

**CONSTITUTION AND RULES OF THE
MANGALDAI BAR ASSOCIATION**

As amended up to date and adopted by the
Special General Meeting of the
Mangaldai Bar Association
held on 10-01-2012

**MANGALDAI BAR ASSOCIATION
MANGALDAI**

THE CONSTITUTION AND RULES OF MANGALDAI BAR ASSOCIATION

CHAPTER-I

1. Name :

The name of the Association shall be “**Mangaldai Bar Association**” and Association appearing hereafter shall mean Mangaldai Bar Association.

2. Objects:

The objects of Mangaldai Bar Association shall be:-

- a. To promote amity, friendship, and Unity among its members;
 - I. To maintain and ensure discipline among the members.
- b. To spread the knowledge and information regarding law;
- c. To enforce members not to encroach upon each other's interest in the legal business.
- d. To protect the general interest of the litigant public;
- e. To organize lectures, seminars, etc. on legal topics or other topics of public importance;
- f. To render financial and other aid to the indigent and disabled members of the Association and to organize welfare scheme for the members of the Association;
- g. to own a library;
- h. to hold, own acquire and transfer properties;
- i. to become member of the State Regional and National Legal Bodies; AND
- j. to co-operate in implementation of the Legal Aid Scheme.

3. Membership:

- a) The advocate , whose name is entered in the roll of Advocate maintained by the Bar Council of Assam, Nagaland, Meghalaya, Mizoram, Manipur, Tripura and Sikkim and who will ordinarily practice in the Courts for Mangaldai will be eligible for membership of this Association.
- b) Any Advocate desiring to be a member of this Association may apply to the Secretary for being enrolled as a member of the Association in the form prescribed in

Appendix-i and the said application shall be accompanied by an admission Fee of Rs.5000.00(Rupees Five thousand) and the monthly subscription for one year in total being Rs.240.00 (Rupees Two hundred Forty) or such other amount for monthly subscription likely to be decided by the Executive Committee. The license or certificate as the case may be shall be returned after the enrolment as member. The enrolment fee shall not be refunded except when the application for enrolment is refused.

c) The Secretary , on receipt of the application as referred to in Sub-Clause (b) above shall place it before the Executive Committee of the Association for consideration and if allowed by the Executive , the Secretary shall enroll such applicant as a member of the Association; Provided that if any dispute or distention arise regarding enrolment of any applicant and the matter not being settled by the Executive Committee be referred to the General Body Meeting for final decision.

4. Monthly Subscription :

a) Every Member of the Association shall pay a monthly subscription of Rs.20.00 (Rupees Twenty only) or such other amount as may be fixed by the General Meeting of the association,

b) Month shall be construed as English Calendar months commencing on the 1st day and a member enrolled within any calendar month shall be liable to pay the monthly subscription for the whole month.

5. Suspension and Termination of Membership:

1) The Executive Committee on receipt of any complain against any Member of the Association or the Executive Committee on its own motion having reason to believe as to the allegation herein after mentioned in clause (a) to (c) shall conduct or cause to be conducted an enquiry as to the truth of the allegation giving the delinquent Member reasonable opportunity to make his/her stand clear in writing and subsequently the allegation leveled-against is proved member so found guilty shall be liable to any of the punishments described below at the discretion of the Executive Committee.

i) Warning/Caution//Censure.

- ii) Suspension from membership of the Association for such period not exceeding one year.

In case if the member if the member repeats the act/offence founding guilty or if the allegation mentioned in clause (d) the Executive Committee will referred the matter to the General Body Meeting recommending for Termination/Cancellation of his/her membership from the Association. The general Body in its General Meeting or special General Body meeting may suspend the delinquent member from the Association and remove the name if such member from the roll of the Association after giving him/her opportunity of personal hearing.

In case termination of Membership, one shall be entitled to apply for fresh Membership after laps of one year from the effective date of termination.

In case of termination of Membership, one shall be entitled to apply for fresh Membership after laps of one year from the effective date of termination without claiming seniority. Provided re-entry as member is approved by the general Body Meeting.

