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New
CONSTITUTION
OF
DISTRICT BAR ASSOCIATION,
KENDRAPARA

At/Po/Dist- Kendrapara, 754211

Constitution of the District Bar association, Kendrapara

1- NAME AND LOCATION:

- a) Name of the Association: District Bar Association, Kendrapara
- b) The registered office of the Association shall ordinarily be situated within the court premises at Kendrapara

2- AIMS AND OBJECTS:

The aims and objects of the Bar association shall be:-

- a) To implement the Rules framed by the Bar Council of India as well as Odisha State bar Council under the Advocates Act, 1961 in letter and spirit.
- b) To act for the welfare of the members of the Association.
- c) To undertake all such activities as are in the interest of the members of the association.
- d) To establish and maintain an up to date library for the use of the members and research personnel.
- e) To generate funds for the fulfilment of the aims and objectives of the Association.
- f) To receive funds, subscription, donations and grants etc. by lawful manner and to apply those funds for the welfare of the members of the Association.
- g) To maintain cordial relations amongst the members of the Association.
- h) To undertake such steps and plans and execute such schemes and projects which may be in the interest of the members of the Association.
- i) To manage the property and funds of the Association in a proper manner.
- j) To organize recreational and cultural activities for the members of the Association.
- k) To look after, manage, supervise and control the affairs of the Association.
- l) To uphold the honour, dignity and independence of the Bar Association and the profession of law.
- m) To maintain and promote professional dignity of the members of legal profession in general and members of the association in particular.
- n) To act for in the direction of maintaining the independence of the Judiciary and to uphold and promote rule of law.
- o) To act for maintaining the dignity and noble character of the Legal Profession and to enhance the dignity of the Legal Fraternity in the society.
- p) To set up a code of professional conduct, discipline and etiquette.

- q) To undertake the activities such as legal conferences and seminars etc. on Legal Subjects which are helpful to the members of the Bar, Legal Institutions and the general public.
- r) To make efforts for achieving the goals laid down in the Constitution of India for the betterment of the Nation and its People.
- s) To provide free legal aid to the weaker sections of the society.
- t) To provide legal education and organize training programs by inviting legal luminaries on different subjects of Law and Constitution, for the young members of the Association.
- u) To make measures to provide for financial aid to the members of this Bar Association in strained circumstances and to the members of their family on their death.
- v) To do all other things necessary for discharging the aforesaid functions.

3- DEFINITION:

- a. "Act" means the Advocates Act 1961 and all words and expressions used but not defined herein shall have the meaning respectively assigned to them in the Act.
- b. "Bar Council" means Odisha State Bar Council.
- c. "Association" means District Bar Association, Kendrapara.
- d. "Advocates" means and advocate within the meaning of the advocates Act 1961.
- e. "Members" means any person whose name appears on the roll of Bar association and welfare scheme on payment of the prescribed fee and other charges as applicable.
- f. "Life Members" means a member on roll of the association and has been admitted as life members of the association on application and payment of the prescribed fee.
- g. "Valid Members" means a member who is not in arrear of monthly subscription for more than three consecutive months, annual contribution to the welfare scheme and other dues.
- h. "Senior Member" means a member who is continuing as member of the association for a period of not less than twenty five years.
- i. "On the roll of the Association" means an advocate whose name find place in the register of members maintained by the Association.
- j. "General Body" means all the members in the roll of the Association.
- k. "Executive Body" means the Executive Body of the Association duly elected as per the provision of the Constitution of the Association.
- l. "President" means the president of the Association.
- m. "Secretary" means the secretary of the Association.
- n. "Election Officer" means a member appointed as such by the Executive Committee to conduct election of the Association.
- o. "Poling Officer" means a member appointed as such by the Election Officer.

