

**CONSTITUTION
OF
The District BAR Association
Comilla
Estd. 1886**



**DISTRICT BAR ASSOCIATION,
COMILLA.**

(Edited & as amended upto 7-1-1998)

**CONSTITUTION
OF
The District BAR Association
COMILLA
(Estd. 1886)**

Coming into operation with effect from
1st day of July 1978
(as amended upto 7-1-1998)

**District BAR Association,
Comilla.**

Article	Index	Page
	Introduction	1 - 3
	Second Thought	4 - 7

PART I

1.	Short title, Commencement and application	8
2.	Definitions	8
3.	Qualification for membership of the Association	9
4.	Cessation, suspension and readmission of membership	10

PART II

5.	Constitution of the Managing Committee, Election of Office-bearers and members of the Managing Committee.	11
6.	Qualification to contest election for being Office-bearers and members of the Managing Committee.	12
7.	Resignation of office-bearers and members of the Managing Committee and Procedure for filling up the vacancies	13
8.	Appointment of Auditor & their function	14

PART III

9.	Functions of the Managing Committee	15
10.	Functions of the Office-bearers	16 - 24

PART IV

11.	All meetings, their procedure and quorum etc.	25
12.	Reopening of decision of meetings.	26

PART V

13. Employees of the Association

27

PART VI

14. Disciplinary action against members

27 - 29

PART VII

Amendment of the constitution and framing
of Rules and miscellaneous matters

15. Amendment of the constitution

30

16. Power to frame Rules

30

- 17-20. Miscellaneous matters

30 - 31

Appendix 'A'

Election Rules

32 - 33

Appendix 'B'

Library Rules

34 - 36

Appendix 'C'

Printed in a seperate Booklet

Appendix 'D'

Lawyers' Recreation Club Rules

37 - 39

Appendix 'E'

Members Special Emergency Aid Fund Rules

40 - 44

Appendix 'F'

Members' Welfare Fund Rules 1987-88

45 - 47

Appendix 'G'

District Bar Association, Comilla
Member's Benevolent Fund Rules 1993-94.

48 - 53

Appendix 'H'

Relief Fund Rules of District Bar Association
Comilla-1993-94.

54 - 56

3. Qualification for membership of the Association.

(a) Anybody who is a Barrister or Advocate and enrolled with the Bangladesh Bar Council intending to practice at Comilla in the Court of the District Judge or other Courts at Comilla or within the District of Comilla and is not engaged in any trade, business or services and also is not debarred by any provision of the Bar Council Act & Rules⁽¹⁾ shall be eligible to be a member of this Association to the provisions thereunder or that may subsequently be framed from time to time.

(b) Anyone intending to be a member shall apply in prescribed form with an undertaking there in that he is not engaged in any trade, business or service or dismissed or terminated or convicted and also is not debarred by any provision of the Bar Council Act and Rules⁽³⁾ to the General Secretary and his application shall be accompanied with an admission fee and other charges on the existing rate, unless otherwise determined by the General body from time to time and such an applicant may be admitted as a member.

(c) Every member shall pay a monthly subscription, fee and other charges on the existing rates as per budget unless otherwise determined by the General body from time to time.

4. Cessation, suspension and re-admission of member-ship.

(a) deleted⁽²⁾

(b) deleted⁽³⁾

(c) A member may suspend his member-ship with prior permission of the Managing Committee on the ground of his continuous absence from the profession for at least 6 (six) months.

Provided that no such application shall be considered unless his application is accompanied with a certificate of clearance of his arrear dues from the General Secretary.

(1) (2) (3) Amended Vide S.G.M. dated 07-03-96

d) A member desiring to withdraw his name from the Roll of the Association will be at liberty to do so on payment of arrear dues and he may be admitted afresh on payment of admission fee on the existing rate as per budget unless otherwise determined by the General body.

e) A member shall lose his membership on the decision of the managing committee if it is found from the report of the scrutiny committee consisting of 3 members constituted by the Managing Committee with the approval of the general body in its first meeting if the new session for the purpose, that a member is engaged in trade, business or service other than legal profession or is convicted by any court of law or is guilty of moral turpitude or barred by any provision of the Bar Council Act or Rules (p.o. 46/72), provided that such member shall have an opportunity of explaining his position before the Managing Committee.⁽¹⁾

PART II

5. Constitution of the Managing Committee, Election of office-bearers and members of the Managing Committee.

a) There shall be a Managing Committee consisting of 17 (Seventeen)⁽²⁾ members of whom the following 10 (Ten)⁽³⁾ Office-bearers shall be ex-officio members, 7(Seven) members shall be elected by the members of the Association. (.....)⁽⁴⁾

- i) One President.
- ii) Two vice-presidents.
- iii) One General Secretary.
- [iii) (a) One Assistant General Secretary
- iii) (b) One Treasurer]⁽⁵⁾
- iv) One Secretary, Library.
- v) One Secretary, Enrollment of Advocates' Clerks and furniture.
- vi) One Secretary, Criminal Courts branch.⁽⁶⁾
- vii) One Secretary for Recreation, Cultural affairs and Social Welfare.