- a) If any member intentionally commits any breach of the rules of the Association;
- b) If any member intentionally deceives or defrauds or endeavors to deceive or defraud the Association in any way;
- c) If any member directly or indirectly injures the credit or lowers the prestige and reputation of the Association or if any member is found guilty of any misconduct;
- d) If any member is adjudged an insolvent or become a lunatic or is convicted of an offence for which his license is liable to be cancelled under the Advocate Act,1961 r if he is found guilty of professional or other misconduct;

Provided that he shall be entitled to apply for fresh enrolment after laps of two years since his release.

- e) If any member does not pay his monthly subscription continuously for six months.

i. When a member defaults in payment of monthly subscription for a period exceeding six months, the Secretary shall issue a Notice to Member asking him to pay the arrear subscription up to date within 15 days from the date of service of the Notice. Such notice shall be delivered to the member personally and if personal service is not possible after due diligence the notice shall be sent by Registered Post with acknowledgement due to the address of the member appearing in the Register of the Association. If the member fails to pay the arrear within the time mentioned in the notice, the Secretary shall place the matter before the Executive Committee, which shall have the discretion either to recommend the suspension or termination of the Membership of the Member for or to the general Body or to extend the time for paying of the arrear subscription together with the cost incurred by the Association in serving the notice by post by a period not exceeding 30 days.

ii. If the Executive Committee instead of recommending the suspension or termination of Membership forthwith, grants extension of time for payment in accordance with Sub-Rule (f) (i) above and the member fails to make the payment within the time so extended by the Executive Committee, the Executive Committee shall recommend the suspension or termination of Membership of the member forthwith to the general Body.

iii. A member whose name is so removed in accordance with this Rule may be admitted again to the membership on his depositing the arrear subscription and cost, if any incurred for service of Notice together with a penalty of Rs.300.00 (Rupees three hundred only) within 30 days from the date of removal of his name.

Provided that if such a member whose Membership is suspended or terminated under this Rule at any time thereafter makes an application for fresh enrolment, his application shall not be considered unless he pays the amount of arrear subscription along with penalty of Rs.300.00 (Rupees three hundred only) on an application submitted within 30 days from the date of removal of his name.

- 2) The Executive Committee may remove from roll of the Association name of any member:
- a) Who is dead;
 - b) Who makes a written request to that effect;
 - c) At the direction to the State Bar Council of Assam, Nagaland, Meghalaya , Manipur & Tripura;
 - d) Who becomes a full time salaried employee of any person, firm, corporation or concern or of the State Govt. Union Govt. or any Local Self Govt.

6. SUSPENSION OF MEMBERSHIP:

If any member is debarred from practicing for any period or if his license to practice is suspended by the Disciplinary Authority under the Advocate Act or any other law for any period, the Membership such a member shall remain suspended during the period of such debarment or suspension.

CHAPTER-II

7. GENERAL BODY:

- 1) All members of the Association shall form the General Body and it shall be the supreme Body of the Association.
- 2) The general Body shall function through its Biennial general Meeting and Special General Meeting.

8. BIENNIAL GENERAL MEETING:

The Biennial General Meeting of the Association shall ordinarily be held in the Month of January within two years term to-

- a) Accept and pass the Biennial Report of the Secretary
- b) Scrutinize and accept the audited Biennial accounts of the Association.
- c) Pass the Budget for the next term;
- d) Elect the executive committee for the next term;
- e) Generally direct and guide the Executive Committee on any matter;
- f) Interpreted the constitution of the Association and the rules made thereunder.

9. Notice of the Biennial General Meeting:

The date of holding of the Biennial general Meeting as fixed by the Executive Committee shall be notified by the Secretary at least 78 days before the date of the meeting.

10. QUORUM:

Out of the total members of the Association one fourth members shall form the Quorum of the Biennial General Meeting or special General Meeting including amendment of constitution. In case of taking a decision more than fifty percent members present will have vote in affirmation . If any date fixed for the Biennial General meeting or special General Meeting , no Quorum is formed, the President of that meeting shall adjourn the meeting to a date not later than 10 days and on the adjourned meeting , there will be no necessity of any Quorum , Provided that no new agenda can be transacted in that meeting.

