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45

BAR ASSOCIATION PAYAL

THE CONSTITUTION OF THE BAR ASSOCIATION

PAYAL (DISTT. LUDHIANA)

(Chapter No.01)

1. This constitution may be called "The constitution of the Bar Association, Payal.
2. It shall come into force immediately on being passed by the General body of association with two third of the total strength of the membership of the association.
3. The name of the association will be "Bar Association, Payal" (District Ludhiana) office shall be at Bar Room, Courts Complex, Payal, Tehsil Payal. District Ludhiana, State of Punjab (India).

(Chapter No.02)

The objects for which the Association exists are follows:-

1. Promotion of literature diffusion of legal knowledge and maintenance of library and reading room for general use among the members.
2. To take over charge of books all other articles belonging to the Bar Association, Payal.
3. To collect dues from members of the association and other person including former members if necessary, to take legal proceedings in connection therewith.
4. To help the litigants in getting justice from different courts and officer or otherwise and to help generally in the administration of justice.
5. To protect and promote the interest of the members of the Association.

: -2- :

6. To maintain a register of clerks for the members of the Association to specify their qualification for admission and to control and effectively to deal with the clerks, whenever and whatever necessary.
7. To do every thing which the Bar Association thinks necessary to maintain the dignity of the legal profession.
8. To ensure complete cohesion between two wings of administration, executive and judiciary for the upkeep of the constitution.
9. To ensure complete cohesion or working of bench & bar with special emphasis on creating cordial relation between them.
10. To create congenial atmosphere with a view of smooth working in courts by eliminating the possibilities of hood winking brow beating either by members of bench or bar to the prejudice of cool and sober minded well behaved members of bench and bar.

(Chapter No.03)

1. The membership of the Association by new members shall be after scrutiny and consent of majority members of the general body of Bar Association, Payal.
2. The registration fees for the membership of the Bar shall be Rs.3,000/-.
3. The monthly subscription of each member of the Bar will be Rs.50/- per month.
4. Only practicing lawyer in court shall be eligible to enroll as a member of the Bar Association, Payal. In case of necessity affidavit can be taken from new members by executive committee in this regard.

(Chapter No.04)

RIGHTS & LIABILITIES OF BAR MEMBERS :-

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: -3- :

1. All members of Bar Association, Payal shall be eligible to use service of bar room during the working hours only.
2. All members are bound to implicitly and obey the rules and resolution of the association any violation if any shall be brought to the notice of Secretary and shall be put by him in meeting or governing body and member concern shall be bond to pay penalty if any imposed by the governing body.
3. No member shall employ any person as clerk without a certificate of good character from his previous Advocate/Master, if the latter is a member of association.
4. No member shall be remunerated any person by him for the purpose of his profession by commission, percentage or share in the employers profession, income or any part thereof, or otherwise, then by a monthly salaries.

(Chapter No.5)

ADMISSION OR REMOVAL OF MEMBERS

1. Every application for membership shall be signed by candidate & same shall be sponsored and seconded by one member of association. It shall be accompanied by following documents:
 - i) Self attested copy of professional degree.
 - ii) Self attested copy of enrolment certificate from Bar Council.
 - iii) Self attested copy of residential proof.
 - iv) Two photographs.
 - v) Registration Fee of Rs.3000/- only and subscription current month. The application fee and subscription shall be refundable if application for membership is rejected but non refundable if any member lateron removed from membership.
2. A member of Bar may be removed from the membership of the association for the following reasons.

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- i) If he was previously or later on convicted of any criminal court for any offence or if charge under any offence has been framed or will be framed against any member by court of law.
 - ii) If he is persistently makes default in the payment of subscription continuously for three months or any contribution levied under the resolution of the association for the period of three months.
 - iii) If he fails to observe the rules without any reasonable cause.
 - iv) If he conduct in a member which is contrary to the reputation of Bar association.
 - v) If there is a finding of any court or any Bar Council against him.
3. An old member who ceased to be matter otherwise then by removal under Rule (ii) of this chapter may be readmitted, on payment of arrears if any, without payment of fresh registration fee.
 4. That name of any member shall be liable to be removed from the membership of the association after he has given an adequate opportunity to be heard provided at least fifty percentage of members on the role of association will present in meeting and 2/3 members present in meeting vote for such removal in a meeting specially called for this purpose. The notice holding of such meeting shall be given week prior such meeting. In case of equal voting in favour and against the concern member matter will be decided in next meeting.
 5. A member whose name has been removed from the rolls of the Bar Association under rule 2 of this chapter shall not be readmitted unless 2/3rd of the members of the roll of the Association, vote in his favour and on such terms, as may enforced by the Association. The application for readmission by such member not be entertain unless it is accompanied by the usual admission fee and arrears, if any and is supported by at least 1/3rd strength of the Bar Association.
 6. That the membership of Association shall be terminated by:-

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- i) Death of member
- ii) Change of place of profession headquarters.
- iii) Registration tendered.