- p. “Voter” means a valid member whose name is included in the electoral roll of the Association prepared for the particular election.
- q. “Electoral Roll” means the list of the voters prepared by the Executive Body for the purpose of the particular election.
- r. “Annual” means a period of twelve month from the day starting from 1st April to 31st March of the succeeding year.
- s. “Casual Vacancy” means vacancy caused otherwise than by the expiry of the term of the office of the member of the Executive Committee.
- t. “Welfare Scheme” means a scheme prescribed in this constitution for the benefit of the members.
- u. “Welfare Scheme Committee” means committee formed to administer the welfare fund and its utilization.
- v. “Welfare Fund” means fund raised for said purpose from the members and 25 % of the daily income of the Bar Association.
- w. “Indigent Advocate” means an advocate who is unable to maintain himself and his family from out of his professional income and who is so certified by the Executive Committee of the Association or in the opinion of the Welfare Scheme Committee is in need of financial assistance.
- x. “Disabled Advocate” means an advocate who on account of any illness or physical or mental infirmity is temporarily or permanently unable to practice and who is in the opinion of the Executive Committee is a disabled advocate.
- y. “Family” means the spouse and his/her minor children, parents and his/her actual dependents.

4- MEMBERSHIP:

There shall be four classes of membership:

- a. General Members
- b. Life Members
- c. Honorary Members
- d. Senior Members

a) GENERAL MEMBERS:

Any advocate on the roll Of the Odisha State Bar council on payment the requisite membership fees and other fees as decided by the General Body of the Bar Association from time to time eligible to be enrolled as general members of this Association.

b) LIFE MEMBERS:

- a) Any existing ordinary members will be eligible to be admitted to be life member on payment of following fees:
 - i. A member on the roll of the association for a period of one year to 5 years of continuous practice: Rs 5500/-
 - ii. A member on the roll of the association for a period of 6 years continuous practice to 10 years of continuous practice: 5000/-

- iii. A member on the roll of the association for a period of 11 years of continuous practice to 15 years of continuous practice Rs 4500/-
 - iv. A member on the roll of the association for a period of 16 years of continuous practice to 20 years of continuous practice Rs 4000/-
 - v. A member on the roll of the association for a period of 21 years of continuous practice to 25 years of continuous practice Rs 3500/-
 - vi. A member on the roll of the association for a period of 26 years of continuous practice to 30 years of continuous practice Rs 3000/-
 - vii. A member on the roll of the association for a period of 31 years of continuous practice to 35 years of continuous practice Rs 2500/-
 - viii. A member on the roll of the association for a period of 36 years of continuous practice to 40 years of continuous practice Rs 2000/-
 - ix. A member on the roll of the association for a period of 41 years of continuous practice to 44 years of continuous practice Rs 1500/-
- b) Anybody who is in the roll of State Bar Council on payment of Rs 6000/- is eligible to be life member of the Association.

c) **HONORARY MEMBERS:**

- i. The General Body may select any person as Honorary members on account of his meritorious service to the profession, science of law, maintenance and reform of the administration of justice and promotion of rule of law. Such honorary members shall be exempted from the payment of all fees and subscription. But shall not possess voting right in the management and affairs of the association. Honorary members may be permitted to use the library of the Association subject to the rules relating thereto.
- ii. Any existing member of the Association who has completed 45 years of continuous practice shall deem to be an honorary member of the Association. He/She shall be entitled to all the benefits and amenities as a regular member free of subscription.

d) **SENIOR MEMBERS:**

Any member who is continuing as member of the association for a period of not less than twenty five years shall deem to be a senior member.

5- ADMISSION OF MEMBERS:

Any advocate who is not unsound mind and desiring to become a member of the Association may apply to the secretary in writing in the prescribed form duly signed by him and recommended by at least two members of the Association on the roll for at least five years together with an undertaking in shape of an affidavit as prescribed along with Rs 200/- for admission form and processing fee.

The secretary shall put the application before the Executive Committee specially convened for the purpose. The Executive Committee shall have the power to admit or refuse admission of any applicant. However, in case of refusal for admission of any applicant; the Executive committee shall record reasons thereof in the minute book of the committee and supply a free copy of the same to the applicant. Such

applicant may prefer an appeal against such decision before the general body within seven days from the date of his knowledge of such refusal. The decision of the general body shall be final and conclusive.