11. SPECIAL GENERAL MEETING:

- 1) That Secretary in consultation with President or on the direction of the President, shall convene a Special General Meeting to consider any matter of importance.
- 2) At least one third of the Executive Committee members or at least one fourth members of the General Body of the Association may in writing requisition to the Secretary to convene a special General Meeting to consider any matter of importance. Such requisition shall contain the purpose of which a special General Meeting is sought to beheld , and shall be handed over to the Secretary

or in his absence to the Assistant Secretary or in the absence of the both to the President.

3) The Secretary or the Assistant Secretary or the president as the case may be shall convene a special General meeting at the earliest date according to the urgency of the matter , provided that in no case such meeting may be deferred to any date later than 7 days from the date of receipt of the requisition.

4) On the failure of the Secretary or Assistant Secretary or the President as the case may be, to convene the Special General Meeting as laid down in Sub-Rule (3) above , the signatories of the requisition may convene the Special General Meeting after giving notice to the Members.

12. The President , in his absence the Vice-President and in the absence of both , any member elected by the members shall preside over the Biennial General Meeting and the special General Meeting and subject to the Provision to the contrary all decisions shall be taken by the majority of votes of the Members present.

13. THE EXECUTIVE COMMITTEE:

There shall be an Executive Committee of the Association consisting of the following:-

- a) President
- b) Two Vice-President
- c) Secretary
- d) Two Assistant Secretary
- e) Treasurer.
- f) Library Secretary.
- g) 13 Executive Members.

I) ELIGIBILITY OF OFFICE BEARERS AND EXECUTIVE COMMITTEE MEMBERS:

- a) President –No member shall be eligible for being elected as President of the Association, who has not completed twenty five years of continuous effective practice as Advocate/Member of the Association.

- b) Vice-President –No member shall be eligible for being elected as Vice-President of the Association, who has not completed twenty years of continuous effective practice as Advocate/Member of the Association.
 - c) Secretary- No member shall be eligible for being elected as Secretary of the Association , who has not completed eighteen years of continuous practice as Advocate/member of the Association.
 - d) Assistant Secretary – No member shall be eligible for being elected as Assistant Secretary of the Association, who has not completed ten (10) years of continuous practice as Advocate/Member of Association.
 - e) Library Secretary- No member shall be eligible for being elected as Library –Secretary of the Association , who has not completed ten (10) years of continuous practice as Advocate/Member of the Association.
 - f) Treasurer- No member shall be eligible for being elected as Treasurer of the Association , who has not completed ten(10) years of continuous practice as Advocate/Member of the Association.
 - g) Executive Member- No member shall be eligible for being elected as Executive Member of the Bar Association , who has not completed seven (7) years continuous practice as Advocate/member of the Association.
- II) The Ex-president and Ex-secretary of the outgoing session if not reelected for the new-term shall be the ex-officio member of the present executive committee.
- III) The new Executive committee in its first meeting shall nominate three advisers from among the senior most members of the Association and also constitute a disciplinary committee as per Rules. The nominated advisers shall have the voting right.
- IV) Besides that the Executive Committee shall have the power to invite any senior member to the executive Committee meeting for advice and suggestions if and when urgently felt necessary.

14. ELECTION OF THE EXECUTIVE COMMITTEE:

The Executive Committee including the office bearers shall be elected by and from among the members who are eligible to exercise vote for the purpose of election , in accordance with the provisions of the Rules hereafter appearing. The Executive Committee shall retire at next Biennial General Meeting.

Provided that if the election of the Executive Committee is not completed on the date of the Biennial General meeting , the Old Executive Committee, not withstanding its retirements ,shall continue to function till the new Executive Committee is elected.

l) If the Biennial General Meeting of the Association cannot be held in time as per provisions of the constitution for some unavoidable circumstances, the President of the Association will be at liberty to extend the period with the knowledge of the Executive Committee for another period not exceeding three months, failing to hold the Biennial General meeting within three months the matter shall be placed before the Special General Body Meeting for further extension.

15. CASUAL VACANCIES:

- 1) If any causal vacancy in the Executive Committee is caused either by death , resignation , or otherwise such casual vacancy except in the office of the President , or the Secretary shall be filled up by the Executive Committee.
- 2) If any casual vacancy in the office of the President or the Secretary is caused either by death , resignation or otherwise, such vacancy shall be filled up by the General meeting and the same procedure for election as laid down in the Rule shall apply.
- 3) In absence of President any of the senior most Vice-President (Senior in practice) shall continue to act as President in-charge till the new President is elected as per procedure. Similarly in case of causal vacancy in the office of Secretary the senior most Asstt. Secretary (Senior in practice) shall continue to act as Secretary in-charge till the new Secretary is elected as per procedure.

