

DERA BASSI BAR ASSOCIATION
Bye-Laws/Constitution

1. Name of Society:- The Name of the Society shall be "Dera Bassi Bar Association, Dera Bassi". The name of the society has been approved by the District Registrar of Societies, Ajitgarh (Mohali) vide letter reference No. _____ dated _____.

2. Membership of the Society:-

- (a) Any Advocate practicing law in civil, criminal, revenue courts or other courts, duly enrolled with any Bar Council shall be eligible to become a member of Dera Bassi Bar Association by making an application in the prescribed Proforma and subscribing to "Code of Conduct" Aims and Object and Bye-Laws of the Association, duly sponsored by two members and paying admission fee and monthly subscription as fixed by the Association from time to time. The grant of membership shall be subject to Section 16 of Punjab Registration & Regulation of Societies Act, 2012.
- (b) All such applications for membership shall be scrutinized by the enrollment committee of the Association consisting of Vice-President, Secretary & Treasurer and finding fit will be recommended for enrolment to President for final approval.
- (c) Every advocate admitted as a member shall be issued an identity card containing photograph & particulars of the member.
- (d) The Association shall maintain a register of membership at its registered office which shall be kept open for inspection of the members and authorities during the business hours.

3. Rights & obligation of members:-

- (a) Every member shall subscribe to be bound for all times of his membership by the Bye-Laws as amended from time to time by the General Body of the Association as stipulated in Societies Registration Act.
- (b) Every member, shall have the right to inspect the books of accounts, minute's book and all other record of the Association on any workingday during business hours after giving 7 days advance notice in this regard to the Secretary of the Association.
- (c) Every member shall have a right to vote, in person only, at all General House meetings and elections of the Association, subject to his not being in arrears of membership fees or annual subscription or other dues of the Association or incurring any other disqualification.

4. Cessation of membership/Removal & Suspension:-

A member of the Association shall cease to so in the following events:-

- (i) Upon submission and acceptance of his resignation; or

- (ii) if he ceases to fulfill the eligibility conditions under the provisions of Advocate Act and also if his license to practice is terminated by the Bar Council for any misconduct.
- iii. Upon the death of a member.
- iv. Upon his failure to pay membership fee, monthly/annual subscription, welfare fund continuously for a period of six months.
- v. If the member abandons legal practice and engages himself in same salaried job, or other vacation or avocation.
- vi. Any member found guilty of any such conduct which lowers the dignity of the noble profession of law or blatant violation of discipline of the Association or acts against the collective decisions of the Bar shall be liable to suspension from the membership in the 1st instance. In case of repeated misdemeanors/consistent defaults. The defaulting member shall be liable to removed from the membership. The power of suspension/removal shall vest in the executive committee, subject however to an appeal by the aggrieved member before the General Body of the Association whose decision shall be final and binding.

5. Re-admission of expelled/suspended members:-

- (a) Any appeal preferred by any such expelled or suspended member shall be placed before the General House of the Association by the President/Secretary of Association by calling a Special Body meeting with a clear 7 days notice.
- (b) The General Body meeting may review the disciplinary action and shall be empowered to vacate the removal/suspension orders and such membership shall be restored if 2/3rd of the members present vote for re-admission/vacation of suspension.

6. General Body:-

- a. All the members of the Association shall form/comprise the General Body of the Association. The General Body of the Association shall be the Supreme body of the Association.
- b. The Secretary in consultation with President and Executive Committee shall call the meetings of the General Body including the Annual General Meeting atleast once in 3 months with a clear 7 days notice alongwith agenda to be discussed to all the members. In cases of urgency or emergency more than one meeting in a quarter may be called which shall be a special General Body Meeting.

c. A Special General Body meeting may also be called at the written requisition preferred by atleast $1/3^{\text{rd}}$ of the total number of members constituting the General Body.

d. The President or/and in is his absence Vice-President of the Association shall preside over all the meetings of the General Body.

e. The quorum for the meeting of the General Body shall not be less than 40% of the total members. If quorum is not complete within $\frac{1}{2}$ hour of the time fixed for such meeting, then such meeting shall stand adjourned and shall be called denovo on the seventh day and at such adjourned meeting no restriction of quorum shall operate.

f. The Annual General Body meeting shall take place every year in the Ist week of the April every year or earlier in consonance with directions of the BAR COUNCIL for the States of Punjab and Haryana in which the Executive Committee shall place the duly audited annual accounts of the Association for adoption and panel of sub-committee for conducting annual elections for its approval.

g. Only the General Body shall be competent to carry out, any or all amendments, in the memorandum of Bye-Laws with $2/3^{\text{rd}}$ majority.

