

THE CONSTITUTION FOR THE BAR ASSOCIATION, ANANDPUR SAHIB.

Amendure 'C'

(Chapter I)

1. This constitution may be called "The constitution for the Bar Association Anandpur Sahib, Distt. Ropar."
2. It shall come into force immediately on being passed by the General Body of Association with two third of the total strength of the Membership of the Association.
3. The name of the Association will be "Bar Association Anandpur Sahib (Distt. Ropar)"

(Chapter II)

The objects for which the Association exists, are as follows :-

1. Promotion of Literature, diffusion of legal knowledge and maintenance of library and reading room for general use among the members.
2. To take over charge of books, furniture, monies and all other articles belonging to the Bar Association.
3. To collect dues from members of the Association and other persons including past members and if necessary, to take legal proceedings in connection therewith.
4. To help the litigants in getting justice from different courts and offices or otherwise and to help generally in the administration of justice.
5. To protect and promote the interest of the members of the Association.
6. To maintain a register of clerks for the members of the Association to specify their qualification for admission and to control and effectively to deal with the Clerks, whenever and whatever necessary.
7. To do every thing which the Bar Association thinks necessary to maintain the dignity of the legal profession.
8. To ensure complete cohesion between two wings of administration, Executive and Judiciary for the upkeep of the Constitution.
9. To ensure complete cohesion of working of Bench & Bar with special emphasis on creating cordial relation between them.
10. To create congenial atmosphere with a view of smooth working in Courts by eliminating the possibilities of hood winking, brow beating either by members of Bench or Bar to the prejudice of cool and sober minded well behaved members of Bench and Bar.

(Chapter III)

1. The Membership of the Association by the new members shall be after scrutiny and consent of majority members of the general body of Bar Association Anandpur Sahib.
2. The registration fees for the membership of the Bar shall be Rs.100/-.
3. The monthly subscription of each member of the Bar will be Rs. 50/- per month.

Any practising lawyer, who is a member of any other Bar Association, shall not be eligible to be enrolled as a member of the Bar Association Anandpur Sahib. Any member of this Bar found to be the member of any other Bar shall cease to be the member of this Bar and his name will be deleted in the membership register.

5. Only the enrolled Bar members of the Bar Association Anandpur Sahib will be eligible to become a member of Bar Library on security deposit of Rs.100/-.
6. Only the Bar members of Bar Association Anandpur Sahib will be eligible to get his name registered with the Bar for allotment of Chamber at Anandpur Sahib.

Attested
Neel
 President
 Bar Association
 Anandpur Sahib

8
The new chambers will be allotted strictly on the basis of seniority which shall be counted from the date of his enrolment with the Bar Association APS.

(Chapter IV)

RIGHTS AND LIABILITIES OF MEMBERS

1. Members are entitled to the use of the Bar Room, furniture and the services of the servants of the Association on court days and during court hours.
2. All members are bound to implicitly obey the rules and resolutions of the Association, any infringement of which, if brought to the notice of the Secretary, shall be put by him in a meeting of the Governing Body, and the member concerned shall be liable to pay penalty, which may be imposed upon him in such a meeting.
3. No member shall give or extend or in any manner accommodate in professional work, any person, whose name has been struck off the rolls of the Association. This treatment shall also apply to the case of a non-member, who does not take the earliest opportunity of applying for membership of the Association.
4. Every member shall inform the Secretary in writing, of the name, parentage and full address of his clerk, and shall also give information of any change in his staff, within one week of such change.
5. No member shall employ in any manner any person who has been declared undesirable by the Association.
6. No person shall employ any person as clerk without a certificate of good character from his previous master, if the latter is a member of the Association.
7. No member shall conduct or continue any proceedings in any Civil, criminal or revenue, case in any court within the area of the Ropar District, after the court hours prescribed by the High Court or the Financial Commissioner. It shall be the duty of the President to see that the members of the Bar observe this rule rigidly and members of the Bench do not hold court after the prescribed hours.
8. No member shall remunerate any person by him for the purpose of his profession by Commission, percentage or share in the employers profession, income or any part thereof, or otherwise, than by a monthly salaries.