(1) (2) (3) (4) Amended Vide S.G.M. dated 07-03-96

(5) (6) Amended Vide S.G.M. dated 29-06-93

b) The Office-bearers and 7 (Seven) members of the Managing Committee shall be elected from among the members of the Association subject to the conditions provided hereunder, at an annual General election⁽¹⁾ to be held by the 15th march⁽²⁾ every year as per Election Rules and they shall continue in office till the 31st march of the session.⁽³⁾

c) Term of office of the managing committee shall be one year from the 1st of April of one year to the 31st March of the succeeding year.⁽⁴⁾

d) The Annual general meeting for submission of the Annual Report of the outgoing General Secretary along with the audited accounts of the session will be held by the 25th March of the outgoing year and in no circumstances the aforesaid date can be extended by the Managing Committee beyond 28th March of the outgoing year.

e) A member having been found guilty and punished under the provisions of the article 14 of this Constitution or by the Adhoc Committee of the Association such member is debarred or disqualified to contest election for being elected an office-bearer and member of the Managing Committee.

6. Qualifications to contest election for being office-bearers and members of the Managing Committee.

a) To contest an election for being the President, a member shall have at least 20 (twenty) years membership of the Association on the day of filing the nomination paper.

b) To contest an election for being a vice-president, a member shall have at least 15 (fifteen) years membership of the Association on the day of filing the nomination paper.

c) To contest an election for being the General Secretary, a member shall have at least 10 (ten) years membership of the Association on the day of filing the nomination paper.

(1) (2) (3) (4) Amended Vide S.G.M. dated 07-03-96

c) (1). To contest an election for being 'An Assistant General Secretary' and for being elected 'A Treasurer' a member shall have at least 8 and 10 years membership of the Association respectively of the day of filing of the Nomination paper.⁽¹⁾

d) To contest an election for being one of the other secretaries and member of the managing committee, a member shall have at least 5 (Five)⁽²⁾ years membership of the Association on the day of filing the nomination paper.

e) Deleted.⁽³⁾

7. Resignation of office-bearers and members of the Managing Committee, cessation of membership⁽¹⁾ and procedure for filling up the vacancies.

a) All resignation letters by office-bearers except the General Secretary shall be addressed to the General Secretary and in case of General Secretary to the President and on receipt of resignation letter the General Secretary shall convene a meeting of Managing Committee within 3 (three) days for its consideration and acceptance or otherwise.

b) In case of resignation by the General Secretary, the President shall direct any of the secretaries to convene a meeting of the Managing Committee and follow the procedure as laid down in Clause (a) of this Article.

"bb) In case of any office bearer or member of the Managing Committee abstains from or fails to attend 3 (three) consecutive meetings of the Managing Committee without any reasonable cause, such a member shall be asked to show cause by the President why his membership should not be ceased and the cause of shown does not appear to be reasonable and sufficient to the Managing Committee, the membership of the Managing Committee of such member shall cease.⁽⁴⁾"

(1) Amended Vide S.G.M. dated 29-06-93

(2) (3) Amended Vide S.G.M. dated 16-07-84

(4) Amended Vide S.G.M. dated 11-02-88

c) Vacancies caused by death, resignation or otherwise shall be filled:

i) if the person who previously filled that vacancy was an office-bearer or a member of the Managing Committee by the person who received the highest number of votes next after that office-bearers or member in the same election and in the event there being no such person, by co-option by the Managing Committee of a person eligible for election to the vacant post under the Provisions of this constitution except the office of the President.

ii) if the vacancy occurs in the office of the President, one of the Vice Presidents shall be co-opted in the said casual vacancy.

iii) Deleted.⁽¹⁾

8. Appointment of Auditors & their function.

a) The Managing Committee shall nominate two Auditors from among the members of the Association in its first meeting subject to the approval of the General body in its first meeting.

b) The Auditors shall continue in office till the next Annual General meeting of the Association.

c) The Auditors shall inspect the accounts at least once at the end of every three months and shall submit annual audit report to the General Secretary within 15 (fifteen) days after closing of the year.

d) Auditors shall follow audit rules in auditing the accounts and preparing the report.

(1) Amended Vide S.G.M. dated 29-06-93

PART III

9. Functions of the Managing Committee.

a) The Managing Committee shall be entrusted with the management, supervision and control of the Association.

b) It shall be in charge of the funds of the Association and all expenditure other than recurring expenditure to be incurred shall have prior approval of the Managing Committee.

c) The Managing Committee shall have powers to appoint, dismiss, suspend and take other disciplinary actions in respect of the employees of the Association.

d) It shall grant leave, other than casual leave to the employees as provided under the Staff Leave Rules.

e) It shall purchase and dispose of books, furniture, other movable properties and necessities as required from time to time.

f) It shall have powers to do acts in respect of acquisition and disposal of immovable properties of the Association subject to the approval of the General body.

g) It shall take necessary steps, if any member is found guilty of indisciplinary activities and professional misconduct.

g) (1). It may institute civil suits and criminal cases against any office-bearer, a member and employees of the Association or take any legal action in any competent court of Bangladesh if and when necessary and the general secretary or any office-bearer or any member may be authorized to do and take all legal steps in the matter when necessary on its behalf.⁽¹⁾

h) It shall have powers to constitute sub-committees if considered necessary to transact the business of the Association efficiently and smoothly.

i) The President and the General Secretary subject to the approval of the Managing Committee besides current expenses sanctioned by the budget, shall have authority in their discretion to make disbursements not exceeding Taka 5000.00 (Taka five thousand) only and Taka 1000.00 (one thousand) only respectively at a time during the year. In case of emergency for any expenditure exceeding such amount the General Secretary on the recommendation of the Managing Committee shall obtain the sanction of General body.⁽¹⁾

j) It shall have powers to do all that is necessary in the best interest of the Association.

k) It may accept donation and gift of money and other property for furthering any of its object and purpose on behalf of the Association.⁽²⁾

