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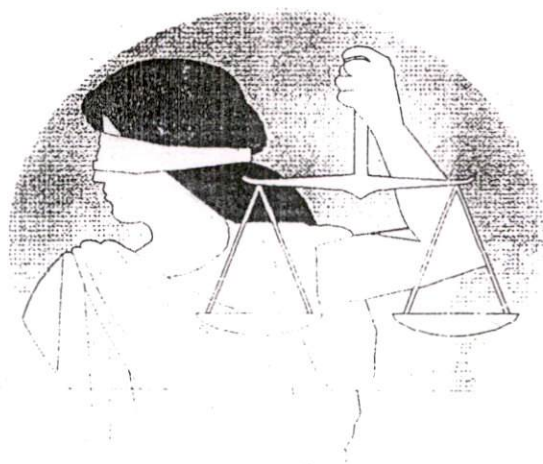
ANNEXURE - C 10

~~ADVOCATE~~

ADVOCATE

14, DISEASE CONTROL, MUKTSAR.

THE CONSTITUTION
OF
THE DISTRICT BAR ASSOCIATION
MUKTSAR
1968



14/8/70

FORWARD

It is a matter of great pleasure to us that in bringing out the present constitution. Its framers have modernized the approach to the subject and have brought it in the line with standard text on any "Constitution of Bar Association". We are happy to pay our tribute to the present work.

Muktsar

Dina Nath Sharma P.C.S.,
Hardyal Singh P.C.S.,
Sub Judges Muktsar

We are really very grateful to Sarvshri Dina Nath Sharam and Hardyal Singh, Sub Judges, Muktsar who have devoted much of their valuable time and have taken great pains in going through the present constitution and providing an ever inspiring forward.

Muktsar

Members of the
Muktsar Bar Association

WE THE PRACTICING ADVOCATES AND PLEADERS

AT MUKTSAR

HAVING SOLEMNLY RESOLVED

TO CONSTITUTE

District MUKTSAR BAR ASSOCIATION MUKTSAR

IN ORDER TO SECURE TO ALL ITS MEMBERS

FRATERNITY ASSURING THE DIGNITY

OF THE INDIVIDUAL MEMBER AND

UNITY OF THE ASSOCIATION

EQUALITY OF STATUS AND OPPORTUNITY

LIBERTY OF THOUGHT, EXPRESSION, BELIEF

AND PROFESSION,

IN OUR CONSTITUENT BODY, THIS 15TH DAY OF JUNE, 1968

DO HEREBY ADOPT, ENACT AND GIVE TO OURSELVES

THIS CONSTITUTION

THE CONSTITUTION
OF
THE MUKTSAR BAR ASSOCIATION
MUKTSAR

Title 1 This Association shall be called the **Muktsar Bar Association**"
District

MEMBERSHIP

Member Ship 2 Every legal practitioner practising at Muktsar shall be a member of the Association, subject to the provisions of this constitution.

3 Every practising lawyer at Muktsar, whose name appears in Annexure 'A', shall be deemed to have been duly admitted as a member of the Association.

Admission of New 4 A legal Practitioner who desires to become a member of the Members Association shall, on depositing the admission fee, hereinafter prescribed, with treasurer against receipt, be proposed by one member of the Association and seconded by an other. The proposal shall be in writing in the form of Annexure 'B' addressed to the Secretary and shall be signed by the proposer and the seconder

- (i) Secretary, on receipt of the written proposal will enter the proposal in the register, giving the names of the proposer and the seconder and shall call a meeting of the Executive Committee to consider the admission of the applicant as early as may be convenient, but not late than 15 days from the date of deposit of admission fee by the applicant.
- (ii) A member shall be deemed to have been admitted as a member of the Association by the Executive Committee if 2/3rd of its members present and voting so decide.
- (iii) If the applicant is duly admitted his admission shall be notified to him and to the Treasurer by the Secretary without delay and the member admitted shall be requested to pay his subscription for the current month. If the candidate is not admitted the deposit of the admission fee shall forthwith be returned to him by the Treasurer on the advice of the Secretary.
- (iv) It will lawful for Executive Committee of the Association to re-admit any Ex-member on a sufficient cause without charging new admission fee in whole or in part, provided that no member shall be

readmitted as member by the Executive Committee whose expulsion was confirmed by general body of the Association or who was expelled by the General Body of the Association.

Qualification

- 5 An applicant shall qualify for admission if he is a member of the Bar Council of the Punjab provided.

(a) That he has not been disqualified by the Bar Council of Punjab.

(b) That he has not been disqualified, suspended or expelled by any Bar Association in India.

