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The most we can get out of life is its discipline for ourselves and its usefulness for others.

— Tryon Edwards



Our distinctions do not lie in the places we occupy but in the grace and dignity with which we fill them.

— William Gilmore Simms

Attested to be *J. W. C. Kay*  
*[Signature]*  
Gen. Sec.  
Dist. Bar Association  
MOGA

**CONSTITUTION  
RULES  
MEMBER'S DIRECTORY**

**BAR ASSOCIATION  
MOGA-142001**

## Rules Of The Bar Association Moga

- 1 The Association shall be called the Bar Association Moga, hereinafter called "Association."
- i) These rules come into force on the 8-10-1988.

### MEMBERSHIP AND SUBSCRIPTION:

- 2 Every advocate and pleader practising at Moga who is already on the rolls of Association shall be deemed to have been duly admitted as member of this Association.
- 3 i) Every candidate for membership shall apply in writing to the Secretary of Association and such application shall be proposed by at least one member of this Association and seconded by another accompanied by the photostat copy of the licence from the Bar Council with a deposit of Rs. 200/- as admission fee together with six months subscription.
- ii) The Secretary shall on deposit of written application by a candidate for membership put it up to the President as soon as practicable but not later than a week from the date of deposit of admission fee. In case for reasons to be recorded, the President refused to admit, the Secretary shall put it up to the executive committee within a week of the objection.

iii) An applicant shall be deemed to have been admitted as a member of this Association if 2/3rd of the members of Executive Committee present and voting so decide.

iv) If an applicant has been duly admitted as a member of this association, the fact shall be notified to the applicant without delay. In case the applicant is not admitted, the Secretary shall put the matter to the general body of Association within a week. The candidate shall be deemed to have been admitted as a member of this association if 2/3rd of the members of the general body present and voting so decide.

#### 4. Qualification :-

An applicant to qualify for admission as members of this association.

i) Must hold a licence from any Bar Council in India, be a member of Bar Council of Punjab and should not have been disqualified as such.

#### 5. Monthly Subscriptions :-

a) Every member of the association shall pay monthly subscription of Rs. 5/- or such amount as may from time to time be so fixed in advance by the Executive committee. Members may pay Rs. 50/- for the whole year before the 31st of January.

b) Every member shall pay the monthly subscription for the first six months before 31st of January and for the next six months before 31st of July. A sum of Rs. 2/- per month shall over and above the monthly subscription be charged per month if the subscription is not paid on or before the above said dates.

c) The Association may accept donations.

6 The monthly subscription shall be payable in advance. Any member from whom six or more than six month's subscription is at any time due shall for the purpose of these rules be deemed to be in arrears and such member shall be duly notified by the Secretary.

a) Any member who fails to pay the subscription for a continuous period of two years shall cease to be a member of this bar.

b) Any member who has started practising at any other place other than Moga shall cease to be a member of this bar. Provided any member practising at Moga and a member of any other bar will not attract this rule.

#### Executive Committee :-

7 i) There shall be an Executive Committee of the Association consisting of a President, a Vice president

a Secretary a Joint Secretary and a Finance Secretary and two members of the Association co-opted by the office bearers.

ii) The Executive Committee shall be elected annually by the General body of the Association and shall be hold office until the next election which shall be held on 14th November every year provided however that the Executive Committee now functioning shall be deemed to be a duly elected Executive Committee.

iii) Should office of any member or members of the Executive Committee fall vacant during the course of the year of normal term his or their place shall be filled up by election :

(i) On vacancy of the office of President the Vice President shall act for him and

(ii) On vacancy of any other office of the Executive Committee, a temporary arrangement may be made by the Executive Committee till such time as such office bearer is duly elected by the General body. However there shall be no election of the President in case a vacancy occurs in the last quarter of the term of the Committee.

#### **DATE OF ELECTION OF EXECUTIVE COMMITTEE :**

8 Election of the office holders of the Executive

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Committee shall be held every year on 14th November or on such other date and at such hours as may be so fixed by the Association at a general meeting but not later than 30th November.

