

Constitution of the Bar Association, Phillaur

Sec. 1. Preamble of the Constitution. The Constitution Passed for the effective control of the bar affairs.

Sec. 2. The association will be Known with the name of Bar Association, Phillaur. The affairs under the constitution will remain confined which have been provided under the constitution and its provisions will commence from time to time as the house desires.

Sec. 3. Membership and subscription.

A. An advocate/pleader enrolled with the bar council of India / Bar of Punjab and Haryana and other bar council will be eligible to become a member of this association, with the payment of admission fee of Rs. 250 and the subscription for the period of at least one month of Rs. 40/-. The intended member will apply to the bar in writing. The application will accompany the copy of the enrolment certificate of the bar council and other necessary documents demanded by the president at the time of admission.

B. The member will also be entitled to pay Rs.480/- as annual advance Subscription for this purpose. The life membership fees has been fixed Rs. 3000/-. The outside membership i.e. members of other Bar including A.D.A. A.P.P. can also become Associates members, but they will not exercise the right to vote in the meeting. However, they can sit and attend the meeting with the permission of the president or the house of Bar. Defaulting member has to cease as a member of the Bar after six months of regular default. A prior notice of seven days will be issued by the Secretary before his dismembership. His arrears will remain outstanding and will be recoverable by the Bar by its own level or through the process or law.

C. Every member of this organization will pay Rs.40/- per Month (amended by meeting date 18-12-2000) as subscription by the 7th Day or every month or as enhanced by the association from time to time. The house will be competent to increase the subscription or levy any additional charge by adopting a resolution in the general meeting of the house. The defaulting member can be deprived of all the facilities of the Bar.

The defaulting member can become a member by clearing all the dues plus the entry fee of Rs.250/-. It has been decided by the house that a member who is defaulter of arrears of the Bar up till 31st March of every year will not be entitled to vote in the annual election or the Bar.

Sec. 4. Composition of the Executive Body.

The executive body of the Bar Association will have the following office bearers.

- 1. President
- 2. Vice President
- 3. Secretary
- 4. Cashier
- 5. Librarian

The house may create any office bearer as the circumstances arise from time to time, in the general meeting of the house. The election of first three posts will be mandatory at every



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 Secretary,
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Kamal Singh
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annual election.

The house may also create a body known as executive committee of the Bar and may create its membership; composition, function and powers as it deem fit according to the circumstances.

Sec: 5. Election.

- A. The annual election for the executive body of the Bar or the office bearers of the Bar will be held on 6th April of Every Year and in the case of occurrence of holiday, the election will be hold on the next following working day.
- B. A list of eligible voters will be circulated amongst the members of the Bar association between 1st to 3rd April every year.
- C. Every member of the Bar will be entitled to cast one vote for one post if he is enrolled on or before 31st Dec and the candidate will be declared elected by getting majority of votes.
- D. In case of equal votes, the election will be decided by casting vote of out going President or by lottery in case of a rejection of both remedies. Fresh election of the undecided post will be held within one month which is to be counted from the date of election.
- E. The contesting candidates for each post will be proposed and seconded by two members of the Bar.
- F. That the election of the Bar will be held through secret voting or by shows of hands in the house as deems fit by the majority of opinion in a general meeting of the Bar held before the election day.
- G. The election of the Bar will be held by the appointment of a returning officer appointed by the house in a general meeting of the Bar or under the chairmanship of the out going president of the Bar. In case, the out going president is a contesting candidate, the election can be held under the chairmanship of the vice president or secretary of the Bar if the vice president is also the contesting candidate. The option is left with the house.
- H. That the member of the bar who is a defaulter or in arrears on 31 of March, of every year before the election date will not be entitled to cast his vote.
- I. That the executive body will ordinarily function for a period of 1 year ending On 6th April of every year unless the period is extended by the Bar Association, Phillaur. The sitting or outgoing President will be the care taker President in the intervening period. In case of any corrupt practice or irregularity, the matter will be put in the house, whose decision will be final.

6. Terms of the Office Bearer of the Bar Association.

Sec 6. The President known as the Chief Executive/ of the Bar will ordinarily enjoy as many terms as possible with the confidence of the Bar after each annual election but a gap of one year must intervene among his three continuous terms. This restriction is not applicable to the other office bearers.

Sec 7. Impeachment suspension or removal of the office bearer.

i) President

The President of the Bar will not be suspended or removed except by 2/3rd majority of the total member of house .Prior to his suspension or removal a show cause notice & proper inquiry is mandatory

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ii) For other office bearers :-
The other office bearers can be removed or suspended by more than 1/2 members of the house, But a show cause notice and proper inquiry is must.