In case of the application of the advocate is accepted to be enrolled as a member in the roll of the Association, the applicant shall be admitted as such on payment of the prescribed fee as may be fixed from time to time.

6- SUBSCRIPTION:

Every member if not a life member, shall have to pay a monthly subscription/fee to the association which shall be payable in advance and shall become due on the first day of the month. The amount of subscription shall be as may be prescribe from time to time by the general body of the association. In case a member fails to pay such subscriptions for three consecutive months, he shall be deemed to have ceased to be member of the Association, and he/she cannot participate in any election of the Association and he/she shall not be entitled to the benefits available to a member under this law or from the State Bar Council. However, on application with proper explanation, such member may be re-admitted by the Executive Committee of the Association subject to payment of the readmission fee, as may be fixed from time to time, besides the outstanding monthly subscription. On removal of his name from the roll of the Association, his liability for the subscription amount outstanding against him shall not cease.

7- DUTIES AND RESPONSIBILITY OF MEMBERS:

- i. Every member of the association shall maintain decorum, discipline and shall act in accordance with the provisions of the Orissa State Bar Council Rules.
- ii. No member can utilize the association for political purpose.
- iii. No member shall contravene the aim, objective and rules & regulations of the Association. He is to act in accordance with the decision of the Association as would be taken from time to time.
- iv. Any member on Roll if takes up any other profession prohibited under the bar council Rules, he shall have to intimate the same to the association, failing which not only he shall be dismembered but also necessary further action will be taken against him after giving him an opportunity of filing show cause and hearing.
- v. The removal of his name from the roll of the Association shall be intimated to the Bar Council with a request to strike out his name from the Roll of the council. If such member participates in any election, penal action shall be taken against him in accordance with law.

8- DISCIPLINARY ACTION AGAINST MEMBERS:

Any member acting in a manner not befitting to the profession or in contravention of its aims, objects, Rules, Regulation or disobeying or acting against the spirit of any resolution of the association, shall be liable to disciplinary action, such as suspension, removal from the Roll of the Association, censured or otherwise dealt with. On receipt of a complaint against a member, the secretary shall call for an explanation from the concerned member. On receipt thereof, the same shall be placed before the Executive Committee, who on existence of a prima facie case shall refer the same to the Disciplinary Committee for enquiry. The Disciplinary Committee shall follow the practice and procedure adopted by the Bar Council and on completion of enquiry; it will refer its decision to the General Body for approval. The decision of removal of the delinquent member from the roll shall have to be approved by at least two third members present in the General Body. The decision of the General Body shall be communicated to the concerned member in writing. A free copy of the decision, if applied for, will be supplied to the said member in writing and to the Bar Council. The delinquent member shall have a right of appeal to the Bar Council against such order of his removal from the roll. He may prefer the appeal, against the decision of the General Body to the Bar Council within one month from the date of decision of the General Body. The order of removal, if any, from the Roll shall not be given effect to for a period of one month or if any order to that effect is received from the Council.

9- DIFFERENT COMMITTEE TO BE FORMED TO TRANSACT THE BUSINESS OF THE ASSOCIATION:

A- EXECUTIVE COMMITTEE:

There shall be an EXECUTIVE COMMITTEE of the Association which shall consist of following:

- i. President
- ii. Vice President
- iii. Secretary
- iv. Joint Secretary
- v. Addl. Joint Secretary in charge of Library
- vi. Treasurer
- vii. Two member of the Executive Committee (out of which one shall be a woman member)
- viii. Member of the State Bar Council of Odisha if he is a member of the Association.

B- DISCIPLINARY COMMITTEE:

There shall be disciplinary committee of the Association consisting five members.

- i. Four members of the committee shall be nominated by the Executive committee and approved by the General Body.
- ii. Secretary of the Association shall be the ex-officio member and convenor of the committee.

- iii. The senior most members of the committee shall be the chairman of the committee.
- iv. The term of this Committee shall remain co-extensive with the term of the executive committee. The Disciplinary Committee shall be constituted by the executive Committee within one month of the result of the election.

