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CONSTITUTION OF THE BAR ASSOCIATION SAMRALA

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PREAMBLE

The members of Samrala Bar have resolved on 31st day of hundred ninty three (1993) to adopt the following constitution of the B Samrala and secure all the members :

Equality of status, oppcrtunity of expression.

And shall have the following allusions and the tenets :

- a) Respect the Law and promote the admisni'ra'ion of Law and justice.
- b) Foster respect for profession and keep up and patrenise its dignity.
- c) Maintain just and honourable relations between the members and cru the sense of fellowship harmony among the members.
- d) Sincere endeavour to eradicate corruption, bribery, toutism and other
- e) And shall protect and safeguard the intrests, rights and privileges of legal profession in general and members of the Association in partici

"Association" herein before and herein after means by the B Samrala.



PART 1
MEMBERSHIP

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ELIGIBILITY

1. Every person enrolled as an Advocate under the Advocate Act 1961, shall for the membership of Association.
2. **PROCEDURE :**
 - a) Every aspirant for membership of the Association shall handover application (Addressed to the President) personally to the Secretary of the Association.
 - b) Application shall be accompanied by an amount of Rs. 200/- (which may be changed from time to time) as admission fee and one month's subscription for the current month.
 - 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 certificate.
 - e) Three passport size photograph alongwith charges of Rs. 20/(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 Association after scrutinising all the documents.

SUBSCRIPTION :

3.
 - a) The monthly subscription shall be Rs. 20/- which is subject to variation from time to time by the Association.
 - b) The collection shall be made by the duly authorised office bearer by the 15th of each month.
 - c) Any member may make the payment of subscription in lump sum for which purpose he will pay subscription of eleven months only.
 - d) The lump sum subscription will be accepted from the member provided the dues of the Association outstanding against the member concerned together with annual subscription.
 - e) The lump sum subscription will be accepted on or before January of each year. No lump sum subscription will be accepted after that date.

ARREARS :

4. a) A member shall be deemed to be "IN ARREARS" who fails to pay subscription for 3 months incessantly.
- b) Any member "In Arrears" shall be duly notified by the office 15 days when the arrears become due.
- c) If the member "In arrears" does not pay the arrears within 15 days of date of publication or communication conveyed to him by the Secretary shall give an account of his name to the house for the forth coming general meeting. The cost of postal and inc shall be recovered from the defaulting member.
- d) The president has the authority to remove the name of the member the said member from the membership of the Association if the arrears within 15 days of the service of the notice as detailed above. The charges there of if any shall be recovered from the member.
- e) Any member whose name has been so removed for non payment of subscription being a member in arrears shall not be eligible for election to the Association unless a fresh application alongwith fresh address and all the arrears is made.



PART 2

[Office-Bearers]

- 5 a) There will be four office bearer of the Association namely President-c
2. Vice- President iii) Secretary and iv) Joint Secretary-cum-Treas
b) These office berers will be elected by the Association for one year by
unanimously.

6. ELECTIONS :

- a) The election of the above office bearers shall be held on December 15
In case the above mentioned date fall on holiday then the elect
held on next working day. without any further specific notice.
- b) The elected office bearers will remain in office till next gener
Provided that any office bearer shall cease to hold the office if th
No-Confidence is passed against him.
- c) If the Secretary or the President is the candidate himself then th
fees shall be deposited with the chairman who shall be elected fo
said purpose i. e. holding election.
- d) Any aspirant for the office shall file the nomination papers wi h th
officer in accordance then in accordance with the electton schedule s
by the house.
- e) The election will be conducted by the Returning Officer nominated fo
said purpose by the Association in the meeting held to approve
programme.
- f) The office holders shall deposit all the arrears account books and ac
the Returning Officer, nominated for holding the election in the me
will be held for approving the election programme.

7. VOTERS :

- a) The list of Voters shall be prepared by the President/Secretary by t
of November every year which Shall be displayed at the Notice B
same day.
- b) Every member shall clear his arrears till 4.00 P.M. on or before 30th
every year. A member who does not pay the arrears shall deem to be
and shall not be entitled to vote.

- c) A person enrolled as member after 31st day of October shall not vote.
- d) The members on the rolls who are habitually absent and do not put professional work shall have no right to vote.
- e) The members who have permanently shifted to the other place shall not be entitled to cast the vote.
- f) The decision regarding the above voters will be of the President called into question in any form by any member. However, they have the authority to review the same by the 2/3rd members or more and voting in the meeting summoned for such purpose.

8. NOMINATION FEE :

- a) Nomination fee for the office of President shall be Rs. 200/- (it is from time to time.)
- b) The nomination fee for the other officers shall be Rs. 100/- (It is from time to time.)
- c) The nomination fee once paid shall not be refunded and shall be added to the funds of Association.