Sec 8. Distribution of work and powers and functions of the office bearers

- i) The President will be overall incharge of all functions and the affairs of the Bar association while the other office bearers will function under the guidance and supervision of the President. They will work as a team to regulate the affairs of the Bar and render service to the Body. He will be competent to conduct and check the affairs of the elected body at his own discretion. The President may execute any scheme or assume emergency powers in case of crisis or emergent transaction in the interest of Bar during such period.
- ii) The Vice President will be empowered to function and conduct the affairs of the Bar in the absence of the President of the Bar.
- iii) The Secretary will be responsible to conduct all correspondence on behalf of the Bar Association. He will be responsible to manage the finance of the Bar. He will keep the sum of subscription and keep all the relevant registers, proceeding book and others with him. He will act as drawing and disbursing officer of Bar servant & other officials.

Sec. 9 Cashier / Treasurer of the Bar.

- i) The treasurer / Cashier of the Bar will be responsible to maintain the reserve fund. He will be responsible and empowered to maintain account in the bank with the co operation of President of the Bar.
- ii) The Librarian of the Bar will be sole incharge of the Library of the Bar. He will be responsible to keep the full accounts of the Bar Library and will be duly bound to serve the Bar in relation to the Bar Library.

Sec 10 Meeting of the Bar.

- i) Ordinarily one meeting will be held atleast every month by the Bar to assess routine affairs of the Bar and get together the President and in his absence, the Vice President or Secretary in the absence of both office bearers will call a meeting of the Bar Association. In case of emergency, even Treasurer or Librarian can call a meeting. The meeting will also be summoned on the request of a single member in case of emergency or any serious matter concerning the member of the Bar as a whole.

Sec 11 Conduct of House Business.

The meeting of the House will be generally presided over by the President. In his absence, Vice President will act as Chairman. In the absence of both office bearer, even a secretary can act as Chairman of the meeting of the day. The meeting can be conducted by the election of the Chairman of the meeting, if any office bearer of the executive body is absent on that day.

Sec 12 Language of the Proceedings.

Mainly English or Punjabi, or both, will be used to conduct the affairs of the Bar. The member will however at liberty to express his views in any language which is understood by the house. The record of the proceedings will be maintained in the proceeding book in the English language or it may be maintained in Punjabi language if the house so desires. Every motion or issue or item of agenda will be decided with majority of the votes unanimously. On equal votes, the President or Chairman of the meeting can exercise his casting vote.



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A full discipline will be maintained during the meeting. The President is empowered to take any action against the defaulting or rude members on account of his misbehavior or abusive language with the consent of the house. The President even can expel the member from the house before giving him the warning. Smoking during the meeting will be strictly prohibited. Any action suitable to the House can be taken in case of any offence. The President will have due regard for the opposition and their views

Sec 13

Resolution and their circulation.

Every resolution passed by the House in the meeting will be maintained in a proceeding book to be maintained by the Secretary. The important resolution will be circulated to the press or to the appropriate authorities. The Secretary of the Bar will be competent to issue the certified copy of the resolution. He is authorized to issue any news concerning the Bar with the consent of the President of the Bar.

Sec. 14

Casual vacancies/ Mid-Term elections.

The casual vacancy rising out of resignation removal or inability of any member of the office bearer will be filled up immediately by the Bar association after calling the general meeting of the House. The issue will be decided by unanimous or majority votes. The procedure of annual election will not be applicable in such cases. The election of mid-term post will be conducted ordinarily within seven days from the creation of the vacancy. Chairman of the meeting will preside over the election.

Sec .15

Removal of the office bearer on account of constant intentional or negligent absence from the meeting.

It will be the duty of the office bearer especially the president , Vice president and secretary to be present in every important meeting and office bearer who intentionally or negligently without any valid reason acceptable to the house remained absent in three continuous successive meetings, will be removed by the house. But prior notice for his explanation is necessary.

Sec. 16

Employees or servant of the Bars.

The bar can employ a peon, clerk or paid librarian if need arises at any time. At present the peon or sevadar or sathi of the Bar will get two uniforms i.e. one in summer and the other in winter. His annual increment will be Rs. 10/- . He will get other medical allowance during the time of emergency as well as at the discretion of the president . A lump sum can be granted to him in shape of relief with the consent of the house. The terms of service and discipline of the servant of the Bar will entirely rest with the president and the secretary of the Bar. The employees or servant of the Bar can be suspended or removed by the president. His order will be final , but a prior show cause notice for his suspension or removal and his explanation is necessary. The house in general meeting may revise the order of the president in a general meeting.

Sec.17

Employment of clerk and munshies of the Bar.

Every member is to supply a list of the munshies or clerk to the secretary of the Bar. President of the house is the sole body to take disciplinary action against the clerks or munshies . A lawyer can not keep more than two munshies without the permission of the house .