ADMISSION FEE AND SUBSCRIPTION :-

Rs. 1500

Admission fee and Subscription

- 6 The admission fee shall be Rs. 100/- and every new admission shall be notified to the members.

50.00

- 7 Every member shall pay Rs. 20.00 per month as subscription.

- 8 Subscription is payable within the month for which it is due. Every member paying this subscription upto the tenth of the month for which it is due, will be entitled to a rebate of Rs. 5.00 provide that there are no arrears against him.

- 9 The rates of admission or subscription or both can be altered by a resolution passed by not less than one half of the members of the Association at a meeting of general body.

500.00

up to April 30

- 10 Any member who pays Rs. 200.00 upto tenth of month next to in which the election is held shall be deemed to have paid the subscription for the whole year.

500.00

Every new member shall pay Rs. 200.00 in lump sum the subscription for the year in which is admitted as the member of Bar Association continuously for six months shall be considered to have relinquish the membership of the Bar. His name shall be deleted from the register kept for record of members of the Bar, at the expiry of six months and this will be notified to the members of the bar. If such a member seeks re-admission he shall have to pay prescribed admission fees alongwith arrears.

- 11 A register shall be kept as record of members of the Bar. The president or Secretary shall issue an experience Certificate of any member strictly according to this record

PROPERTY OF THE ASSOCIATION

- Right to property 12 Any member who by reason of any cause including resignation or expulsion or other disqualification referred in these Articles ceases to be a member of the Bar Association, shall forfeit all claims to or interest in the property of the Association.

MANAGEMENT

- Executive Committee 13 The affairs of Association shall be managed by an Executive Committee consisting of a President, Vice President, Secretary, Joint Secretary and Treasurer, and two ordinary member constitution-opted by the Office bearers. The Executive Committee shall be elected at General Annual meeting. It shall hold office until the next election, should office of any member of the Executive Committee fall vacant during the course of the year. His or their place shall be filled up by election from the general body of such members of the Association who are eligible to vote at the general election.
- Yearly Report 14 The Secretary shall, two weeks before the election of the Executive Committee, call a general meeting of the Association at which the Executive Committee shall present a Report on the work, accounts, assets and property of the Association of the past year with a special note as regards to the addition if any, of books, law reports, periodical and the like made to the Library.
- Date of Election 15 Election of the members of the Executive Committee and its office bearers shall be hold on the 15th April annually or on such other date and at such hour as may be so fixed by the Bar Association at a General meeting, but not later that 30th April.
- Administrator and his election 16 In case the President or the Secretary or Executive Committee fails to hold election as provided in Article 15, the office bearers shall cease to held office on the 30th April every year. In such eventuality general body of the Association shall meet in the Bar Room at 3 P.M. on the first working day of May and elect an Administrator by simple majority of the members present and voting by show of hands, such a meeting shall be presided over by a member of the Association whose name comes first Alphabetically in English. 'Sir name' shall not be taken into account for this purpose, such an elected Administrator shall have the powers.

- (i) To take charge of the Association from out going office bearers of the Executive Committee
- (ii) To carry on the affairs of the Association till the election of new office bearers
- (iii) To hold election of the above said office bearers of the Executive Committee on or before 1st of June of that year. He shall follow the procedure for holding election provided in these Articles.

ELECTION OF RETURNING OFFICER

- | | | |
|-----------------------------|----|---|
| Returning Officer | 17 | A Returning Officer shall be elected by the General body of the Association at a meeting by show of hands by simple majority as also by majority of members present and voting. Such meeting shall be held on the first working day <u>on</u> the month of Feb annually |
| | 18 | The Returning Officer shall not be eligible to be elected as member of the Executive Committee and shall <u>not</u> be entitled to vote in the election of the Executive Committee or office bearers |
| | 19 | The Returning Officer so elected shall assume his office on his election which shall be notified by the Secretary with in 2 days of his election. He shall have free access to the Association. |
| Member of Election | 20 | Twelve days before the date fixed for election, the Secretary of the Bar Association shall publish in 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 Article 22, |
| Disqualification for voting | 21 | No member shall be eligible to vote, who is not a member by the end of ^{October} December or from whom subscription for any month prior to the month in which the provisional list is published is due. |
| Claims & Objections | 22 | Claims for inclusion in and objection for exclusion from the list shall be fixed with in 2 days and shall be disposed of by the Returning Officer after hearing the claimant and the members objected to as the case may be. |
| Final List | 23 | A week before the date fixed for election Returning Officer shall publish in the Bar Room a final list of the members of the Association as are entitled to vote. |

