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**Constitution Of The District Bar Association  
HOSHIARPUR.**

**Price Rs. 10/-**

CONSTITUTION OF THE  
DISTRICT BAR ASSOCIATION, HOSHIARPUR .

The Association shall be called the District Bar Association, Hoshiarpur, hereinafter called "the Association."

The aims and objects of the Association shall be:

- a) To promote the administration of law and justice.
- b) To maintain the dignity of the profession.
- c) To protect, safeguard and advance the rights, interests and privileges of the members of the legal profession in general and the members of the Association in particular.
- d) To eradicate corruption, bribery and toutism.
- e) To create sense of fellowship and corporate life among the members of the Association.

MEMBERSHIP AND SUBSCRIPTION

3 Every person on the rolls of Bar Council of Punjab and Haryana is eligible for the membership of the Association, provided that he is ordinarily practising at Hoshiarpur.

An Advocate desirous of becoming a member of the Association shall apply in writing to the President of the Association on a prescribed form and such application shall be accompanied by a deposit of Rs.35/- as admission fee or such other amount as may from time to time be fixed by the Association together with one month's subscription.

Every member of the Association shall pay monthly subscription of Rs.10/- or such other amount as may from time to time be fixed by the Association before the 15th of each month. Annual subscription payable in lump sum up to the 30th April, each year shall be Rs.100/- provided all dues of the Association outstanding against the member concerned are paid along with this amount.

- 6. The monthly subscription shall be payable in advance. Any member from whom two or more than two months subscription shall at any time be due shall be deemed to be 'in arrears' and such a member shall be duly notified by the Association.
- 7. If such a member as has been above referred to in Rule No.6 does not pay off the arrears within 15 days from the date of the notice made to him by the Secretary the Secretary will report his name to the Executive Committee for action. The Executive Committee shall take such steps against the member as it may deem fit even to the extent of removing his name from the rolls of the Association, notwithstanding anything contained hereunder:
  - a) A member who is 'in arrears' of subscription for more than 2 months including the current month shall lose his right to use the Library till such time as he pays off his dues.
  - b) Any member, who is in arrears of subscription for six months shall automatically cease to be a member of the Association.
- 8. Any member whose name has been so removed shall not be eligible for the membership of the Association unless he submits a fresh application with the admission fee of Rs.35/- along with all other arrears.

EXECUTIVE COMMITTEE

- 9. a) The Executive Committee of the Association shall consist of the following office bearers of the Association and the other members to be elected by the Association.
  - 1. PRESIDENT, 2. VICE PRESIDENT, 3. SECRETARY,
  - 4. JOINT SECRETARY, 5. LIBRARY SECRETARY,
  - 6. TREASURER, 7. 3 EXECUTIVE MEMBERS.

## ELECTION

- 1) The President shall conduct the elections. If the President is contesting, then the Vice President. In case Vice President is also contesting, the executive shall appoint a Returning Officer.
- i) The Election of the office bearers, the members of the Executive Committee, who will remain in office till the next General Election, shall be held on 31st March every year and in case it is a holiday then it shall be held on the next working day without any further notice. 15 days' notice will be given for election.
- ii) The nomination papers for the office bearers, the members of the Executive Committee shall be filled at least one week before the Election, with the Returning Officer at the time and date to be notified for the purpose.
- iii) Nomination fee for the office of the President and the Secretary shall be Rs.500 and Rs.250 respectively, and for that of the Vice President, the Treasurer and the Joint Secretary-cum-Library Secretary shall be Rs.100, and Rs.50 each respectively. Nomination fee shall not be refundable and shall form a part of the funds of the Association.
- iv) Withdrawals from election, if any, shall be made before 3 days of the election. Security is not refundable in any case whatsoever.
- v) Each member shall have one vote and the election be by secret ballot.
- vi) The Returning Officer shall publish a list of voters eight days before the election. This list will be final.