10. Functions of the Office-bearers.

i) President and vice-presidents.

a) The President shall preside over all meetings of the Association and in his absence one of the Vice-presidents and in their absence, a President elected from among the members present shall preside over the meeting.

b) "The President shall be constitutional Head of the Association and shall ensure that the decisions of all General Meetings and those of the Managing Committee are being implemented and he shall have power of supervision and control of the affairs of the Association."⁽³⁾

c) He shall see that the provisions of the Constitution and Rules are properly followed in the Management of the affairs of the Association.

d) He shall have powers to give rulings in conducting the proceedings of the meetings and in case of any unparliamentary and undisciplined conduct of any member, he may ask such member to withdraw from the meeting.

e) In case of equality of votes, he may exercise a casting vote in arriving at any decision in any meeting. (.....)⁽⁴⁾

(1) (2) (4) Amended Vide S.G.M. dated 07-03-96

(3) Amended Vide S.G.M. dated 11-02-88

f) In case a meeting fails for want of a quorum, the President of the meeting may adjourn that meeting to another date and no fresh notice shall be required for such adjourned meeting.

g) In the case of any question relating to the interpretation of any article or rule of the Constitution, the ruling of the President on such question shall be final.

(h) In case of any exceptional circumstance, the President may request the General Secretary in writing to convene either a meeting of the Managing Committee or General body and in case of failure by the General Secretary in convening such meeting within 3 days from the date of such request, the President himself can convene such meeting.

(i) The president may empower or entrust one of the Vice-president to look after the day to day accounts of the Association, to ensure cash-in-hand exceeding TK.1000.00 is deposited in the Bank regularly and cause quarterly audit being done regularly as per Article 8 (c) of the constitution. He (Vice-president) may report to the President in case of any illegality or irregularity found by him in maintaining account and audit for necessary action.

The Managing Committee may by resolution entrust the vice-president (in charge of accounts) to operate any Bank accounts of the Association jointly with the General Secretary.

The President may also empower or entrust another vice-president to look after the problem of the lower Courts either at Comilla or outside Comilla Sadar. He (vice-president) may report to the President any problem for appropriate action in solving the same.⁽¹⁾

(1) Amended Vide S.G.M. dated 11-02-88

II. General Secretary.

a) The General Secretary shall convene all meetings specifying date, place and agenda in consultation with the President.

b) Omitted⁽¹⁾

c) He will be custodian of all properties belonging to the Association and shall take necessary steps for preservation, maintenance and protection of the same in consultation with the Managing Committee.

d) He shall maintain a notice book and a proceeding book.

e) He will supervise the work of other secretaries of different departments.

f) He shall dispose of the complaints against any employee of the Association in consultation with the Managing Committee except complaint relating to the day to day business of the Association, which he will dispose of himself.

g) He will be the administrative head of all the employees of the Association.

h) He may grant casual leave to the employees as and when necessary as per rules.

i) He will be in charge of all correspondence relating to the affairs of the Association.

j) He shall have authority to spend Taka 1000.00 (one thousand) only in his discretion at a time besides current expenses sanctioned by the budget. ⁽¹⁾

k) He shall prepare the budget and place it before the General meeting for its approval on obtaining recommendation from the Managing Committee within one month from the date of publication of the election results.

L) He shall also prepare annual report 'with the assistance of the Treasurer⁽²⁾ in incorporating statements of audited accounts of income and expenditure and after obtaining sanction of the Managing Committee' by the 25th march⁽³⁾ of the relevant year, place the same before the Annual General meeting for its approval.

(1) Amended Vide S.G.M. dated 29-06-93

(2) (3) Amended Vide S.G.M. dated 07-03-96

m) He shall keep a 'complaint and suggestion book' in which the members may make suggestions or complaints, if any, as they may consider advisable relating to the matters of the Association.

n) He shall inspect the library once in every month with a view to see that rules relating to the management of the library are properly observed and it is functioning smoothly.

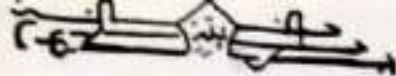
o) The General Secretary shall have authority to receive donation, gift and money on behalf of the Association from any member, person, office or authority by granting receipt for the same and to make any payment on behalf of the Association with approval of the Managing Committee to any person, office or authority whatsoever on obtaining acknowledgment for the same.

provided that all moneys, donations and gift received and all moneys so paid by him shall be duly accounted for and shall be subject to verification by the Treasurer within the knowledge of the president and the Managing Committee.⁽¹⁾

p) In case of temporary absence of the General Secretary, he may leave the charge to 'the Assistant General Secretary or in his absence to any other Secretary as he deems fit'.⁽²⁾

q) 'The General Secretary will have authority to supervise the accounts of the Association'.⁽³⁾ 'He shall have authority when so required to execute power and other legal documents on behalf of the Association and to produce file or take back papers and documents before or from any court, office or authority etc'.⁽⁴⁾

r) The General Secretary will sign cheques for withdrawal of any amount of money from the accounts of the Association jointly with the Treasurer.⁽⁵⁾ 'He shall have authority to draw and execute cheques for bills and other similar negotiable instruments, bills of exchange in connection with the receipts and expenditure specified in the annual budget of the Association or otherwise. Provided that whenever any cheque or any other negotiable instrument is drawn it shall be counter-signed by the Treasurer'.⁽⁶⁾



CONSTITUTION OF

THE DISTRICT BAR ASSOCIATION,
COMILLA
(Established in 1886)

INTRODUCTION

Though the District Bar Association, Comilla, was established in the year 1886 A. D. it is probable that there were no rules for the guidance of the members of the association other than ordinary unwritten rules till the year 1896. It appears that some Rules were formulated between the years 1897 and 1904. Thereafter, some minor amendments were made in the years 1911, 1917 and 1962. Some major additions, alterations and modifications were made in a General Meeting held on 23.9.63 on the recommendations of a Sub-committee and the revised new constitution was put into operation with effect from 1.1.64 and further amendments in the same was brought in a general meeting held on 22.6.74 to keep pace with the requirements of time.

