

CONSTITUTION OF THE SUB DIVISION BAR ASSOCIATION KHADOOR SAHIB

1. The association shall be called the sub division Bar Association Khadoor Sahib, District Tarn Taran, herein after called "Association"
2. These amended rules come in to force on the 20th day of Aug. 2015.

MEMBERSHIP AND SUBSCRIPTION

2. Every Advocate and Pleader having his seat of practice at Khadoor Sahib, borne on the rolls of the Sub Division Court Khadoor Sahib or any bar council of Punjab and Haryana High shall be eligible for the membership of the Association unless he or she is blackballed by the members of the Association.
3. Every candidate for membership shall apply in writing to the Secretary of the Association and such application shall be proposed & seconded by the members of the Association accompanied by Photostat copy of the License from the Bar Council with a deposit Rs. 1000/- as Admission fee together with one month's subscription.
 - a) However any Advocate for pleader having his seat of practice anywhere in Khadoor Sahib Division may become the Associate members of the Association on payment or Subscription of Rs. 1000 per year. Similarly all those Advocates or pleader who are not active in practice but wish to keep their contact with the activities of the association may become the associate members on similar payment. However such a member shall have no right to vote in the election of the Bar Association.
 - b) Any Advocate or pleader who is eligible to become the member of the Association can become the life member on payment of Rs. 15,000/-.

4. Every member of the Bar Association shall pay monthly subscription of Rs. 80/- before the 15th of each month or such amount as may from time to time be so fixed in advance. However, members may pay Rs. 1000/- for the year before the 31st of January. All members are bound to deposit their dues themselves with the Secretary against receipt or deposit their dues in the bank in the account of the Bar against receipt. Account in which members are to deposit the amount is to be notified to the Bar members by the secretary.
- a. The Bar Association may accept donations.
5. The monthly subscription shall be payable in advance. Any member from whom four or more than four 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, All members are bound to deposit their dues themselves with the secretary against receipt or deposit their dues in the bank in the account of the Bar against receipt.
- a. A member who is 'in arrears' of subscription for more than two months including the current month, shall lose his right to use the library till such time as he pays off his arrears.
- b. Any member who allows his subscription for six months to accumulate shall automatically cease to be a member of the Association, provided a week's notice is given to him to pay the arrears and his name shall be reported to the High court and the State Bar Council. However, the Executive committee on a reference from the secretary may give 15 days to such member to pay up the arrears and in case of payment, his membership shall be deemed to continue.
- c. If a member is in arrears of telephone payment, such payment shall be treated as arrears of Subscription.
6. i) Any member whose name has been so removed shall not be eligible for the membership of the Association, unless he submits

fresh application with the admission of Rs. 1000/- plus all his arrears. However, the executive Committee may on a sufficient cause shown, reduce or remit the admission fee and the arrears to be paid.

ii) Every member shall pay accordingly to the expenses for each party given to Judges/Guests if any. Non-payment shall be added to his arrears annual subscription.

ELECTION

7. The election shall be held for the offices of the president, vice president, Secretary, Joint Secretary, and not more than three Executive members and these all collectively be known as "the Executive Committee" of the Bar. Who will remain in office till the next general election, as per the dates given by the State Bar Council.

- (i) The election shall be held as per the schedule given by the State Bar Council.
- (ii) The election shall be with secret ballot.
- (iii) For conducting the election the Bar Associate shall nominate returning officer in its General house meeting specially convened as per the schedule by the State Bar Council.

MEMBER BAR COUNCIL WILL BE EX-OFFICIO MEMBERS

8. The annual General meeting of the Association shall be held on the 16th of November of every year. In this meeting the Secretary shall submit report of the previous year's performance and account of the Bar, which should be audited by some C.A. and also publish the list of members who have cleared their dues and paid annual subscription by 15th of November and eligible to cast vote in the election. No quorum shall be required for this meeting. The Agenda shall be:-