- e) Any vacancy among the office bearers or members of the Executive Committee shall be filled up by election to be held as and when necessary but as early as possible.
- f) The Executive Committee may make subsidiary rules consistent with these provisions for the conduct of election of the office bearers, members of the Executive Committee.
- g) In case of a dispute regarding election the Returning Officer shall have the right to give the final ruling which shall be binding on the Association.
- h) Any member who becomes a member of the Bar after 1st January of the year in which election is held, he shall not be entitled to cast vote or to contest the election.

MEETINGS

- 11. Annual General Meeting of the Association shall be held on the last day of filing nomination papers for the office bearers. No quorum shall be required for this meeting. The Agenda shall be:-
  - a) Passing of the accounts and the Balance Sheet.
  - b) Election of two Auditors amongst the members of the Association not being an office bearer or a member of the Executive Committee.
  - c) Reading of the Report by the Secretary.
- ii) An ordinary General meeting of the Association may be called at any time by the Secretary in consultation with the President for disposal of any business by giving seven days notice.
- iii) An extra-ordinary meeting of the Association shall be called by the Secretary forthwith on

requisition of the President. Such a meeting shall also be called by the Secretary forthwith if he receives a requisition to that effect signed at least by 10 members of the Association within 48 hours of the receipt of such a requisition.

v) An emergent meeting of the Association shall be called by the Secretary at any time in consultation with the President in writing.

. The President or in his absence the Vice President, shall take the chair at all the Meetings of the House and the Executive. In the absence of both, the members present shall choose anyone of them to act as Chairman of the meeting.

. Every member shall have one vote on every motion made at any general meeting and all the motions shall in case of division be determined by majority votes, provided that no resolution relating to variation or addition to, or cancellation of any of these rules, or relating to the conduct or character of or expulsion of any member, shall be deemed to be carried unless not  $\frac{3}{4}$ th of the members present and majority of the members of the Association on record shall vote for the same. In case of division, all the votes for and against, the Chairman shall have a casting vote.

. One-fourth of the members on the rolls of the Association shall constitute quorum for the General Meeting and for an adjourned meeting no quorum shall be necessary unless expressly required by any of the rules.

. Where any general meeting convened for any purpose has to be adjourned for lack of quorum, an adjourned general meeting may be called by the Secretary after 2 clear days or with permission of

the President or in his absence with the permission of the Vice President, it may be convened even earlier.

16. The Secretary shall record minutes of all the proceedings held at every general meeting and the same shall be displayed on the notice board within a week of the meeting by the Secretary and signed by the Chairman of the meeting.

17. The Chairman of every general meeting shall have full authority to regulate the proceedings and maintain order in a manner deemed fit by him even to the extent of expelling any ready member from the meeting.

18. Where any member flouts the authority of the Chairman or does not otherwise keep order at any meeting, the Chairman may call his name and refer the matter to the Executive Committee within 2 days, whereupon the Committee shall unanimously or in case of division by a majority of votes, take such action as it may deem proper to the extent of removing his name from the rolls of members, notwithstanding anything contained in any other rule.

The decision of the Committee under this rule shall be subject to confirmation by the general body of the Association.

19. PROCEDURE:

i) A resolution must be proposed by a member and seconded by another before it can be put in the meeting; provided that a resolution moved by the Chairman need not be seconded.

ii) Members can propose an amendment to a duly moved resolution and if the amendment is

accepted by the mover, the amended resolution would go before the meeting. In other cases, amendments, if any, would be voted upon first, i.e., before the original resolution.

- iii) No resolution once duly moved, i.e., proposed and seconded, can be withdrawn without the permission of the house.
- iv) The mover of the resolution shall have the right to speak first on his motion and, after discussion, shall have a right to reply.
- v) A member can speak on resolution only once and for any further exposition permission of the chair shall be required.
- vi) A member with the permission of the Chairman may rise and speak to give a personal explanation or clarification of rules.
- vii) The Chair shall decide all points of order and his decision shall be final.
- viii) A meeting shall be adjourned by the Chairman for want of quorum or if so desired by the majority of the members present, provided that the Chairman may adjourn a meeting at any time for reasons to be recorded by him.
- ix) Notice of an adjourned meeting which includes meeting adjourned for want of quorum, may be given by the Chairman at the spot and information thereof, shall, as soon as possible, thereafter,



be given only to the members who were not present in that meeting. Notice shall also be put upon the Notice Board as required by the rules, provided that it shall be lawful for the President to alter the date of the adjourned meeting with notice to the members, provided further that no quorum would be necessary for a meeting adjourned for want of quorum unless expressly provided by the rules.

