

Constitution, 63

Nabhs
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CONSTITUTION
OF
The Bar Association
Nabha.



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All the members of the Nabha Bar Association
have resolved to adopt the following
constitution of the Bar Association Under
the Presidentship of Sh.K.K.Batish, Advocate,
Nabha today on 6-2-1989.



The Nabha Bar Association Means The Association of the Majority of Advocates enrolled as an Advocate under the Advocate's Act, 1961 shall be eligible for the membership of the Association.

Eligibility and Procedure

- a). Every aspirant for membership of the ~~Nabha~~ Association shall hand over the written application addressed to the president ^{personally} ~~president~~ with the admission fee of Rs.100/- and Rs.10/- as one Month subscription of the current month (it can be modified from time to time with the permission or resolution of the house by the Executive of the Bar Association.
- b). Enrollment number will be specifically mentioned in the application.
- c). Every application shall be complete with the photostat copy of the enrollment certificate.
- d). The president thereupon ~~xxxxxxx~~ enroll the aspirant as member of Association after scrutinizing all the documents.
- e). The collection shall be made by the duly authorised office bearer before or upto fifteenth of every month and it will be the duty of every member of the Bar Association to make the payment of subscription and to get receipt.
- f). Any member in arrears will be notified within fifteen days when arrears becomes due and his name will be written on the notice board. If any member does not pay the arrears within the days specified therein then a written notice will be communicated to him by the secretary through the registered cover, If the member



does not pay the subscription fee alongwith arrears then the matter will be put before the house for proper action the cost of postal charges and incidental charges shall be recovered from the defaulting member. The house shall think over the matter and his name shall be removed from the roles of Association and any member whose name has been removed ~~for~~ non-payment of subscription fee and arrears shall not be eligible for the membership of the Association unless he submits a fresh application alongwith admission fee Rs.100/- and all his arrears etc.

g). Such defaulting member will not be called as member of the association for any purpose and further such defaulting member will not be eligible to attend any meeting to house and he will have no right to vote and to seek the election of the Association and he will be treated as outsider unless he pays all arrears subscription fee as etc, outstanding against him. The decision will be taken by the house on all matters with majority votes.

COSTS

It has further been resolved that the costs in the suit's paid to the lawyers in the courts.

a). The lawyers having more than five years standing will have to deposit the half of the cost in the Par Association funds and to get the receipt.

b). The members not complying with, will be dealt with by the house and the half money of the costs



will be recovered, then failing which any action can be taken in the house even his name can be removed from the roles of the association. This attempt has been made to raise the funds of the Association to meet with the expenses of the Bar Association.

Counsels Fee

No Advocate being member of the Nabha Bar Association will accept the counsel fee less than Rs.330/-, Rs.300/- as counsel fee and Rs.30/- as Clerk fee above as settled between the client and the Advocate, but it should not be less than Rs.330/-it has been required to maintain the status of the lawyer, some lawyer especially young lawyer being new comer, have to face a difficulty for the settlement of fee to accept the counsel fee below the prescribed fee, will be below the dignity of the lawyer.

No lawyer will accept the case without no objection certificate from the outgoing lawyer to make it sure that full fee has been paid to the outgoing lawyer or not some clients do not pay the counsel fee and change, the lawyer it shall be the duty of the lawyer to seek no objection certificate and to get the transactions of the outgoing lawyers and to make it sure that full fee has been paid.

Strikes of the Advocate.

The executive will convene its meeting and then to consider whether strike to be observed or



not ~~xxxx~~ the decision of the executive can be overruled by the majority of 2/3 of the total members of the Association.

If there is a call for strike to observe by all the Bar Associations, the Bar Association Nabha will also observe. No need to convene the meeting of the house in case of call the specific words for call must be given so called "Call for Strike" in the absence of specific words no strike can be observed, this view has been taken to save the society and to discourage the unnecessary strikes which lowers the dignity of the lawyer and to save the paymasters. No lawyer will appear in court during strike days any violation of the terms of the resolution will amount to contempt of the House can be dismembered from the Rules of the Association.

Office Bearers And Their Elections.

