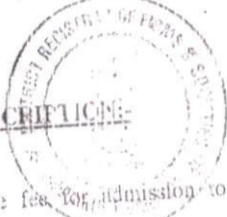


ARMED FORCES TRIBUNAL BAR ASSOCIATION PANCHKULA
RULES AND REGULATIONS AND ARTICLES OF CONSTITUTION OF THE
ASSOCIATION

1. TERMS OF ADMISSION OF MEMBERS:-

- (a) **Persons eligible for Membership:** - Every Advocate whose name is for the time being borne on the rolls of Bar Council of Punjab and Haryana or any other Bar Council of the Country shall be eligible for membership of the Association.
- (b) Every candidate for membership shall be proposed by one member and seconded by another and such proposal shall be accompanied by the Entrance fee and other charges as prescribed from time to time under Rules 4 (c) and 4 (c) (II) of these Rules. Anyone who desires of becoming a member of the Bar shall have to submit his professional degree of Law and Bar Council enrolment certificate and it is only after the satisfaction of the enrolment committee that the process for the enrolment of such person shall start. If the enrolment committee is not satisfied it may reject his application in this behalf.



2. ENTRANCE FEE AND SUBSCRIPTION:-

- (i) **Entrance fee:-** The entrance fee for admission to the Bar Association of a candidate shall be Rs. 1100/- (Eleven Hundred) plus such other charges as may be prescribed from time to time. The admission fee may be revised from time to time by the Bar Association by majority.
- (ii) **Monthly subscription:-** The monthly subscription for a regular member shall be Rs. 200/- per month. The monthly subscription may be increased by the Bar Association from time to time as it may be deemed necessary. Each member shall be liable to pay such other charges as may be prescribed by the Bar Association from time to time.

3. CONSEQUENCES OF NON PAYMENT OF SUBSCRIPTION FEE:-

Arrear in Payment of Subscription: - It shall be the responsibility of every member to clear the subscription. Any member who is in arrears of subscription for more than 4 months shall be deemed to be in arrears of subscription.

First Notice: - A notice shall be posted in the Bar Room regarding default in subscription and for the clearance of the same within seven days from the provisioning of the notice.

Second Notice: - A seven days second notice for 7 days shall be given to the members who fail to clear their arrears of subscription after issuance of first notice.

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Deletion of Name: - The name of the defaulting member shall be removed in case he/she does not clear the arrears even after the second notice. Restoration of membership shall only be done if so passed by majority by the executive committee, with or without conditions.

4. **FINE AND FORFEITURES TO BE IMPOSED ON ANY MEMBER:-**

Deletion of Defaulters: - The member whose name has been deleted shall lose his entitlement to all the rights and amenities of a member of the Association and his/her name shall not be published in the Directory of the Association.

5. **CATEGORIES OF MEMBERS OF THE ASSOCIATION:-**

- (a) "Advocate" means an advocate entered in any roll under the provisions of the Advocates Act, 1961.
- (b) "Senior Advocate" an Advocate who has been designated as Senior Advocate under Section 16 of the Advocates Act, 1961.

6. **RESIGNATION AND EXPULSION OF MEMBER OR OFFICE BEARERS:**

- (a) Suspension or removal from practice. In case of suspension or removal from practice of the member of the Association by the Bar Council/Bar Council of India/Supreme Court of India, member so suspended or removed shall ipso facto be suspended or removed from the membership of the Association during the period of such suspension or removal.

7. **FORMATION OF GENERAL BODY**

All the members of the Bar Association shall be the members of the General Body.

PART-I

MEMBERSHIP

- (a) **Persons eligible for Membership:** - Every Advocate whose name is for the time being borne on the rolls of Bar Council of Punjab and Haryana or any other Bar Council of the Country shall be eligible for membership of the Association. Every candidate for membership shall be proposed by one member and seconded by another and such proposal shall be accompanied by the Entrance fee and other charges as prescribed from time to time under these Rules. Anyone who desires of becoming a member of the Bar shall have to submit his professional law degree and Bar Council enrolment certificate and it is only after the satisfaction of the enrolment committee that the process for the enrolment of such person shall be allowed. If the enrolment committee is not satisfied it may reject the application in this regard.
- (b) **Period of 6 months to expire before a second application can be entertained:-**

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No person who has not been granted membership shall again be eligible for membership till the expiry of six months from the date of earlier result.