- ) All matters regarding the procedure and proper conduct of a meeting, not otherwise provided for shall be decided by the Chairman whose decision shall be final.
- ) A requisition shall become valid if the signatories withdraw their consent and consequently the number of such requisitions fall short of that required by the rules.
- ) Notice of meetings shall as far as possible be given to the members by circulating the same through a peon and a copy thereof shall be posted on the notice board which shall be considered sufficient compliance of the service of notice on members.

MOTION OF NO CONFIDENCE:

20. Motion of No-Confidence against an office-bearer shall be considered only at an extra-ordinary general meeting specially convened for the purpose, on the receipt of a requisition signed by one-fourth of the members on the rolls of the Association, and if such a motion is carried by 2/3rd majority of the members on roll, the office-bearer concerned shall cease to hold the office and for the remaining term a new office-bearer may be duly elected in his place, provided that no such resolution shall be considered in

an adjourned meeting, provided further that the office-bearer concerned shall be immediately informed of such requisition and given full opportunity to explain his position in the meeting before votes are taken on the resolution.

#### RESIGNATION

1. The President may resign his office by a writing under his hand addressed to the Vice President, and any other office-bearer and the member for vigilance may resign his office by writing under his hand addressed to the President.

#### AMENDMENT

The Constitution can be amended only by 2/3rd majority on the roll.

#### POWERS OF EXECUTIVE COMMITTEE

2. The affairs of the Association shall be managed by the Executive Committee hereinafter called "The Committee".
3. In the case of casual vacancy in any office, the Committee may fill up the vacancy by appointing any member thereto, and such an appointment shall be valid and shall hold good till the vacancy is filled up by the election.
4. Four members shall constitute a quorum at the meetings of the Committee. Each member shall have one vote and the decision of the majority shall be deemed to be the decision of the committee. In case of equal division of votes, the Chairman of the Meeting shall have a casting vote.

a) The President or in his absence the Vice-

President shall take the chair at meetings.  
In the absence of above both, the members present shall choose anyone of them to act as Chairman of the meeting.

- b) Every member shall have one vote on every motion made at any meeting and all motions shall in case of a division be determined by a majority of votes. Provided that no resolution relating to the conduct and character of or expulsion of any member shall be deemed to be carried unless not less than 3/4th of the members present shall vote for the same. In case of a division where vote for and against are equal the Chairman shall have a casting vote.
25. The Committee may from time to time make rules for the regulation of its proceedings, or the proceedings of all or of any of sub-committee appointed by it as well as for conducting the business of all the office holders of the Association and the manner in which the property, accounts and records of the Association are to be kept and may from time to time vary, add to, or cancel any rules so made.
  26. The Committee shall also have powers to:-
    - a) Maintain such establishments of Clerks, and servants for the Association as to them may deem fit.
    - b) Appoint, suspend or dismiss from their appointment any clerk or servant;
    - c) Determine and regulate the remuneration, duties and conditions of service of all such clerks or servants;
    - d) Spend such money for the purpose of the Association as it may deem fit.

- 26(a) The Committee may on any occasion appoint a Sub-Committee for disposal of any kind of business and may regulate the manner in which may the sub-committee shall discharge their functions.
27. Any such committee so appointed shall submit its proceedings and report to the committee, and the decision of the latter shall be final, subject to the control of the members at General Meetings.
28. The Committee shall have full control over the finances of the Association.
29. The Committee shall ordinarily meet not less than once a month except in the month of vacation for the despatch of business and such a meeting shall be called by the Secretary himself under orders of the President or on the requisition proceedings at such a meeting of the committee. The minutes of the proceedings at such a meeting of the Committee shall be recorded by the Secretary and displayed on the Notice Board by him and signed by the Chairman of the meeting.