Sec.18

Recreational or refreshment activities in the Bar.

Generally welcome, farewell parties or any other party for get together will be given in the Bar room. Drinking of liquor, playing of cards and gambling are strictly prohibited in the Bar room. The members of Bar are prohibited to give a consultation to their clients while sitting in the Bar rooms. The chairs of the Bar



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are not to be removed from the bar room to accommodate clients. It will be the duty of the secretary to keep vigilance on the misuse of furniture of the Bar. He can report the matter to the president and in case of any damage or loss, the action will be taken against the defaulting members or any persons for recouping the loss.

Sec. 19

Dispute, Litigation relating to bar affairs among the members and their remedy.

The house of Bar ordinarily will be the final authority for proper reconciliation of any dispute among the Bar members.. The member of the Bar will be advised to refrain from going civil or criminal courts in case of serious matter which may rise in the Bar. The Bar will make efforts to patch up the differences through a compromise committee.

Sec. 20

Policy of Suspension of work/no work.

The "work is worship" will be the motto of the Bar. Any how, on serious emergent and grave matters, the Bar will observe no work and issue can be decided in the General meeting of the House.

- ii) It will however be the duty of the bar to observe no work on the call of Distt. Bar, Bar council of Punjab & Haryana High court, Supreme court of any other Bar council and Bar association. A copy of the resolution of the no work will be sent to the presiding Officer of the local courts as well as other authorities or necessary information and action.
- iii) The house will not encourage no work on the baseless, frivolous and ordinary matters.
- iv) It will be the duty of every member to obey the call of a no work faithfully. The members who violate the no work will be seriously dealt with and the Bar will condemn their behavior. The breaker of the no work can be suspended or even removed from the membership of the Bar, if he violates discipline and does not tender apology on account of his disobedience to the call of the no work.

Sec. 21

Composition of Action Committee and enquiry.

- i) The President in the general meeting will be fully empowered with the consent of the house to constitute a committee known as Action Committee/ Enquiry Committee / Disciplinary Committee or likewise or appoint a commission or enquiry of certain matters which deeply concerns Bar and also for common welfare of the Bar and other purposes. It's compositions, Functions and powers will be decided in a meeting with the house. The rules under such committee and other matters relating to the constitution will be framed by the Committee subject to the approval of the house.
- ii) The General behaviour of all members of the Bar, as desired by this constitution will be rational and in the common interests of the bar. Their dealings or relations will create good mutual relations, understanding common sympathy and mutual harmony. The fundamental duties enshrined under the Constitution of India will be a good guide to them as well as their professional ethics.

Sec. 22

Furniture of the Bar and other property

The Secretary of the bar will be treated as custodian and Care - Taker of the immovable as well as the movable property of the Bar. He will be responsible for the repair of the furniture and it's replacement, if any loss arises to the furniture\property of the Bar. He will report the matter to the President who will take appropriate action that may fit according to the circumstances.



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Sec. 23

Demise of the members of the Bar.

On the demise of the member of the Bar, it will be treated as condolence day and no work will be done on that day. Condolence meeting in the Bar will be held and revolution will be sent to the bereaved family of the deceased and in the Press. A Tribute to the departed member at the time of his funeral ceremony will be paid. Special honor is to be given to the distinguished member by adopting a resolution In the General meeting of the Bar.

Sec. 24

Relations between Bar and Bench.

The Bar will inspire to maintain healthy relation between the Bar and the Bench. It will try to create congenial atmosphere in which the relations of both sides remain cordial and work may go smoothly. Of course, it is the duty of the Bar to help the court in the administration of justice. Both wings are complimentary and inseparable in the field of justice and serve the litigants. Intentional misbehavior or any insult of the member of the Bar by the court to any member of the Bar or office bearer will be seriously viewed and appropriate action will be taken in the circumstances by calling a general meeting in the house. The aggrieved member may call the Bar by moving the application to take the action against the Presiding officer of the Court. The matter will be decided by calling the general meeting of the house.

Sec. 25

Intentional insult or abuse of any office bears against the President.

Such illegal acts will constitute act or indiscipline and violation of the constitution. The whole bar will take the serious view of the matter by calling a general meeting. If the matter is very much serious, one action committee can be constituted which may recommend appropriate action against the accused member. The punishment in the shape of suspension or his removal from the Bar can be awarded. In the circumstances, a pardon on the satisfaction of the President can be granted on tendering apology by the defaulted member.

Sec. 26

Acts of indiscipline.

Willful disobedience of any section or rule of the constitution, tempering. Destroying property of association, abuse, use force, hurt or misuse of the premises of the association will be considered an act of discipline. This act also includes the intentional insult or misbehavior with the President or the member. The Bar will seriously view any act of indiscipline and the appropriate action will be taken against the defaulting member. When any member flouts the authority of the President or Chairman of the meeting and does not obey order in the meeting which will also constitute act of indiscipline.