There shall be president and Vice president, Secretary/Joint Secretary and cashier.

The term of every office bearer will ~~xxxxxx~~ be one year complete. If otherwise extended by the House.

The election of the office bearers shall be held on 31st of every year, in case the mentioned day falls on holiday, then the election shall be held on the next working day without any further specific notice.

The elected officer bearer will remain in his respective office till the other office bearer assume their office. Every office bearer so elected can be removed from his office. If the motion of no confidence



is passed against him by 2/3 Majority of the total members on enrolment on the association, there is no bar for the house to elect the office bearer without vote and it will be called as unanimous election, rather such election shall be encouraged which shows the solidarity of the lawyer's community and it is the need of the present time, a retiring office bearer can seek election for the next term. Any aspirant for the office shall file nomination papers with secretary of the Bar, at least ten (10) days before the election.

Nomination Fee

The nomination fee for the office of President shall be Rs.100/- (One Hundred only); and Rs.50/- (Fifty) only for the other office bearers. The nomination fee once paid will not be refunded for any reason, shall be reckoned in the funds of the Association, every nomination form will be accompanied with the clearance certificate of arrears issued by the Secretary of the Association. And also having the clearance certificate that the candidate has not done any such activity which has lowered the status of the association. In the absence of the Secretary, the duty of issuance of certificates will be performed by the Joint secretary.

Withdrawal

Every candidate can withdraw from seeking the election but he will have to intimate the Secretary of the Association in writing within five days before the date fixed for the election of the office bearers of the



association.

Place of Election

The election of the office bearer will be held in the Bar Room with the Secret Ballot paper, each member shall have right to cast one vote for one post or any other place as decided by the general body or the Executive of the office.

a). The list of voters shall be prepared by the Secretary and the list will be placed on the notice board of the Bar Association.

b). The election shall be conducted over by the president, in case he is a candidate then the Election will be conducted by the Vice president of the Association. If both of them are candidates, then by any member appointed by the house for the said purpose. And that member must be the member on the roll and he should not be habitually absentee and must be regularly carrying out the professional work and he should have right to vote, and he should not be defaulter for the nonpayment of arrears of the association. Such a decision can be taken by the Executive of the house already functioning and its decision will be final. The president can look into the matter and can direct the executive, which he thinks proper.

Meetings

The meeting of the Bar association will be called in every first week of every month, and the meetings will be presided over by the president and in the absence of president, by the Vice President.



and if both are not available, then by the secretary of the house, if secretary not available then by the Joint Secretary, if all the four office bearers are not available, then by any member as proposed by the house for the time being for the presiding over, every member of the house has right to speak but with the permission of the ^{Chair} Changing the member, so speaking, speaks, or passes, objectionable remarks, he can be ordered by the president to sit and not to speak, ordinarily general meetings can be called on the requisition handed over to the president by only one member or to the vice president or to the Secretary. Then on the requisition, the president will call the meeting of the Executive, and the Executive will think over the matter. The meeting of the house can be called on the requisition called by at least ten or more members one member of the house can also submit the requisition to the Executive, if the Executive thinks fit, then it can allow to convene the meeting to the house, the conduct of the member will be decided only in the meeting especially convened for that proposed issue, if the conduct of any such office bearer is under question, then he will not assume the office, it has already been discussed that the respect should be given to the Chair and the resolution will be passed by the two third (2/3) majority of the members of the Bar Association. It will be the duty of the secretary of the Association to keep the record of every meeting in the proceeding book, if there is no quarroum of the said 2/3 majority then the president shall adjourn the house and suspend the meeting, upon the ~~proposed~~ proposal of the house, the



president gives the dissenting views, then it must be looked into by the house and to reconsider the matter and it is to be rejected by giving sufficient reasons and to be recorded in the proceedings after the dissenting view given by the president, if the resolution is passed by the house without giving sufficient reasons and the passing of such resolution will be considered as mockery of the chair and will be a sign of indiscipline, such practice should be discouraged in order to run the smooth working of the house and to maintain the status of the chair, any remarks passed on the chair will be the contempt of the house and the member passing such a remarks will be punished as considered by the house by the majority further it will be the duty of every member of the House to maintain calm and sincere atmosphere, any member may purpose for any preposel which will be consider by the Executive, then to convene the meeting of the house, any member who raises objectable remarks without the permission of the chair, then such person will be ordered by the president to keep quite and to maintain discipline, if such member does not pay attention to the order of the Chair, then he will be ordered by the president to go out of the meeting and to remain out of the house unless the meeting is over.



