

**CONSTITUTION OF THE DISTRICT BAR ASSOCIATION FATEHGARH SAHIB FATEHGARH SAHIB.**

**PREAMBLE.**

The members of Distt. Bar District Bar Association Fatehgarh Sahib Fatehgarh Sahib have resolved on 31th day of August. 2009 to adopt the following constitutions of the Bar District Bar Association Fatehgarh Sahib Fatehgarh Sahib and secure all the members.

Equality of status, opportunity of expression.

And shall have the following allusions and the tenets:

- a) Respect the Law and promote the administration of Law and justice.
- B) Foster respect for profession and keep up and patronize its dignity.
- c) Maintain just and Honorable relations between the members and create and incite the sense of fellowship harmony among the members.
- d) Sincere endeavour to eradicate corruption, bribery tourism and other parameters.
- e) And shall protect and safeguard the interests, rights and privileges of members of legal profession in general and members of the District Bar Association Fatehgarh Sahib in Particular.

"District Bar Association Fatehgarh Sahib" herein before and herein after means by the District Bar Association Fatehgarh Sahib.

**PART 1**

**MEMBERSHIP**

**ELIGIBILITY**

1. Every person enrolled as an Advocate under the Advocate Act 1961, shall be eligible for the membership of District Bar Association Fatehgarh Sahib.

**2. PROCEDURE:**

- a) Every aspirant for membership of the District Bar Association Fatehgarh Sahib shall handover a written application (Addressed to the President) personally to the Secretary or the President of the District Bar Association Fatehgarh Sahib.
- b) Application shall be accompanied by an amount of Rs.1500/- (which may be changed from time to time) as admission fee and one year subscription of the current year.
- c) Enrolment number of the roll of Bar Council shall be specifically mentioned in the application.
- d) The application shall be accompanied by the certified copy of the enrolment certificate, degree of Law and other documents.
- e) Three passport size photograph along with charges of Rs.30/- (which may be changed from time to time) for the identity card should also accompany the application.
- f) The president shall enroll the aspirant/as member of the District Bar Association Fatehgarh Sahib after scrutinizing all the documents.

**SUBSCRIPTION:**

- 3 a) The Yearly subscription shall be Rs.500/- which is subject to variation from time to time by the District Bar Association Fatehgarh Sahib in general house.
- b) The collection shall be made by the duly authorized office bearer before and up to 30th of each November of every year.

**ARREARS:**

4. a) A member shall be deemed to be "IN ARREARS" who fails to pay the subscription after 30th of November of every year.
- b) Any member "In Arrears" shall be duly notified by the office bearer before the annual election.
- c) If the member "In arrears" does not pay the arrears before 30th of November or before the annual election and from the date of publication or communication conveyed to him by the Secretary, the Secretary shall give an account of his name to the house for proper action in the forth coming general meeting. The cost of postal and incidental charges shall be recovered from the defaulting member.
- d) The president has the authority to remove the name of the member or dis-member the said member from the membership of the District Bar Association Fatehgarh Sahib who do not pay the arrears within day fixed of the service of the notice as detailed in clause 'C' above. The charges there of if any shall be recovered from the defaulting member.
- e) Any member whose name has been so removed for non payment of requisite subscription being a member in arrears shall not be eligible for the membership of the District Bar Association Fatehgarh Sahib unless a fresh application along with fresh admission fee and all the arrears is made.


**PART 2**

**(Office Bearers)**

- 5 a) There will be Nine office bearer of the District Bar Association Fatehgarh Sahib namely President cum Chairman; 2. Vice- President iii) Secretary and iv) Secretary cum Cashier and v) five office executive members.
- b) These office bearer will be elected by the District Bar Association Fatehgarh Sahib for one year by election or unanimously.

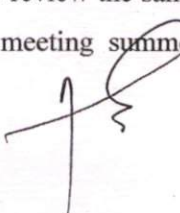
**6. ELECTIONS:**

- a) The election of the above office bearers shall be held on second last Saturday of every December of every year. In case the above mentioned date fall on holiday then the election shall be held on next working day without any further specific notice.
- b) The elected office bearers will remain in office till next general election, provided that any office bearer shall cease to hold the office if the motion of no confidence is passed against him. Or in case any post of the executive committee member becomes vacant in any manner, the executive committee have authority to nominate such member by simple majority.



