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**THE BAR ASSOCIATION ABOHAR
(CONSTITUTION & CONTROL) RULES 2007**

The Bar Association, Abohar frames the following rules :

PREAMBLE

Bar Associations are in existence in this country ever since profession of law came into existence. To a large extent these Associations have been guided by common wisdom of lawyers and have been free from virus of bias, politics, groupism, individual egos etc., but, of late, some trends are emerging where cohesive and unity have been breached and Bar Associations have witnessed severe infights resulting into bringing of bad name to the profession and affecting the administration of justice and have even caused great concerns amongst members of the profession. Certain members due to vested interests and self ego have affected basic fibre of the Bar Association.

CHAPTER-I : PRELIMINARY

SHORT TITLE, EXTENT AND COMMENCEMENT

1. It extends to only Abohar Sub Division Jurisdiction i.e. Civil, Criminal, Revenue and Canals.

DEFINITIONS

2. In these Rules, unless the context other requires,
 - (a) "Bar Association" means Bar Association Abohar comprising the Advocates enrolled as members having licence from the Bar Council of Punjab & Haryana.
 - (b) "Council" means Bar Council of Punjab & Haryana.
 - (c) "Advocate" means a person whose name appears on the roll of Advocates, prepared and maintained by the Bar Council of Punjab

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President
Bar Association, Abohar

& Haryana, who has taken voluntary membership of any Bar Association within the State Punjab and Haryana and got his name transferred under section 18 of Advocates Acts 1961.

(d) "Bar Fund" means the amount collected/contributed from the Bar members which includes monthly subscription, new membership fee, Bar canteen theka, penalties, funds received from the Govt. and other non-Govt. institutions/individuals, special contributions collected for organizing special occasions/functions.

(e) "Office Bearer" means duly elected members of the Bar Association which includes President, Secretary, Joint Secretary and Cashier.

(f) "Enrolled Member" means a person having a licence from the Bar Council of Punjab & Haryana and also having membership of the Bar Association, Abohar.

(g) "President" means a person duly elected by the Members of the Bar Association Abohar for inner and outer control of the management of the Association.

(h) "Secretary" means a person duly elected by the Members of the Bar Association Abohar who will manage and control the entire record of the Association.

(i) "Joint Secretary" means a person duly elected by the Members of the Bar Association Abohar who will work under the Secretary and he will be the Incharge of Bar Room and will maintain the infrastructure of the Bar Room.

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- (j) "Cashier" means a person duly elected by the Members of the Bar Association Abohar who is Incharge of the cash of the Bar Association.
- (k) "Clerk" means a person who works as Helper of the Bar Room for maintaining the Bar Association record and issuing the Vakalatnama duly stamped and signed by the President/Secretary of the Bar Association.
- (l) "Librarian & Computer Operator" means a person who is responsible for keeping the record of library books and for proper maintenance of the computers.
- (m) "Servant" means a person for serving water to the members of the Bar Association and for circulating the notices, etc.
- (n) "Senior Advocate" means an Advocate having practice more than five years.
- (o) "Junior Advocate" means an Advocate having practice less than five years.
- (p) "Bar Room" means a building consisting of Big Hall, President Room, Ladies Room, Rest Room, Computer Room, Canteen, Bath Room on the ground floor and a big library on the first floor and green lawns with boundary walls and also includes the furniture and fixtures, T.V., Computer, Water Cooler, Cooler, Fans and other electrical fittings, etc.
- (q) "Dress Code" means the dress of the Advocate as per the directions of the Hon'ble High Court during winter and summer seasons.
- (r) "Election" means the election to be held every year for electing the office bearers of the Bar Association Abohar for a term of one year, by secret ballot.