(Chapter -V)

ADMISSION OR REMOVAL OF MEMBERS

1. Every application for membership shall be signed by the candidate and shall be sponsored and seconded by two members of the Association. It shall be accompanied by an admission fee of Rs. 100/- besides subscription of current month, which shall be refundable if the application is rejected.
2. A member of the Bar may be removed from the membership of the Association for the following reasons :-
 - (i) If he is convicted of criminal offence involving moral turpitude or dishonest.
 - (ii) If he persistently makes default in the payment of subscription continuously for three months or of any contribution levied under resolution of the Association for a period of two months.
 - (iii) If he fails to observe the rules without any reasonable cause.
 - (iv) If he conducts in a manner which is contrary to the interstior reputation of the Association.
 - (v) If there is a finding of any High Court or any Bar Council against him.
3. An old member who ceased to be a member otherwise than by removal under rule 2 of this chapter may be readmitted, on payment of arrears if any, without payment of fresh admission fee.

Attested
Attested
President
Bar Association
Anandpur Sahib

4. The name of any member shall be liable to be removed from the membership of the Association after he has been given an adequate opportunity provided, at least, fifty percent members on the rolls of the Association or 2/3 members present in the meeting vote for such removal in a meeting specially called for this purpose. The notice for holding of such meetings shall be given one week prior to such meeting.
5. A member whose name has been removed from the rolls of the Bar Association under rule 2 of this chapter shall not be readmitted unless 2/3rd of the members on the roll of the Association, vote in his favour and on such terms, as may be enforced by the Association. The application for readmission by such member shall not be entertained unless it is accompanied by the usual admission fee and arrears, if any and is supported by at least 1/3 (one third) strength of the Bar Association.
6. The membership of the Association shall stand terminated by :-
- a) Death of the member.
 - b) Resignation tendered.
 - c) Change of place of business headquarters.

(Chapter VI)

MANAGEMENT :-

The management of the Association shall vest in the Executive Committee consisting of Office bearers namely:-

- (a) President.
- (b) Vice- President.
- (c) Secretary.
- (d) Joint Secretary.
- (e) Treasurer.

The members of the Governing Body shall be honorary workers elected from amongst the members at an annual meeting to be called for the purpose and shall hold office for one year but till the next election takes place, old office bearers shall continue to be in the office. Every office bearer is eligible for re-election but no office holder shall retain the same office for more than two consecutive terms.

(Chapter VII)

FUNCTION OF THE EXECUTIVE BODY (EXECUTIVE COMMITTEE)

Although the supreme authority, with regard to all the matters of the Association will vest in the general ^{body} meeting, but for the day to day conduct of the affairs of the Association, the managing committee and its members in respective sphere will enjoy necessary rights and privileges.

The Executive Committee shall subject to the control of the members in general meetings assembled. In addition to all other powers conferred upon them by any of the rules, have power to :-

- a) Maintain such establishment of clerk or servants for the Association as may deem fit to them.
- b) Appoint and suspend or dismiss from their appointment any clerks or servants.
- c) Determine and regulate the remuneration and duties and conditions of services of all such clerks and servants.
- d) Expend within budget provisions such amounts for the purpose of association as it may deem fit.
- e) The Executive body may from time to time as occasion may require, appoint sub committees for the disposal of any work or kind of business and may regulate the manner in which any such sub-committee shall discharge their functions. An appeal may be made to the Executive body through the president from the decision of any sub-committee.

Attested
Signature
Bar Association
Anandpur Sahib

- 10
- f) Purchase of furniture, repairs and such other necessities as may be ordinarily required for the Association.
 - g) To admit the members and to recommend the suspension or removal of the members to competent authorities after getting approval of the house in an ordinary meeting with normal quorum.
 - h) Eradication of mal-practices pertaining to the profession in general.
 - i) To deal effectively with the day to day difficulties of the members of the Bar.
 - j) To help litigant public in redress of their grievances against any member of Bar or Bench.
 - k) The committee shall meet not less than once in a month.
 - l) To ensure reciprocity or co-operation between Bench and Bar.
 - m) To render recommendations on requisition received by office from various authorities for various appointments, i.e Oath commissioners, Local Commissioners, Advocates for State list & Free Legal Services etc.

In short the managing body will take prompt and necessary steps for the implementation of various resolution passed in any of its meeting or that of General Body. The Secretary will place every correspondence conducted, in the immediate next meeting of the Executive Committee/ General House for perusal and action on them.

(Chapter -VIII)

FUNCTIONS OF OFFICE BEARERS OF THE ASSOCIATION.

PRESIDENT :

The president shall be the head of the Association and shall control all its activities. All the office bearers under him seek his approval verbal or written before working any decision on them over respective sphere of working in relation to the working of the Association. He will be Ex-officio member of all Committees appointed by General Body.

VICE-PRESIDENT :

The Vice-president will be a general counsellor to the President and in the absence of the President from the Head-quarters, he will act for him.