While the affairs of the Association were going in this manner, sad complications arose and constitutional deadlock was created and as a result, serious misunderstanding, illfeelings, partisan spirit grew among the members of the Bar, disrupting unity, harmony and fellow-feelings of the members and ultimately disturbing the peaceful atmosphere of the bar during the last three to four years as the existing provisions of the constitution were found quite inadequate to meet the requirements for smooth management of the briskness of the Association. At this stage in 1975, an Adhoc Committee was formed to manage the affairs of the Association and the same was also entrusted with the task of framing a

Second Thought

In order to meet the burning problems of the time and exigency of Circumstances, some amendments had to be made in articles 11 and of the Constitution being adopted in the Annual General Meeting held on 14.8.81. Again to meet the growing needs, some more amendments in Articles 5 and 10 as also in Appendix 'A' (Election Rules) and Appendix 'E' (Members Special Emergency Aid Fund' Rules) were unanimously passed in the Half Yearly-cum-Special General Meringues held on 15.3.82, 16.7.84 and 14.3.85.

In pursuance of the demands and aspirations of the members in general and with a view to make certain provisions of the constitutions more adaptable and to facilitate more effective beneficial and welfare members and the staff, the present Managing Committee formed a Constitutions Sub-Committee in its first meeting dated 28.8.87 for the aforesaid desired purposes with the following members:

1. Janab Mujobur Rahman, Advocate.
2. " Muzammel Huq, "
3. " Syed Mustfa Ali, "
4. " Abdul Aziz Khan, "
5. " Abdus Sattar, "
6. " Md. Yeakub Choudhury, Advocate, General Secretary.
7. " Md. Mohsenuzzaman choudhury, Advocate,

President & (Conbener)

The Sub-Committee formulated the frame-work and entered the conveyer for drafting the proposal of the suggested amendments and additional rules of beneficial measures for the members and staff and after the threadbare discussions in its meetings dated 11.10.87, 24.10.87.

constitution but for various reasons it could not provide the Association with a constitution. And a new Managing Committee came into being through an election in the early part of 1977 but this committee also could not function properly owing to the drawbacks and inadequacy in the old existing constitution.

In this juncture the present Managing Committee was elected in July, 1977 and in such a context, it was felt extremely necessary to have an elaborate constitution drafted immediately and the General Meeting of the members by its resolution dated 11.8.77 formed a Sub-Committee with the following members having Mr. Syed Mustafa Ali as its convener, to draft an exhaustive constitution in the light of the previous experiences as to enable the Association to meet the requirements of time for efficient and smooth running of its business.

1. Mr. Mujibur Rahman.
2. Mr. Azizur Rahman.
3. Mr. M. A. Karim.
4. Mr. Dalilur Rahman.
5. Mr. Ahmed Ali.
6. Mr. Prof Mafizul Islam.
7. Mr. Badiul Alam.
8. Mr. Md Mohsenuzzaman Choudhury.
9. Mr. Syed Mustafa Ali (Convener)

The constitution Sub-Committee by its strenuous and arduous days of persistent works on 24.9.77, 30.9.77, 16.10.77, 27.10.77, 28.10.77, 22.04.78, to 30.04.78, 10.05.78, 13.05.78, 14.05.78, and 18.05.78, after careful consideration and threadbare discussion scales by clues, has finally

's) The General Secretary will received money from the Treasurer as and when required to meet expenditures of the Association.'⁽¹⁾ 'He shall have authority to spend money out of the General fund to meet the current expenditure including pay and allowances of the staff, establishment cost and all other expenditure according to the Annual Budget estimates'.⁽²⁾

II (a) Assistant General Secretary.⁽³⁾

a) The Assistant General Secretary will be in Charge of the Office of the General Secretary during absence on leave of the General Secretary.

b) The Assistant General Secretary will assist General Secretary in his day to day work.

c) The Assistant General Secretary will Perform such other functions of the General Secretary as is allocated to him by the G.S. from time to time in consultation with the president.

II (b) Treasurer.⁽⁴⁾

'a) The Treasurer will be in Charge of all cash and accounts of the Association and relevant records and paper relating to cash and accounts.

b) The Treasurer will make deposits of daily Cash in hand in the accounts of the Association 'on the following working day' and it would not be lawful for him to keep in his hand more than Taka 2000.00 in Cash without any reasonable cause.

c) The Treasurer shall operate Bank accounts and in case of withdrawal from the account by cheque or otherwise he will do the same by means of joint signature of the instrument with the General Secretary. In case of absence of the Treasurer or General Secretary or either of the Two, if emergency arise for withdrawal of any amount the same may be withdrawn by joint signature of the president, General Secretary or the Treasurer or either of the Two.