Final list conclusive 24 The list published under Article 23 shall be conclusive as to the right of the member included therein to vote and no member whose name is not entered in the list shall be eligible to vote or to take part in the election to be nominated as a member of the Executive Committee unless the omission is accidental or a clerical error

25 The Returning Officer shall, along with the publication of the final list under Article 23, by general notice published in Bar room require the members included in the list to nominate in writing the member of the Executive Committee within 3 days on the prescribed nomination form in Annexure 'C' which shall be supplied by the R O

Nomination Paper 26 Every nomination paper shall be duly proposed and seconded by a member entitled to vote and accepted in writing by the candidate and the nomination paper shall be handed over to the R O or such other person as may be authorized. No member shall be entitled to file more than one nomination paper

27 The R O Shall thereafter within 48 hours notify in writing in the Bar room, the names of the candidates duly nominated for election to the Executive committee. During this period the nomination can be withdrawn.

28 No members whose name is not so notified, shall be eligible for election as a member of the Executive Committee unless the commission is accidental or clerical error.

29 There shall be no election of members of the Executive Committee if the number of members so notified as duly nominated under Article 27 is equal to the number of members of the Executive Committee to be elected. The member so nominated shall be deemed to have been elected.

30 On the date fixed under Article 15 or any subsequent date to which the annual election of the members of the Executive committee is adjourned by the R.O. or in his absence by any person authorised by him in Writing, the member shall proceed to elect the member of Executive Committee and the election shall be by secret ballot
(a)if the number of persons notified as duly nominated members under Article 27 exceeds the number of persons to be elected or
(b)if the number the persons notified under Article 27 as duly nominated and elected under article 29 is less than the number of

persons to be elected the election shall be held to elect members to the extent of making up the number in addition to those already elected under Article 29

- 31 The election shall be direct. Each member shall have a right to a single non-transferable vote

QUORUM

- 32 Four members present at the meeting of the Executive committee shall form a quorum
- 33 At all general and special meeting of the Bar Association not less than 1/5 of the total members shall form a quorum provided that if any such meeting has once been adjourned for want of quorum, for the adjourned meeting which will transact only business of the meeting so adjourned there shall be no restriction of the quorum for a meeting of the association to consider the conduct of any members under article 30 the quorum shall never be less than 1/3 of the members even if it be an adjourned meeting for want of quorum.
- 34 A meeting adjourned otherwise than for want of quorum shall conform to the provision for quorum to the provisions for quorum

MEETINGS

- 35 All the meetings of the Executive Committee and of the Association shall be presided by the President and in his absence by the vice president.

In the absence of both, a chairman shall be elected from amongst the members, present at the meeting by show of hands for the business of that meeting.

- 36 Except as expressly or otherwise provided else where in these Articles, all questions shall be decided by the majority of votes of members present at the meeting and in case of equality of votes the chairman of the meeting shall have a casting vote
- 37 It shall be lawful for President or the Secretary to call a general meeting of the Association whenever he thinks it desirable to do so, after giving two clear day's previous notice to the members present in the station except in cases when business of purely formal nature is to be immediately transacted, and in that cases a shorter notice to the

members present in the compound of the court shall be sufficient and such notice may be put upon the notice board in the Bar Room Provided that the business shall not be deemed to be of a formal nature if one-fourth of the members present object to its being of a formal nature. The matter to be considered at such meeting shall always be specified in the notice issued

- 39 The Executive Committee may direct or any three members of the Association may require the Secretary to call a special meeting shall be definitely specified in the direction or the requisition. A notice of such special meeting shall be given at least three clear days before the day of the meeting and shall specify the matter or matters to be discussed. The Secretary shall call such a meeting on his failure to do so the requisitioning members shall be competent to summon such meeting by circulating notice to the members of association

Communication

- 40 All communications between the committee and members of Association and vice versa and all other communication on behalf of the Association and in his through the Secretary of the Association and in his absence through the joint Secretary

CONDUCT OF MEMBERS

Publicity

- 41 No publicity shall be given by any member to any private conversation which may take place in the rooms occupied by the Association

Strangers

- 42 No strangers shall be allowed admittance into the rooms occupied by the Association except on business.