Narinder Singh

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[Signature]
President
Bar Association Abohar

CHAPTER-II

FUNCTIONS OF BAR ASSOCIATION

1. The Bar Association will maintain the record of all the enrolled Advocates with their Bio-data, Enrolment Certificate and will introduce the new members in the house in general meetings.
2. That there will be a election of The Bar Association in every year in the month of December for the post of President, Secretary, Joint Secretary and Cashier. For this purpose, an Election Committee will be formed by the General House consisting of three members for holding elections and an Audit Committee will be formed for auditing the accounts of the Bar and thereafter an Election Committee will be formed and then election process will start which will complete before twenty fourth of December every year and new office bearers will take charge on 2nd January of every year.
3. That after two days of the appointment of the Audit Committee, all the members will clear their dues upto 16th November and thereafter the Cashier will hand over the receipt books and other record to the Audit Committee whereafter no payment will be accepted by the Audit Committee.
4. That an Election Committee will be framed by the General House after the Audit Report and List of the eligible members who can cast their votes. Thereafter, the nominations will be called between 9th December to 12th December and withdrawals will be upto 13th December and the scrutiny of the papers, the elections will be conducted on 18th December and In

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case of holiday, the elections will be held on the next working day. After the completion of the election process and taking over the charge by the new office bearers, the Election Committee will hand over the entire record and cash & bank balance, etc. to the newly elected office bearers on 2nd January every year. In case there is any holiday, then the next working day will be considered. The members who seek to contest the elections, will have to deposit security amount with the Election Committee as under:

For the post of President	-	Rs.2500/-
For the post of Secretary	-	Rs.2000/-
For the post of Joint Secretary	-	Rs.1500/-
For the post of Cashier	-	Rs.1000/-

The members who withdraw their nominations will be refunded the security amount.

Nomination papers will be filed before the Election Committee within time from 10.00AM to 4.00PM. The Election Committee will prepare the ballot papers in different colours mentioning the names of the contesting members in English alphabet. One election agent of each candidate may sit in the room where the votes are cast. Only the candidate is authorized to visit the room where the votes are being cast. At the time of counting of the votes, the candidates, their agents and the Election Committee will be authorized to be present and the mobile or electronic gadgets will not be allowed in the premises where the election process is conducted. The Election Committee will record the results of every candidate, mentioning votes polled,

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Bai Association, Abhar
President

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votes cast candidate-wise, and the winning margin of the winning candidates and the same will also be recorded in the proceeding book of Bar Association Abohar. The signatures of all the contesting candidates will be obtained in the proceeding book of Bar Association Abohar before the announcement of the results and if any candidate refuses to sign, then the refusal of the candidate will also be recorded in the proceeding book. Nobody will be allowed to leave the counting room till the result is declared. After the election is over and the result is declared, the Election Committee will record the entire election process in the proceedings book and will also inform to the Hon'ble High Court, Bar Council of Punjab & Haryana, Distt. Sessions Judge, Local authorities, concerned Bank having account of Bar Association Abohar as well as media.

5. That any member of the Election Committee wants to contest the election, then the other members of the Election Committee will conduct the election process and if all the members contest the elections, then the General House will constitute a new Election Committee.
6. The Bar Association will get it registered with the Bar Council of Punjab & Haryana at Chandigarh or under the Societies Registration Act.
7. The Bar Association will hold the quarterly meeting of the Bar Association in the first month of every quarter with the following agenda.

(a) Passing of the account and the Balance Sheet of the entire expenses will be shown by the Secretary in the meeting of General House of the Bar Association.

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(b) The President or Secretary will receive the applications of the new Advocates and will put the same before the House for their enrolments as new members of Bar Association in the general meeting of the house in every quarter. If they are allowed as member of the Bar Association, Abohar, their membership will be effective from the date of their respective applications.

8. The Bar Association will maintain a bank account in the name of Bar Association in any nationalized bank at Abohar and the same will be operated by the President jointly with Cashier who will be authorized to issue cheques or withdraw the amount. The entire collected funds shall be deposited in the bank more than Rs.2000/-. The amount of Rs.2000/- or below will remain with the Cashier and he will use this amount for petty expenses and bills of the same will be got passed from the President. The Cashier will not make payment of any bill without the prior approval of the President.

9. The Office Bearers will not incur unnecessary expenses of the Bar Association on immaterial matters and in pomp & show and unnecessary photographs and movies will be avoided. Only the necessary expenses will be incurred after proper approval from the general house of the Bar Association, on the visit of Higher Officers or officials of Bar Council.

