

RULES OF THE DISTRICT BAR ASSOCIATION KAPURTHALA

The following are the rules and regulations for Governing the body of the District Bar Association Kapurthala and are here in after called as "RULES OF THE DISTRICT BAR ASSOCIATION, KAPURTHALA" which are as follows:- **Membership & Subscription:-**

1. That Advocate having his/her seat of practice at Kapurthala, borne on the rolls of the District and Sessions Judge Kapurthala or any Bar Council of India provided his/her roll is transferred to the roll of Bar Council of Punjab and Haryana at Chandigarh shall be eligible for the membership of the Association unless he or she is not expelled or dismembered by or is not member of any of the Bar Association in India or is not black listed or dismembered by two-third majority of the general house of the Association.
2. All existing members of the association shall automatically be taken on the rolls of the members of the association without payment of any membership fee and their names shall be enlisted on the rolls/register to be duly maintained with their photographs to be pasted therein however they shall be liable to pay a sum of Rs. 1200/- per annum or the amount as decided by the general house of the District Bar Association Kapurthala by simple majority as the annual subscription fee regularly as detailed here under.
3. Every candidate seeking the fresh membership of the association shall apply in writing to the President of Association on the prescribed form along with his/her duly attested affidavit which shall be proposed by at least one already existing member of the association, accompanied by attested Photostat copy of his/her license along with membership fee

of Rs.1000/- (one time nonrefundable) and one year advance annual subscription fee.

4. That annual subscription shall be payable on or before 30th September of the calendar month every year. If any member fails to pay the annual subscription by the due date he /she will be debarred from casting his/her vote in the election to the office bearer of the association. However two successive failures to pay the subscription fee annually would automatically lead to expulsion from the membership of the association. Such a member shall be required to pay fresh membership fee and entire arrears of subscription for making him/her entitled to regain the lost membership of the association. It is made clear for the sake of clarification that every member shall be duty bound himself/herself to approach the cashier cum Financial Secretary for payment of his/her subscription. No office bearer or employee of the association is required to approach any members for payment of arrears of subscription. However association shall put on the notice board the list of members who have not cleared their arrears every year on or before 15 September of each calendar year and also by circulating the same through peon amongst members. No payment of subscription fee without any receipt shall be considered to have been paid. Every member who is disqualified for nonpayment of subscription shall lose his/her right to occupy his/her chamber/seat in court complex and association shall have the right to occupy the same and allot the same to any other eligible member.
5. Before disqualifying any members from the membership of the association on the ground of non payment of arrears of subscription, a show cause notice requiring such member to clear the arrears within a

week of the receipt of show cause notice duly signed by the president or secretary shall be served personally residential address if such member is personally not available. It is clarified that in case such a member refused to accept such a show cause notice, it must be reported so by one employee of the association and must be attested by at least two members of the association. Every member who is so disqualified for non payment of subscription shall lose his/her voting rites as well as membership in the association.

6. The list of members eligible to cast their votes shall be displayed on the notice board of the association duly signed by President and Secretary. In the first week of the December of each calendar year and its attested copy can be obtained by any member of the association from the cashier/financial secretary on payment of token amount of Rs. 100/- against proper receipt.

Election:-

7. The election for the office of President/general secretary shall be held on or before 15th of February of each financial year and exact of holding such election shall be conveyed notified on or before 30th Day of January along with of the association. In case for same reasons it is not done by the said date the meeting of the general house of the association shall be held on the next working day after 1st Feb on the requisition of 10% of the members in this respect wherein the program of the election shall be finalized. The general secretary in such event shall be bound to call for the meeting at once to be presided by the president. And in his absence by any of the senior vice presidents or junior presidents as the case may be the returning officer shall be appointed at least a fortnight before the issuance of programme.