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(Chapter No. 06)

MANAGEMENT:

The management of the Association shall be vest in the executive committee consisting office bearers namely

- a) President.
- b) Vice President.
- c) Secretary.
- d) Joint Secretary.
- e) Treasury.

The members of the governing body shall be honorary workers elected from amongst the members at an annual meeting to be called for the purpose and shall hold office for one year but till the next election takes place, old office bearers shall continue to be in the office. Every office bearers is eligible for re election but no office holder shall retain the same office for more than two consecutive terms.

(Chapter No. 07)

FUNCTION OF THE EXECUTIVE BODY:

Although the supreme authority with regard to all the members of association will be vest in the general body but for the day to day conduct the affairs of the association the managing committee and its members in respective sphere will enjoy necessary rights and privileges.

::-6-::

The Executive committee shall subject to the control of the members in general meeting assembled. In addition to all other power conferred upon them by any the rules have power to:-

- i) Expend within budget provisions such amounts for the purpose of Association as it may deem fit.
- ii) The Executive body may from time to time as occasion may require appoint sub committee for the dispose of any work or any kind of business and may regulate the manner in which any such sub committee shall discharge their function. An appeal may be made to the executive body through the president from decision of any sub committee.
- iii) Purchase and repair of any goods for the benefit association and such other necessities as may be ordinarily required for the Association.
- iv) To admit and to recommended the suspension or removal of the members to competent authorities after getting approval of the house in an ordinary meeting with normal quorum.
- v) Eradication of mal-practices pertaining to the profession in general.
- vi) To deal effectively with the day to day difficulties of the members of the Bar.
- vii) To help litigant public in redress of their grievance against any member of Bar or Bench.
- viii) The committee shall meet not less than once in month.
- ix) To ensure reciprocity or co-operation between Bench and Bar.

In substance the managing body will take prompt and necessary steps for the implementation of various resolutions passed in any of its meetings or that of general body. The Secretary will place every correspondence conduct, in the immediate next meeting of the executive committee/ general house for perusal and action on them.

: -7- :

(Chapter No.08)

FUNCTION OF OFFICE BEARERS OF THE ASSOCIATION :

President:

The president shall be the head of the Association and shall control all its activities. All the office bearers under him seek his approval verbal or written before working any decision on them over respective sphere of working in relation of the working of the Association. He will be Ex-Officio member of all committees appointed by General Body.

Vice President:

The vice president will do acts and functions of President only in the absence of President from the head quarter.

Secretary:

1. The secretary shall be custodian of the all assets, stationary and all other money and securities for association.
2. It shall be the duties of secretary to conduct under the directions and supervision of President and in his absence that of vice president, the correspondence of the Association.
3. The secretary shall be duty bound to keep the following registers and books of account which are duly maintained in the name of the governing body from time to time kept by the other functions of this Association and can take assistance of treasury regarding maintenance of books etc., pertaining to finance.
4. A register of all the assets and other property/ies of Association.
5. Counterfoil, receipt books serially numbered bearing initial of the president with approval their on.

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iii) A subscription book.

iv) Ledger.

v) Cash book.

Joint Secretary :

The joint secretary will be general counselor to the secretary and generally the secretary will have consultation with joint secretary attending the matter in issue. He will act for the secretary in absence.

(Chapter No.09)

MEETINGS :

The Association will hold the following meetings :-

1. Ordinary General Meeting.
2. Emergency and Extra Ordinary General Meeting.
3. Budget Meeting.
4. Annual General Meeting.
 - i) For electing returning officer.
 - ii) For electing office bearers.

5. Meeting of the members of executive committee.

An ordinary meeting of the association may be called at any time by the secretary after consulting with the President for the disposal of any business.

An emergent extra ordinary meeting of the association shall be called by the secretary on the requisition of the President or the Vice President such a meeting shall also be called by the Secretary if he receives a requisition to the effect signed by at least any 10 members of the association within 48 hours of the

:9 .:

in case of emergency or extra ordinary meeting of general body or that of managing body a notice be issued from the office at least 48 hours before the purposed time of meeting is necessary.

QUORUM & VOTING IN THE MEETING :

At least $1/3^{\text{rd}}$ of the members must be present to complete the quorum in ordinary meetings of all sorts, may be general body or that of executive. But for annual election meeting or extra ordinary meeting of the general body for amendment of constitution, the quorum shall be $2/3^{\text{rd}}$ of the total strength of the association and for adjournment of the meeting it will be one half of the total strength.

The quorum for the meeting called to move No Confidence Motion against the President can be initiated when $3/4$ i.e., 75% of total members will be present in meeting and "no confidence" will be passed by $2/3^{\text{rd}}$ of total members of Bar voted by secret ballot paper in favour of "No Confidence Motion". Against any other office bearers it will be half of the total strength preset in meeting having above stated strength i.e., $3/4^{\text{th}}$ of total members. Voting by proxy in case of individual member will not be allowed.