Sec. 27

The Bar may furnish facilities like installation of telephones/ room coolers etc. in the Bar room by passing a resolution in the general meeting of the house.

Sec. 28

Provision of Photo snaps, press interviews

The Bar may provide occasion of snaps and press interviews at the time of important functions i.e. annual election day, welcome or see off ceremony of some V.I.P. or senior officer of the Bar or bench on a important day. The arrangements of such occasions will depend upon the provision of funds on such ceremony. The Bar may start elbum or keep a regular record for memory of bar members. It may display photos or hang pictures of outstanding personality of the Bar& Bench and other National and

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Sec. 29 International personalities.
Donations to the Bar for development work for its welfare.
 The development work of the Bar and its welfare can be promoted by taking donations and raise other funds for the welfare of its members. In case of distress or emergency to the deserving member, the Bar may arrange such funds to help the members. Bar may start contributing or group insurance schemes for the welfare of the members.

Sec. 30 Welcome/ See off to the V.I.P. / Invitation to the high dignitary of the Bar and Bench, Debates of National and International affairs, celebration of National or International festivals in the Bar rooms.

Sec. 31 The President may arrange such functions if so desired with the consultation of the house subject to provision of funds.

Powers of discretionary funds with the office bearers.
 The office holders will be empowered to spend the following amounts with their discretion for the common cause of the Bar :-

- i) President of the Bar - Rs. 1,500/-
- ii) Secretary - Rs. 500/-

Sec. 32 An account of such amount will be maintained by the secretary of the bar..

Account of the Bar.
 The Bar may keep account in any schedule Bank by passing resolution in the General meeting of the house. Generally amount of Rs. 3000/- or above will be kept in the Bank and in its account will be operated through the President or Cashier of the Bar by passing a resolution in the meeting .The Pass Book of the account will remain with the President or any other Office holder, who will associate with the President for the operation of such account.

Sec. 33 No parallel bar except a Bar legally constituted under the constitution will be allowed to function.

A member of the Bar on the time of admission will have to take undertaking that he will work as a member under this Constitution. A scheme of identity cards may be started.

Sec. 34 Quorum for meeting.
 More than 1/3rd members of the house may form a quorum. If no quorum is established, it can be adjourned & reconvened after 15 minutes at the same place.

Sec. 35 Requisition of the Bar meeting.
 Primarily under the constitution, the President / Vice President or a Secretary can call meeting of the Bar, but even a single member of the Bar on some genuine ground for his own cause or common cause of the Bar may call a meeting by making a request in writing to the President of the Bar.

Sec. 36 Amendment of the constitution.
 The basic structure of the constitution will not be changed or amended except with 2/3rd majority of the total members of the house. The other provisions, however, may be amended , revealed, varied by simple majority of the house.



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Sec. 37

Commencement of the Constitution.

The provisions of the Constitution relating to admission, subscription, composition of the Executive Body election, meetings and other main matters passed in the constitution will take effect from the date of adoption and commencement of the Constitution. As a whole, the entire Constitution stands endorsed with effect from its commencement. Any disputed matter can be settled on the basis of consensus as the house deems fit.

Sec. 38

Interpretation of the Constitution.

The constitution will stand interpreted in the light of general terminology of law and its ruling in the house. The final authority on any issue in the interpretation of any such provision or rule made under Constitution will rest with the President of the Bar while discussing any matter in any meeting of the house. The Chairman of the meeting of that day will also be authorized to take any action on the matter under discussion that will be disposed of in the light of this Constitution.

Sec. 39

Provisions for framing any scheme for allied or outside matter that does not come under this Constitution but which may accrue later on.

The Bar will be competent to make a provision for a matter that does not come under the present constitution. Here it may be noted that at the time of creation of Executive committee of the bar, it will be deemed as a Advisory committee and it may take any other functions for the construction and development work of the bar, enquiry in to the complaints or any welfare entrusted to it by the president.

Sec. 40

Annual Report on Election Day and address to the house.

On the appointed day of annual Election i.e. 6th April of every year or any other day before the commencement it will be duty of the president, vice president / secretary of the bar to submit its annual report describing its function, achievements and suggestions for further development. The outgoing president or any person authorized by the president may give a clear account of the whole year of his period after full discussions in the house. A vote of thanks will be passed after discussions in the house. After the completion of the annual election, the incoming office bearers or New President will thank the Bar and address in general to the house in a simple ceremony of the bar. The members of the bar can participate in a discussion and may suggest any proposal or point for the welfare of the bar, which the New President may take a note of. The New President of the bar will declare its main policies for governing the bar affairs in his general address.



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