8. That term for the post of elected president and general secretary shall be one year. The president of the association with the consultation of elected general secretary shall nominate remaining office bearer including senior vice president, junior vice president, finance secretary cum cashier, secretary library incharge, press secretary, members of executive committee. These nominated officer bearer shall hold their office during the pleasure of the President, who shall be authorized to remove any such nominated bearers without disclosing any reasons. Out of these nominated office at least two members must be ladies so as to give them effective representation in the association.
9. The annual general meeting of the general house of the association shall be held at the time of declaration of the programme for the election of office bearers of the association where no quorum shall be required. However agenda of such a meeting must be as under:-
- a) Program for next election of the president and general secretary, if already not finalized.
 - b) Presentation and passing of the accounts of the association for the lat year.
 - c) The report of the general secretary regarding the conduct of association last year and any other business with the concurrence of President presiding member of the association

Conduct of Election:-

10. The nomination papers for the election of office bearers of the association must be filed at least one week prior to the actual election date with the returning office nominated for the said purpose as per program notified for the same. It must contain the receipt of payment of non refundable charges of nomination fee to the tune of Rs. 5000/-

for the post of President and Rs.3000/- for the post of General Secretary. The nomination papers must be prepared and received by the Executive member of the association as per the voter list the candidate also must be duly listed as a member in such a list.

- 11. Any candidate may withdraw from the election within 3 days before the actual election date by moving simple application in this respect to Returning Officers. Such a withdrawal must be presented by the candidate to the returning officer personally in the presence of two members of the association. However in a similar way a candidate can retire from the election just before the start of actual election process.
- 12. Every member as per published voter list shall have the right to caste his/her vote in the election, which shall be strictly by way of secret ballot. The returning officer shall have the right to cancel the vote in case secretary is not maintained by the voter by any means.
- 13. The team of Returning officer shall supervise the whole election process and with the concurrence of executive committee may issue code of conduct for holding fair and peaceful election. Each of the returning officer so appoint shall be paid reasonable remuneration for the said job, which will not be less than Rs. 100/-
- 14. In each election an observer may be sent by the Bar Council, in case any request will be received from Bar Association in writing, who would overlook and supervise nomination paper and elections. In case of any dispute in relation to process, electoral roll or nomination paper that shall be forwarded to be observer by the Returning Officer who will dispose of the same forthwith but not later than two days of its reference, as he deems fit. However, if any election is challenged on any ground whatsoever then a regular election petition with the prescribed

fee will have to be filed by an aggrieved person within 10 days of election. To the State Bar Council, which shall refer it to the Election Committee of Bar Association to be specially constituted constituting of the nominated by the Bar Council. The Committee will have to dispose of such petition within three months positively, and further any party aggrieved from such decision of the Committee, will have right to file an appeal with a fee of Rs. 1000/- again within 15 days of such order before the Chairman of the Bar Council and decision of the Chairman shall be final. The prescribed fee as well as limitations for any such appeal or petition is subject to any modification/amendments or rules or regulations laid down by Bar Council.

15. The office bearers so elected shall assume office on the next working day. The President shall there after nominate other office bearer and members of the Executive who shall hold the office till the completion of term upto new election subject to the pleasure of President. The President can remove any of such nominated office bearers at any time in case of removal/resignation by any such nominated office bearers.
16. The any ordinary or emergent meeting of the general house of association may be called at any time by the President or Secretary for disposal of any business. However any Extra ordinary meeting of the general house shall also be called within 3 days of the receipt of any requisition signed by at least 10% of the total members of the association. The name of such members must be case inspite of receipt of such requisition, the President or the Secretary fails to call the meeting within aforesaid period, such requisitionists shall have the right to call meeting themselves within a week there from.

17. All ordinary, emergent or Extra ordinary meetings of the general house of the association shall be Presided by the President, in his absence by any of the Sr. Vice President or in their absence by any Junior Vice President and in their absence by any member so elected by the General house shall preside with the called meeting as its chairman. One fifth of the total members of the association shall constitute the quorum for any meeting of the general house. In case for adjournment of such meeting for want of quorum the new meeting shall be called within 48 hours there from for which no quorum shall be required.
18. The minutes of any meeting of the general house of the a association shall be recorded by its General Secretary and same shall be circulated amongst all the members within 24 hours and shall also be displayed on the notice board of the association such minutes shall be signed by General Secretary or President/Chairman of any elected for such a meeting.
19. The President/Chairman of any elected for any particular meeting shall have the full authority to regular the proceedings and maintain order in such a manner as he seems fit and shall also have the authority to expel any members if occasion so arises.
20. That rules of the association can be amended with 2/5 of the majority of total members on rolls of the association but not rules can be amended without such majority in case first meeting is adjourned for want of quorum
21. Any motion of non confidence against the President or General Secretary shall be considered by extra ordinary meeting of the general house of the association specially convened for such a purpose for which requisition must be signed by at least simple majority of the