SECRETARY:

1. The Secretary shall be the custodian of the furniture, stationary and all other money and securities of the Association.
2. It shall be the duty of the Secretary to conduct under the direction of President and in his absence that of Vice-president, the correspondence of the Association.
3. The Secretary shall be responsible that the following registers and books of accounts which are duly maintained in the name of the Governing Body from time to time regularly kept by the other functionaries of this association.
 - (i) A register of the furniture and other property of the Association.
 - (ii) Counterfoil Receipts books serially numbered bearing initials of the President with approval thereon.
 - (iii) A subscription book.
 - (iv) Ledger.
 - (v) A cash book of income and expenditure.

JOINT SECRETARY:-

The Joint Secretary will be general counsellor to the Secretary and generally the Secretary will have consultations with Joint Secretary attending the matter in issue. He will act for the Secretary in his absence.

(Chapter IX)

MEETINGS:-

The Association will hold the following meetings:-

1. Ordinary General Meeting.
2. Emergency & Extra- Ordinary General Meeting.
3. Budget Meeting.


 President
 Bar Association
 Anandpur Sahi

4. Annual General Meeting.

- (i) For electing Returning Officer.
- (ii) For election of office bearers.

5. Meeting of the members of the Executive Committee.

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

An emergent extra- Ordinary meeting of the Association shall be called by the Secretary on the requisition of the President or the Vice President. Such a meeting shall also be called by the Secretary if he receives a requisition to the effect signed by at least 10 members of the Association within 48 hours of the receipt of such requisition or as and when the Managing Body think it necessary to hold such a meeting.

A Budget meeting of the Association shall be held within the first fortnight of June every year for the passing of the accounts, balance sheet, budget estimate as may be presented by the Executive of the Bar Association.

The annual meeting shall take place on the 31st May in the Bar Room for election of office bearers.

ORDINARY MEETINGS OF THE EXECUTIVE COMMITTEE.

The ordinary meeting of the Executive Committee shall be held:-

- (i) Whenever the President or Secretary in consultations with the President or any other three members of the Executive Committee think it necessary then such a meeting should be held to decide certain important matters or otherwise holding of such a meeting is deemed essential, subject to the rule that the Executive shall meet at least once in a month to review its working and consider statement of income & expenditure.
- (ii) Whenever the general body requests or entrusts any important matter for the opinion of the members of the managing committee.

NOTICE OF MEETING.

Notice of all meetings shall be duly circulated among the members. Such notice shall ordinarily be issued under the signatures of the Secretary or Joint Secretary or in case of emergency such a notice can be issued by the President alone.

In case of ordinary general meeting a notice of at least ten days and in the case of emergency or extra ordinary meetings of general body or that of Managing Body, a notice be issued from the office least 48 hours before the proposed time of the meeting is necessary.

QUORUM & VOTING IN THE MEETING

At least the one third of the members must be present to complete the quorum in ordinary meetings of all sorts, may be of general body or that of Executive, but for Annual election meeting or extra ordinary meeting of the general body for Amendment of Constitution, the quorum shall be two third of the total strength of the Association and for adjournment of the meeting, it will be one half of the total strength.

The quorum for meeting called to move 'No confidence Motion against the President will be $\frac{2}{3}$ rd of total members but against any other office bearer it will be half of the total strength. Three members will form quorum for the meeting of the Executive. Each member shall enjoy the right of one vote only and this right shall also extend to the person who is conducting the proceedings in his position as the President of the meeting. Voting by proxy in case of individual member shall not be allowed.

CONDUCTS OF PROCEEDINGS OF MEETINGS

The President or in his absence the Vice President shall preside over the meetings, when both of them are absent, the members present shall elect Chairman for the meetings. All business discussed and decided at the meetings shall be recorded in a proceedings book, which shall be signed by the Chairman of the meetings.

(Chapter X)

ELECTION OF OFFICE BEARERS

Election for the office bearers will ordinarily be held on 31st May at 3 P.M. in a meeting of general body and the office bearers elected will hold office for one year

Attest
Secretary
Bar Association
Anandpur Sahib

according to schedule laid down in the Constitution and the office bearers elected will be such office bearers after 31st May.

Such election may be held any time for the office of all or single office bearer in the following circumstances:-

1. Resignation of the Office Bearer.
2. Inability of the office to perform the duties.
3. Incurring of disqualification to continue in office as a result of failure to implement the provisions of the constitution.
4. Removal by no confidence motion.
5. If he ceases to be a member on the roll of the Association either as a result of shifting of place or leaving/ giving up practice.