C- FINANCE COMMITTEE:

Finance committee shall consist of seven members nominated by the Executive committee and approved by the General Body.

- i. President of the Bar Association shall be the ex-officio member of the committee.
- ii. Secretary of the Bar shall be the ex-officio member and convenor of the committee.
- iii. Treasurer of the Bar shall be the ex-officio member of the committee.
- iv. The senior most member of the committee shall be the Chairman of the committee.

D- WELFARE SCHEME COMMITTEE:

There shall be a welfare scheme committee consisting of ten members as the case may be which will administer ADVOCATE WELFARE (Retirement, cessation and death) BENEFIT SCHEME of the Association launched in the year 2012.

- i. President and immediate past president shall be the ex-officio members of the committee.
- ii. Secretary and immediate past secretary shall be the ex-officio member of the committee.
- iii. Treasurer and immediate past treasurer shall be the ex-officio member of the committee.
- iv. Two senior members of the bar to be nominated by the General Body. Term of these members shall be four years since the date of assumption of office.
- v. Two members having more than practice of 10 years to be nominated by the General Body. Term of these members shall be four years since the date of assumption of office.
- vi. Secretary of the Association will act as ex-officio secretary of the committee.
- vii. Senior most members amongst the committee members shall act as the chairman of the committee.
- viii. All the welfare scheme of the Association will operate under this committee.

E- Any other committee as may be appointed by the General Body from time to time for specified or general purpose.

10- POWER OF THE GENERAL BODY:

It is the supreme body of the Association. Any decision arrived in the General body shall be final and binding on all the member, office bearers, committees and sub-committee of the Association. It may take any decision in the interest of the Association and members, but not in derogation of any law, rules and regulation including that of the Bar Council, in force.

11- POWER AND FUNCTION OF THE EXECUTIVE COMMITTEE:

- I. The Executive committee shall manage the whole business and the affairs of the Association and shall have all powers, duties and functions necessary, proper and incidental to the promotion and carrying out the objects of the Association including framing of rules and regulation for the purpose.
- II. In particular and without prejudice to the generality of the powers referred to above the Executive Committee shall have the following powers:-
 - a. To manage the properties i.e. the assets of the Association.
 - b. To perform all such acts and duties and exercise all such powers as may be delegated or assigned to it by the General Body from time to time.
 - c. To verify and scrutinize monthly account statement of the Association placed before it by the Secretary.
 - d. To accept any fund or Endowment in which the Association is interested.
 - e. To appoint from time to time, officers and employees on such term and condition as may be found necessary for carrying out the management and affairs of the Association.
 - f. To exercise control over the employees of the employees of the Association including power of suspension and dismissal.
 - g. To maintain a library of the Association.
 - h. To maintain discipline in the Association and develop cordial relationship among the members.
 - i. To observe Madhujayanti, Law Day, Utakal Divas, Independence Day, Republic Day and other National Day.
 - j. To select different member of the committee.
 - k. To communicate decision of the committee to the concerned officials and members, as and when required.
 - l. To manage and provide fund to election officer for conducting the election of the Association.
 - m. To enhance and/or reduce the subscription as and when required with the approval of the general Body.
 - n. To promote the growth of the Welfare Fund of the Bar Association for the purpose of the effective implementation of the Welfare Scheme. The Association may constitute one or more funds in the prescribed manner for the purpose of giving legal aid or advice in accordance with the provision made in this behalf.
 - o. To place proposal before the finance committee and general Body to enhance the remuneration of the employees/staffs as and when required.

But under no circumstances executive committee can enhance remuneration of any employees without prior approval of the General Body and Finance Committee.

- iii. No expenditure can be incurred by the executive committee exceeding Rs 2000/- (two thousand only) without the prior approval of the finance committee or General Body, as the case may be. However recurring expenses such as establishment charges including salaries to the employees, bill for cable connection and news papers, cost of printing and stationery can be incurred by the Executive Body without prior approval.
- iv. In case of difference of opinion among the members of the Executive committee on any subject same will be referred to the General Body for decision. Any member of the Executive committee who fails to attend three consecutive meetings of the Executive committee without prior intimation in writing to the Secretary and without reasonable grounds shall be liable to be disqualified to hold the office.