16. DISQUALIFICATION FOR CONTINUING AS A MEMBER OF THE EXECUTIVE COMMITTEE:

1) If any member of the Executive Committee including the office bearers , after elected ceases to be member of the Association or his membership is terminated or suspended or becomes a defaulter in payment of monthly subscription for six months shall ceases to be an office bearer or a member of the Executive Committee.

2) Any office bearer or member of the Executive Committee shall be deemed to have vacated his office if it is declared by the Executive Committee to have been absent without sufficient excuse from the three consecutive meeting of the Executive Committee.

CHAPTER-III

ELECTION OF THE EXECUTIVE COMMITTEE

17. DISQUALIFICATION OF BEING ELECTED TO THE EXECUTIVE COMMITTEE:

No member , whose name appears in the final list of defaulters prepared in accordance with the Rules appearing hereafter shall be eligible to be elected to the Executive Committee.

18. DISQUALIFICATION OF VOTER:

No member , whose name appears in the final list of defaulters prepared in accordance with the Rules appearing hereafter shall have right to vote in the election of the Executive Committee.

Provided that notwithstanding anything contained in this Rule a member , whose name appears in the final list of defaulters as aforesaid shall have the right to participate in any discussion in the Biennial General Meeting , but if in any matter including the election of the Executive Committee, the question of vote arise , he shall not have the right to vote.

19. PRELIMINARY LIST OF DIFALTER:

The Secretary shall at least 10 (ten) days before the date fixed for Biennial General Meeting , circulate a Notice amongst the members of the Association the list of members who have defaulted in payment of monthly subscription for six months and any other dues to the Association . Such list also will be made available in the office for inspection by the members.

20. FINAL LIST OF DIFALTER:

1) After publication of the preliminary list in accordance with Rule 18, of any member , whose name appears in the list pay the amount defaulted as shown in the list within 7 (seven) days from the date of publication of the list , he shall not be treated as a defaulter and his name shall be struck off the list, provided that if any such member is prevented by sufficient reason from paying the amount within 7(seven) days , but pay it at least 2 days before the date of Biennial General Meeting , the secretary may condone the delay and accept the amount and on the such payment , the member shall not be treated as a defaulter and his name will be struck off from list of defaulters.

2) If any member, whose name appears in the list disputes the list or Quantum of the appear dues , he may lodge his claim before the Secretary within 3 days from the date of publication of preliminary list and the Secretary shall then place the claim before the President, or in his absence, the Vice-President , who will decide the dispute. The decision given by the President or the Vice-President , as the case may be shall be final.

Provided that if the president himself is a claimant , his claim shall be decided by the Vice-President and similarly , if the Vice-President himself is a claimant, his claim shall be decided by the President and if both of them are claimants, their claims be referred by the Secretary to any 3 (three) members of the Executive Committee for decision and their decision shall be final.

3) The Secretary shall thereafter publish a final list of defaulters and this list shall be published in the Official Notice Board not later than one day before the date of Biennial

General Meeting. The list so published shall be final and conclusive and shall not be called in question.

21. RETURNING OFFICER:

The Executive Committee shall ,before the date of the Biennial General Meeting , nominate one member as the Returning Officer. If the Officer is unwilling or unable to act, the Executive Committee may nominate some other member as the Returning Officer.

22. DECISION BY SIMPLE MAJORITY:

The election to the executive Committee including office bearers shall be by simple majority of votes and such election shall be by secret ballot.

23. NOMINATION OF CANDIDATES:

In the Biennial General Meeting , the name of the candidates for any office or membership of the Executive Committee starting from the President shall be verbally proposed by one member , who is not disqualified to vote and shall be seconded by atleast one such member. If there is not more than one candidate for the particular office , the President of the meeting shall forthwith declare such candidate as being elected. Similarly , if there are no candidates more than the member of the other members of the Executive Committee, the President of the meeting shall forthwith declare them as being elected as other members of the Executive Committee. If there is necessity of taking votes, and it if is not possible to hold the election by ballot on the same day, the President of the meeting shall fix a date of election on the date so fixed. In case the election cannot be held by the Returning Officer on the date so fixed on account of any holiday or other reason beyond his control , the Returning Officer shall hold the election on any other date, as the President may fix.