9. WITHDRAWALS :

- a) If any candidate desires to withdraw his nomination he shall intimate the officer in accordance with the election programme approved by the association.
- b) The scrutiny of papers filed will be done on the last day of 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 Association shall be held on 1st If it happens to be holiday then on the next working day for approval of the election programme. No quorum shall be required for the annual General 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.
If necessary as per rules
 - iv] The office holders shall hand over the charge account books & 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 more members. The meeting shall be called within 48 hours of the receipt of the requisition.

13 MONTHLY MEETINGS :

The monthly meetings of the Association shall be called before the termination of the month by the Secretary in consultation with the President.

14 THE CHAIRMAN :

- 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 member as may be nominated by the Association shall act as Chairman of the said meeting.
- c)
 - i] In all the meetings every member shall have one vote in determining questions.
 - ii] All the questions shall be determined by majority of votes of the members present and voting.
 - iii] The person acting as Chairman shall exercise a casting vote in case of a tie of votes.
 - iv] The conduct of the members shall be discussed only in meetings convened for this purpose & seven days notice shall be given to the members concerned.
 - v] If the conduct of the Chairman is in question or he is a party to the question.

preside over such meeting.

- vi] When the above said quorum is present the House shall take
with two-third members present and voting.

15 QUORUM :

- a) One fourth of the total members of the Association shall constitute of the general meeting.
- b) If at any time during a meeting there is no quorum the Chairman shall suspend the house and suspend the meeting.
- c) No quorum shall be necessary for any adjourned meeting or special meeting expressly required by any rule.

16 MINUTES :

- a) In every meeting the Secretary shall record the minutes of the 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 meeting.
- b) No member shall raise any objection in the house without the permission of the President.
- c) No member shall affront the authority. When any member makes a mockery of the authority and power of the Chairman, the Chairman may suspend the order at any meeting. The Chairman may call his attention to the matter to the house at any time.
- d) The demeanour of the member shall be determined by the two-thirds of the total members present and voting. The House may take any action it may deem fit. (Appropriate)

18 PROCEDURE AS TO INTRODUCTION & PASSING OF RESOLUTIONS

- a) Any member may propose a resolution which shall be seconded by another member before it can be put in the meeting.
- b) A resolution moved by the Chairman need not be seconded.
- c) Any member may propose an amendment to a duly moved resolution. Amendments shall be determined by the majority votes.
- d) The proposer may withdraw resolution provided the house permits.
- e) The mover shall speak on his motion describing it fully so as to remove any ambiguity in their minds. Each member shall have the right to speak.

- the prose and cons of the proposal. The mover then shall have the right
- f) Every member shall have the right to raise a point of order. The Chairman determined the point of order and his decision shall be final.
 - g) The Chairman shall think about the prose and cons of objection with & ask them for the reaction the members on the entreaty of the Chairman respond by show of hands. The Chairman shall give decision accordingly.
 - h) When any member has his personal objection, he may expound the permission of the chairman.
 - i) The Secretary on the entreaty of the Chairman shall fix the notice of meeting on the Notice Board so that the absentee members are supplied with information of the adjourned meeting. Provided that the Chairman renews the date of the adjourned meeting by fixing notice on the Notice Board member.

19 NOTICE OF MEETING :

- a) In addition to fixing of notice on the Notice Board notice of all matters shall be circulated to all the members through peon.
- b) Affixing of Notice on the Notice Board above will not be sufficient for the service of notice on members.



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 from ten 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 a majority of the members on the roll of the Association. For the case the motion of no-confidence is passed a new office bearer shall be elected in his place as may be determined by the house.

RESIGNATION :

- 21 a) The President may by writing under his hand addressed to Vice-President resign his office.
b) The Vice-President/Secretary/Joint Secretary may by their written 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 their term. Provided that the office bearers shall notwithstanding the expiration of their term continue to hold the office until their successors 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 authority to maintain order and regulate the proceedings in a manner thinks befitting, even to the extent of expelling any rowdy member meeting.
- b) He has the authority to summon the meeting of the house as and when and also when any emergency arises or he deem it fit.
- c) He will be custodian of the records of the Association including all maintained by the Association.
- d) He has authority to spent the amount to the extent of Rs. 500/- out of ciation funds without its prior approval.
- e) He has the authority to dis-member any member on the rolls at any time being satisfied that the said member has incurred the disqualification in clause D. & E. Rule 7 part-II of the constitution.
- f) He shall operate the Bank account jointly with the joint Secretary-cum
- g) He may maintain such establishments of clerks and servants for the Association as he thinks appropriate with the approval of the House.
- h) He may appoint, suspend or dismiss any clerk or the servant. He will the remuneration, duties and conditions of all such clerks and servants
- 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 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 supervision and guidance of the President.
- b) Any other rights expressly mentioned in any other Rule.
- c) He has the authority to summon ordinary/emergency meetings of the absence of the President.