CONDUCT OF PROCEEDING OF MEETINGS:

The president or in his absence vice president shall preside over the meetings, when both of them are absent the member present shall elect chairman for the meeting. All minutes of meeting shall be recorded in the proceedings book, which shall be signed by the chairman of the meetings.

(Chapter No.10)

ELECTIONS OF THE OFFICE BEARERS:

Election of all the office bearers will ordinarily be held in first week of April every year or any other date as prescribed by Bar

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Council Punjab and Haryana. All the office bearers will be hold office for one year.

Such election may be held any time for the all bearers or any single office bearers in the following circumstances :-

1. Resignation of office bearers.
2. Inability of the office to perform the duties.
3. Removal by no confidence motion.
4. In case to be a member on the roll of association either as a result in shifting of place or stop his practice.

Persons seeking elections to any office of the association shall give their nomination papers duly purposed and seconded on the date fixed by returning officer and executive committee or any other date as prescribed by Bar Council Punjab and Haryana with the returning officer will conduct the said election in the manner laid down under chapter 15 of this constitution.

(Chapter No.11)

The funds of Association shall be raised in the following way:-

1. Monthly subscription.
2. Special contribution in case of any necessity.
3. Donation from Individuals.
4. Admission Fees.

(Chapter No.12)

The President shall be authorized to spend a sum of Rs.500/- and the seceratery Rs.300/- for each month. The above said funds shall be spent strictly for the benefit of Association.

(Chapter No.13)

AUDITORS:

The auditor shall be appointed by the executive body out of members other than office bearers in the first meeting which shall be held within ten days of annual election of office bearers of the Association.

1. The accounts of the Association shall be audited at least once a year by an auditor. The auditor shall ordinarily be elected or appointed at the annual general meeting.
2. The auditor shall have power to examine, access the entire accounts and vouchers of Association at all reasonable time through out of the year.
3. The auditor shall check the revenue account and balance sheet and shall after making such correction therein as may deem proper countersign the same.

(Chapter No.14)

THE LIBRARY

1. The joint secretary under the supervision of President of the Association shall be in-charge of the library he will get maintain register of the books of library through clerk of Bar.
2. Any member can take any books from library after signing the landing register of library.
3. If any member who loss, destroy, write upon or otherwise the face any books of library shall be to pay a sum to the extent of its cost of replacing the same.

(Chapter No.15)

ELECTION PROCEDURE:

The general body in its annual meeting in first week of April on any working day each year will elect the returning office from the members. Who have the practice not having less than five years for conducting

election.

Any member of association having standing at least four years eligible for contesting the office of secretary, five years for Vice President, any member having standing at least seven years for contesting the office of President. For other office bearers the standing of two years is essential. The returning officer will receive the nomination papers and scrutinize the same. After security of papers the returning officer will allow a withdrawal time. The nomination fee will be Rs.3000/- for post of President, Rs.1500/- each for Vice President and Secretary and Rs.1000/- each for Joint Secretary and Treasury which will be refundable.

The voting if any shall be conducted on secret ballot.

The candidate who is found to have secured the highest number of valid votes shall be declared elected. In case of candidate secure equal votes the returning officer shall decide by casting his vote.

If he was previously or later on convicted of any criminal court for any offence or removed or dismissed from any job by the department or any Govt. Semi-Govt. service will not be eligible to contest any election of Bar.

AMENDMENT IN CONSTITUTION:

The general body can amend the constitution by 3/4th strength of the total members of Bar in a special meeting, but amendment can be moved by 50% of the total strength. General body will be final interpreter of the provision of the constitution and its decision thereon shall be binding to all concerned.

PENALTIES:

In case of violation of any foregoing rules by any member concerned shall pay Rs.50/- in case of first infringement and Rs.100/- for any subsequent

: -13- :

infringement to the Bar Association as a penalty recoverable as arrears of subscription, except as otherwise provided.

GENERAL:

All speeches and discussions made in meeting of the association shall treat as strictly and shall not communicate anywhere to any outsider.

All proceeding taken orders passed, acts done under the rules shall be in writing.

All suits and proceedings on behalf of the association shall be filed by and in the name of the secretary for the time being and shall be entitled to defend. To defend any legal proceeding secretary can take assistant appoint any legal expert from outsider.

The association in its ordinary general/meeting may relax the provision for the recovery of subscription, donation or any other arrears with a period to be decided by general body.

The constitution was drafted by a sub-committee consisting of Sh. Pritpal Singh Retole Adv., Sh. Shamsher Singh Gill Adv., Sh. Kamaljit Sethi Adv., Sh. G.S. Matharu Adv., and the same has been adopted by house.

True copy
Secretary
13.5.16