10. The President/Secretary will sit in the President Office in the Bar Room for hearing the complaints, if any, of Advocates

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President
Bar Association, Abohar

11. That Advocates only enrolled with the Bar Council of Punjab & Haryana can seek their enrolment as a Member of Bar Association by submitting an application with a copy of enrolment certificate accompanied with two photographs and his blood group alongwith with admission fee of Rs.1000/- (Rs. One thousand) and an advance payment of subscription fee of three months before the President or Secretary and the applications so received will be put up before the General House of Bar Association for decision.
12. That the annual election of Bar Association will not be stopped under any circumstance.
13. The entire expenses incurred in holding the elections of Bar Association will be borne by the Bar Association.
14. All the members of Bar will be bound by the election rules.
15. That in case any seat of office bearers falls vacant due to any reason whatsoever, the bye-election will be held only for the vacant post for remaining period of the term of office of other office bearers.
16. That the decision of the General House of the Bar Association will be final in all disputes relating to the election of the Bar Association.
17. That the Bar Association will have the powers to amend the rules after getting the same approved from the General House in the meeting with majority of total members.
18. The Bar Association will maintain following records:-

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- (a) Proceedings book duly marked with page No. showing the resolutions passed in the meetings of the Bar Associations and discussions on the relevant matters and issues, will be mentioned.
- (b) A file containing all the notices/circulars issued and all the letters received by the Bar Association which are to be entered in the proceedings book mentioned in para (a) above.
- (c) Suggestion book and complaint book
- (d) A library register
- (e) A Computer Software of Library books and proceeding books, List of Advocates and Account of Advocates is to be maintained.
- (f) File containing personal information of enrolled Advocates/members.
- (g) File containing information regarding the date of enrolment of enrolled Advocates/members.
- (h) Subscription book.
- (i) Cash book of the income and expenditure of the Bar Association.
- (j) Bill file will be maintained by the Cashier and all the bills duly passed by the President will be kept in this file.

19. The Bar Association is purely a non political House and no member or office bearer will use the name of

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the Bar Association at any political or other occasion for his/her personal benefits.

20. Every member of the Bar Association will pay a subscription of Rs.50/- every month regularly. However, in case he continues to be a defaulter for six months continuously, then he will be liable to pay a penalty of Rs.100/- and if he continues to be a defaulter continuously for one year, his name will be struck off from the roll of the Bar Association with immediate effect, without giving him/her any notice in this regard.
21. In the General Meeting or any other internal meeting of the Bar Association, the Press people will not be invited. However, only the President will have a right to call the Press in his office on important occasions and issue press note.
22. In case of any dispute or grievance of any member, he will approach the office bearers of the Bar Association and even his problem is not solved, he will then approach the Bar Council of Punjab & Haryana for redressal of his grievances. No member will approach the Civil Court regarding any dispute with the Bar Association.
23. Every enrolled member is duty bound to pay the Bar Fund to the Cashier in the first week of every month. If a member is unable to pay the bar funds within the stipulated period for continuous one year and his name is struck off and the same could be restored on

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payment of penalty of Rs.1000/- plus balance amount, provided the concerned member has sufficient grounds for non-payment of the funds regularly.

24. ✓ That if any member of Bar Association is found guilty on the ground of moral turpitude or flouts the faith reposed in him by the Bar Association, he will render himself liable to be expelled from the primary membership of the Bar Association.
- 25 The Joint Secretary of the Bar Association will keep the entire record of the books lying in the Library and will also make the entire record and will ensure proper maintenance of the Chairs, Tables, Sofa Set, Dais, T.V., Computers, Water Coolers, Acquguard, Fans, Bar Room building, Electricity, furniture & fixtures, any shed for parking, A.C., Library furniture, and garden and lawns. He will also prepare the software of all the library books and all the furniture and electric fixtures, Generators.
- 26 Bar Association will give on contract the Bar Room Canteen and Sub-Canteen on contract for 12 months by inviting tenders from the public by advertisement in local newspapers with effect from January to December every year. The Bar Association will keep the security amount deposited by the contractor which will be 25% of the total contract amount and will be released only on 31st December of every year.
- 27 The Bar Association will form a Advocates' Welfare Fund for the benefits and welfare of the members individuals in case

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President
Bar Association

of severe emergency, from the inner source of the income of the Bar.