12- DUTIES AND FUNCTION OF THE DISCIPLINARY COMMITTEE:

It will here all reasonable complaint made against any member of the association. No complaint shall be entertained by the committee unless it relates to the legal profession and/or ethics of the profession. It shall here such complaints which are referred to it by the Executive Committee or the General body of the Association. All complaint must be supported by an affidavit and a fee of Rs 100/-, if not referred by the General Body. It shall give reasonable opportunity to the delinquent advocate to file show cause and hear both the parties before submitting a report to the Executive Committee or to the General Body, as the case may be. It shall follow, as far as practicable, the procedure followed by the Bar Council and its disciplinary committee with regard to disciplinary proceeding against advocate. It shall submit its report as early as possible, preferable within a period of three months.

13- DUTIES AND FUNCTION OF THE FINANCE COMMITTEE:

- a) The finance committee shall prepare a statement of account and budget of the Association before the second week of April every year for the next year and submit the same to the General Body in the end of April at least 21 days after the election of the Executive Body.
- b) The finance committee shall check the account of the association and shall be responsible for the preparation of the annual statement of accounts and the balance sheet after same audited by a chartered accountants or any qualified auditor within three months from the end of the succeeding financial year along with the report of the CA/Auditor and shall also report same to the Association if any irregularity found in the account.
- c) The finance committee shall make recommendations for investment and management of funds of the Association.
- d) The finance committee shall have the power to sanction or refuse sanction of any expenditure to be incurred for the Association.

- e) The finance committee shall supervise the work of the accountant/person in charge of the accounts and will have full control over him.
- f) The finance committee shall fix the remuneration of the auditor.
- g) The finance committee shall sit at least once in every two month.
- h) If any expenditure in the opinion of the finance committee is made violating constitution, rules and decision of the general Body, the amount incurred as such be recovered from person/body of persons liable.

14- FUNCTION FO THE PRESIDENT:

The President of the Association Shall:

- i. Preside and conduct all meetings of the Association and the General Body/Executive committee.
- ii. Represents the association whenever a formal representation is necessary.
- iii. Shall be responsible for the proper functioning of the various office bearers of the Association.
- iv. Exercise the casting vote in case of equality of votes at any meeting of the association or the General Body/ Executive Committee.
- v. Supervise all the financial transactions of the Association.
- vi. Perform such other functions as might be required by the Rules or constitution of the Association.
- vii. Shall have power to instruct the secretary to incur expenses up to Rs 2000/- (rupees two thousand) without prior approval of finance committee, Executive Committee or General Body.

15- FUNCTIONS OF THE VICE-PRESIDENT:

The Vice-President of the Association shall:

- i. Perform the functions of the President when the president is absent or is not available.
- ii. In the absence of the president, he shall carry out all the functions an duties of the President.

16- FUNCTIONS OF THE SECRETARY:

- i. The Secretary shall be the Chief executive of the Association and shall be in charge of the day to day correspondence/affairs and shall look after the management of the Association.
- ii. He shall convene Annual General Body meetings as per the constitution and also convene all the meetings of the General Body and Executive Body as and when required in consultation with the President.
- iii. He shall have the power of spending the funds of the Association in accordance with the Budget in paying the salaries of peons and staffs, in purchasing books, furniture's and materials for the printing press and for other purposes connected with the management of the association and the library in accordance with the direction of the General Body/Executive Committee and

for this purpose to operate upon the Bank Account's of the Association along with the president and treasurer.