7. Executive Committee Powers/Functions and Duties.

i. There shall be duly elected Executive Committee/ Office Bearers to carry out the day to day affairs/ functions of the Association.

ii. The Executive Committee shall compromise of following office-bearers and executive members.

a.	President	-	One Post
b.	Vice-President	-	One Post
c.	Secretary	-	One Post
d.	Joint-Secretary	-	One Post
e.	Treasurer	-	One Post
f.	Executive Member	-	5 Posts

Note:- The Post of Joint Secretary reserved for to give adequate representation of Lady Advocates.

iii. The tenure of the executive committee shall be normally one year from the date of it election. It can be curtailed/ extended upto one month by special resolution of the General Body.

(4) The office bearers shall exercise their powers strictly in accordance with the provisions contained in the Bye-Laws of the Association.

- (A) **President:-** The President alongwith other members of Executive Committee shall be custodian of all the assets of the Association and shall preside over all the meetings of Executive Committee/ General body and shall authenticate the minutes/proceedings of all such meetings. The President shall ensure democratic and transparent functioning of the Association and shall exercise supervisory control over all incomes/expenses and decisions of the Association. In case, the office of President falls vacant due to any reason, the Vice-President shall perform all the functions of the President for the remainder period and shall be deemed to be President for all the intents and purposes. The President shall operate the Bank account of the Association jointly Secretary/Treasurer.
- (B) **Vice-President:-** The Vice-President shall aid and assist the President in the functioning of the Association. In the absence of President, he shall perform all the functions, duties of the President.
- (C) **Secretary-** The Secretary shall be the custodian of all records documents, titles and deeds etc. on the Association he shall implement all the decisions of the general Body and Executive Committee in consultation with President. He will act as Compliance Officer of the Association for various statutory compliances under the act. The Secretary shall maintain the membership register, proceedings register, catalogue of bar Library books and periodicals, assets registers, correspondence records etc. of the Association. He shall issue requisite notices/memo's for all meetings in consultation with the President. All proceedings for and against the Association, shall be prosecuted/defended at all levels by the Secretary.
- (D) **Joint Secretary:-** The Joint Secretary shall aid and assist the Secretary in all the functions and shall officiate as Secretary in his absence. The post of Joint Secretary shall be reserved exclusively for lady Advocate member.
- (E) **Treasurer:-** The Treasurer shall be responsible for proper management of funds and assets of the Association as well as proper maintenance of the books of accounts and other records of subscription, donations, contributions and expenditures. The treasurer shall be the custodian of all expenses and payment records.

The Treasurer shall be a compulsory authorized signatory to operate the bank account of the Association. He will operate the bank account jointly under his signatures alongwith President in which the signatures of Treasurer shall be a must.

In case of a vacancy arising due to any reason, whatsoever the President in consultation with office bearers shall be empowered to nominate any member from the general body of members.

9. Income from membership, admission fee, monthly subscriptions etc:-

(a) Every member shall pay a consolidated sum of Rs.1100/- as admission fee alongwith the membership form at the time of his admission as member.

(b) The monthly subscription of the Association shall be Rs.1100/- (Rs. Eleven Hundreds only) per month -per member.

(c) The monthly subscription shall be paid in advance every month before 10th day of the month of the Treasurer/Bar Clerk against proper receipts issued under their signatures.

(d) Any member whose monthly subscription is in arrears for more than 3 months shall not be allowed to participate in the meeting/elections of the association and also such defaulting members shall be debarred from using the library facility.

8. Functions of the Executive Committee:- (a) To appoint, maintain and administer an establishment of accountant, clerks, librarian, bar peons, attendants, sanitary, workers, watchman etc. as may be necessary and approved by the general body members of the association. The power to suspend/terminate of errant employee shall also vest in the Executive Committee.

(b) To determine/regulate the duties, service conditions and remuneration of such employees.