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- 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.
9. The nomination papers for the office bearers and members of the executive committee shall be filed with the returning officer or his nominee at time, place and date to be notified this purpose by him. The entire election process will be completed within a week.
- a) Nomination fee for the officer or president shall be Rs. 1000/- for the office of Senior vice president and the Secretary Rs. 800/- each for the office of the Joint secretary Rs. 500/- each and for the members of the executive committee Rs. 300/- each. The nomination fee is not refundable in any case.
 - b) Returning officer shall decide the day of nomination, scrutiny, and withdrawal.
 - c) Each member shall have one vote and the election shall be by secret ballots prepared by R.O. with serial numbers & candidate on the ballot no.
 - d) The secretary shall publish a list of voters by 19th November every year. It shall not include the names of the member who are in arrears up to 15th November. A member who fails to pay all dues up to 15th of November shall not be entitled to contest or vote in the election of the Bar in that year and his arrears shall be carried on to the next coming year.
 - e) The returning officer may make any rules for the conduct of election of the officer bearers and members of the Executive Committee.
 - f) The returning officer shall canvass in any manner on the date of polling.
 - g) No office bearers will assume his office after the expiry of a year of his service.

h) In order to put into force the code of conduct of election there will be a three members committee whose decision will be final.

Code of conduct will be published by the returning officer.

10. An ordinary General meeting of the association may be called at any time by the president or by the Secretary for the disposal any business.
11. An extraordinary 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 $\frac{1}{2}$ 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 requisitioners shall have the right to call the meeting after a clear seven days notice.
12. An emergent meeting of the association may be called by the secretary at any time of the orders of the President to that effect in writing.
 - a) That president or in his absence, the vice president shall take the chair at the General meeting. In the absence of all the above two the members present shall select 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 in case of a division be determined by majority of votes provided that no resolution relating to variation or addition to 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 fourths 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 fifth 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 required.

13. 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 either of the two Vice President may be concerned even earlier.
14. The Secretary shall record the minutes of the proceeding in the meeting 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.
15. 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 seem fit to the extent of expelling any rowdy member from the meeting.
 - a) The rules of S.D.B.A. Khadoor Sahib will be amended with 2/5 majority of the membership voting in favour on the roles and no rules can be amended in the adjourned meeting.

NO CONFIDENCE AND RESIGNATIONS

16. Motion of no-confidence against an office bearer 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 on the members on the rolls of the Association and if a motion is carried by 2/3rd majority of the member the office bearer concerned shall vacate the office and of 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 addressed 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

17. 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 not withstanding anything contained in any other rule.
18. Willful breach of the rules tempering with destroying pilfering the property of the Association to abuse to use force to hurt and to miss-use the premises of the Association shall be considered acts of indiscipline. The President or Secretary may refer any such matter to the Executive Committee and the member accused at 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.
19. Appeal against the decision of the Executive Committee under rules 17 and 18 shall lie to 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.

EXECUTIVE COMMITTEE

20. The affairs of the association shall subject to these rules and general control of the members in general meeting be managed by an Executive Committee (herein after referred to as Committee consisting of President, Vice President, Secretary, Joint Secretary and all the Executive members.

CASUAL VACANCIES

21. In case of casual vacancy in the office of the President the Vice President shall act as such till another President is elected by

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the members of the Association within one month. In case of casual vacancy in the office of the Vice President and the resulting vacancy in the office of the Vice President shall be filled by the Committee from amongst its members for the remaining term. In case of such a vacancy in the office of Secretary, Joint Secretary will act as such and the resulting vacancy or a casual vacancy in the office of the Joint Secretary shall be filled by the Committee from amongst its members for the remaining term. Any other vacancy shall not be filled for the remaining term. However there shall be no election of the President in case the vacancy occurs in the last quarter of the term of the Committee.