Persons seeking election to any office of the Association shall give their nomination papers duly proposed and seconded on or before the 20th May between 1-00 P.M to 4-00 PM with the Returning Officer on the prescribed form (attached) who shall circulate their names along with the notice of the meeting. The Returning Officer will conduct the said election in the manner laid down under Chapter XV of this constitution.

No nomination paper received after the 20th May shall be considered.

(Chapter XI)

The funds of the Association shall be raised in the following ways:-

1. Monthly subscription.
2. Special contribution in case of special necessity.
3. Donations from individuals.
4. Admission fees.
5. Security deposits of election candidates.

(Chapter XII)

POWER TO SPEND:

The President shall be authorized to spend a sum of Rs. Two Hundred, the Secretary Rs. One Hundred and the Secretary & President jointly shall be authorized to spend Rupees Five Hundred every month. Expenses not otherwise provided for shall have to be got sanctioned in the extraordinary general meeting.

Funds shall be spent strictly for the benefits of the Association.

(Chapter XIII)

AUDITOR:

The auditor shall be appointed by the Executive Body out of members other than office bearers in its first meeting which shall be held within ten days of annual election of office bearers of the Association.

- a) The accounts of the Association shall be audited at least once a year by an auditor. The auditor shall ordinarily be elected or appointed at the annual general meeting (any casual vacancy in the office of auditor) may be filled up by the Governing body.
- b) The auditor shall examine the entire accounts of the Association and shall have an access to accounts and vouchers at all reasonable time throughout the year.
- c) The auditor shall check the Revenue Account and balance sheet and shall after making such corrections therein as may deem proper countersign the same.

(Chapter XIV)

THE LIBRARY :

1. A member desiring to take book from the Library shall give a signed and dated chit bearing the name of the books to the Librarian.
2. The Secretary under the directions of the G.B shall make a list of books, periodicals and news papers belonging to the Association from time to time. The members may take any book after signing in the register of the Librarian

Attested
Secretary
Bar Association
Anandpur Sahib

- 12
- kept for such purpose but no member shall be permitted to keep the book in his possession for more than four days.
3. Books may also be issued on receipts signed by Clerks of such members who place in writing with the Librarian the authority in favour of their clerks and holding themselves responsible for the loss of or damage to any book issued on the requisition of such clerks.
 4. Every book, periodical or paper taken from the library shall be returned within 4 days or earlier if notice is given by the Librarian that it is required. Any member infringing this rule shall be liable to pay a penalty of rupee one for every day during which any book, periodical, Volume or paper is so detained after notice has been given him to return it. Provided that in no case shall the penalty exceed double the value of the book or paper detained and further that any member infringing this rule shall not be permitted to take any other book, periodical or news paper out of the library or otherwise use the Library until every such volume or paper shall have been returned and the fine paid.
 5. Any repetition of and infringement of these rules may be dealt with by the G.B in the manner herein after provided.
 - (a) Any member who shall without the permission of the Librarian take from the library any book, periodical or news paper ~~in take from the library any book, periodical or news paper~~ shall be liable to ^{pay} a sum not exceeding the price that Association has to pay for its replacement within 15 days and in default of paying of such sum or in any case on a repetition of the same breach may also in the discretion of the G.B be debarred from the use of Library for such period as the G.B may determine.
 - (b) Any member who may lose, destroy, write upon or otherwise deface any book belonging to the Association shall be liable to pay a sum to the extent of its cost of replacing the same.
 - (c) If the penalty imposed upon a member is not paid within seven days of the information to him of the imposition of such penalty, the members concerned shall be debarred from using any book, volume periodical or paper of the Library either in or out of it until the penalty is fully paid.
 - (d) Members may make any suggestions or complaints in the prescribed book kept for the purpose in the Library and the Secretary shall take the necessary action upon all such suggestions and complaints.

MAINTENANCE OF ORDER IN THE LIBRARY AND OTHER BOOKS OF THE ASSOCIATION.

7. No publicity shall be given outside to any statements, expression of opinion or conversation of members in the premises at any time occupied by the Association. Any member infringing this rule shall on proof thereof be liable to have his name removed from the membership.
 - a) No member shall make any noise in the Library.
 - b) No person who is not a member shall be admitted to the Library unless at the report or on the introduction of a member and then only for a short time for business purpose.
 - c) Members shall not have papers read out to them in the Library.
 - d) If any member at any time acts in a manner which may be to objection in any room occupied by the Association, he may be called to order by any manner of the G.B who may be present or may be reported by any member of the Association to the G.B which may take action in regard to the same as they may think proper in the circumstances.
8. There shall be constituted a library committee consisting of 3 members of the Bar besides the President and the Secretary, who will be entrusted with the purchase of Library books.
9. The subscription shall be placed at the disposal of the Library committee.