PROCEEDINGS

Minutes of Meetings

- 43 Minutes of the proceeding of the meetings of the Executive Committee and of the general and special meetings of the Association and also all other records in possession of the Association shall be open to inspection at all convenient hours to its members

REGISTERS OF ASSOCIATION

- 44 The Association shall maintain the following registers
- 1 Register for books
 - 2 Registers of other property of the Association
 - 3 Cash Book.
 - 4 Ledger

- 5 Minutes book of the proceeding of the general and special meetings
- 6 Minute book of the Executive Committee
- 7 Letter book
- 8 Subscription book
- 9 Register of qualified clerks
- 10 Register of books taken out of the Library
- 11 Suggestion book and an order book
- 12 Register of members

Executive Committee may from time to time direct to be maintained

BOOKS ETC.

- 45 It shall be the duty of the Secretary to see that the books and the property of the Association are properly cared for and shall report from time to time to the Executive Committee What books and other things are required for the purposes of the Association and after the sanction of the Executive Committee or in urgent cases in anticipation of such sanction, he may with the approval of the President or in his absence with that of Vice President, purchase the same.

LIBRARY

- 46 The Secretary shall under the direction of the Executive Committee make and from time to time, revise the list of all such books, periodicals and newspapers belonging to the Association as are not to be taken out of the Library
- 47 Every member of the Association can with & draw any book, periodical or news paper after giving a receipt to the librarian or the secretary as the case may be.

Returns of Book

All the books taken from the library shall be returned within 7 days or earlier, if notice is given by the Secretary, that they are so required. Any member failing to return the books, shall be liable to pay a penalty of 10 paise per day for every volume so detained without sufficient cause after notice has been given to him to return it, provided that in no case shall the penalty exceed double the value of the books detained and further this rule shall not be member subject to penalty under this rule shall not be permitted to take out of the Library or otherwise use the library until every such volume is returned and the penalty is paid or a sufficient cause is shown to the Executive Committee for its remission.

- 48 Any members who may lose, destroy or otherwise damage any book periodical belonging to the Association shall be liable to a penalty which may extend to the cost of replacing the same.

Complaints &
Suggestions

- 49 Members may enter any suggestion or complaints in the suggestion book which shall be kept for that purpose in the library and the Secretary shall take necessary action upon such suggestion and complaints.

PROFESSIONAL MISCONDUCT

Professional
Misconduct

- 50 1) All questions affecting professional conduct of any member towards the Bar Association or toward any member or member of the Association shall be dealt with -

- i) In case of complaint against a member or members of the Association by the Executive Committee
- ii) In case of complaint against Executive Committee by an Action Committee consisting of three members to be elected for the purpose at a general meeting of the Association

The members of the Executive Committee other than those complained against shall also be eligible to the Action Committee. Provide that the Executive Committee or the Action Committee the case may be shall not take any action in the matter except after reason able notice to the parties concerned

Notice of
Complaint

- 2) Every notice under this Article shall be either delivered personally or sent by registered letter addressed to the members ordinary place of business and shall contain sufficient particulars of the charge against the member proceeded against to enable him to prepare his defence.

Punishment

- 3) The Executive Committee or the Action Committee as the case may be shall have full power to enquire into the matter and, if necessary to take action in one or more of the following ways -

- i) By calling upon the member to comply with the order of the Executive Committee or the Association, or
- ii) By censure or
- iii) By compelling the members to offer a suitable apology Or
- iv) By asking the member to resign from membership of the Association or
- v) By expelling him from the same

Provided that resolution calling for resignation or expelling a member from the Association shall be subject to on formation by the Association at its special meeting to be called for the purpose.

Privilege	4) All Communication made to the Executive Committee of the Action Committee under this Article shall be deemed to be privileged
Complaints by Clients	51 1) In case of complaint by clients against members of the Bar Association, The President or any person authorised in writing by President may enquire into the matter after giving reasonable notice to the complainant does not relate to the professional dealing between a member of the Association and complainant, the President shall refuse to take any action
Complaints Against or by clerks of Advocates & Public	2) On a complaint against a recognized clerk by member of the Association or the litigant public as well as any complaint by a clerk against a member relating to his pay or refusal to issue a certificate of discharge from service, the President or the person appointed in writing by him may enquire into the complaint and submit to report to the Executive Committee who may take any suitable action against the clerk or the member concerned and impose any penalty consistent with article 50 upon the member and by striking off the name of clerk from the roll of clerks and he shall then be debarred from being engaged by any member and result shall be communicated to the sub Judge Muktsar, who may refer it to the District Judge, Muktsar.
Result to be conveyed to Distt. Judge	52 1) Compulsory resignation or expulsion from membership under Article 51 shall carry with it forfeiture all rights to or interest in, the property belonging to the Association and of all privileges appertaining there to.
Intimation to state Bar Council	2) It shall be the duty of the Secretary to send an intimation to the State Bar Council about the resignation of such member or his expulsion from the Bar Association.
Prohibition of Toutism	53. No member shall employ any tout for the procreation of or for the employment of himself into an illegal business and no member shall accept a case through a tout
Clerk of Advocates	54 No members shall employ any person as a clerk until he fulfills the Qualifications pacified in the High Court Rules and Order and instruction issued from time to time
	55 No clerk or Agent of any member of Association shall be allowed to hold any kind of communication directly or indirectly with any person who is a declared tout for purpose of securing professional employment for his master nor shall suffer any such person to enter or remain on his