22. Five members constitute a quorum at the meetings of the committee. Each member shall have one vote and the decision of the majority shall be deemed of the decision of the committee. In case of equal division of votes the Chairman of the meeting shall have a casting vote.
- a) The president or in his absence the vice president shall take the chair at all meetings. In the absence of all the above two the member 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 in any meeting and all motions shall in case of division be determined by a majority of votes provided that no resolution relating to variation or addition or cancellation of any of these rules or relating to the conduct or character of or expulsion of any member shall be deemed to be carried unless not less than three fourths of the member present shall vote for the same. In case of division where votes for any against are equal the Chairman shall have a casting vote.
23. The Committee may from time to time make subsidiary rules consistent with these rules for the regulation of its proceedings

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

24. 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 powers to-
 - a) Maintain such establishment of clerk and servants for the association as to them may seem fit.
 - b) Appoint suspend or dismiss from their appointments any clerk or servant.
 - c) Determine and regulate the remuneration duties and condition of service of all such clerks or servants.
 - d) Spend such amount for the purpose of the association as it may deem fit.
25. The committee may of 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
26. Any sub-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.
27. The committee shall have full control over the finance of the Association subject to the control of members in general meeting and subject to other provisions contained in these rules and as any office bearer to account for the amount he might have spent.

28. The Committee shall ordinarily meet not less than once a month except in the month of vacation for the dispatch of business and such meetings shall be called by the Secretary himself or on the requisition of any two members of the Committee. The Minutes of the 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 AUDITOR

29. 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.
30. The Secretary shall conduct all the correspondence relating to special matters under the general supervision and directions of the President and the control of the Committee but in all other matters the Secretary shall regulate the entire correspondence and shall issue such notices as may be necessary.
31. The Secretary shall maintain correctly and regularly the following registers:-
1. A register of the books in the library showing value of each book the additions made books lost destroyed or sold and the like. It shall be placed before the committee at least once a year and a printed catalogue of books of the library would be fixed at some conspicuous place in library.
 2. A register of the furniture and other property of the Association its value description etc.
 3. A minute book of the proceedings general meetings and another minute book of proceedings of the committee and of all sub-committees thereof.
 4. A letter book containing copies of letter issued and a separate letter book of all the letter received.
 5. A subscription book.
 6. A book for the Agenda of the meetings of the Association.
 7. A peon book.
 8. Requisition and suggestion book.
 9. A complaint book.
32. The Secretary is allowed to spend amounts for establishment chairs without the previous sanction of the committee.
33. The Secretary can incur expense of Rs. 1000.00 in all in a month on different heads other than those mentioned in Rule 32 without the sanction of the Committee. Any item other than those mentioned in Rule 32 involving an expense exceeding Rs. 500.00 shall be incurred only with the previous sanction of the committee provided that the Secretary may with the previous written permission of the President spend more than Rs. 500.00 in case of emergency. If the Secretary expend the said Rs.500/- from his own pocket in that case he is

- entitled to reimburse the said amount from the Bar Subscription against the Bill and payment shall be made through cheque.
34. The clerk and servants of the association shall be under the immediate supervision of the Secretary.
 35. The Joint Secretary shall act as in Secretary in the absence of or removal of the latter and shall otherwise act as a Treasurer.
 36. The Joint Secretary shall be the custodian of all monies and Securities of the Association and all sums due to the Association shall be payable to and recoverable by him. Any money realized or received by the Secretary shall forthwith be made over by him to the joint Secretary. And who will deposit the same in the Bank account of the Association if subscription in the subscription account and if it relates to the welfare then in the welfare account of the bar.
 37. The Joint 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 on the receipt thereof and he shall maintain cash book of income and expenditure.
 38. The Joint Secretary shall grant receipt for all payments and shall be responsible that Book No. 5 mentioned in Rule No. 31 is properly kept.
 39. The Joint Secretary shall make a permanent advance of Rs. 500.00 to the Secretary to meet contingent current expenditures and all bills shall be passed by the Secretary before their payment is made by the Joint Secretary and latter shall get receipts of all the payments made by him and place them on record.
 40. All receipts of whatever description shall be forthwith paid into the bank in respective accounts and monies shall be drawn there from only by means of cheques issued by Joint Secretary, President and one executive member to be notified to Bank every year.
 41. The Joint Secretary shall submit a quarterly report of the accounts to the Committee.
 42. 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.
 43. 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.
 44. The Auditor shall submit his report to the Secretary who shall lay it before the House in a General Meeting.
- LIBRARY
45. The committee from time to time may make subsidiary Rules consistent with these rules and may vary add to or cancel any Rule so made or the Rules given below for the conduct of the library and telephone.