#### POWERS OF OFFICE BEARERS

##### 1. PRESIDENT

- i) To preside over all meetings of the Association and the Executive Committee and other Committees of the Association.
- ii) To work as the Chief Executive of the Association and as such to see that all the resolutions, rules, and regulations of the Association are effectively carried out.

- iii) to take all steps to uphold the dignity and prestige of the Association.
- iv) Generally to represent the Association whenever required unless any other representative is elected by the Association.

#### VICE PRESIDENT

The Vice President shall perform duties of the President in the latter's absence, out of station or due to ill health.

#### TREASURER

- i) The Treasurer shall be the custodian of all moneys and securities of the Association, and all sums due to the Association shall be payable to be recoverable by him. Any money realized or received by the Secretary shall forthwith be made over by him to the Joint Secretary.
- ii) The Treasurer shall keep the money of the Association in such a bank in such a manner as the Committee may from time to time direct and shall bring all moneys received into account immediately on receipt thereof and he shall maintain a cash book of income and expenditure.
- iii) The Treasurer shall grant receipt for payments and shall properly and correctly maintain the subscription book.
- iv) All bills shall be passed by the President/Secretary before payment is made by the Treasurer and the latter shall obtain receipts of all the payments made by him and place them on record.

- v) All money received shall be paid into the bank and shall be drawn therefrom only by means of cheques issued by the duly appointed person(s) by the Committee.
- vi) All money received shall be paid into the bank and the Treasurer shall submit a quarterly report of the accounts to the committee.

SECRETARY:

- ) The Secretary of the Association shall be responsible for the maintenance of furniture, books, stationery and all other properties other than cash and securities of the Association.
- i) The Secretary shall conduct all the correspondence under the supervision and guidance of the President.
- ii) The Secretary shall duly maintain correctly and regularly the following registers:-
  1. A register for the books in the Library showing value of each book, the additions made, books lost, destroyed or sold and the like. It shall be placed before the committee at least once a year and a catalogue of the books of the Library would be fixed at some conspicuous place in the Bar Room.
  2. Register for Furniture and other property of the Association, its value, description etc.
  3. A minute book of the proceedings of all meetings.
  4. Two files containing copies of letters issued and letters received.

subscription register.

book for Agenda of the meetings of the Association.

Peon Book.

acquisition and suggestion file.

complaint file.

The Secretary shall be authorised to incur expense to the extent of Rs.50/- a month on any head other than those mentioned in the preceding sub-rule without the sanction of the committee. And all items other than those mentioned in the preceding sub-rule, involving an expense exceeding Rs.50 shall be incurred only with the previous sanction of the committee, provided that the Secretary may with the previous written permission of the President spend not more than Rs.200 in case of emergency.

It shall be the duty of the Secretary to supervise the management of the property of the Association. He shall be responsible to report any lapse on the part of any member of the staff or any damage to or loss of property to the committee.

SECRETARY

The Joint Secretary shall act as Secretary in the absence of or removal of the latter.

LIBRARY SECRETARY

The Library Secretary shall manage the affairs of the library of Bar according to the rules framed.

AUDITOR

Accounts of the Association shall be audited at

least once a year by the Auditors elected under rule 11 and such Auditors shall examine the entire accounts and shall have access to all vouchers.

2. The Auditor shall submit his report within one month from the date of his appointment, to the Committee and the latter with its comments, if any, shall place it before the General Meeting of the Association

**REPEAL OF ALL PREVIOUS RULES/CONSTITUTION/CONVENTION**

35. This Constitution shall repeal all the previous rules/regulations/constitution/convention/prescribed, if any, in force.

**RULES**

36. 1. The Committee shall have the powers to frame rules with respect to the management of the affairs of the District Bar Association not inconsistent with frame work of this Constitution including the management of affairs of Library, Servants of Advocates, Clerks of Advocates, Canteen, Furniture and other stocks of District Bar Association and those rules shall have to be got approved from the General House and shall have to be the part of the constitution.
2. The Committee may from time to time make rules and may vary, add to, or cancel any rule pertaining to the Library.
3. The following rules shall be strictly



observed by the members:

- i) Library books, journals and periodicals are primarily meant for reference in the Bar Room during the court hours.
- ii) Every member, who wants to take out books from the Library for production in Court or for home study shall be allowed to do so on deposit of Rs.20/- as security for the use of the Library. This security amount shall be refundable only after the lapse of one year from the date of deposit.  
  