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- c) That the forms and fees shall be deposited with the Election Commissioners, who shall be elected for the above said purpose i.e. holding election.
  - d) It will be the duty of Election commissioners to collect the annual subscription after 30th of every November and the voter list will also be finalized by the Election Commissioners. In case of any contradiction between the election commissioners then the matter will be refer to the general house of the Bar. The election schedule as nomination withdrawal and date of election will also be announced by the election commissioners after 30th of November.
  - e) Any aspirant for the office shall file the nomination papers with the Returning officer/ Election Commissioners in accordance then in accordance with the election schedule so approved by the house.
  - f) The election will be conducted by the Returning Officer nominated for the above said purpose by the District Bar Association Fatehgarh Sahib in the meeting held to approve the election programme.
  - g) The office holders shall deposit all the arrears account books and account books and accounts with the Returning Officer/Election Commissioners, nominated for holding the election in the meeting which will be held for approving the election programme.
  - h) That the charge of the bar shall be given to the new elected office bearers in the first working day of the new years.

7. **VOTERS:**

- a) The list of Voters shall be prepared by the President/ Secretary by the last week of November every year and the same be sent to the Election Commissioner for securitization which Shall be displayed at the Notice Board after wards by the Election Commissioners.
  - b) Every member shall clear his arrears till 4.00 P.M. on or before 30th November every year. A member who does not pay the arrears shall deem to be a defaulter and shall not be entitled to vote.
  - c) A person enrolled as member after 30t day of November shall not be entitled to vote.
  - d) The members on the rolls who are habitually absent and do not regularly carry out professional work shall have no right to vote.
  - e) The members who have permanently shifted to the others place of practice or have abundant the practice shall not be entitled to cast the vote and the member cannot be allowed to caste his vote who had already caste his vote at any other bar.
  - f) The decision regarding the above voters will be of the Election Commissioner and it will not called into question in any form by any form by any member. However, the general house having the authority to review the same by the 2/3rd members on the roll present and voting in the meeting summoned for such purpose.
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8. **NOMINATION FEE:**

- a) Nomination fee for the office of President shall be Rs.5000/-(it can be changed from time to time.)
- b) The nomination fee for the vice President and Secretary shall be Rs.2000/- (It can be changed time to time.)
- c) The nomination fee for the other office bearers shall be Rs.1000/- (it can be changed time to time).
- d) The nomination fee once paid shall not be refunded and shall be reckoned in the funds of District Bar Association Fatehgarh Sahib.

9. **WITHDRAWALS:**

- a) If any candidate desires to withdraw his nomination he shall intimate the returning officer in accordance with the election programme approved by the house.
- b) The scrutiny of papers filed will be done on the last day of nomination after the expiry of nomination time.

10. **AVENUE:**

- a) The election shall be held in the Bar Room with secret ballot method.
- b) Each member shall have right to cast one vote for one post.

**PART 3**

**MEETINGS**

11) **ANNUAL GENERAL MEETINGS:**

- a) The annual General meeting of the District Bar Association Fatehgarh Sahib shall be held on 1st December, if it happens to be holiday then on the next working day for approval of the election program meetings.
- b) The Agenda of the meeting shall be .....
  - i). The presentation of the accounts and balance sheet.
  - ii) Reading of the report by the Secretary.
  - iii) Appointment of the Returning Officer of the elections.
  - iv) The office holders shall hand over the charge account books and other documents along with the balance to the returning officer.

12. **ORDINARY GENERAL MEETING:**

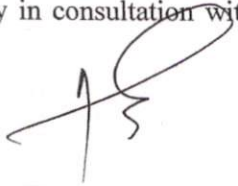
The President will convene the ordinary general meeting on the requisition of ten or more members. The meeting shall be called within 48 hours of the receipt of such requisition.

13. **MONTHLY MEETINGS:**

The monthly meetings of the District Bar Association Fatehgarh Sahib shall be called before the tenth of each month by the Secretary in consultation with the president.