24. RETURNING OFFICER TO HOLD ELECTION:

1) The Returning Officer shall devise the procedure for taking the secret vote and counting the same. He may allow the candidates or their representatives to be present at the time of voting and counting. He may also take the service of other members in taking counting the votes.

2) He shall declare the results of the election forthwith, after counting .

Provided that in case of equality of votes the Returning officer shall hold toss in presence of the candidates or their representatives and shall declare such candidate who wins the toss as being elected.

CHAPTER-IV

POWERS AND FUNCTION OF THE OFFICE BEARERS

25. POWER AND FUNCTION OF EXECUTIVE COMMITTEE:

1) The executive Committee of the Association shall be the highest Executive Authority of the Association and shall; have the power to carry out the policies and programs laid down by the General Body in its Biennial General Meeting or Special General Meeting.

2) The Executive Committee shall ordinarily sit once in two months but it may be convened as often as required by the Secretary. The convening of such meetings will ordinarily require 3 days notice or any meeting of urgency may be convened at a short notice.

3) The Executive Committee shall have the power to frame rules in all matters not otherwise provided for.

4) The Executive Committee shall have the power to take such actions in order to meet an emergent situation in the best interest of the Association as it may deem fit and proper, provided that if any such action is beyond its power , it shall be submitted as early as possible to the Special General Meeting of the General Body of the Association.

5) One third of the total number of members of the Executive Committee shall form the quorum in the meeting of the Executive Committee.

6) The executive Committee shall have the power to constitute a steering committee or a sub-committee consisting five members from among the Executive Committee members as and when felt necessary for the interest of the Association.

26. (1) PRESIDENT:

- a) He shall ordinarily preside over all the meeting of the General Body and the Executive Committee of the Association.
- b) He will generally guide and supervise the functioning of the Association.
- c) He will represent the Association in all ceremonial functions as the Head of the Association.

(2) VICE-PRESIDENT:

- a) One of the Vice-President Preferably the senior most shall preside over the meeting of the General Body and the Executive Committee of the Association in the absence of the President.
- b) The senior most vice-president and his absence other Vice-President will also represent the President in his absence.
- c) Both the vice-President will render help to the President in discharging his power and functions.
- d) Both the vice-president will also render help to the Executive Committee in discharging the functions.

(3) SECRETARY:

The secretary shall generally manage the affairs of the Association as the Executive Head. He shall have the following powers and duties subject to the limitation contained in any of the Rules:

- a) To receive and dispose of application s for memberships as laid down in Rule 3 ©.
- b) To realize, either himself or through any member of the staff, the monthly subscription or any other dues from the members issuing printed receipts therefore.

- c) To print and publish the Vakalatnama of the Association and other forms as decided by the Executive Committee as laid down in Rule 36 (1) and to receive the sale procedure thereof.
- d) To convene in consultation with the president and in his absence with vice president meetings of the General Body and the Executive Committee;
- e) To take actions against the defaulting members in accordance with the Rules.
- f) To incur expenditure, with the approval of the Executive Committee, out the budgeted amount. Provided that he may incur any expenditure to the extent of Rs.10,000/- (Rupees Ten thousand) only to meet any urgent need, without previous sanction of the Executive Committee.
- g) To keep the true and accurate accounts of income and expenditure , and get the same duly audited by the Auditor appointed by the Biennial general Meeting.
- h) To prepare and submit the Biennial report of the Secretary before the Biennial General meeting duly approved by the Executive Committee.
- i) To have control and supervision over the staff and take disciplinary action against any of them.
- j) To supervise generally all works and affairs of the Association.
- k) To do generally all things which may be expenditure if in the circumstances in the best interest of the Association subject to the general control of the Executive Committee.