(1) (2) Amended Vide S.G.M. dated 07-03-96

(3) (4) Amended Vide S.G.M. dated 29-06-93

d) The Treasurer will assist the General Secretary in preparing budget and annual report for placing them in the meetings of the Association called for that purpose.

e) The Treasurer will pay such amount to the General Secretary as is required by him and in case of any difference of opinion, he will have no option to refuse payment but shall have right to refer the matter to the president for placing the same for decision and the president's decision shall be final.

f) The Treasurer while assuming office will take over Charge of cash and accounts and books of accounts from the out going treasurer and similarly leave charge to his successor in office'.⁽¹⁾

III. Secretary Library.

a) The Secretary Library shall be in-charge of the library of the Association.

b) He shall be responsible for proper maintenance of books, periodicals and journals and journals of the library and see that no book is missing and rules prescribed are duly observed by the Clerk entrusted with the work of the Library.

c) He shall maintain catalogue of all books and gazettes separately of the Library and Check up entries of books and gazettes from time to time.

d) He shall verify the catalogues every three months and submit a report along with a list of missing books and the names of such member or persons responsible for such missing to General Secretary for placing the same before the Managing Committee for necessary action as per rules of the Library annexed herewith: His report should also contain list of damaged books.

(1) Amended Vide S.G.M. dated 29-06-93

e) He shall maintain a daily register of issue and return of books and the clerk concerned shall keep daily accounts of issue and return of the same and the Secretary Library shall check up the register to ensure proper return of books in time as per rules.

f) He will be assisted by a sub committee of three members to be nominated by the Managing Committee for supervision and smooth functioning of the Library. He will act as conveyer of this sub-committee.

g) He shall take catalogue and stock of total number of all books of the Library from the out going Secretary-Library while assuming his office and similarly hand over/ take charge of such stock to his successor in office with proper explanation for missing of books, if any, during his tenure of incumbency in office.⁽¹⁾

IV. Secretary, Enrollment of Advocates' Clerk and furniture.

a) The Secretary for Enrollment shall be in charge of Enrollment and renewal of Advocates' Clerks and for that purpose he shall maintain a register in which the clerk concerned shall keep all records of enrollment and renewal etc. with proper particulars of advocates' Clerks as per Govt. Rules.

b) He shall be advised by a Sub-Committee of three members to be nominated by the Managing Committee in dealing with cases of any complications or objections regarding enrollment or renewal of any Advocates' Clerk and in cases of recommendation of disciplinary actions against any Advocates' Clerk for their professional misconduct. Such recommendations of the Sub-Committee shall be referred by him through the General Secretary to the Managing Committee for final decision. He shall be convener of this Sub-Committee.

c) He shall be responsible of proper maintenance and upkeep of all furniture of the Association and do other incidental works connected therewith. He shall maintain a register for that purpose in which the Clerk concerned shall keep accurate records of furniture and he shall verify such

(1) Amended Vide S.G.M. dated 29-06-93

register and verify the stock every three months. He shall take all necessary steps for purchase and repair of furniture in consultation with the General Secretary and report all cases of damage and loss of furniture immediately to the General Secretary for necessary action.

'd) He shall take catalogue and stock of total number of all furniture belonging to the Association from his predecessor while assuming and similarly hand over leave charge to his successor with explanation for missing of furniture if any, during his tenure or incumbency in office.' ⁽¹⁾

V. Secretary, Criminal Courts branch.

a) The Secretary Criminal Courts shall be in charge of the Criminal Court branch of the Association.

b) He shall maintain proper record of books, news papers, periodicals and furniture of that branch and supervise the duties of the employees posted there.

c) He shall check from time to time that Advocatenamas of the Association are properly sold by the vendors and are used by the members and any irregularity or difficulty in this respect shall be referred through the General Secretary to the Managing Committee for decision in that mater.

d) He shall do all acts for smooth management of that branch of the Association in consultation with the General Secretary and in harmonious co-ordination with the Secretary Library and Secretary enrollment of Advocates' Clerks and Furniture.

'e) He shall take catalogue and stock of books, furniture and Crokeries from the Custody of his predecessor-in-office and similarly hand over charge of such stocks to his successor-in-office with explanation of missing if any, during the tenure of his office.' ⁽²⁾

VI. Secretary for Recreation, Cultural affairs and Social Welfare.

a) The Secretary for Recreation cultural affairs and Social Welfare, will organize cultural functions including observance of memorable days and anniversaries.

b) He will organize indoor and outdoor games to promote recreational activities of the members of the Association and will be incharge of 'Lawyers Recreation Club.'

c) He will organize social welfare activities and under-take relief operations whenever necessary and do all other incidental activities connected there with.

d) He will be advised by a Sub-Committee of Seven members to be nominated by the Managing Committee, including the President and the General Secretary who shall be ex-officio members of the Sub-Committee. He will act as convener of the Sub-Committee and shall be responsible to the Association for all his activities in this connection.

e) The affairs of the Recreation Club, its management and activities and its fund shall be regulated by separate rules framed for that purpose.

'f) He shall take over charge of all materials used for sports and games and other materials, if any, from his predecessor-in-office and hand over charge to his successor with explanation for missing materials, if any, during his tenure of office.'⁽¹⁾

(1) Amended Vide S.G.M. dated 07-03-96

PART IV

11. All Meetings, their procedure and Quorum etc.

a) All notices for holding meetings shall be written in a book kept for the purpose.

b) There shall be minute books for the meetings of the General body and Managing Committee separately in which the Proceedings of the respective meetings of the Association shall be recorded by the General Secretary and such proceedings shall be signed by the President of the meeting.

c) There shall be an Annual General Meeting and a Budget meeting besides a half yearly general meeting in a year and there may be special and extra-ordinary general meetings as and where necessary.

d) In case of the Annual General meeting at least 10 (ten)⁽¹⁾ days notice shall be required and no general meeting shall be called unless 5 (five)⁽²⁾ days notice before the date of the meeting be given except in urgent cases when general meeting may be called on a shorter notice.

e) One fourth of total numbers shall form the Quorum of the Annual General meeting and in case of other general meeting one-eighth of the total number of members shall form the quorum, but in case of adjourned meeting for want of quorum or otherwise 25 (twenty five) members shall form the quorum in such adjourned meetings.

f) The General Secretary or in his absence, secretary in charge of the office shall call a meeting on the written requisition of 15 (fifteen) members and in case of their failure to do so within 72 (Seventy two) hours from the time of receipt of the requisition the requisitionist may call a general meeting of the Association by notice as aforesaid and the resolutions, if any, adopted in such a meeting may be handed over to the General Secretary for necessary action.