14 **THE PROCEDURE OF MEETINGS.**

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- a) The President shall be the Chairman in all the meetings.
  - b) In the absence of the President the Vice/President shall chair the meeting. If both are absent then such other members as may be nominated by the house shall act as Chairman of the said meeting.
  - c)1] In all the meetings every members shall have one vote in determining all the questions.
  - 2] All the questions shall be determined by majority of votes of the members present and voting.
  - 3] The person acting as Chairman shall exercise a casting vote in case of equality of votes.
  - 4] The conduct of the members shall be discussed only in meeting especially convened for this purpose & seven days notice shall be given to the member concerned.
  - 5] If the conduct of the Chairman is in question or he is a party he shall not preside over such meeting.
  - 6] When the above said quorum is present the House shall take any decision with two, third members present and voting.
15. **QUORUM:**
- a) One fourth of the total members of the District Bar Association Fatehgarh Sahib shall constitute the quorum of the general meeting.
  - b) If at any time during a meeting there is no quorum the Chairman shall adjourn the house and suspend the meeting
  - c) No quorum shall be necessary for any adjourned meeting or special meeting unless expressly required by any rule.
16. **MUNUTES:**
- a) In every meeting the Secretary shall record the minutes of the all the meeting/proceedings.
  - b) The minutes of so recorded shall be signed by the Chairman of the meeting.
17. **ATMOSPHERE. (CLAIM AND SINCERE)**
- a) Claim and sincere atmosphere shall be maintained in the meetings.
  - b) No member shall raise any objection in the house without the consent of the President.
  - c) No member shall attract the authority. When any member makes or endeavour to make, a mockery of the authority and power of the Chairman or otherwise profens the order at any meeting. The Chairman may call his name and refer the matter to the house at any time.
  - d) The demeanor of the member shall be determined by the two-third majority of the total members present and voting. The House may take any decision which it may deem fit. (Appropriate)
18. **PROCEDURE AS TO INTRODUCTION & PASSING OF RESOLUTIONS;**

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- a) Any member may propose a resolution which shall be any other member before it can be put in the meetings.
  - b) A resolution moved by the Chairman need not be seconded.
  - c) Any member may propose an amendment to a duly moved resolution. All amendments shall be determined by the majority votes.
  - d) The proposer may withdraw resolution provided the house permits him to do so.
  - e) The mover shall speak on his motion describing it fully so as the members have no ambiguity in their minds. Each member shall have the right to think about the pro and cons of the proposal. The mover then shall have the right to reply.
  - f) Every member shall have the right to raise a point of order. The Chairman shall determine the point of order and his decision shall be final.
  - g) The Chairman shall think about the pro and cons of objections with the House & ask them for the reaction the members on the entreaty of the Chairman shall respond by show of hands. The Chairman shall give decision accordingly.
  - h) When any member has his personal objection, he may expound them with the permission of the Chairman.
  - i) The secretary on the entreaty of the Chairman shall fix the notice of adjourned meeting on the Notice Board so that the absent members are supplied with information of the adjourned meeting. Provided that the Chairman may after the date of the adjourned meeting by fixing notice on the Notice Board inform the members.
19. **NOTICE OF MEETING:**
- a) In addition to fixing of notice on the Notice Board notice of all meeting will be circulated to all the members through peon.
  - b) Affixing of Notice on the Notice Board above will not be sufficient compliance of the service of the notice on members.

#### PART 4

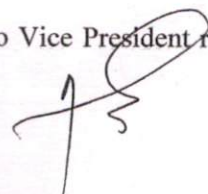
#### MOTION OF NO-CONFIDENCE

##### MOTION OF NO-CONFIDENCE:

- 20. a) Motion of no confidence can be taken against all the office bearers.
- b) Such notice shall be pondered only on a special meeting.
- c) Such meeting shall be convened on the receipt of application signed by at least twenty or more members.
- d) In the meeting the chairman shall give tongue to the application.
- e) The Chairman shall determine the motion of no confidence by two third majority of the members on the roll of the District Bar Association Fatehgarh Sahib. For the remaining them in case the motion of no confidence is passed a new office bearer may be elected in his place as may be determined by the house.

##### RESIGNATION:

- 21 a) The President may be writing under his hand addressed to Vice President resign his office.



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- b) The vice President/Secretary/ Secretary may e their writing in their hand address to the President resign their office.

22. **EXPIRATION OF THE TERM.**

All the office bearers shall cease to hold the office on the expiration of the term. Provided that the office bearers shall notwithstanding the expiration of their term, continue to hold the office until their successor enter upon the office.