9 In case the Executive Committee or its office holders fail to hold election as provided in rule 8, the office holders shall cease to hold office on the 30th of Nov. every year. In such an eventuality, the general body of the Association shall meet in the Bar room in first week of December at 1 PM and elect an Administrator by a simple majority of the members present and voting. Such a meeting shall be presided over by a member of the Association whose name comes first alphabetically in English. Such election Administrator shall have powers :

a) To take charge of the Association from outgoing Executive Committee.

b) To carry on the affairs of the Association till election of the new Executive Committee.

c) To hold election of the New Executive Committee on or before 1st January of coming year. He shall follow the provisions for election (as far as applicable) provided in these rules.

### **SLECTION PROCEDURE :**

- 10 A Returning officer shall be elected by the General Body of the Association at a meeting by simple majority as also by majority of members present and voting such meeting shall be held on working day in the month of October year at least one month prior to the election.
- 11 The Returning Officer shall not be eligible to be elected as member of the Executive Committee.
- 12 The Returning Officer so elected shall assume his office on his election which shall be notified by the Secretary on the main notice board of the Association within 2 days of his election. He shall have free access to the records of the Association.
- 13 Twelve days before the date fixed for election the Secretary of the Association shall publish on the main notice board of the Bar room a provisional list of the members of the Association who are eligible for vote. The list shall also specify the name of the Returning Officer who will deal with claims and objections under rule 16.
- 14 No person shall be eligible to vote who is in arrear of subscription as per rule 6.

- 45 Claims for inclusion in and objections for exclusion from list shall be filed within 2 days and shall be disposed of by the returning officer after hearing persons concerned.
- 16 At least a week before the date fixed for election, returning officer shall publish on the main notice board of the bar room a final list of the members of the Association as are entitled to vote.
- 17 The final list published under rule 17 will be conclusive unless the omission is accidental or an error is clerical.
- 18 The Returning officer alongwith the publication of the final list vide rule 17 by General notice published as aforesaid on the main notice board require eligible voters to nominate in writing separately, office wise, a member of the Executive Committee within 3 days of the requisition on prescribed nomination form provided that the member to be nominated must be an eligible voter.
- 11 Every nomination shall be duly proposed by at least one member of the Association and second by another (who are entitled to vote) and accepted in writing by the candidate and the nomination paper

shall be handed over to the Returning Officer or such other person as may be authorised by Returning Officer received such papers, provided that no member shall be entitled to file more than one nomination paper or for more than one office.

a) Any office bearer elected two terms continuously can not be a candidate for the same office in the next election. However, there shall be no such bar if the members of the Association agree to nominate them unanimously for that year.

20 Nomination fee for office of President shall be Rs. 250/-, the office of Vice President and Secretary Rs. 160/- each, for the office of Joint Secretary and Finance Secretary Rs. 100/- each. The nomination fee is not refundable in any case after the date of withdrawal of the nomination. The nomination fee will be refundable to the candidates who withdraw from the election before the date fixed for the purpose.

21 The Returning Officer shall thereafter within 24 hours notify in writing on the main notice board the names of duly nominated members for election to the Executive committee. Withdrawals and objection on nomination papers can be made within two days from

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the last date of filing the nomination papers. Objections shall not be entertained after that. Objections will be decided by the Returning Officer within 24 hours from the day of withdrawal. The decision of Returning Officer on the objections shall be final and binding on all the Bar members. The final list of the nominated members shall be published on the notice board by the Returning Officer within 24 hours after the withdrawal and decision of the objections, if any.

2 There shall be no election of the members of the Executive Committee if the number of members so notified as duly nominated under rule 22 is equal to the number of office holders of Executive Committee to be elected. The numbers so nominated shall be deemed to have been elected to respective offices

3 On the date fixed under rule 9 or any subsequent date to which the annual election of Executive Committee is adjourned by Returning Officer, the eligible voters shall proceed to elect the members of the Executive Committee.

a) If the number of persons notified as duly nominated under rule 22 exceeds the number of persons to be elected or

b) If the number of persons notified as candidates nominated under rule 22 and deemed elected under rule 23 is less than the number of the persons to be elected. The election shall be held to elect number(s) to the extent of making up the number in addition to those elected under rule 21.

24 The Returning Officer will preside on the election meeting.

25 Voting in the election will be by secret ballot.

26 The election shall be direct. Each eligible voter shall have a right to a single non-transferable vote.

**Meetings :-**

27 The annual general meeting of the Association shall be held on the 1st day of nominations for the office-bearers and members of the Executive Committee. No quorum shall be required for this meeting. The Agenda shall be :-

a) The passing of the accounts and the balance-sheet

b) The report of the Secretary shall be read and any other business which may be placed on the agenda shall be transacted.