8. **POWER & FUNCTION OF THE GENERAL BODY:-**

- (a) **General Meetings, Annual and Special:** - A General Meeting to be called the Annual General Meeting shall be held on such date and of such year as the Committee may determine. A special General Meeting may be held whenever the Committee may consider it desirable to convene one for the disposal of any business which these rules require to be transacted at a General Meeting of which the Committee may deem proper to lay before General Meeting for any special reason or urgency.
- (b) **Meeting convened on requisition.** - A Special General Meeting shall be convened by the Committee whenever a requisition for the same shall be made in manner hereinafter provided:-
- i. Any 15 or more members who are not in arrears of subscription may require the Committee to convene a Special Meeting. Every such requisition shall be made in writing and shall state concisely the nature of the Points to be discussed to be laid before the proposed meeting and the precise terms of every motion which it is proposed to put to the meeting and shall be dated and signed by the requisitioners and delivered to the Secretary. The requisition shall clear mention the names alongwith the eligible signatures of the members moving the requisition.
 - ii. The Committee shall within 7 days of the receipt of any such requisition if the same is found to be in order convene a special General Meeting for the disposal of the points mentioned therein but no points other than that entered in the requisition shall be considered as such meetings.
 - iii. That in the case of emergency, the President or in his absence the Vice President may further reduce the period of notice required under this rule. No points other than that entered in the requisition shall be considered at such a meeting, however, the Executive is empowered to convene the meeting of the General House any time without the requisition if the urgency so requires.

Annual General Meeting-regular business:- At the Annual General Meeting the business/point for disposal shall, besides any other business/points which may be entered in the agenda, including:-

- a. The passing of Accounts, Balance Sheet and Budget Estimates.
- b. The election of the office bearers of the Association and members of the Committee.

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c **Notice of Meetings:-** Not less than seven clear day's notice (excluding the date of the issue of the notice) of every General Meeting shall be given to members except when the Executive Committee convenes an urgent meeting.

d **Notice how effected:-** The notice of the meeting shall be given by displaying on Notice Board in the Bar Room.

e **President or Vice-President to preside:-** The President shall take the chair at General meetings at which he is present. If he is absent, the Vice-President is present at any General Meeting, the latter shall take the chair. In the absence of both the President and the Vice-President the Secretary shall preside.

9. **QUORUM/MEETING OF THE GENERAL BODY:-**

Quorum ordinary and Special:- 15 members shall form a quorum at General meetings. Provided that no business shall be transacted at any Special General Meeting convened upon a special requisition and no resolution calling in question the conduct or character or expelling any member or varying to or canceling any member or varying, adding to, or canceling these rules or any of them shall be passed unless the President or the Vice-President and in addition 15 members are present in the said meeting.

10. **FORMATION OF GOVERNING BODY:-**

a. The Executive Committee shall consist of 7 members comprising of 3 members of the Executive and 4 Office Bearer of the Association. The following shall be the Office Bearers of this Association:

- i. President.
- ii. Vice-President.
- iii. Honorary Secretary.
- iv. Treasurer.

b. **Executive Committee:-** The Executive Committee shall consist of :-

- (i) **Four (4) Office Bearers :** President, Vice President, Honorary Secretary and Treasurer.
- (ii) **Three (3) Executive Committee Members to be unanimously decided by the office bearers. However the Executive Committee may invite any member of the Bar as special invitee in the Executive Committee,**

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Voting would be held by Voice-Voté consensus and not by ballot so as to keep the voting rights alive in other Bar Associations

11. MODE OF ELECTION OF THE GOVERNING BODY:-

PART-II:- CONSTITUTION, FUNCRTIONS & PROCEDURE OF THE COMMITTEES OF AFT BAR ASSOCIATION.

Notwithstanding anything contained hereinafter the Executive Committee shall be overall in charge of the Bar affairs and Bar interest subject to the superintendence and control of the General House.

a. **The Committee and Officer of the Association:-** The affairs of the Association shall subject to these rules and managed by a Committee consisting of the President, Vice-President, Secretary, Treasurer.

b. The President, Vice-President, Secretary, Treasurer and other members of the Committee shall be elected by the eligible voters by Voice Vote and not by ballot and shall hold office for one (1) year from the date their election and thereafter shall cease to be members of the Committee. In the event if the elections could not be held for any reason whatsoever, then the existing committee or Advocates named by the General House will function as the Executive Committee till the fresh elections are held positively within three months. The fresh office bearers of the committee shall take charge after the elections are held. However No member of the Association shall be eligible to contest for any post of the Association unless:-

- (a) He/She has paid his/her arrears of subscription.
- (b) No voter shall propose or second more than one candidate for a post.

If the office of President becomes vacant at any time or the President is absent in any meeting the Vice-President shall act as President and if the Vice-President is absent, the Secretary shall take charge.

12. POWER AND FUNCTIONS OF GOVERNING BODY:-

a. **Power of Committee:-** The committee shall subject to the control of General House has the following powers:-

- i. To maintain such establishment of clerks and staff for the association.
- ii. To appoint and suspend or dismiss any of the employee of the Bar after giving opportunity of hearing.
- iii. To determine and regulate the remuneration and duties and conditions of service of all such clerks of staff.