46. Library books, Journals and periodicals are primary meant for consultation in the Bar Room during the court hours and for reference in cases:

(a) Every member who wants to take out the books from the library for production in the court or for home study shall be allowed to do so on deposit of Rs. 200/- as security for the use of the library. This amount will be deposit in the bank account of the Bar. This security amount shall be refundable only after the lapse of one year from the date of deposit by cheque by the Bar. However if a member does not use the library continuously for six months he shall have the option to withdraw his security amount even earlier. Any member who gives up practice or shifts to some other place shall also be entitled to the refund of the security amount before the lapse of one year.

(b) Only members of the Bar Association will be entitled to the use and benefit of the library.

(c) Every book taken out for consultation and study in the Bar room only, must be handed back to the clerk personally and not left on the table.

(d) No book shall be removed from the library unless the necessary coupon be duly filled and signed in full by a member.

(e) All books taken from production before court or home study shall be charged at the rate of Rs. 1/- per book per day provided that no charges shall be made for books returned the same day they are issued or if taken out after 4 P.M. are returned by 10 A.M. the following day and if a book is retained for more than one day the retention charges will be Rs. 2/- per book per day.

(f) The amount of retention charges due as such from a member shall be deducted from the security amount if the member does not pay along with the return of books and the member shall not be further issued the books unless he make up the deficiency in the security amount. Any overlapping on charges unless paid in the above said manner shall be treated as arrears of subscription.

(g) If a book is not returned within a fortnight then in the case of rare book a price to be determined by the committee shall be charged and such charges shall be treated as arrears of subscription. The executive committee However on a sufficient cause shown may reduce or remit such charges.

(h) No member shall be allowed to draw the book in the name of the other members except to the Junior so authorized by a member who has deposited the security.

(i) Consultations with the clients or entertainments in the Library Hall are not permissible.

47. The Secretary shall maintain a list of all the books periodicals newspapers belonging to the Association.

48. Books shall be issued on receipt signed up Munhis only where the concerned member gives it in writing to the Secretary that he will be responsible for the loss or damage of any books so issued to his clerk.
49. The Library and its establishment shall be under the immediate supervision of the Secretary and the general control of the committee.
50. All the monies received by the Secretary from members or any other source shall forthwith deposit-in the Bank Account of the Bar.
51. The Librarian shall see that the rules of the Library are strictly observed and should report to the Secretary wherever any member commits a breach of library rules who will place the matter before the committee if need be.
52. The Secretary shall see that the books and periodicals of the Association are properly kept and cared for and should report from time to time to the Committee what books or necessities are required for the library and the Committee may order for the same in the name of the Secretary.
53. The Secretary shall report every month to the Committee books lost destroyed and spoiled and the value of the books and name of the member concerned.
54. All books shall be returned to the Secretary on or before 15th of June every year for stock-taking.
55. Any members who may lose destroy or otherwise deface any books or periodical belonging to the Association shall be liable to pay the prevailing price of the Book or return the same book purchased from his own money.
56. 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 Munhis and all changes of the kind during the year shall be reported to the Secretary within seven days of their occurrence.
57. No member shall remunerate his clerk or any person employed by him as clerk otherwise than a monthly salary and Munshiana not exceeding 10 percent of the fee.
58. No persons employed as a clerk or Munshi of a lawyer shall have any communication with the Opposite Party or remove any papers from the office of his master or deliver these to any person without the master's express permission or knowledge consent or assist any client in engaging any other legal practitioner.
59. Any person committing breach of rule 69 above shall be declared to be unfit for employment by the committee and there after no member shall engage any such person in his employment.
60. The Secretary may from time to time make suitable arrangement with the clerk and Munhis association for obtaining its assistance and dealing with any matter arising under these rules relating to clerk or munhis or servants.

PROFESSIONAL CONDUCT OF THE MEMBERS

61. No member received any brief or otherwise any case from or through any person whom he knows or believes to be adalat or court or on the list of touts kept by the Committee on through preparing petition writer or a typist.