Procedure as to introduction and passing of resolution.

- a) Any member may propose a resolution which shall be seconded by another member before it can be put in the meeting.

EXPLANATION:

- a) A resolution moved by the Chairman need not be seconded.

- b) Any member may propose an amendment to a duly moved resolution. All amendments shall be determined by the majority of votes.

- c) The proposer may withdraw resolution the house permit him to do so.

- d) The mover shall speak on his motion, describing it fully so as the members have no ambiguity in their minds. Each member shall have the right to think about the pros and cons of the proposal.

The mover then shall have the right to reply

- e) Every member shall have the right to raise a point of order. The chairman shall determine the point of order and his decision shall be final.

PROVIDED: That the Chairman shall think about the pros and cons of objection with the house and ask for the reaction of the members. The members on the entreaty of the chairman shall respond by the show of hands. The chairman shall give decision accordingly.

- f) When any member has his personal objection, he may expound them but with the permission of the chairman.

- g) The secretary on the entreaty of the president shall affix the notice of the adjourned meeting on the notice board so that the absentee members are supplied



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with the information of the adjourned meeting, provided that the chairman may after the date of the adjourned meeting by the affixing notice on the notice Board.

NOTICE OF MEETING.

In Addition to the affixed of notice on the notice Board, notice of all members will be circulated to all members through post.

Explanation:-

Affixing of notice on the notice board sufficient compliance of the service of notice on members.

VACATION OF SEATS.

Motion of no-confidence.

- a) Motion of no-confidence can be taken against all office-bearers.
- b) Such motion shall be pondered only at the special meeting.
- c) Such meeting shall be convened on the receipt of a application signed by at least or majority of the members of on the rolls.
- d) The president shall determine the motion of no-confidence by 2/3rd majority of the members on the rolls of the association for the remaining term(In case the motion of no-confidence is passed) a new office-bearer shall be duly elected in his place at once or postponed. ~~for some other character.~~

RESIGNATION.

- a) The president may, by writing under his hand addressed to the vice president, resign his office.

b) The vice president, secretary, Joint Secretary may by writing under their hand addressed to the President, resign their office.

Expiration of the term:-

All the office bearers shall cease to hold the office on the expiration of the term of one year.

provided

that the office bearer shall not withstanding the expiration of his term, continue to hold the office until his successor enters upon the office.

and Rights of president

a) The chairman of every general meeting shall have right to exercise complete authority to maintain order and regulate the proceedings in the manner which he thinks be fitting, even to the extent of expelling any rowdy member from the meeting.

b) (i) The president may maintain such establishments of clerks and servants for the association as he thinks appropriate or registered.

ii) The president may appoint, suspend or dismiss any clerk or servant of the Bar Association.

iii) The president has right to determine the remuneration duties and conditioning of all such clerks and servants.

c) He may exercise any other right, expressly mentioned in any other rule.

Rights of vice-president:-

i) All rights of president in his absence (or president) be exercised by him.



ii) Any other right expressly mentioned in any other rule.

Rights and direction of the Joint Secretary:-

a) The Joint Secretary shall act as Treasurer. He shall be the custodian of all moneys and securities of Association.

b) All sums due to the association shall be payable to and recoverable by him.

c) The Joint Secretary shall deposit the money of the association in such a bank and in such a manner as the president from time to time direct him.

d) The money deposited in bank shall be in the account of Bar to be deposited by the Joint Secretary.

e) He may exercise any other right, expressly mentioned in any other rule.

Rights and direction of Secretary.

a) i) The secretary shall conduct all the correspondence of the Bar.

ii) Any other right expressly mentioned in any other rule or duty given by the president.