(4) ASSISTANT SECRETARY:

- a) Both the Assistant secretary shall assist the secretary in all matters . When the secretary requires their assistance , the secretary may by General or special delegate any of his powers and duties to any one of the Assistant Secretary or to both if the situation so demand.
- b) If the Secretary, due to his illness , or absence any other reasons , is unable or unwilling to perform or neglects his duties or has not delegated his power or powers to the Assistant Secretary and the President is satisfied that for proper management of the affairs of the Association it is expedient to do so, may

authorize any of the Assistant Secretaries to exercise all or any of the powers and to perform all or any of the duties of the Secretary , for such time as the President may think fit. Provided that if the Secretary persists default , a period more than 1 month , the President shall place the matter before the Executive Committee.

(5) TREASURER:

The Treasurer shall be responsible for the fund of the Association.

- a) He will deposit the fund of the Association in the Bank as directed by the Executive Committee.
- b) He will sign the cheque and operate the account of the Association jointly with the secretary.
- c) He will help the Secretary in preparing the accounts of the Association.

(6) LIBRARY SECREARY:

Subject to the general control and supervision of the Secretary the Library Secretary shall be in-charge of the Library of the Association.

- a) He shall manage Library of the Association with the help of the Librarian according to the Rules framed by the Executive Committee from time to time.
- b) He shall keep the stock-register of the books of the Library of the association and shall keep the Executive Committee informed.
- c) He shall also prepare a report of his own and handed over the same to the Secretary to be reflected in the Secretarial Report.

CHAPTER-V

FUND AND ACCOUNTS

27. CUSTODY OF THE FUND:

The fund the Association shall remain with the secretary with the knowledge of Treasurer , who shall deposit the same in any bank or Banks in the name of the Association under the direction of the Executive Committee or may , if directed by the Executive Committee, invest

any part of the funds in national Saving Certificate of fixed deposit or cash certificate or any other government Securities . The Treasurer shall keep strict vigilance on the accounts of the Fund.

28. FUND TO BE KEPT IN BANK ETC.:

The accounts shall be opened in the Bank or Banks specified by the Executive Committee in the name of the Association and it shall be operated jointly by the Treasurer and the Secretary.

29. COLLECTION OF FUND:

The Secretary or any person authorized by him shall make all collections and all such collections made shall be kept by the Secretary with the knowledge of Treasurer and same shall be deposited in Bank within 7 days of such collection. All collections shall be made on issuing of printed receipt only.

30. PAYMENTS:

All payments shall be made as far as practicable, by Cheques.

31. ACCOUNTS OF THE FUND:

The Secretary shall keep and true and accurate account of the fund and other assets of the Association and shall maintain the usual account book and vouchers against each expenditure. The Secretary shall be responsible for the accounts of the fund and other assets of the Association.

32. AUDIT OF THE ACCOUNTS:

The Auditor shall be appointed from among the members the members of the Association at the Biennial General Meeting for the next period and he shall examine the accounts for the period and shall submit audited account together with the report, if any , to the Secretary within the time as specified by the Executive Committee . The Auditor shall also examine and verify the Stock Register of Books of the Library and Stock Register of various forms of the Association and submit a separate report if any to the Secretary along

with the accounts of the year or years which will be placed before the Executive committee for approval.

33. SCHEME AND WELFARE FUND:

The association in its Biennial General Meeting, may adopt appropriate scheme or schemes for the welfare of the members of the Association and its staff.

34. WELFARE FUND:

- 1) The Biennial General Meeting of the association may create a fund known as welfare fund of the Association and may from time to time appropriate any amount from its General Fund to Welfare Fund, and this fund shall be independent of the General Fund of the Association.
- 2) Fifty percent of the monthly subscription collected from the members monthly subscription collected from the members may be set apart at the end of the financial year and may be transferred to and deposited in the Welfare fund.
- 3) The Executive Committee shall frame rules for implementation of the welfare scheme as approved by the General Body, in its Biennial General Meeting. The Executive Committee shall also frame the rules for administration of the welfare fund.

CHAPTER-VI

35. STAFF:

- 1) The Executive Committee shall have the power to appoint the request number of staff and to determine their salary and other emoluments from time to time.
- 2) The Secretary shall have the general control and supervision over the staff and he shall have the power to take any disciplinary action against them, except that the penalty of dismissal, discharge or demotion in rank shall be inflicted by the Executive Committee.