28. The accounts of the Bar Association will be audited annually by the appointment of a Bar Member as Auditor and audit will be placed in the General Meeting of the Bar Association positively on or before 7th December in every year before the election process starts.
29. After the election of the Association is over, the house for their convenience can form Committees like Disciplinary Committee for special purposes consisting of three members and the same will be automatically dissolved after the purpose is solved for which the committee is constituted.
30. That no outsider person who is not member of the Bar Association will enter in the Bar Room except with the prior written permission from the President or Secretary and further, the members will restrain themselves from bringing their clients in the Bar Room for any discussions.
31. That the photographs taken on any occasion will be placed on the notice board for a period of fifteen days, thereafter, the same will be removed from the notice board and kept in the record of Bar Association. The old photographs will also be kept in record in intact condition.
32. Bar Association will not abstain from work occasionally on petty matters. The Bar members will abstain from the work only on the death of fellow members and will abstain from work for half day on the death of near relative and also on some mishappening with any member or for any collective right of

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the Association, genuine call of the Bar Council Punjab & Haryana or by any other Bar Association.

Junior Advocates will be given proper representation in any committee made by the Bar Association from time to time.

33. No member will be allowed to sell his allotted Advocate Chamber without the prior written information from the Bar Association.

34. There shall be Sub Committee comprising of President of the Clerk Associations and the President of the Bar Association to adjudicate upon the complaints of Clerks.

35. A Clerk should be a member of local Clerk Association.

CHAPTER-III : LIBRARY

The Bar Association is having a well maintained library for getting the latest knowledge by the advocates, for using the library the following rules shall be observed by the members.

- i. Library books, journals and periodicals are primarily meant for reference in the Bar Room during the Court hours.
- ii. Only members of the Association will be entitled to the use and take benefit of the Library.
- iii. Every book taken out from the Bar Room must be handed back to the clerk personally.

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President
Bar Association, Abohar

CHAPTER-V

PROFESSIONAL CONDUCT OF BAR MEMBERS

- i. No bar member shall receive any brief (or otherwise take any case) from or through any person whom he knows or believes to be dalal or tout or whose name is entered in the list of tout.
- ii. No member of the Association shall under take any professional work including the offering of any opinion or writing a notice without charging the minimum fee.
- iii. Whenever any member feels that he has been insulted or rudely treated by any presiding officer of the Court or any other officer of the Court, it shall be his duty to report in writing the matter at once to the Secretary/President who shall call an urgent general meeting immediately of such complaint for necessary action.
- iv. That every member of the Bar will get the Vakalatnama Form the Bar Clerk with welfare tickets of the Bar Council and Bar Association and only than he will file the Vakalatnama in the Court, negligent members name will be informed to the Bar Council for taking action. Bar Association will also take action.
- v. The Association shall have power either upon complaint or of its own motion to enquire into the conduct of any member, Clerk or Munshi so far as such conduct relates to any breach or supposed breach of these rules, or to the professional

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character or honour of any member and for the purpose of any member, and for the purposes of any such enquiry may do all acts and things which may be necessary or expedient to enable the Bar to render such enquiry effective provided that it shall give a fair opportunity to the member, munshi or clerk concerned, to place his case before the Bar prior to its decision thereon.

- vi. If after such enquiry the association may come to the conclusion against such member, clerk or munshi, the committee shall submit its report to a general meeting for disposal and general house is at liberty to take any action.
 - vii. Any member who is found to have violated the rules, will be expelled from membership.
 - viii. Any member whose name has been removed from the rolls of the association under any of these rules or who has been expelled under these rules shall cease to be a member of the Association from such date and shall forfeit all donations and subscriptions paid to the Association and shall be liable for all the arrears of Association or any other liability incurred under these rules.
 - ix. Any member leaving practice or who for any other reason ceases to be a member, shall at all time be liable to pay the arrears of the Association or any other liability under these rules and can be sued against in a court of law by the Secretary on behalf of the Association for recovery of such amounts.
- (x) Any appeal shall lie to the President from any order or decision of the general house affecting any member or his

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President
Bar Association, Aschar

employee, and every such appeal shall be in writing signed by such member and delivered to the secretary of the association within one month of the knowledge intimation of such order or decisions.