28 An ordinary General meeting of the Association may be called at any time by the Secretary for the disposal of any business.

29 An extra-ordinary meeting of the association shall be called by the Secretary forthwith on the requisition of the President. Such a meeting shall also be called by the Secretary if he receives a requisition to that effect duly signed by at least 25 members of the Association within 48 hours of the receipt of such requisition. The signatories will write their names in block letters. In case the Secretary failed to call such a meeting duly requisitioned as above, the requisitionist shall have the right to call the meeting after a clear seven days notice.

30 An emergent meeting of the Association may be called by the Secretary at any time on the orders of the President to that effect in writing.

a) The President or in his absence the Vice President shall take the chair at the general meeting. In the absence of the above two, the members present shall choose any one of them to act as Chairman of the meeting.

b) Every member shall have one vote on every motion

made at any general meeting and all motions shall be case of a division be determined by majority of votes provided that no resolution relating to variation or additions or cancellation of any of these rules or relating to the conduct or character of a member shall be deemed to be carried unless not less than three fourth of the members present shall vote for the same. In case of a division where votes for and against are equal the Chairman shall have a casting vote.

c) One fourth of the members on the rolls of the Association shall constitute a quorum in a general meeting and for an adjourned meeting no quorum shall be necessary.

31 Where any general meeting convened for any purpose has to be adjourned for lack of quorum an adjourned general meeting may be called by the Secretary after two clear days or with the permission of the President or in his absence with the permission of the Vice President may be convened even earlier.

32 The Secretary shall record the minutes of the proceedings in the meetings and place the same on the notice board as early as possible. The minutes shall be signed by the Secretary and approved by the Chairman of the meeting.

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33 The Chairman of every general meeting shall have full authority to regulate the proceedings and maintain order there in such a manner as to him may deem fit to the extent of expelling any rowdy members from the meeting.

#### **No Confidence and Resignations :**

34 Notice of 'No Confidence' against an office bearers shall be considered only at an extra-ordinary general meeting, specially convened for the purpose, on the receipt of a requisition signed by the majority of the members on the rolls of the Association and if a motion is carried by 2/3rd majority of the members, the office-bearers concerned shall vacate the office and for the remaining term a new office-bearer may be duly elected in his place.

a) The President may resign his office by a writing under his hand to the Vice President and any other office-bearer may resign his office by writing under his hand addressed to the President.

#### **Acts of Indiscipline :**

35 When any member flouts the authority of the chairman, does not otherwise keep order in the meeting, the chairman may call his name and refer the

matter to the Executive Committee within two days. The committee may take such action as it deems proper to the extent of removing a member from the rolls of the Association notwithstanding anything contained in any other rule.

36 Willful breach of the rules, tampering with, destroying or pilfering the property of the Association, to abuse to use force, to hurt and to misuse the premises of the Association shall be considered acts of indiscipline. The 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 the Bar Council and the High Court of the State.

37 Appeal against the decision of the Executive Committee under rules 35 and 36 shall lie to the General House within 30 days. The memorandum of appeal shall be filed with the Secretary who shall convene a general meeting of the Association for this purpose within 15 days.

#### **Working of Executive Committee :**

38 The affairs of the Association shall subject to these

rules and general control of the members in general meeting be managed by so Executive Committee ( hereinafter referred to as committee ) consisting of President, Vice President, Secretary, Joint Secretary, Finance Secretary, and all the Executive members.

39 Four members constitute quorum at the meeting of the committee. Each member shall have one vote and the decision of the majority shall be deemed to be the decision of the committee. In case of equal division of votes, the Chairman of the meeting shall have casting votes.

a) The President or on his absence, the Vice-President shall take the chair at all meetings. In the absence of the above two, the members present shall choose any one of them to act as Chairman of the meeting.

40 The committee may from time to time make subsidiary rules consistent with these rules for the regulation of its proceedings and the proceedings of all or any sub-committee appointed by it as well as for conducting the business of all the office holders of the Association and for regulating the duties of all or any of the servants of the Association and the manner in which the property, accounts and records

of the Association are to be kept and from time to time vary add to or cancel any rule so made.