Attest
Secretary
Bar Association
Handwritten signature

14

(Chapter XV)

ELECTION PROCEDURE.

The General body in its annual meeting on 15th May or the next working day at 3 P.M will also elect the Returning Officer from amongst practicing Lawyers with attending of not less than five years for conducting election. All the meetings of the Association will be held generally in the Bar Room.

Any regular member of the Bar having standing at least two years is eligible for contesting the office of Secretary, Vice- President and also for the office of the President. For other offices the standing of one year will be essential. The Returning Officer will receive the nomination papers on or before 20th May and hold scrutiny there of 22nd May and allow withdrawal of nomination paper by 25th May. The nomination paper will be accompanied by receipt of deposit of the amount of Rs. 200/- for Presidentship & Rs. 100/- for all other posts of the Executive Body. The deposit will be refundable only in case of withdrawal.

The voting shall be on secret ballot.

As soon as possible after the close of the poll on the day on which polling is to take place according to time fixed by the Returning Officer of the poll, in the presence of the candidates or their agents, if any, shall open the ballot box and count the valid votes recorded for each candidate rejecting as invalid any ballots papers which.

- a) Has not on it the official mark.
- b) Has not vote recorded on it by means of cross.
- c) Is marked that it is uncertain how the voter intended to vote.
- d) Bears any mark by which the voter can be identified.

The candidate who is found to have secured the highest number of valid votes shall be declared elected. In case of candidates secure equal votes, the Returning Officer shall decide by casting his vote.

AMENDMENTS

The general body can amend the constitution by $\frac{3}{4}$ strength of the total membership in its special meeting but amendment can be moved by 50% of total strength. The General Body will be final interpreter of the provisions of the constitution and its decision thereof shall be binding to all concerned.

PENALTIES

1. In case of violation of any of the forgoing rules the member concerned shall pay Rs. 50/- in the case of first infringement and Rs. 100/- for any subsequent infringement to the Bar Association as a penalty recoverable as arrears of subscription, except as otherwise provided.
2. Even a single default of any office bearer i.e President, Vice President, Secretary and Joint Secretary in the strict adherence to the provisions of the constitution in conducting the affairs of the Association, will entail his or their disqualification to hold any such office in the Association at least for two terms and non-adherence automatically cause his or their office vacant if such lapses are brought before the G.B. The General Body at its special meeting may condone any one or more lapses on the part of the office bearer concerned.

METHOD OF RECORDING VOTES:-

The voting shall be by secret ballot system and expenses incurred by Returning Officer in making arrangements for successfully holding election shall be valid charge on the funds of the Association.

GENERAL:-

All speeches made in meetings of the Association shall be treated as strictly confidential. All private and confidential conversation or discussion held in the Bar room shall also be confidential and not communicated anywhere.

All proceedings taken, orders passed, acts done under these rules shall be in writing.

All suits and proceedings on behalf of the Association shall be filed by and in the name of the Secretary for the time being and he shall be entitled to defend

34

Attested
Secretary
Bar Association
Mandla

all legal proceedings brought against the Association unless the Association appoints some other person for a particular case.

The Association may make bye-laws consistent with these rules or make any change in the above rules at a meeting specially convened for the purpose and by a majority of 2/3 of the members present.

The Association in its ordinary general meeting may relax the provision for recovery of the subscription, donation or any other arrear within a period to be decided by General Body

This constitution was drafted by a sub-Committee headed by Sh. V.N Sharma Advocate with the assistance of Sh. P.S Bhattal Advocate and the same is being placed before the general House of the Bar Association for being adopted. This day of M

[Signature]
Sd/-
Sh. V.N. Sharma Advocate,

Sd/-
Sh. P.S Bhattal Advocate.
[Signature]

Duly ratified by The Bar Association with its
resolution ^{N^o 26} Dt 12-2-2009

[Signature]
President
Bar Association
Anandpur Sahib
12.2.09

[Signature]
President
Bar Association
Anandpur Sahib

F
is
gen-
by 1
ob J
Nes
gstr
Ant
of
the
18-2-
the
the
Co-
hol
on 18
men
ann
G
C
1. C
2.
3. J
4.
5.
6.
7.
8.