**PART 5**

**RIGHTS AND DUTIES OF OFFICER BEARERS & MEMBERS.**

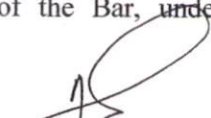
**RIGHTS OF THE PRESIDENT:-**

- 23 a) To Chairman of every general meeting and shall have right to exercise complete authority to maintain order and regulate the proceedings in a manner which he thinks befitting, even to the extent of expelling any rowdy member from the meeting.
- b) He has the authority to summon the meeting of the house as and when required and also when any emergency arises or he deems it fit.
- c) He will be custodian of the records of the District Bar Association Fatehgarh Sahib including all the books maintained by the District Bar Association Fatehgarh Sahib.
- d) He has authority to spent the amount to the extent of Rs.500/- out of the District Bar Association Fatehgarh Sahib funds without its prior approval.
- e) He has the authority to dismember any member on the rolls at any time on his being satisfied that the said member has incurred the disqualification as details in clause D. & E Rule 7 Part-II of the constitution.
- f) He shall operate the Bank account jointly with the either with Secretary or with Cashier one from both.
- g) He may maintain such establishments of clerks and servants for the District Bar Association Fatehgarh Sahib as he thinks appropriate with the approval of House.
- h) He may appoint, suspend or dismiss any clerk or the servant, He will determine the remuneration, duties and conditions of all such clerks and servants in consultation with executive committee.
- i) He may exercise any other right expressly mentioned in any other rule.

**RIGHTS OF THE VICE PRESIDENT:-**

- 24 a) All rights of the President in his absence (of president) be exercised by him except Rule 7 Part II.
- b) To preside over all the duties in the absence of the President.
- c) He shall perform other duties expressly mentioned in any other rule.

**RIGHTS OF THE SECRETARY:-**

- 25 a) The Secretary shall conduct all the correspondence of the Bar, under the supervision and guidance of the President.
- b) Any other rights expressly mentioned in any other Rule.
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- c) He has the authority to summon ordinary/ emergency meeting of the House in absence of the President.

**RIGHTS OF THE CASHIER:-**

- 26 a) Cashier shall be the custodian of all the money and securities of the District Bar Association Fatehgarh Sahib, but in absence or with the consent of president Secretary can act as Cashier.
- b) He has the right to operate the account of the District Bar Association Fatehgarh Sahib in the Bank along with President in such a manner as the President from time to time direct him.
- c) He may exercise any other right expressly mentioned in any other rule.

**RIGHTS OF THE MEMBERS**

- 27 a) Every member has the right to express his views on any motion before the House.
- b) Right of equal status and opportunity generally and particularly during the conduct of profession.
- c) Any other right expressly mentioned in any other rule.
- d) To inspect the account of the District Bar Association Fatehgarh Sahib.

**DUTIES OF TE PRESIDENT:**

- 28 a) To preside over all the meetings of the District Bar Association Fatehgarh Sahib.
- b) To examine all the resolutions passed by the District Bar Association Fatehgarh Sahib and rules regulations of the District Bar Association Fatehgarh Sahib are effectively carried out.
- c) Duty to maintain and uplift the dignity and prestige of the District Bar Association Fatehgarh Sahib.
- d) Duty into represent the District Bar Association Fatehgarh Sahib whenever directed by the House unless any other member is elected by the house to represent the District Bar Association Fatehgarh Sahib.
- e) Any other duty expressly mentioned in the other rule.

**DUTIES OF VICE PRESIDENT:**

- 29a) To preside over all the meetings in the absence of the president. To perform any other duty expressly mentioned in any other Rule.

**DUTIES OF THE SECRETARY:**

- 30a) The Secretary shall conduct all the correspondence under the supervision and guidance of the President.
- b) The secretary shall becomingly maintain two files of the containing copies of letter issued and copies of lettr received, file of supplication, requisition together with suggestion and complaint book. The secretary shall also maintain a Peon Book.
- c) To supervise the work of the clerks and servants of the District Bar Association Fatehgarh Sahib.
- d) Any other duty expressly mentioned in any other Rule.