(1) (2) Amended Vide S.G.M. dated 07-03-96

drafted this detailed constitution for placing before the General body for favor of its consideration and approval and it is executed with faith in The Almighty Allah and confidence in the Hon'ble members that this constitution will be adequate and helpful to fill up the drawbacks of the old constitution and meet the requirements of time in solving the burning problems that so long agitated the minds of the members and for the efficient and smooth management of the affairs of the Association in future as, 'old order changeth, yielding place to new.'

Khoda Hafez.

Bangladesh Zindabad.

Mujibur Rahman	Md. Mohsenuzzaman	Syed Mustfa Ali
President	Choudhury	Convener
18.05.78	General Secratry	Committee
	18.05.78	18.05.78

The draft constitution with certain amendments was finally adopted unanimously in a special General Meeting held on the 6th day of June 19978.

Mujibur Rahman

President.

06-06-78.

31.10.87 and 17.12.87 finalized the matter for placing before the Managing Committee.

The 4th proposed amendments or additions in respect of Article 1(d), 3(a), 5, 6(d), 7(bb), 9(i), 10(1)(b), 10(h), 10(ii)(j), 10(ii)(o), 13(b), 13(c), Appendix C(i) containing Staff Recruitment and Service Rules 1987-88 with Scale of pay and Appendix C(ii) covering contributory Provident Fund Rules 1987-88 and in Appendix 'E' Rules 6, 9, 9(a) & 10(a) to 10(e) and last but not the least important beneficial and welfare measure is the incorporation of Appendix 'F' conferring the provisions of 'Members Welfare Fund Rules 1987-88' having been recommended by the Managing Committee in its meeting dated 14.1.88, was unanimously adopted in the Half-Yearly-cum-Special General Meeting held on the 11th day of February, 1988 Corresponding to 27th March 1394B.S.

Allah Hafez.

Bangladesh Zindabad.

Dated 1.5.88 A.D.

18.1.95 B.S.

14.9 1408AH.

Md. Mohsenuzzaman Choudhury,

President & Convener, 11-2-88.

Constitution Sub-Committee.

District Bar Association, Comilla.

Now, for the conveyer of the members and to make the amendments so far made be readily available with incorporation of all new rules, viz. Staff Recruitment and Service Rules with Scale of pay, contributory Provident Fund Rules and Members Welfare Fund Rules 1987-88, the entire constitution being revised with the latest amendments, are printed and published for compulsory sale among the members and for its best utilization by them as and when necessary. I trust, it will be useful for all concerned.

Dated 1.5.88
18.1.95BS
14.9.1408 AH.

Md. Yeakub Choudhury
General Secretary,
Dist. Bar Association, Comilla.

7

The constitution of the District Bar Association was amended altered, added, modified, since 1896, 1897, 1904, 1911, 1917, 1962, 1963, 1964, 1974, 1977, 1978, 1982, 1984, 1985, 1987, 1988 and the then Managing Committee in 11.02.88 edited reprinted the constitution with all amendmentes. But there after the constitution was drastically changed by amendments dated 30.06.93, 14.09.93 and 07.03.96 and as a result the learned members can not pick up the amendments easily and has to take much pains and also to waste time and energy to find out all amendments of the constitution. So the Managing Committee by their resolution dated 24-11-97 decided unanimously to edit and reprint the constitution in corporating all amendments.

In the said resolution a committee was formed with Mr. Neamatullah the president, Mr. Md. Mokhlesur Rahman choudhury, Vice President Mr. Syed Md, Selim, The General Secretary, Mr. Safiqur Rahman, treasurer and Mr. Israkul Aman, Secretary Library to Edit and Reprint the constitution. The said committee held several Meetings and with much labour and pains in corporated all amendments. In this hazardous task Mr. Israkul Aman Secretary Library with Mr. Neamat ullah, the president strenaonsly tried to pick up all amendments and to get the same reprinted.

The said Sub-committee scrutinized the amendments and held discussions and recommended to place the draft edited and reprinted Constitution before the special General Meeting for approval and special Annual General Meeting held on 07.01.98 passed the Proposal for reprinting of 1,000 copies amended Constitution.

Date

At Haj Neamat ullah

President & Convenes,

Constitution Sub-Committee.

District Bar Association Comilla .

PART I

1. Short title, commencement and application.

(a) The Association shall be named and styled, "District Bar Association, Comilla" and the constitution thereof shall be termed "constitution of the District Bar Association, Comilla".

(b) It shall come into force on and from the first day of July, 1978.

(c) It shall apply to matters relating to the control, administration and management of the affairs of the District Bar Association, Comilla.

2. Definitions: In this constitution, unless there is anything repugnant in the subject or context:

(a) "Association", wherever this expression occurs, means "District Bar Association, Comilla".