62. 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.

63. 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 with two extra copies of the complaint. The Secretary shall forth-with send a copy 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 along with 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.

64. The committee shall have powers either upon complaint or of its own motion to enquire into the conduct of any member, his agent, clerk or Munshi so far as such conduct relates 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.

65. 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 donation and subscription paid to the Association and shall be liable for all the arrears due to the Association or any other liability incurred under these rules.

66. Any member leaving practice or the station or who for any other reason ceases to be 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 for recovery of such amounts.

chairmen of the Committee.

MEETINGS

74. Whenever an occasion the Chairmen of the Secretary may call a meeting of the Committee to decide the amount to be paid as the case may be to the Association .

(a) while determining the amount the Committee shall keep in view the age association the circumstances or other sufficient reasons of the member in whose case amount is to be determined .In case of a member his economic condition may invoke the welfare fund in case of permanent disability of a member or his long illness.

(b) The Fund shall also be applicable to the employees of the Sub Division Bar Association Khadur Sahib .

WELFARE PROGRAMME

75. The Committee may in the given circumstances embark upon such programs as it may deem fit for the welfare of the members .Occasion medical Check -up shall be one of such programs .The Committee may further devise ways and means to further enhance the General health and well being and club life of the members for which purpose they may recommend to the General House to go in for the formatting of a club exclusively for the members of the Sub Division Bar Association .

76. The Executive Committee may subject to the approval of the General House the percentage of contribution to the welfare fund if and when the situation may so warrant .The Executive Committee if need be amend add to and repeal any of the welfare fund rules subject to he approval of the members in a General House meeting .

77.A watch committee consisting of five members will control and watch the entire financial position of District Bar Association having one Chairman of the Committee whose tenure along with other members will be for three years .They will be appointed by the executive committee with the approval of the General House .After the filling of the nomination papers executive can spent the amount only with the approval of the committee.

member or his employee and delivered to the Secretary within 30 days of the knowledge or *of* intimation of such order or decision .

68. The Secretary shall within 30 days of the filling of appeal call an Emergent General Meeting for the purpose of disposing of 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 .

69. These rules shall not varied .added to cancelled otherwise than by a special resolution passed in a General Meeting in the manner prescribed here to fore .

70. Every special resolution varying adding to or canceling any of these rules shall unless any time is specified therein take effect with in fifteen days after the passing there of .

71. The rules of the Association shall be printed corrected and brought upto-date by Secretary if necessary .

72. The Member alone can obtain copies of the application proceedings of the meeting decision and orders of the committee and all other proceeding under the proceeding rules duly attested by the Secretary at a cost of Rs 50.500 per copy of any document or order etc.

WELFARE FUND

73. 25% of the total amount of subscription of the Sub Division Bar Association shall go the the welfare fund to be maintained for the welfare of the members of the Association .

- (a) The Secretary along with President and one Executive Member shall maintain a separate regular account of the welfare fund in a Scheduled Bank in Khadur Sahib .
- (b) The Secretary shall operate the accounts under the Resolution/resolutions of the Administrating Committee which shall comprice of five members the sitting President and Secretary shall be Ex -Officer members of the Committee.
- (c) The account of the Bar shall be audited every year by a qualified chartered accountant :
- (d) Three Committee members shall be appointed by the Executive Committee for a term of three years beginning from 1st of January onward after every three years.
- (e) The vacancy in the Committee shall be filled in by the Executive Committee according to the nature of vacancy as above (b).

91. There will be an election committee consisting of five members in order to check the election process. The returning officer will be ex-officio member. The decision of the committee will be final.

AUCTION OF CANTEEN AND CYCLE STAND

The canteen of the Bar and the cycle stand shall be given on rent in open auction to be made on 31st March every year and the highest bid shall be accepted. The person who will took the canteen and cycle stand on rent shall make the payment by making the said deposit of the same in the bank account of the Bar. The 25% of the accepted auction amount should be deposited on the day of auction and the remaining 75% of the auction money should be deposited within 25 days next to the auction date.

Rajwinder Singh
SECRETARY

Khadoor Sahib

20.5.2015