CHAPTER-VII

36. PUBLICATION OF VAKALATNAMA ETC.:

- 1) The Association shall have the power to print , publish and sale Vokatnama and any other form , which the Executive Committee may decide from time to time.
- 2) The Executive Committee from time to time frame rules regulating the printing and sale of the publications.
- 3) Every member of the Association shall be bound to use printed Vokatnama and other forms prescribed and supplied by the Association.

37. BAR AGAINST THE PRIVATE PUBLICATION:

No member of the Association shall privately print or sale Vokatnama or other forms which are printed and published by the Association. Any member who privately prints or sales such Vokatnama or other forms shall be deemed to have acted against the interest of the Association.

CHAPTER-VIII

38. BAR LIBRARY:

- 1) Subject to the general control and supervision of the Secretary the Library Secretary shall be in-charge of the Library of the Association.

- 2) The Executive Committee shall from time to time frame rules for management of the Library and use of the Books etc. thereof.

39. CANTEEN:

- 1) Subject to the general Control and supervision of the Secretary the Assistant Secretary shall have the General control and supervision over the Canteen .
- 2) The Executive Committee shall from time to time frame the Rules regulating the management of the Canteen of the Association.

CHAPTER-IX
MISCELLANEOUS

40. The Secretary shall maintain a stock register of the furniture and other belongings of the Association and verify the same atleast once before the Puja Vacation.
41. There shall be a seal of the Association which shall be inscribed "MANGALDAI BAR ASSOCIATION" and the Seal shall be in custody of the Secretary.
42. All members of the Association shall have access of the Office and the premises of the Association and they shall be entitled to inspect the proceeding books, accounts books ,members roll, stock register and other books maintained by the Association , during the Office hour and after giving due notice and reasonable time to the Secretary , but no member shall be allowed to enter or use any part of the building after 5 p.m on week days and at no time in the holiday without prior permission of the Secretary.

43. Every member is bound to serve the Association whenever called upon provided his health and circumstances permit.
44. All members shall be equally entitled to enjoy the right and privileges of the Association and shall equally contribute towards any loss or damage sustained by the Association.
45. If any member has any grievances or complain in connection with legal business or if any client having complain pertaining against any member of the Association he may file an application to the Secretary to that effect. If the matter involves the question of professional misconduct of any member having prima-facie material against the member, the matter shall be referred to the Disciplinary Committee of the Association. The Disciplinary Committee will proceed as per provisions laid down in Rules of the Disciplinary committee and the Disciplinary Committee will submits its report with opinion to the Executive Committee for taking necessary and appropriate action.
46. No vacancy in any committee of the Association will invalidate any action or decision of the said committee of the Association.
47. Any question or dispute arising under this constitution , of the Rules made there under with regard to their provisions, contents, interpretations, or procedure laid down therein , between members or any member and any committee shall be determined by the Biennial General Meeting or Special General Meeting and the decision so taken shall be final and binding on all members of the Association and the same shall not be liable to question by any member in any court of Law.

Incase of absence of any express provisions in the constitution to deal with matters pertaining to the members or the Association itself the matter will be decided by the General body Meeting and decision so arrived at will be binding upon all the members of the Association.

48. 1) No action of the Association shall be questioned by any member of the Association in any court of Law.
- 2.) The Association as a body corporate can sue and be sued in the name of the Secretary of the Association.

49. REPEAL AND SAVING

The existing constitution and the Rules of the Association is repealed with effect from the date , when this amended constitution and the Rules commence.

Provided that any action taken , any order passed under the existing constitution and the Rules of the Association shall be deemed to have been taken and passed under this amended constitution and the Rules.

COMMENCEMENT

This Special General Meeting of the Mangaldai Bar Association held on to day the 10th day of January 2012 under the President ship of Shri Prabodh Ch. Sarmah, Advocate , President of the Association , do hereby adopts this amended constitution and the Rules be commenced from today the 10th day of January,2012.

President
Mangaldai Bar Association,
Darrang: Mangaldai

Secretary,
Mangaldai Bar Association
Darrang, Mangaldai

**FOR AND ON BEHALF OF
Mangaldai Bar Association, Darrang: Mangaldai**

MANGALDAI BAR ASSOCIATION
RULES OF THE DISCIPLINARY COMMITTEE

In exercise of the power conferred by the general Body Meeting of Mangaldai Bar Association , Mangaldai the Executive Committee hereby constitute the disciplinary Committee and/frame the rules as under:

1) **Commencement:**

The Disciplinary Committee come in to force on the date it was constituted.