(b) "General body" means the body which includes all members of the "District Bar Association, Comilla".

(c) "Managing Committee" means a committee constituted under the Provisions of this constitution for the management of the affairs of the Association.

(d) "Rule" means provisions appended to this constitution for guidance of election, management of Library, leave of staff, management of "Lawyers Recreation Club" and "Members Special Emergency Aid Fund", Recruitment, pay-scale & provident Fund of Staff and Members Welfare Funds etc. ⁽¹⁾

(1) Amended Vide S.G.M. dated 11-02-88

2.A. The aims objects and purpose of the Association ⁽¹⁾ are as follows:-

I) To provide for its members a common place where all the members of the Association may gather together and have all facilities for conducting their professional activities honestly and efficiently.

II) To provide for the use of its members book, news papers and journals for the diffusion of knowledge with special reference to the legal profession and to maintain a well equipped and upto date Library.

III) To assist members to do all that may be necessary to maintain and protect the interest and dignity of the Bar.

IV) To provide scope for discussion of all matters of legal interest as also of great public importance.

V) To give and arrange for legal aid or assistance, free or at nominal cost in special circumstances, to the needy poor people in distress;

VI) To publish journals, if thought fit and possible.

VII) To organize social welfare activities, cultural functions and entertainment's as also games, sports and recreational facilities for creating fraternal relationship and for the well being of the members;

VIII) To organize security measures for the members and their families by introducing emergency aid fund, benevolent fund, welfare fund, relief fund and if possible by introducing group insurance of the members;

IX) To do all such other deeds and activities as may be necessary to promote further and secure all or any of the above objects.

g) In case of a requisition meeting one fifth of the total number of members shall form a quorum and in case of want of quorum the requisition shall abate.

h) The Managing Committee meetings shall be convened with 3 (three) days notice before the date of the meeting except in urgent cases when a meeting may be called on a shorter notice.

i) Seven members of the Managing Committee shall form a quorum in a meeting of the Managing committee, two third of the total member of members shall form a quorum in case of a meeting for taking disciplinary action against any member as per Article 14 of the Constitution.⁽¹⁾

j) All business of the Association in a meeting shall be transacted by a majority of votes cast either by raising of hands or by ballot as the President of the meeting may rule. In case of equality of votes the President of the meeting shall have a casting vote. (.....)⁽²⁾

k) If a notice of any meeting cannot be served on any member on account of his absence or for any other reason the proceedings of that meeting shall not on that account be invalid.

12. Re-opening of decision of meetings.

a) No question decided in any general meeting shall be reopened within 6 (six) months from the date of its decision.

Provided that it can be reopened by a requisition signed by at least two thirds of the total number of members of the Association submitted to the General Secretary intimating their desire to reconsider the matter and such decision may be revised or modified by two thirds majority of the members present in the meeting.

b) No decision taken in 'any meeting including'⁽³⁾ an Annual General meeting 'and'⁽⁴⁾ results of election shall be called in question in any manner whatsoever by any member of the Association.

(1) Amended Vide S.G.M. dated 14-08-81

(2) (3) (4) Amended Vide S.G.M. dated 07-03-96

PART V

13. Employees of the Association.

- a) The Association shall have such employees as the Managing Committee deem fit and proper subject to the budget sanction.
- b) All employees of the Association shall be appointed by the Managing Committee subject to recruitment and Service Rules & pay Scale etc. (.....)⁽¹⁾
- c) The employees shall enjoy such pay, salary, allowances, remuneration, as per pay scale and service Rules leave other than casual leave, benefit of contributory Provident Fund as per Provident Fund Rules, 1988 (as in appendix C (ii) and other benefits as the Managing Committee determine.
- d) They shall enjoy casual leave as and when necessary, sanctioned by the General Secretary.
- e) They shall discharge their duties as per allocation of works made by the General Secretary.

PART VI

14. Disciplinary action against members.

- a) It shall be lawful for the Managing Committee of the Association to censure suspend or expel any of its members 'or office-bearers'⁽²⁾ for gross misconduct or unprofessional dishonorable Conduct 'for any offense committed during their tenure of office or other wise'⁽³⁾ by a resolution of the two-third majority of the members present or it may refer the matter to the Bangladesh Bar Council for action under the Bar Council order and Rules (P.O. NO. 46/72.)⁽⁴⁾

(1) (2) (3) (4) Amended Vide S.G.M. dated 07-03-96

b) Any member 'or office bearer' who willfully violates or acts Contrary to any Provision of the Constitution of the Association or any of the resolutions in force for the breach of which separate punishments have not been provided shall be liable to censure, suspension and expulsion or any other punishments which the Managing Committee thinks fit to award according to the circumstances of the Case, by a resolution of the two-third majority of the members present.⁽²⁾

c) If any member of the Association is found to appear and act in any suit, case or legal proceeding filed by another member without the consent of the latter, the conduct of such member will be considered dishonorable.

d) The Provisions of this article shall apply in so far as these are not inconsistent with the relevant provisions of the Bangladesh Legal Practitioners and Bar Council Order, 1972 (P.O. 46/72).

e) No member whose conduct is subject of discussion under the aforesaid provision shall be entitled to vote in connection with any proposal affecting himself but he may address the meeting on his own behalf.

f) Any member who has been suspended or expelled under the above provisions may on his application be re-admitted on such conditions as the Managing Committee deem fit subject to the provisions*of the Bar Council Order.

g) All allegations against members shall first be inquired into by a Sub-Committee Consisting of 5 (five) members nominated by the Managing Committee and of whom the president and General Secretary shall be ex-officio member and convener respectively and recommendation of the Sub-Committee shall be referred to the

(1) Amended Vide S.G.M. dated 07-03-96

(2) Amended Vide S.G.M. dated 14-08-81

Managing Committee for appropriate action. "Provided that the President, General Secretary or any office-bearer shall not be the members of this sub-committee in case there is any allegation under consideration against any of them.