Rights of members

a) Every member has right to express his views on any motion before the house.

b) Right to file nomination papers for any office.

c) Right of equal status and opportunity generally and particularly during the conduct of business.

d) Any other right, expressly mentioned in any other rule.

Duties of President.

- a) To preside over all meetings of the Association.
- b) Duty to examine that all resolutions, rules and regulations of the association are effectively carried out.
- c) Duty to maintain and uplift the dignity and prestige of the association.
- d) Duty to represent the association wherever directed by the house upon unless any other member is elected by the Association.
- e) Any other duties expressly mentioned in any other rules.

Duties of Joint Secretary.

- a) The Joint Secretary shall grant receipt of all payments and shall becomingly maintain the subscription register.
- b) All bills shall be passed by the president before payment is made by the Joint Secretary/Secretary.
- c) The Joint secretary shall immediately deposit all the money received by him in A/C in the bank in the name of President Bar Association Nabha.
- d) The Joint Secretary shall submit a report of the accounts of the Bar.
- e) It is the duty of the Joint Secretary to maintain the register of furniture and all other properties of the association.

RIGHTS AND DUTIES OF THE AUDITOR

- a) The auditor shall audit the accounts of the association at least once a year and shall check the entire accounts and shall have access to the vouchers.



b). The auditor shall submit the report with in one month from the date of his appointment, to the house.

Professional Conduct.

Employment of Clerk and servants.

-No member shall employ as a clerk or Munshi or other servant.

a). Any person who has been declared a tout by any court or the committee or any other authority.

b). Any practising petition writer.

c). Any person of discreditable Character or who has been convicted of any offence under I.P.C. or any other criminal law in force.

d). Any person who has been declared by the house not to be a suitable person for such employment.

Eligibility of Advocates's Clerk.

a). He should be a matriculate from a recognised board or University or should possess any other qualification as may be prescribed from time to time by the Punjab & Haryana High court.

b). He has never been sacked from Government service or any other service involving moral turpitude.

c). He has never been declared a tout.

d). He is not an undischarged insolvent.

e). He should produce a character certificate from the last institution he has attended or from the last employer as the case may be.

f). He has completed the age of 18 years

1). Whichever any member's name has been

removed from the rolls of association under any of the rules relating to professional misconduct or who has been expelled, shall cease to be a member of association from such date.

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Such member shall be responsible from the arrears of association or any other liability incurred under these rules.

Such member shall be liable to pay all such arrears within 15 days of his removal in case of default he may be sued in the court of law by the Secretary if he is authorised by the special resolution of the house.

ii). The rules of the association shall be either printed or typed.

iii). Member may obtain copies of applications, proceedings of the meeting, decision and orders of house and all other proceedings under the proceeding rules duly signed by the secretary at a cost Rs. 4/- per copy of the above mentioned proceedings etc.

INDISCIPLINE AND MISDEMEANOUR

Under mentioned shall be the acts of indiscipline and misdemeanour

- a) Wilful breach of any of the rules
- b). Destroying, tampering with ~~the~~ and pilfering the property of bar.
- c). Flagrantise the books of association.

Amendment of the Constitution.

Power of the house to amend the constitution:-

Not with standing any thing in this constitution the house may amend by way of addition, variation or repeal any rule of this constitution.

procedure of amendment:-

An amendment of the constitution may be initiated only when proposed by a member and seconded by another. It shall be passed like a ~~xxxxxx~~ resolution



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and is considered as special resolution and shall be passed by 2/3rd Majority of the total member, President/ Vice ~~xxxxxx~~ president voting on the roll.

Committee and Sub Committee.

i). Appointment of Committee and Sub Committees.

The house may from time to time appoint committees and sub Committees by simple majority for special purposes.

ii). The report of such committee shall be placed before the house for the appropriate decision. provided that the house may by 2/3rd majority annual the report of the committees or sub committees.

Repeal

This constitution shall repeal all other decisions of Bar taken in contravention of the rule mentioned herein.

Residential address with Telephone Nos. and date of enrolment being the member &R in Nabha Bar Association:-

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- 2.

Annexed

etc.

True Photostat copy

One dist Singh

23/9/98

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