(c) To prepare budget and authorize expenditures upto Rs.30,000/- for the proper functioning and day to day functioning and also for payment of monthly salaries to employees of the Association. In case where expenses exceed Rs.30,000/- then approval of the General body shall be a must.

(d) To arrange/purchase furniture/fixtures for bar room & books for library as per established procedures through specially constituted sub committee's.

(e) To raise, develop and maintain a bar library for the reference services of member Advocates. The library Sub-Committee shall frame detailed rules for bar library separately.

(f) To act as privileges committee in cases of disputes interse between the Advocates.

(g) To frame rules & systems for proper seating arrangements for member advocates interalia the allotment of sheds and chambers & spaces for canteen, stamp vendors, typists etc.

(h) To constitute sub-committee's for carrying out all or any specific activity for the welfare of the members.

(i) To meet atleast once in a month to transact/dispose off the business and functions of the association.

10. Audit:- The annual accounts of the association shall be got audited every year by executive committee from an auditor who is an accredited member of the Institute of chartered accountants of India and placed before the annual general body meeting for approval.

11. Operation of bank accounts:-

(A) All Incomes and funds of the association shall be kept deposited in a nationalized bank in the name of the association.

(B) The bank account of the association shall be operated by any two of the following three office-bearers in which signatures of the Treasurer shall be must.

(i) President/Secretary

(ii) Treasurer

(c) The President/Secretary/Treasurer shall not keep more than Rs.5000/- as cash in hand at any time, to meet petty day-to-day requirements.

(D) All expenses/Payments above the amount of Rs.5000/- shall be got approved by the Executive Committee meeting with requisite quorum and paid through a crossed cheque only.

12. Quorum:- The quorum for the meetings of the executive committee shall be six and 40% of the total members on the rolls of association for the general body meeting.

13. Annual Elections:-

(A) The annual elections of the executive committee of the association shall be conducted by an election panel of Returning Officer & Two members nominated by the General body. The election panel shall be headed by the Returning Officer. This panel shall be assisted by the Secretary who will provide to the election panel ten days prior to the date of election an authenticated voter list of members certifying their membership and duly paid up subscription upto the month of December of the preceding year of the election year and details of all dues of Library books etc. to enable the panel to conduct free, fair & Transparent election, provided further that. Any new member enrolled after 31st December, shall not entitled to vote in the immediate succeeding election.

(B) The candidate for President's post must have at least 10 years standing/experience as an Advocate.

(C) The candidates for Vice-President and Secretary's posts must have atleast 5 years standing /experience as an Advocate.

(D) The candidate for the post of Treasure must have atleast five years standing/experience as an Advocate.

(E) Every member seeking election or elected unopposed or without election shall have to deposit as follows a non refundable security amount alongwith the nomination:-

(i). President	-	Rs.10,000/-
(ii). Vice-President	-	Rs.5,000/-
(iii).Secretary	-	Rs.5,000/-
(iv). Joint-Secretary	-	Rs.2,500/-
(v). Treasurer	-	Rs.2,500/-
(vi). Executive Member	-	Rs.500/-

(F) In the event of more than one candidate for any post, the election shall be held by secret ballot.

14. Amendment to the Bye-laws & Memorandum of Association:- The Memorandum AND Bye-Laws can only be amended by the General Body meeting of the Association at a specifically convened meeting by 2/3rd majority of the members on the rolls of the Association.

15. Common Seal:- The association will have a common seal which shall be kept in safe custody of the Secretary.

16. Amalgamation:- The society may amalgamate itself with any other society established with identical aims and objects or allow any other society to amalgamate with itself by a special resolution passed by the General Body.

17. Dissolution:- If at any time, there is a necessity to wind up or dissolve the association, the same would be done in accordance with the provisions of the Advocate Act.

We the several persons whose names and address are subscribed hereunder, certify the above to be true copy of the Bye-Laws of the Society.

Sr.No.	Name	Father's Name	Address	Occupation	Sign.
1.	Jaspal	Labh	DeerBani	Advocate	
2.	Vijayram	Jaspal	DeerBani	d.	
3.	Harinder	Jasbir Singh	Sargodha		
4.	Pooja	Arjan Dev	DeerBani	Advocate	