members on roll of the association but motion would only succeed if 2/3 majority of the association pass such a resolution where upon the President or general secretary or both shall vacate their office immediately and for the remaining time new office shall be elected /nominated by such a meeting of general house.

22. The President, if so wants can send his resignation addressed to general secretary and vice versa such resignation must be approved by simple majority of members on roll of the general house of the association to be convened within 24 hours of receipt of such resignation. Any other nominated office bearers can send his resignation addressed to the president. Who shall have right to accept or reject the same.
23. Where any member flouts the authority of elected bearers or otherwise does not keep order in any meeting any action which is deemed proper may be taken against such a member including imposition of fine or exclusion of such member from the roll of association. Any failure to pay the fine within stipulated period on any account shall also result in automatic expulsion from the membership, which shall be conveyed to such member by General Secretary with circulation amongst members of the association. Such a expelled member shall not be taken back on the roll of association except by resolution to be passed with simple majority of the general house to be convened for such purpose.
24. Wilful breach of the rules tempering with destroying, pilfering the property of the association to abuse to use force to hurt and misuse the premises of association shall be considered acts of indiscipline. The president or secretary may refer any such matter to the executive committee and the member accused of any such act of indiscipline may be suspended or removed from the membership of the association, the

executive committee may also report his conduct to Bar Council and the High Court of the state.

25. All employees of Bar Association shall be under immediate supervision of the President and the General Secretary, while accounts shall be supervise by financial secretary who shall submitted quarterly report expenses/income to the executive of the association. The account of association shall also be got audited once in a year by committee of auditors to be appointed by the association and shall be put on the notice board every year for the inspection of all the member at the time to anounmance of the election of office bearers for next year.
26. The president shall be appoint one secretary as incharge of the library who shall took after the affairs of library and supervise the act of librarian no book shall be issued to the member without any entry in the register to be maintain for said purpose for which normal charges of Rs. 10/- per day shall be charged. However no charges shall be levied for books consulted in the library itself or returned on the same day. If book is not returned by the member within fortnight he shall be liable to pay the market price of such book alongwith penalty of Rs. 200/-
27. The advocate welfare fund already started shall continue as such. Every member shall be duty bond to use the Vakalatnama for the said purpose. The price of such Vakalatnama is presently affixed at Rs. 30/- including stamp of Welfare issued by the Bar Council Punjab & Haryana and court fee of the denomination of Rs. 1.25 P the price of Vakalatnama can be varied with the concurrence of simple majority of the general house. Any member found violating the same shall be penalized for a Sum of Rs. 100/- for first lapse, Rs. 500/- for the

second lapse and dismember ship from the association for the third lapse. the said fund shall be strictly maintained for emergencies as per the resolution and shall not be used for any other purpose. The said account shall be supervised by the committee duty appointed by the general house as per the resolution in the case of death or serious injury to any member association such member or his/her legal heirs shall be compensated out of the welfare fund created the association by the sale of Vakalatnam. In case of serious injury of the lawyer resulting in his/her incapacitation to work or otherwise, and amount of Rs. 50,000/- or actual expenses incurred on his/her treatment, which even ever is less shall be given to such a member. In case of death of a member an amount of Rs. 1 Lakh minimum shall be given to his/her legal heirs. In case excess amount is proposed to given in any such case of death or injury, the resolution of general house of association by the simple majority of the present member shall be required. In case remaining amount in the Advocate welfare fund isles than amount required to be paid the same shall be collected from members immediately.

We, the members of District Bar Association, Kapurthala, shall abide by the above said Rules and regulations of District Bar Association, Kapurthala

Certified to be true copy of the original

Karun Puri Kulkarni Advocate

President
Dist. Bar Association,
Kapurthala