masters premises with out bringing it to his notice

- 56 Any infringement of Article 53 to 55 may be dealt with as professional misconduct with in the meaning Article 50

CONDUCT OF CLERK

- 57 No clerk Agent of any member of the Association shall without his master's express knowledge or consent assist any client engaging another counsel. Infringement of this Article or Article 55 shall render his name liable to be removed from the list of clerks on a reference by Sub Judge Muktsar to District Judge Muktsar

APPEALES

- 58 An appeal from an order of decision of the Executive Committee made under the provisions of the Constitution shall lie to the general body of the Association and shall be filed with the secretary within thirty days from the date of the order appealed against. The Secretary shall with in 10 days of the receipt of such appeal convene general body of the members of the Bar Association. The appeal shall be heard and decided by the General body by majority decision. The decision of the Association shall be conclusive and final.

Jurisdiction of Civil
Court

- 59 No civil court shall have jurisdiction to entertain and adjudicate upon any matter governed by this constitution.

FUNDS AND BUDGET

- 60 The funds of the Association shall be deposited with a chartered Bank or a post office approved by the Executive Committee in the saving Bank account.
- 61 The Account shall be operated by the President and the Secretary Jointly.
- 62 The Treasure shall be entitled to retain not more than Rs. ^{Secty/}100/- as imp rest money at a time.
- 63 The budget shall be presented to the General Body by the Executive Committee within 15 days of its election.

POWER TO SPEND MONEY

Report of the
Auditor

Removal of Office
Bearers

- 64 The Executive Committee may spend such monies and make such appointments as regards servants and entertain such establishment for the purpose of the library as it may deem necessary. The Executive Committee shall try its best to spare and to spend as much money as possible for the purchase of law books, law report and current legal journal and to replenish the library with Literary periodicals and other news paper according to funds at its disposal.
- 65 The Secretary shall have the power to spend upto Rs. 250 and the president upto Rs. 400 only in cases of emergency with in one month and the Executive Committee shall be informed by them of the same at the end of each month.
- 66 All other expenditure for the purposes of the Association shall be made after approval of and by the Executive Committee up to the maximum of Rs. 150/- with in one month expect for payment for library books and the salary of establishment and furniture.
- 67 The Executive Committee through the Secretary shall cause to be frame the budget of the actual and revised estimates of the income and expenditure for the current year as well as the for the coming year to be laid before the Annual General Meeting of the Association.
- 68 The General body of the Association at meeting to elect Returning officer shall elect an Auditor from the members of the Bar Association for the proper checking of the accounts of the Association. The Auditor shall submit his report on or before 15th of feb. annually to the Executive Committee. Such report shall be placed before the general body along with the budget.
- 69 It will be competent to the Executive Committee or the general body of the Association to decide all matters not covered by these articles and to place them before a meeting of the Association if advisable.
- 70 Not less than 1/4th members of the Association can by a petition in writing signed by them require the general body to remove any member of the Executive Committee or office bearer.
Such a petition shall be presented
a) In case it is for the removal of the President, to the Vice president.

- b) In case it is for the removal of the Vice President to the President
 - c) In case it is for removal of both the President and the Vice President to the Secretary
 - d) In case of any other office bearer, to the President
- 71 A meeting of the General body shall be held within 7 days of the receipt of the notice by the President or the Vice President or any other member as the case may be
- 72 Such members can be removed by a resolution passed in that meeting by not less than 3/5th members of the Association present and voting
- 73 (1) The members of the Association shall take oath of allegiance in form prescribed in annexure D
- (2) The members of the Executive committee or any other office bearer shall take the oath of allegiance in form prescribed in annexure 'E'

AMENDMENT OF THE CONSTITUTION

- 74 Amendment in Articles of this Constitution can be made by not less than one half of the members of the members of the Association

REPEAL

- 75 (1) Save as otherwise expressly provided, the existing rules, if any, of the association shall stand repealed with the coming into force of the Constitution.
- (2) This Constitution shall come into force on 15th day of June 1968.