41 The committee shall in addition to all other powers provided for it in these rules, subject to the general control of the members in the general meetings have the following powers to :

a) Maintain such establishment of clerks and servants for the Association as to them may deem fit.

b) Appoint, suspend or dismiss from their appointments any clerk or servants.

c) Determine and regulate the remuneration, duties and conditions of service of all such clerks or servants.

d) Spend any amount for the Association as they may deem fit.

41 The committee may on any occasion appoint a sub-committee for the disposal of any kind of business and may regulate the manner in which any such sub-committee shall discharge its functions.

43 Any such committee so appointed shall submit its proceedings and report to the committee and the decision of the latter shall be final subject to the control of the members at general meetings.

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14 The committee shall have full control over the finance of the Association subject to the control of the members in general meetings and subject to other provisions contained in these rules.

15 The committee shall ordinarily must not less than once a month except in the month of vacation for the despatch of business and such meetings shall be called by Secretary himself or on the requisition of any two members of the committee. The minutes of two proceedings at such meetings of the committee shall be recorded by the Secretary and displayed on the notice board by him and approved by the chairman of the meeting.

**Secretary Joint Secretary and Finance Secretary :**

16 The Secretary of the Association shall be the custodian of the furniture, books, stationary and all other properties other than the monies and securities of the Association.

17 The Secretary shall conduct all the correspondence relating to special matters under the general supervision of the President and the Control of the committee but in all other matters the Secretary shall regulate the entire correspondence in his discretion and shall issue such notices as may be necessary.

48 The Secretary shall maintain correctly and regularly the following registers :-

- i) A register of the furnitures and other property of the Association, its value, description etc.
- ii) A minute book of the proceedings of general meeting and another minute book of proceedings of the committee and of all sub committees thereof
- iii) A letter book containing copies of letters issued and a separate letter book of all the letters received
- iv) A register of the books in the library showing value of each book.
- v) A subscription book.
- vi) A book for the Agenda of the meeting of the Association.
- vii) A peon book.
- viii) Requisition and suggestion book.
- ix) A complaint book.

49 The Secretary is allowed to spend amounts for establishment charges without the previous sanction of the committee.

50 The clerks and servants of the Association shall be under the immediate supervision of the Secretary.

51 The Joint Secretary shall act as Secretary in the absence of or removal of latter.

52 The library and its establishment shall be under the immediate supervision of Joint Secretary and the committee.

53 The Finance Secretary shall be the custodian of all monies and securities of the Association and all sums use to the Association shall be payable to and recoverable by him. Any money realised or received by the Secretary shall forthwith be made over by him to the Finance Secretary.

54 The Finance Secretary shall keep the money of the Association in such bank and such manner as the committee may from time to time direct and shall bring all monies received into account immediately of the receipt thereof and he shall maintain cash book of the income and expenditure.

55 The Finance Secretary shall grant receipts for all payments and shall be responsible that book no. 5 mentioned in rule 49 is properly kept.

56 The Finance Secretary shall make a permanent advance of Rs. 150/- to the Secretary to meet contin-

gent current expenditures and all bills shall be passed by the Secretary before their payment is made by the Finance Secretary and latter shall get receipts of all the payments made by him and place them on record.

- 57 All receipts of whatever description shall be forthwith paid into the bank and monies shall be drawn there from only by means of cheques issued by Finance Secretary.
- 58 The Finance Secretary shall submit a quarterly report of the accounts to the committee.
- 59 It shall be the duty of the Secretary to see to general management of the property, affairs and staff of the Association and whenever necessary he shall make a report to the committee for proper action.
- 60 The accounts of the Association shall be audited at least once a year by an auditor appointed by the committee from amongst the members of the Association and such auditor shall examine the entire accounts and shall have access to all vouchers etc.
- 61 The auditor shall submit his report to the Secretary who shall lay it before the house in a General meeting.
- 62 Employment of Clerks and Munshies.

i) That whenever any clerk is dismissed by any lawyer on the ground of professional misconduct or any other similar ground, such lawyer shall be bound to make a report of the same to the Secretary of the Association whereof the committee shall take such steps as it may deem proper under the circumstances.

ii) If any member refuses to grant the requisite certificate to his outgoing clerk arbitratly or without any good cause the aggrieved clerk shall have a right to make complaint about this fact to the Secretary by an.

Application in writing :

ii) The Secretary shall place the application before the committee and the decision of the committee shall be final subject to the approval in an appeal under rule 77 if any in the general meeting.