RIGHTS OF THE JOINT SECRETARY-cum-CASHIER :

- 26 a) Joint Secretary shall act as Treasurer he shall be the custodian and securities of the Association.
- b) He has the right to operate the account of the Association in with the President in such a manner as the President from time to time.
- 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.
- b) Right of equal status and opportunity generally and particularly in the conduct of profession.
- c) Any other right expressly mentioned in any other Rule.
- d) To inspect the account of the Association.

DUTIES OF THE PRESIDENT :

- 28 a) To preside over all the meetings of the Association.
- b) To examine all the resolutions passed by the Association and ensure that the resolutions of the Association are effectively carried out.
- c) Duty to maintain and uplift the dignity and prestige of the Association.
- d) Duty to represent the Association whenever directed by the President. If no other member is elected by the house to represent the Association, the President shall represent the Association.
- e) Any other duty expressly mentioned in any other rule.

DUTIES OF VICE PRESIDENT :

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

DUTIES OF THE SECRETARY :

- 30 a) The Secretary shall conduct all the correspondence under the guidance of the President.
- b) The Secretary shall maintain two files of correspondence, one containing issued and copies of letters received, file of supplication, resolution with suggestion and complaint book. The Secretary shall also maintain a Book.
- c) To supervise the work of the clerks and servants of the Association.

- d) Any other duty expressly mentioned in any other Rule.

DUTIES OF THE JOINT SECRETARY-cum-TREASURER :

- 31 a) Joint secretary shall grant receipts of all payments received and shall maintain the subscription register.
- b) All the bills shall be passed by the President before the payment is made to the Joint Secretary.
- c) The Joint Secretary shall immediately deposit all the money received in the account in the Bank.
- d) The Joint Secretary shall remit a quarterly report of the accounts of the Association.
- e) The Joint Secretary shall maintain the register of furniture books and other property of the Association.

RIGHTS & DUTIES OF THE AUDITOR

- 32 a) The Auditor shall audit the accounts of the Association atleast 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 the meeting by the House.



Professional Conduct. Employment of Clerks/S

- 33 a) No member shall employ as a Clerk or Munsif or other servant
- i) Any person who has been declared a tout by any court or any other authority.
 - ii) Any practising petition writer.
 - iii) Any person of dis-creditable character, who, has been convicted under IPC or any other criminal law in force within 5 years.
 - iv) Any person who has been declared by the House not to be fit for employment.

ELIGIBILITY OF ADVOCATES CLERK.

- 34 a) He should be a Matriculation from a recognised Board/University qualification as may be prescribed from time to time by 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 moral turpitude.
 - d) He is not an undischarged insolvent.
 - e) He should produce a character certificate from the last institution 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 roll under any of the Rules relating to professional misconduct expelled shall cease to be a member of the Association from the date of removal.
- b) Such member shall be responsible for the arrears of Association liability incurred under these rules.
 - c) Such member shall be liable to pay all such arrears within 15 days. In case of default he may be sued in the Court of law by the Association if he is authorised by the special Resolution of the House.
- 36 RULES OF THE ASSOCIATION SHALL BE PRINTED EITHER IN HINDI OR IN ENGLISH.
- 37 Members may obtain the copies of applications, proceedings of the House and orders of the House and all other proceedings under the provisions of the Rules of the Association.

signed by the President at a cost of Rs, ten per copy "which may change from time to time." of above mentioned proceedings etc.

INDICIPLINE AND MISDEMEANOUR :

- 38 Under mentioned shall be the acts of indiscipline and misdemeanour :-
- a) Willful breach of any of the rules.
 - b) Destroying, tempering with and pilfering the property of the Bar.
 - c) Flaganise the books of Association.



Power of the House to Amend The Constitution

Notwithstanding anything contained in the Constitution the House of addition variation or repeal any of the Rules of the constitution coming on the general meeting for this purpose.

PROCEDURE OF AMENDMENT :

- 39 An amendment of the Constitution may be initiated only when it is moved and seconded by another member. It shall be passed like a resolution and shall be passed only by 2/3rd majority voting on the roll.



COMMITTEE AND SUB-COMMITTEE

- 40 The House may from time to time appint committees and sub-committees by majority for special purposes.
- 41 The report of such Committees shall be placed before the House for the app decision.
Provided that the House may be 2/3rd majority annual the report of the Co: of Sub-committee.

REPEAL :

- 42 This Constitution shall repeal all other Consitutions decisions of the Bar contravention of the Rules mentioned therein.
- 43 This Constitution shall come into force from 31st May 1993.