- iv. Spending a sum of not exceeding Rs.2,000/-(rupees two thousand) only in any month for extraordinary and emergent purposes with prior approval of the president.
- v. Keeping and maintenance of the accounts and minutes of the meetings of the Association and of the general Body/Executive Committee.
- vi. Investment of funds of the Association in current or fixed deposit in any scheduled bank approved by the General Body/ Executive Committee, withdrawal of the deposits from time to time and to utilize and spend them for the purposes of the Association and to deal with Government and other securities on behalf of the Association in accordance with the directions of the General Body/ Executive Committee.
- vii. Prepare statement of accounts and balance sheet for audit and presentation before the Finance Committee/ Annual general body for approval.
- viii. He shall be custodian of all records, registers, accounts, furniture and all the properties of the Association.
- ix. To generally supervise the working of the various activities of the Association, and to perform such other functions as he might be required to perform by these Rules or the constitution of the Association.

17- FUNCTIONS OF THE JOINT SECRETARY:

The Joint Secretary in Charge of administration shall assist the Secretary in discharge of duties. In the absence of the secretary, the joint secretary shall act for him in all matters that call for immediate disposal.

18- FUNCTIONS OF THE ADDITIONAL JOINT SECRETARY INCHARGE OF LIBRARY:

The Joint Secretary in charge of Library shall be responsible for the maintenance of the Library of the Association and for performing such other functions as might be delegated to him by the Executive Body.

19- FUNCTION OF THE TREASURER:

The Treasurer shall be in charge of funds of the Association and shall spend the same according to the direction of Executive committee, finance committee or Secretary as the case may be. He shall maintain account of income and expenditure of the Association and get them audited.

20- TERM OF OFFICE:

The term of office of the Executive Committee and that of other committees except welfare committee shall be of one year from the date of resumption of office or till next election or till dissolution of Body, whichever is earlier.

21- FUNCTION FO THE WELFARE SCHEME COMMITTEE:

- a) All existing members of the Association shall be member of the welfare scheme on payment of admission fees as fixed by the scheme committee time to time.
- b) The committee shall receive duly filled admission form for admission and admit the members after receiving the admission fees.
- c) The committee shall receive annual contribution from the members as fixed by the scheme committee time to time. A member in default of payment of annual contribution will not be entitled to financial benefit under the scheme.
- d) The committee shall administer the welfare fund.
- e) The committee shall receive application from members of the scheme, their nominee or legal heirs, as the case may be for payment out of the scheme fund and dispose of the application within fifteen days from the date of receipts thereof, after such enquiry as it may be deem necessary.
- f) Maintain separate accounts, register, minute books etc for administration of the fund.
- g) Prepare separate regulation for administration of the fund.

22- MEMBERSHIP FO THE WELFARE SCHEME:

- a) Membership to the advocate welfare scheme is mandatory.
- b) An existing member of the Association shall have to pay Rs 300/- (rupees three hundred only) towards the admission fee along with prescribed filled up form for admission in to the scheme. However for new members admission fee shall be Rs 500/- (rupees five hundred only).
- c) Every members of the scheme shall pay Rs100/- (rupees one hundred only) toward annual contribution on or before 31st March. Member who default in payment of contribution make them liable for removal from the scheme of the association and roll of the Bar and shall be served a default notice by the welfare committee soon after the default of three month. On the receipt of notice if the member pays up to date dues/contribution within 15 days the secretary shall receive the same. But if such payment is not made his name shall be removed from the roll of the Bar Association and the Scheme and defaulting member shall not get any financial benefit under the scheme and cannot use other facilities and amnesties of the Association.
- d) Member who has been removed from the roll of the association and scheme vide clause “c” can be readmitted in to roll of the scheme on payment of readmission fees of Rs 100/- (one hundred only) along with unpaid dues.

23- UTILISATION OF THE WELFARE FUND:

- i. In the event of death of a member advocate of this scheme, an amount of Rs 25,000/- (rupees twenty five thousand only) shall be paid to the nominee/legal heirs of the deceased member. Provided that the member advocate admitted in to this scheme shall have to complete at least three years of practice after admission in to the scheme to be entitled to avail the benefit. Further provided

that in the event of death of a member within three years of enrolment to the scheme an amount of Rs 5000/- (rupees five thousand) shall be paid to the nominee/legal heirs of that member.

- ii. A member advocate after completion of 75 (seventy five) years of age or 45 (forty five) years of practice, shall cessation of practice be entitled to receive Rs 25,000/-(rupees twenty five thousand only).