3 Every member shall in the month of January in each year furnish to the Secretary a list of all persons then in his employment as clerks or Munshies and all changes of the kind during the year shall be reported to the Secretary within seven days of their occurence.

4 No member shall remunerate his clerk or any person employed by him as clerk otherwise than a monthly salary and Munshies not exceeding 10% of the fee.

65 No person employed as a clerk or Munshi of lawyer shall have any communication with the opposite party or remove any paper from the office of his master or delivers these to any person without the master's express permission or knowledge, consent of assistant any client in engaging any other legal practitioner or misbehave with his master or any member of Association.

66 Any person committing breach of rule 65 shall be declared to be unfit for employment by the committee and thereafter no member shall engage any such person in his employment.

#### **PROFESSIONAL CONDUCT OF THE MEMBERS :**

67 No member shall receive any brief or otherwise take any case from or through any person whom he knows or believed to be dalal or tout or whose name is entered in the list of any court as being tout or on the list of touts kept by the committee through practising petition writer or a typist.

68 No member of the Association shall undertake any professional work including the offering of any opinion or writing a notice without charging the minimum fee as laid down by the committee from time to time.

69 No member shall appear conduct or act on behalf of his client in any of the following cases unless another counsel of standing less than 10 years has been engaged by his client.

- i) All cases triable by the court of Sessions.
- ii) Money suits of the value of Rs. 5000/- or upward.
- iii) Unclassed suit of the value of Rs. 1000/- or upward.
- iv) Land suit of the value of Rs. 2000/- or upward.

In case of default the member concerned shall be liable to pay Rs. 100/- to the Association for each case. This amount shall be recoverable as arrears of subscription.

i) However in case of any clash with the rules framed by Bar council of Punjab and Haryana on this behalf the rules of Bar council shall prevail.

70 Whenever any member feels that he has been insulted or rudely treated by any Presiding Officer of a court or any other officer of the court he shall report the matter to the Secretary with two extra copies of the complaint to such an officer for his explanation if any within 3 days. The secretary shall then call an emergent general meeting within 3 days of the

receipt of the explanation if any for necessary action. He shall submit alongwith the complaint a reply of such an officer to the general meeting. The Secretary may otherwise place the matter before the committee for an appropriate action.

71 The committee shall have powers either upon complaint of its own motion to enquire into the conduct of any member, his agent, clerk or munshi so far as such conduct relate to any breach or supposed breach of these rules or to the professional character or conduct of any member and for the purpose of any such enquiry may do all acts and things which may be necessary or expedient to enable the committee to render such enquiry effective provided that it shall give a fair opportunity to the member, agent, munshi or clerk concerned to place his case before the committee prior to its decision thereon.

72 Any member whose name has been removed from the rolls of the association under any of these rules shall cease to be a member of the association from such date and shall forfeit all donations and subscription paid to the Association and shall be liable for all arrears due to the Association or any other liability incurred under these rules.

73 Any member leaving practice or the station or who for any other reason ceases to be a member shall at all times be liable to pay the arrears due to the Association or any other liability under these rules and can be used against in a court of law by the Secretary on behalf of the Association of recovery of such amounts.

74 An appeal shall lie to the General house from any member or his employer and every such appeal shall be in a writing signed by such member and delivered to the Secretary within 30 days of the knowledge or intimation of such order or decisions.

75 The Secretary shall within 30 days of the filing of appeal can call an emergent meeting for the purpose of disposing off such appeal within one month from the date of the appeal unless the appellant agrees to or desires a longer date and the decision in such a meeting shall be final.

76 These rules shall not be varied, added or cancelled otherwise than by a special resolution passed in a General meeting in the manners prescribed here to force.

77 The committee may make rules generally to carry out the activities of the association and in particular for the following—

i)— Library,      ii)— Establishment,      iii)— Canteen,  
iv)— Maintenance of accounts,      v)—Maintenance  
of property.

provided that such rules shall be subject to confirmation by the general body in a general meeting.

78 Member alone can attain copies of the application, proceedings of the meeting, decision and orders of the committee and all other proceeding rules duly attested by the Secretary at a cost of Rs. 10/- per copy of any document or order etc.

*Attested to be true copy*

*SP Sidhu*  
Gen. Secy

Dist. Bar Association  
Moga