- xi) These rules shall not be varied, added to or cancelled, otherwise than by special resolution passed at a general meeting with majority of the total members
- xii) Every special resolution varying adding to or canceling any of these rules, shall unless any time is specified these in, take effect within 15 days after the passing thereof.
- xiii) The rules of the Association shall be printed or typed and corrected and brought upto date by the Secretary.
- xiv) Members alone can obtain copies of applications, proceeding of the meeting, decisions and orders of the body and all other proceedings under the proceeding Rules attested by the Secretary at a cost of Rs. 50/- per copy of any one document or order etc.
- xv) These rules shall come into force with immediate effect when they are passed at a general meeting of the Association or any other date specified by special resolution of Bar Association.
- xvi) That quorum of the meeting of the members must be 1/4 for the passing of any resolution.
- xvii) That if any member leaves the Bar Association of his own he will pay the entire dues to the Bar Association and no office bearers will give him certificate or no due of the Bar Association till he clears his outstanding.

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CHAPTER-VI -RIGHT TO VOTE

Following members of the Bar Association will use their right to vote in the election of Bar Association whenever held.

- A. All the member of the Bar Association who are regularly practicing or regularly visiting in the Court Complex Abohar or Abohar Sub Division for the minimum 365 days subject to the following conditions:-
1. That the member must not be a defaulter of any amount of the Bar Association and Tea Canteens, Library or any other fund.
 2. That member must not have been expelled from the primary membership of Bar Association.
 3. That the member have not caste his vote in the other bar Association of which he is a member within twelve months. The audit committee will not receive any amount from any member of the Bar Association on any account after the declaration of the election process.
 4. The Election Committee made for conducting the election will display the names of the members who will caste their right to vote
 5. That if the Election Committee so desires, he can direct any member to submit an affidavit before casting his/her vote to the effect that he/she has not cast vote in the election of any other Bar Association, that too on the complaint of any member of the Association.

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President
Bar Association, Abohar

6 A member will not cast his vote in election if he is serving in private concern or institutions, Govt., Sem-Govt., private ~~concern~~ ^{Job.} _{NC}

7. A member will not entitled to caste his vote if he leaves the practice after becoming the member and is not regularly coming to the court for ten months. The Election Committee may strike off the name of any member from the voting group and the Bar Association will decide in the meeting by a simple majority of Advocates who were entitled to vote in the last elections.

CHAPTER-VII - OTHERS

RECALLING OF ANY OFFICE BEARER

1. If the members of Bar Association feel that the act and conduct of any of the office bearers is not upto the mark and not according to the rules and norms, a meeting for recalling the office bearer may be convened by submitting an application signed by more than 30 members having right to vote to the President/Secretary of Bar Association and the President/Secretary will convene the meeting within three days. In case of non-compliance by the President/Secretary, the meeting will be requisitioned by an application signed by more than 50 Advocates having right to vote.

2. That an audit committee consisting of three members including a Chairperson would be appointed by the General House on 13th or 14th of November to audit the account of Bar Association

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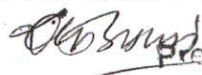
and to submit a list of Advocates who have cleared their dues. The Committee will submit its report on 7th December and the list prepared by the Audit Committee will be final. Provided that any member who has been ignored by the Committee for eligibility, he can submit an application to the Chairman of the Committee or the President of the Bar Association, the application demanding right to vote will be supported in writing by five senior persons of the Bar Association having twenty years or more experience and the five Advocates having more than five years experience at the Bar Association and the application should also be supported by documentary evidence having attended the cases in the court in previous years, only then the application will be discussed and decided by Bar Association in a meeting of House having two third majority of members having right to vote in previous election. In case the application is rejected by the House, then the members who recommended such application, shall be debarred from recommending such an application for next two years and the person whose application is rejected may be given right to vote if he continues to practice regularly for one year after the previous election, the election committee may not allow him to cast vote and the General house may decide his case by simple majority of members having right to vote.

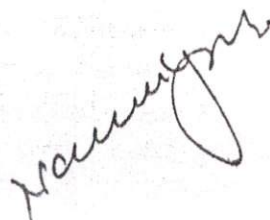
PENALTIES

3. Any breach of these rules shall be punishable with fine not exceeding Rs.1000/- and also expulsion from the membership of the Bar Association.

REPEALS

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President
Bar Association, 1987



4. That any other Rules in force, in any, will stand repealed with the enforcement of present new Rules.

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these new Rules.

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Naveen M
Jangam
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President
Bar Association, Abuhar

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