However, if a member does not use the library continuously for six months he shall have the option to withdraw his security amount earlier. Any member who gives up practice or shifts to some other place shall also be entitled to the refund of the Security amount before the lapse of one year.
- iii) Only members of the Bar Association will be entitled to the use and benefit of the Library.
- iv) Every book taken out for consultation and study in the Bar Room only must be handed over to the Clerk personally and not left on table.
- v) No book shall be removed from the Library unless the entry pertaining to its issue in a register maintained for this purpose is signed in full by a member.
- vi) All books taken for production before Courts or home study shall be charged at the rate of 10P. per book per day. Provided that no charges shall be made for the books returned the same day they are issued, or if taken out after 4 p.m. and returned by 10 A.M. the following day and

if a book is retained for more than 7 days, the retention charges shall be 20 Paise per book per day after the expiry of first seven days.

- i. The amount of retention charges due as such from a member shall be deducted from his security amount if he does not pay it along with the return of the books and the member shall not be further issued the books unless he makes up the deficiency in the security amount. Any other lapping retention charges unless paid in the above said manner shall be treated as arrears of subscription.
- ii. If a book is not returned within a fortnight, then in the case of an ordinary book, its current price and in the case of rare books double the price thereof shall be chargeable and such charges shall be treated as arrears of subscription. The decision of the committee on the point whether a book is rare or an ordinary shall be final.
- 3) The Librarian shall maintain a list of all books, periodicals, newspapers belonging to the Association.
- 4) Books shall be issued on receipts signed by Munshis only, where the concerned member may give it in writing to the Librarian that he will be responsible for the loss or damage to any books issued on the representation of such Munshi.
- 5) The Library and its establishment shall be under the immediate supervision of the Librarian, and the general control of the Committee.

- iv) All the moneys received by the Librarian from members or any other source shall be forthwith deposited with the Treasurer.
- v) The Librarian will see that the rules of the Library are strictly observed and shall report to the Secretary whenever any member commits a breach of library rules who would place the matter before the committee.
- vi) The Librarian shall note that the books and periodicals of the Association are properly kept and cared for and should report from time to time through the Secretary to the Committee what books or other necessities are required for the Library and when sanctioned by the Committee, order the same.
- vii) All books must be returned in the Library on or before 31st day of March each year for checking.
- viii) The Librarian shall report every month to the Secretary books lost, destroyed and sold and the value of the books and the name of the member concerned.
- ix) Any member who may lose, destroy or otherwise deface any book or periodicals belonging to the Association shall be liable to a fine which may extend to the cost of replacing the same, and such matter shall be decided by the committee and such charges shall be treated as arrears of subscription.
- x) The committee may from time to time by resolution in that behalf regulate the manner in which order is to be maintained in the

Library. Any breach of any direction contained in any such Resolution shall be deemed to be breach of these rules.

- xi. The telephone apparatus shall be kept under lock and key and the Clerk shall open the lock on demand by the members.
- xii. The telephone shall be used in the presence of the Clerk or any member of the staff of the Association.
- xiii. The telephone clerk shall maintain a register regarding all the calls giving full particulars of the members using the apparatus. Charges per call shall be Re.1/-.
- xiv) The telephone clerk shall be responsible for the accounts of the telephone.
- xv) No member shall use the telephone by force and without payment. Any such use, mishandling or tampering with the telephone apparatus and misusing shall be considered an act of indiscipline on the part of the user and any such action may be reported to the committee for appropriate action and the committee may bar such user from the use of the telephone.
- xvi) Trunk call shall be permitted on deposit of double the amount of the likely charges of any such call. After accounting if any overcharge is found the same shall be refunded to the user on receipt.
- xvii) The Secretary shall be responsible for the prompt payment of all telephone bills.