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Rules of Business:- The Committee may from time to time make subsidiary rules consistent with these rules for the regulation of their own proceedings and the proceedings of all or any Sub-Committee appointed by them as well as for the conduct of business by the Secretary, Treasurer and Secretary for regulating the duties of all or any of the servants of the Association and the manner in which the property, account and records of the Association are to be kept and may from time to time vary add to or cancel any rules so made.

- i. The Secretary is allowed to spend Rs. 1000/- without obtaining the sanction of the Executive Committee. Any amount more than Rs 1000/- can only be spent after seeking approval of the Executive Committee by majority.
- ii. The Treasurer shall pay all bills which are approved by the Committee and counter signed by the Secretary. Counter-signing of cheques or other modes of payments shall be done by the Secretary and Treasurer.

13. **POWERS AND DUTIES OF EACH OFFICE BEARERS:-**

- a. **President or Vice-President to preside:-** The President shall take the chair of General Meetings at which he is present. If he is absent, the Vice-President is present at any General Meeting; the latter shall take the chair. In the absence of both the President and the Vice-President the Secretary shall take charge.
- b. **Procedure at Meeting-Voting:-** Every member shall have one voice vote on every motion made in any General Meeting. All motions put to a General Meeting shall ordinarily be determined by a majority of votes.
- c. **Minutes of proceedings:-** A minute of the proceedings at every General Meeting shall be recorded by the Secretary and signed by the President and placed on record in the proceedings register.
- d. **Order at meeting:-** The President or the Presiding member shall have full authority to regulate the proceedings and maintain order thereto in such manner as he/she may deem fit.

SECRETARY AND TREASURER

- e. **Secretary-Custodian of Property:-** The Secretary shall be Custodian of the furniture, book, stationary and all other property other than money and securities of the Association.
- f. **Duties of Secretary:-** It shall be the duty of Secretary to work under the direction of the President and the control of the Committee. Letters addressed by the Association including to the registrar of any court shall ordinarily be issued under the signatures of secretary.

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- g. **Books and Accounts:-** The Secretary shall be responsible that the registers as required from time to time and books of accounts are duly maintained in such form as the Committee may from time to time prescribe and that the same are correctly and regularly kept.
- h. **Treasurer-Custodian of money and Securities:-** The Treasurer shall have the custody of all moneys and securities of the Association. All sums due to the Association shall be payable to and recoverable by the Treasurer. Any sums realized or received by the Secretary shall forthwith be made over by him to the Treasurer. The Treasurer shall also keep a list of members defaulting on arrears of subscription.
- i. **Bank Accounts:-** The Treasurer shall keep the money of the Association in such Bank and in such manner as the committee may from time to time direct and shall bring all moneys received into account immediately on the receipt thereof and the Bank Account shall be operated by the Secretary and the Treasurer.
- j. **Receipts:-** The Treasurer shall grant receipts for all payment and shall be responsible that Books are properly kept.
- k. **Payments:-** All receipts of whatsoever description shall be forthwith paid into Bank and only drawn by means of cheques.
- l. **Vouchers:-** Receipts for all payments made and signed by the payee shall be put before the Committee.
- m. **Bill:-** As far as practicable, A monthly statement of income and expenditure should be submitted to the Committee and the same be approved by the committee. The Secretary will pass all the bills which shall be approved by the committee.
- n. **Permanent Advance or starting a project:-**
- (i) An imprest or permanent advance not exceeding Rs. 10,000/- shall be made by the Treasurer or the Secretary to meet contingent current expenditure and the Treasurer shall check and reminders the imprest account at least once a month and note the fact on the account subject to the post facto approval of the Committee.
 - (ii) If any project involving the expenditure of more than Rs. 20,000/- is to be started, then it should be with the prior approval of the General House. No expenditure shall be met from current receipts unless urgently required and decided by majority of the Executive Committee.

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(iii). The Bar staff shall prepare and place on the notice board every two months account showing the amounts due from the members of the Association and such account to be countersigned by the Treasurer.

o. **Special duties and power of Secretary:-** It shall be the duty of the secretary to see that the books and property of the Association are properly kept and cared for and to report from time to time to the Committee what books or other necessities are required for the purposes of the Association and when sanctioned by the Committee or in urgent cases in anticipation of such sanction he may purchase with the approval of the President or in his absence of the Vice-President subject to the approval of the Committee.

14. **THE MANNER OF THE INVESTMENT OF THE FUNDS, KEEPING OF ACCOUNT AND FOR ANNUAL OR PERIODICAL AUDIT OF THE ACCOUNT BY A CERTIFIED CHARTERED ACCOUNTANT:-**

Auditor:- The manner of investment, accounts and auditing shall be executed as decided by the executive committee by majority.