Provided that a member advocate of this scheme may opt retirement benefit any time after 15 years of his admission and on that event he shall be entitled to get Rs 10,000/- (rupees ten thousand only).

Further provided that an indigent member advocate on account of his voluntary cessation on ground of his permanent physical or mental disability, will be allowed to retire by the committee and the beneficial amount shall be fixed by the committee considering the prevailing circumstances but same shall not exceed Rs 25,000/- (rupee twenty thousand only).

- iii. Assistance up to Rs 20,000/- (rupees twenty thousand only) can be sanctioned in favour of a member who is not able financially to treat himself in case of cardio vascular diseases, cancer and renal failure. Provided that, a member advocate or his immediate family members seeking assistance shall produce supporting treatment records before the committee for consideration of the claim.

- iv. The quantum of assistance to members shall be reviewed at the interval of four years.

24- WELFARE FUND:

Amount collected towards membership subscription of the scheme, annual subscription of the scheme members, 25% of the daily income of the Association and 3/4th of the fund already deposited in the welfare fund of the Association shall constitute Welfare Fund and shall be maintained separately depositing same in any schedule Bank jointly operated by the President, Secretary and Chairman of the Scheme.

25- ANNUAL GENERAL BODY MEETING:

Annual general Body meeting of the Association shall be convened by the secretary every year soon before 25 days of the election for the following purposes.

- a- Election of the Executive Committee.
- b- Presentation and approval of audited accounts of the past year.
- c- Transaction of any business as may be required.
- d-

26- EXTRA-ORDINARY GENERAL BODY MEETING:

An Extra Ordinary General Body meeting shall be convened by the Secretary at the requisition of at least hundred members in writing and addressed to the Secretary accompanied by the Statement explaining for the purpose.

27- NOTICE OF THE MEETING:

Notice of the meetings shall be given by fixing up a notice along with the agenda on the notice board of the Association and also by circulating it in the Bar on the working day to such members as are present or can be found seven clear day before the day of the meeting in case of the annual general body meeting and two clear days in case of other general meetings and after such fixation shall be called on question on the ground of improper service or non service of the notice on any members or insufficiency or impropriety of the time allowed or fixed by the notice. General meeting of any urgent business however be convened with shorter notice.

Notice of meeting specially convened for amendment of the constitution should be circulated among valid members at least 10 days before the date of meeting besides posting of a copy of the notice in the notice board. It should contain particulars as here after provided.

28- QUORUM OF MEETING:

Seventy five members shall form a quorum for any general meeting of the Association including an extra general body meeting and five members for a meeting of the Executive Committee. If it is found that there is no quorum, the meeting shall be adjourned without transacting any business except fixing a date and time for the adjourned meeting and no quorum will necessary for said meeting.

Quorum for meeting specially convened for amendment of the constitution shall be half of the valid members on the date prior to the day of meeting.

29- ELECTION:

Members of the Executive Committee shall be directly elected from among the members of the Association in an election declared annually preferably in the last week of March every year, the date whereof will be fixed by the Executive Committee.

30- ELIGIBILITY:

- a) For the post of President and vice President, the candidate should have been a senior valid member of the Association.
- b) For the Post of Secretary the member should have been continuously on the Roll of the Bar Association at least for a period of twenty years.
- c) For the post of joint secretary and additional joint secretary, treasurer and two executive Bodies, the member should have been continuously on the Roll of the Bar Association at least for a period of seven years.

31- PROCEDURE FOR ELECTION:

- a) The Executive Committee of the Association shall fix the date of election and notify the same before 21 days of the date fixed.
- b) The executive committee before fixing the date of election shall nominate one willing senior valid members of the association to act as an Election Officer and shall supply him a copy of the Electoral Roll.

Provided that before publishing final voter list a preliminary voter list shall be published by the executive Body notifying the same in the Bar notice board giving at least three days time to members to inspect the same and make any complaint for correction if any in the preliminary voter list.