**DUTIES OF THE SECRETARY CUM CASHIER:**





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- 31 a) Secretary shall grant receipts of all payments received and shall becomingly maintain the subscription register.
  - b) All the bills shall be passed by the President before the payment is made by the Secretary.
  - c) The Secretary shall immediately deposit all the money received by him in the account in the bank.
  - d) The Secretary shall remit a quarterly report of the accounts of the Bar.
  - e) The Secretary shall maintain the register of furniture book and all other property of the District Bar Association Fatehgarh Sahib.

**RIGHTS & DUTIES OF THE AUDITOR.**

- 32a) The Auditor shall audit the accounts of the District Bar Association Fatehgarh Sahib at least once a year and shall check entire accounts and shall have access to all the vouchers.
- b) The Auditor shall submit the report within one month from the date of appointment by the house.

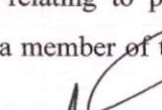
**PART 6**

**PROFESSIONAL CONDUCT EMPLOYMENT OF CLERKS/SERVANTS**

- 33a) No member shall employ as a clerk or Munsif or other servant who has
  - i) Any person who has been declared a tout by any court or the committee or any other authority.
  - ii) Any practicing petition writer.
  - iii) Any person of dis-creditable character, who has been convicted of any offence under IPC or any other criminal Law in force within 5 years, his conviction.
- iv) Any person who has been declared by the house not to be a suitable person for employment.

**ELIGIBILITY OF ADVOCATES CLERK**

- 34a) He should be a Matriculation from a recognized Board/University or any other qualification as may be prescribed from time to time by Punjab & Haryana High Court or Bar Council.
- b) He has never been declared a tout.
- c) He has never been sacked from the Govt. service or any other service involving moral turpitude.
- d) He is not any un-discharged insolvent.
- e) He should produce a character certificate from the last institution he has attended or from the last employer as the case may be.
- f) He has completed the age of 18 years.

- 35 a) Whenever any member's name has been removed from the rolls of the District Bar Association Fatehgarh Sahib under any of the Rules relating to professional misconduct or who has been expelled shall cease to be a member of the District Bar Association Fatehgarh Sahib from such date.
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- b) Such member shall be responsible from the arrears of District Bar Association Fatehgarh Sahib or any other liability incurred under these rules.
  - c) Such member shall be liable to pay al such arrears within 15 days of his removal. In case of default he may be sued in the Court of law by the President/Secretary if he is authorized by the special resolution of the house.

36. **RULES OF THE DISTT. BAR ASSOCIATION FATEHGARH SAHIB SHALL BE PRINTED EITHER OR TYPED**

37. Members may obtain the copies of applications, proceedings of the meeting, decisions and order of the House and all other proceedings under the proceedings rules duly signed by the president at a cost of Rs. ten per copy "which may change from time to tome." of above mentioned proceedings etc.

**INDICIPLINE AND MISDEMEANOUR:**

- 38 Under mentioned shall be the acts of indiscipline and misdemeanor:
- a) Willful breach of any of the rules.
  - b) Destroying, tempering with and pilfering the property of the Bar.
  - c) Flag anise the books of District Bar Association Fatehgarh Sahib

**Part 7**

**POWER OF THE HOUSE TO AMEND THE CONSTITUTION**

Not withstanding any thing contained in the Constitution of the House may amend by way of addition variation of repeal any of the Rules of the Constitution at any time by coming on the general meeting for this purpose.

**PROCEDURE OF AMENDMENT:**

39. An amendment of the Constitution may be initiated only when proposed by a member and seconded by another. It shall be passed like a resolution and is considered as special Resolution and shall passed only by 2/3rd majority. i.e. President and voting on the roll.

**PART 8**

**COMMITTEE AND SUB COMMITTEE**

- 40 The executive committee may from time to time appoint committees and sub committees by simple majority for special purposes, if the committee does not fulfill the purpose properly than the house can dissolve the committee with 2/3 two third majority, otherwise the committee would function till the completion of the work/purpose.
41. The report of such committees shall be placed before the House for the appropriate decision, provided that the House may be 2/3rd majority the annual report of the committee or sub committee.

**REPEAL**

42. This constitution shall repeal all other constitutions decisions of the Bar taken in the contravention of the Rules mentioned therein.
43. This constitution shall come into force from 31 August, 2009.

*Guardeep Singh*  
President