered by house provided in the changed circumstances the house may consider the same.

16. Custody and Control of Funds

- i) The funds of the association shall be kept in a bank and the accounts shall be operated with the signatures of atleast two office-bearers as may be decided from time to time.
- ii) The Secretary and Treasure may keep with them an amount of Rs. 10000/- each to meet the recurring/running expenses.
- iii) The Secretary and Treasurer may spend upto a sum of Rs. 10000/- in the interest of bar without the sanction of the Executive Committee

and any such expenditure so made by such office bearer shall be placed for confirmation and approval by the Executive committee in the next meeting.

iv) The President may spend upto a sum of Rs. 20000/- in the interest of bar without the sanction of the Executive Committee and any expenditure so made by the President shall be placed for confirmation and approval by the Executive Committee in the next meeting Expenditure beyond Rs.20000/- shall not be incurred except with the prior approval of the Executive Committee.

v) The general body may appoint an auditor from amongst its members or any chartered Accountant to audit the Accounts and the Auditor shall furnish his report within the month from the date of his appointment and such report shall be laid before the General meeting for approval.

vi) Non receipt of the audit report shall be not ground to defer the annual election and in case the audit is not completed for the period of which the office bearers have ceased to hold office by virtue of new elections, the new office bearers shall get the account for pervious year audited which shall be laid before the general meeting for approval.

17. Conduct of the members

i) The members shall observe complete code of legal ethics in the discharge of their duties in the profession and shall attend the court in proper dress as may be prescribed by the Hon'ble High Court from time to time and shall maintain decorum.

ii) No member shall indulge in any mal-practice like toutisum etc. etc.

iii) No member shall do any act by which the dignity of the bar may be adversely affected or diminished and every effort shall be made to ensure the best standard of reputation or integrity and honesty in the profession and the members shall do their best to uphold the dignity of the profession in the eyes of the bench, public and people at large.

iv) The members shall voluntarily pay all their dues and a member who is defaulter, will not be entitled to obtain of any testimonial in his favour from the District Bar Association Fazilka.

18. Absence from court

i) An Advocate lawyer remaining absent from the proceedings in court shall manage some alternative to represent him in the court.

ii) The members may abstain from the court in the following cases:-

a) On the death of any member of the association if the cremation takes place on the same day For full day

b) On the death of any member or local presiding officer on the day of cremation if cremation takes place on other day. Half day as per cremation time

c) On the death of some 1st class legal heirs and father of the member, if the cremation is to be held local or in some nearby Village. For half day co-inciding with the time of cremation

In case untimely death than period may be. For full day

d) On a call given by Bar Council of India, Bar Council of Punjab and Haryana, Bar Association Chandigarh, District Bar Association of Punjab Bar Association of Fazilka District. If a call for abstain from work by any other Bar Association of Any other area than the president shall see the authenticity of call and will decide accordingly. For such period as there may be in the call

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| e) In case of dis-respect to judiciary on a request from the judiciary. | As per report of judiciary |
| f) In case of a call for any local trouble if all major institutions, Associations, join such call. | For such period as the call may be |
| g) In any other case when at least 1/5th of total members request for calling a meeting and the matter is thereafter decided in the general meeting. | |
| h) When the Executive Committee may consider it necessary to observe abstain from work. | |
| iii) | So far as possible the abstain from work will be avoided and the members shall show their resentment by wearing black badges in summer and white badges on Black coats in winter. |
| iv) | Whenever there is a decision of a strike, the President or in his absence the Vice President and if both the president and the Vice President are absent, the secretary may nominate the name of persons who shall act as proxy. |
| v) | If after a decision of abstain from work strike has been taken any member is found to have violated the decision of Strike, a fine of Rs.1000/- on first default, on second default Rs. 2000/-, on third default Rs.3000/-, on fourth default the matter shall be referred to Bar Council of Punjab and Haryana for disciplinary action. If intentional default by any member than on first default the matter shall be reported to Bar Council of Punjab and Haryana. It shall be the duty of proxy counsel not to allow the advocates to appear in the respective courts. |
| vi) | If on the day of abstain from work the advocate who is member of other Bar Association appears in the court in disregard to the call given by our Bar then on first default the matter of his misconduct shall be referred to his |

parent Bar Association, on second default the matter shall be referred to his parent Bar Association and he shall be penalized by social boycott mentioning his name on the notice board, on third default the matter shall be reported to Bar Council of Punjab and Haryana for disciplinary action.

- vii) If any costs are imposed upon any party, on the day of strike, such cost shall not be pressed by either party and if such costs are pressed, they will be paid out of our bar fund and shall be recovered from the counsel pressing such costs.

19. Library

- i) The Vice President shall be the incharge of the Library.
- ii) Members borrowing book shall return the same within 30 days from date of issue to and there after a fine of Rs.10/- per day shall be charge and will be recovered as arrear of subscription.

20. Amendment of these Rules

- i) Amendment to these rules may be made in the general body meeting and the proposed amendment shall be circulated to all the members at least 3 days before the meeting.
- ii) The quorum for such meeting shall be 1/4th of the total members on roll.

21. Rules

The Rules and regulations of this Association which were here in before in force are hereby repealed.