15. **MAINTENANCE OF ORDER IN THE ROOMS OF THE ASSOCIATION.**

- a. **Private Conversation Confidential:-** No publicity shall be given to any statements, expression of opinion or conversation in any of the rooms at any time occupied by the Association. Any member violating this rule shall on proof thereof be liable to have his name removed from membership.
- b. **No noise in the Library:-** No member shall make any noise in the Bar room or have heated discussion which may disturb the other members.
- c. **Strangers:-** No person who is not a member shall be permitted to the Advocate's area in the Bar Room unless at the request of a member and that too for a short time.
- d. **Clerk:-** The clerks of members shall not sit in the Bar Room or other rooms of the Association when not actually engaged with their Advocates for professional work. Member shall not be allowed Advocates sitting area as consultation room and it should not be used as a permanent seat by the members. Consultation and meeting area shall be separately earmarked.
- e. **Breach of the order how to be dealt with:-** If any member at any time acts in a manner which may be open to objection in any room occupied by the Association he may be called by the Committee to advise him to behave properly. If such member does not mend his ways the committee has the power to stop him from sitting in any room of the Bar

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Committee's powers in regard to maintenance of orders:- The Committee may from time to time by resolution in that behalf regular the manner in which order is to be preserved in the Library

The staff of the Bar Room shall not be sent out of the AFT premises by members for their own private work.

16. **PART-III-PROFESSIONAL CONDUCT OR ANY OTHER MISCONDUCT OF MEMBERS AND THEIR EMPLOYEES. PROHIBITION AS TO TAKING BRIEFS FROM CERTAIN PERSONS.**

a. **Professional or other misconduct of a member:-** A member who is a member of Bar Association shall maintain and abide by high standard of professional conduct and rules as contained in Chapter-II Part-iv of the Bar Council of India Rules framed under the Advocates Act, 1951, regarding standards of professional conduct and etiquette, no member shall receive any brief or otherwise take any case from or through any of the following persons, namely:-

- i any person whom he knows or has reasons to believe to be a tout.
- ii any person whose name is entered on the list of any Court as being a tout or on the list of reputed touts kept by the Committee.
- iii any petition writer or any typist on commission.
- iv a clerk whose employment by the members of the Association is prohibited by the Committee.

b. **Punishment of the Members of Bar Association for misconduct:-** Where on a receipt of complaint or otherwise the Executive Committee has reason to believe that any member of the Association has been guilty of professional or other misconduct, it shall refer the case to the Bar Council or to the Disciplinary Committee of the Bar.

The Disciplinary Committee of the Association after giving the member concerned and the complainant, an opportunity of being heard may pass any of the following orders, namely:-

- i. Dismiss the complaint.
- ii. Reprimand the member of the Association.
- iii. Suspend the member from the membership of the Bar Association for such period as it may deem fit.
- iv. Remove the name of the advocate from the membership of the Bar Association.

The Disciplinary Committee shall refer the complaint to Bar Council of AFT for taking disciplinary action against the member found guilty of professional or other misconduct.

The orders passed by the Disciplinary Committee of the Association will be the final.

- c. **Consequence of removal of name of expulsion:-** The removal of any member from the list of members or the expulsion of any member shall carry with it absolute forfeiture of all facilities of the Association alongwith donations and subscription paid to the Association or any unpaid subscription by such member to the Association at the time of such removal of his name or expulsion.
- d. **Cessation from membership:-** Any member, whose name shall at any time have ceased to be borne on the rolls of Bar Council, shall cease to be a member from the date on which his name is removed from the rolls of the said Bar Council.
- e. **Communication privileged:-** All communication made to the Committee or inquiries held under the preceding rules, shall be deemed to be privileged.

17. PART IV-POWER AND PROCEDURE IN DEALING WITH EMPLOYEES

- i. **Enquiry into offences:-** The Committee shall have power, either upon complaint or of its own motion to inquire into the conduct of any staff of the Bar and take suitable action, provided that before the Committee takes any action the Committee shall inform the staff of the Association of the nature of charge and shall afford him then a reasonable opportunity or tendering to the Committee his explanation, either personally or in writing.
- ii. **Committee's action in regard to staff:-** If after enquiry, the Committee is of opinion that any staff of the Association has been guilty of a misconduct, it may dispense with his/her services.

PART V-RULES

- iii. **Alteration of rules:-** When there is any suggestion regarding alteration of rules the matter shall be referred to the Rules Drafting Committee. These rules shall not be varied, added to or cancelled otherwise than by Special resolution in that behalf passed in a Meeting of General House.
- iv. **When alteration to take effect.-** Every special resolution varying, adding to or canceling any of these rules shall be attached to these rules and all variations, additions or cancellations thereby made shall, unless any time be specified in such special resolution, take effect one month after the passing thereof.

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