- c) The Election officer on receipts of the intimation of the date of election shall notify the date, time and place of submission of nomination paper, scrutiny and withdrawal in the notice board of the Association. The nomination paper will be supplied by the election officer to the desiring candidate to the election to any post on payment of an amount fixed by the executive committee. Publication of final list of eligible candidates, counting of votes and declaration of the elected candidate shall be done by the election officer.
- d) Any objection for admission or rejection of nomination papers shall be heard and decided by the election officer at the time of scrutiny. If after scrutiny there is single valid nomination for any office, the election officer shall declare him elected subject to the rules of the Constitution.
- e) The election shall be held by secret ballot. Candidate or their representatives may remain present at the time of polling and counting of votes.
- f) The election officer will make all the necessary arrangement to maintain the secrecy of voting and for that purpose he may take help of members of the Association.
- g) The election officer shall conduct the election in the manner prescribed in the rules framed by the Bar Association.
- h) The counting of votes shall commence as soon as possible after the voting is completed, under the direct supervision and control of the election officer in presence of the candidates or their counting agent if any present.
- i) After the counting of votes and before declaration of the result, a candidate or in his absence his authorize agent if applies in writing to the election officer to recount the votes stating the ground of such recounting the Election officer may allow the application or reject the application if it appears to him to be frivolous or unreasonable.
- j) The candidates securing the maximum number of votes shall be declared as duly elected by the election officer immediately after counting on the same day.
- k) In case there are equal numbers of votes for any post, the result shall be declared by drawing lots and the candidate whose name is drawn first shall be declared elected.
- l) On completion of the election , the election officer shall hand over ballot papers (used and unused) and all other records relating to the election in a

secured container duly locked and sealed to the secretary of the Association. All these ballot papers shall be destroyed after expiry of the period of three months.

32- VACANCY IN THE EXECUTIVE BODY:

Casual vacancy in the executive committee occurring due to death, resignation, default or any other reason shall be filled up through co-option by the executive committee except president and secretary. Vacancy in respect of president and secretary shall be filled up by fresh election as per provision of the constitution within two month of the date of vacancy.

33- AMMENDMENTS OF THE CONSTITUTION:

The constitution shall not be amended, altered or modified except by a majority of two third of the members present at a general meeting specially convened for the purpose. The notice convening such general meetings for amendment of rules and regulations shall contain the full text of the proposed amendments and object and reasons of such amendments.

34- LIBRARY:

- a) The Addl. Joint Secretary of the Association shall be in charge of the library and shall look to day-to-day maintenance of the library.
- b) There shall be register of books containing separately the list of the reference books, the reports and periodicals.
- c) Members requiring books for use in court premises will get them on giving a receipt to the librarian to be returned before the close of court hours. No members shall be eligible to remove the books from court premises. Any member violating the present rules may be deprived of the right of using the library by the Executive Committee for any specified period and shall be liable to pay a detention fee Rs.5.00 per book for each day detention.
- d) Without express, prior permission of the member in charge of the library, no books or periodicals of the library shall be submitted in any court or kept out of the Library after 5 p.m of the date of issue.
- e) Members shall not be allowed to mark underline or spot in any book of the binding thereof or losing any book belonging to the Association Library shall be required by the Executive committee to replace it.
- f) Any member failing to replace a book spoiled or lost or to return a book borrowed shall be liable to pay this Association the cost of replacement and compensation to be determined by the Executive committee and the name of defaulting member shall be liable to be removed from the roll of the members and the secretary may take legal steps to recover the amount due to the Association.

35- PROPERTIES OF ASSOCIATION:

No one who is not a member of the Association shall be entitled to use the furniture, stationary, books and the other properties of the Association.

36- SUITS:

The Association may sue or be sued through its Secretary.

37- REMOVAL OF DOUBTS:

If any matter arises about which no provision has been made in the aforesaid articles, the decision of the general meeting thereupon shall be final and shall not be called in question in any proceeding whatever.

38- CONSEQUENCES OF DISSOLUTION:

Upon dissolution of the society the property that remains after its satisfaction of all its debts and liabilities will be handed over to a registered society of similar objects.