2) **Application:**

The power and function of the Disciplinary Committee shall apply to the member of Mangaldai Bar Association pertaining to the act involving the question of conduct and discipline of the members of this Association.

3) **Constitution of Disciplinary Committee:**

The executive committee shall constitute a Disciplinary Committee which shall consist of 6 members from amongst senior members of the Association with at least of 15 (fifteen) years standing of which a senior member shall be the chairman of the Disciplinary Committee.

Provided no member shall be included in the Disciplinary Committee who is defaulter in payment of dues of the Association or against whom there is any allegation of misconduct pending before the Association or the Bar Councilor who is an office Bearer or member of the Executive Committee of the Association except the Secretary of Mangaldai Bar Association as Ex-officio member.

4) **Power of the Disciplinary Committee:**

The Disciplinary Committee shall have to:

- a) Summon the complainant and delinquent member and other person as witness and examine them in course of enquiry.
- b) Call for and examine documents relevant to the enquiry.
- c) Submit the report containing the findings of enquiry to the President/Secretary of the Bar Association.

5) **Disciplinary proceeding :**

- a) The Executive Committee may on its own or on receipt of any complaint in writing about commission of any misconduct by any member shall refer the same to the Disciplinary Committee for initiating a disciplinary proceeding.
- b) On receipt of the reference as aforesaid from the Executive Committee the Disciplinary Committee shall register the complaint and initiate a disciplinary proceeding against the member compliant against an issue and personally serve a notice upon the member briefly mentioning the charge or allegation together with a copy of complaint, if any calling upon the delinquent member to submit a written statement of defence within 15 (Fifteen) days of the service of the notice.
- c) The Disciplinary Committee may, in its discretion extend the time for submission of written statement in defence by another period of 7 (seven) days in the maximum if and when so prays for.
- d) If the delinquent member does not appear or submit any written statement on the date so fixed the Disciplinary Committee shall proceed to make the enquiry expert.
- e) On receipt of written statement in defence, the Disciplinary Committee shall fix a date of hearing and issue notice thereof to the delinquent member and the complainant if any.
- f) On the date fixed for hearing or on any future day to which the hearing may be adjourned, the Disciplinary Committee shall examine the complainant and witnesses if any and record their statement. Thereafter the delinquent member

and his or her witnesses as may be produced by him or her shall be examined and statements shall be recorded.

- g) After recording evidence , as aforesaid and after giving a personal hearing to the delinquent member the Disciplinary Committee shall prepare a report of its finding and submit its report together with record of the proceeding to the Executive Committee. The opinion of the Disciplinary Committee shall also be reflected in the report. It shall not be later than 15 (fifteen) days of conclusion of the hearing.
- h) The Disciplinary Committee shall maintain a record of its proceedings.
- i) A Disciplinary proceeding , shall always be disposed of expeditiously, preferably within a period of 3 (three) months from the date its initiation
- j) The finding of majority of the members of the Disciplinary Committee shall be the findings of the committee. In case of difference of opinion , any member dissenting shall be entitled to record his dissent giving his own reasons.
- k) The Disciplinary Committee shall have the power to drop the Disciplinary proceeding in the event of death of the delinquent member or in the event of the matter of allegation being settled amicably between the parties provided the Disciplinary Committee is satisfied upon being informed in writing by the party concerned.
- l) The Disciplinary Committee shall not initiate proceeding if the matter is subjudiced in any Court or if already initiate shall be dropped without any findings thereof apprising the President/ Secretary of the Association and preferably with their consent in writing.

COMMENCEMENT

This Special General Meeting of the Mangaldai Bar Association held on today the 10th day of January ,2012 under the president ship of Sri Prabodh Ch. Sarmah , Advocate , President of the Association , do hereby adopts this Rules of Disciplinary Committee of Mangaldai Bar Association and resolves that this Rules of the Disciplinary Committee be commenced from today the 10th day of January,2012.

S/d

President
Mangaldai Bar Association,
Darrang: Mangaldai

s/d

Secretary,
Mangaldai Bar Association
Darrang, Mangaldai

**FOR AND ON BEHALF OF
Mangaldai Bar Association, Darrang: Mangaldai**