CLERKS & SERVANTS

- 37. No member shall employ as a Clerk or Munshi or other servant:
  - a) Any person who has been declared a tout by any court or the committee;
  - b) Any practising petition-writer.
  - c) Any person of disreputable character or who has been convicted of theft, criminal misappropriation, breach of trust or any other offence which in the opinion of the committee renders him unfit to be employed by a legal petitioner.
  - d) Any person who has been declared by the Committee not to be a fit person for such employment.
  
- 38. No person shall be eligible for employment as a Lawyer's Clerks unless:
  - a) He is a Matriculate of a recognised University or possesses such educational qualifications as may be prescribed by the High Court; provided that the persons already engaged on the job of a clerk of an Advocate shall be exempted from this rule of the committee.
  - b) He is a qualified petition writer.
  - c) He has never been declared a tout.
  - d) He has never been convicted of an offence involving moral turpitude.

- e) He has never been dismissed from Government service.
  - f) He is not an undischarged insolvent.
9. No member shall engage as his clerk or munshi any person who having served as such does not produce a certificate of his good character from his last employer, or explain the non-production thereof to the satisfaction of the committee.
10. Rules for the employment and retention of Clerks by the members of the Association:-
- i) A clerk in the service of any lawyer shall not be engaged on leaving his previous job by any other lawyer unless the Clerk produces a certificate of good conduct from the lawyer whose service has been left.
  - ii) Whenever any clerk is dismissed by any lawyer on the ground of professional misconduct or on any other similar ground, such lawyer shall be bound to make a report of the same to the Secretary of the Bar whereupon the Executive Committee shall take steps as it may deem proper under the circumstances.
  - iii) If any member refused to grant the requisite certificate to his out-going clerk arbitrarily or without any good cause the aggrieved clerk shall have a right to make a complaint about this fact to the President by an application in writing.
  - iv) There shall be a sub-committee as follows to hear and adjudicate upon such

complaints as are made under the preceding rule:

- a) The sub committee will be constituted of two members of the Bar Association elected by the members of the Executive Committee and the President of the Clerks Association.
  - b) In case of difference of opinion in the sub-committee the decision of the majority shall be final unless it is set aside by the Executive Committee of the Bar Association on appeal within 30 days of the date of intimation to the aggrieved party.
  - c) The above sub-committee shall decide such cases at their earliest possible convenience and in no case shall take more than one month and the same shall apply to the Executive Committee on appeal.
  - d) A clerk complaining under sub-rules (iii) of 40 rule above may be allowed to be engaged by another lawyer with the permission of the sub-committee in writing during the pendency of the enquiry subject to final decision.
5. No clerk shall be eligible for engagement by any lawyer who has been dismissed for professional misconduct or for misappropriation of money for corruption or any other similar cause and no member of the Bar Association shall engage or retain such a clerk.
  6. Any member of the Bar who would violate these rules shall be liable to such penalty as the Executive Committee of the Bar may deem proper in the case.

- Every member shall in the month of January each year furnish the Secretary with a list of all persons in his employment as clerks or Munshis and all the changes of the kind during the year shall be reported to the Secretary within seven days of the occurrence.
- No person employed as a Clerk of Munshi of a lawyer shall have any communication with the opposition party or remove any papers from the office of his master or deliver them to any person without the master's express permission or without his master's express knowledge or consent, assist any client in the engaging any other legal practitioner.
- Any person committing breach of his preceding sub-rule above shall be declared to be unfit for employment by the committee and thereafter no member shall engage any such person in his employment.
- The Secretary may from time to time make suitable arrangement with the clerks and munshis Association for obtaining its assistance in dealing with any matter arising under these rules relating to clerks, munshis or servants.
- Communication of all sorts made to the office of the Association by the Clerks' Association and Vice Versa shall be deemed to be privileged.
- Any person who may be found violating these or any other rules framed by the committee relating to the Clerks shall be liable to such action as the committee may deem proper in the circumstances, to the extent of removing his name from



the rolls of the Association.

This Constitution shall come into force immediately.

Dated: 30.3.84.

*Ram Parkash Dhir*  
(Sd. Ram Parkash Dhir)

PRESIDENT.

*Harbhajan Singh Rehill*  
(Sd. Harbhajan Singh Rehill)  
SECRETARY.