In case any allegation is brought against president or General Secretary or against both, either of the Vice presidents or both of them shall be member of the Sub-Committee and the Senior Vice President shall act as convener of the Sub-Committee."

"h) Notwithstanding any thing contained in Article 14 of the constitution as regards provisions for punishment of a delinquent member of guilty office-bearer, the Managing Committee may institute Civil or criminal cases or both against any member or office-bearer in any competent court of law if the offenses committed by them are of grave nature such as misappropriation of fund etc. and the punishment proposed under article 14 by the Disciplinary sub-committee, is not adequate and commensurate with the nature of offense and circumstances of the case."

PART VII

Amendment of the constitution and framing of Rules and miscellaneous matters.

15. Amendment of the constitution.

“A proposal to amend any of the provisions of the constitution shall not be passed unless adopted by the votes of less than two thirds of the total number of members of the Association, such proposal shall be placed before the Special General meeting with at least 10 (ten) days notice.”⁽¹⁾

16. Power to frame Rules.

The Managing Committee shall have power to frame rules not inconsistent with or repugnance to the provisions of this Constitution for the purpose of better control, management and administration of the Association.

17. The Association may constitute for the benefit of the members and their families and dependents, group insurance scheme, Emergency Aid Funds and the like and frame rules for the operation of the same and do all that is necessary in the interest of the members of the Association.

18. The Election Rules, Library Rules, Employees Leave Rules, Members Special Emergency Aid Rules and Lawyers, Recreation Club Rules as appended herewith and other rules that may be framed subsequently shall be treated as part of this constitution.

(1) Amended Vide S.G.M. dated 07-03-96

19. "The outgoing General Secretary and other office-bearer, if any of them is not re-elected, shall hand over charge to the newly elected General Secretary and other office-bearers by the 31st.march of the out going term at the latest."⁽¹⁾

20. The previous constitution framed and adopted on 23.9.63 and 24.9.63 with all subsequent amendments stands repealed with effect from 1.7.1978 that is the date on which this constitution comes into force.

"21. In case of failure to hold general election under the provision of the constitution within time-schedule, the existing Managing Committee shall stand dissolved after expiry of schedule-date of election and in its place an Adhoc Committee consisting of 7 members or more may be formed by the General body as and when necessary for managing the affairs of the Association and for holding election within a period not exceeding 3 (three) months.

Provided that the Adhoc Committee will hold general election under the provisions of the constitution of otherwise and the Adhoc Committee shall hand over charge to the newly elected Managing Committee immediately."⁽²⁾

"22. The present amended constitution shall come into operation with effect from 1.4.1996 and the actions taken and activities done by the Adhoc Committee formed on 27.07.1995 shall be deemed to have been legally and validly done and shall not be questioned in any manner or in any court of law by any member of the Association."⁽³⁾

APPENDIX 'A'

ELECTION RULES.

1. The Managing Committee shall fix the date of the (...) ⁽¹⁾ Election.
2. The General Secretary shall notify the date of the (...) ⁽²⁾ election at least 10 (ten) ⁽³⁾ days before such (...) ⁽⁴⁾ election.
3. The General Secretary shall publish a voters' List 'by the fifteenth of February of the out going year' ⁽⁵⁾ comprising the names of members who have paid their subscriptions upto the month of 'January' ⁽⁶⁾ of the relevant year and other arrear dues by the '31st January' ⁽⁷⁾ of the relevant year, such members shall only be entitled to participate in Election and are eligible to propose or second or be candidates in the election.
4. The General Secretary shall invite nomination papers for election of office-bearers and members of the Managing Committee fifteen days before such election, specifying the date of submission of nomination papers.
5. The Managing Committee shall appoint an election sub-Committee of three members including the General Secretary who shall be ex-officio Convener, to conduct the elections. "Provided that the outgoing General Secretary in case of desirous of being a candidate for any post he should not be a member of the Election Sub-Committee and some other member may be co-opted as such member and out of the aforesaid 3 members. One may be nominated as a Convener for the purpose by the Managing Committee." ⁽⁸⁾
6. Each nomination paper shall be proposed by one voter and seconded by another voter and shall also contain written consent of the candidates.

(1) (2) (3) (4) (5) (6) (7) (8) Amended Vide S.G.M. dated 07-03-96

7. No member shall propose or second more than one candidate against one office.
8. Not more than three nomination papers shall be submitted for one candidate. In case of nomination papers filed in excess of the requisite numbers all such nomination papers in excess only shall be rejected. "No candidate shall submit nomination paper for more than one post."⁽¹⁾
9. The Election sub-committee shall scrutinise all nomination papers, on the following day of the submission of nomination papers.⁽²⁾
10. Any proposer or a candidate may withdraw his nomination or candidature on the fifth day from the date of submission of the nomination papers and after the expiry of the date of withdrawal, the convener of the election sub-committee shall notify the names of valid candidates.
11. Elections shall be held by secret ballot.
12. A ballot paper shall be printed containing names of all contesting candidates.
13. If there be not more than one candidate for any office, such candidate shall be declared elected on the expiry of the day fixed for withdrawal of candidature.
14. The Election Sub-Committee shall declare election results after counting of votes 'immediately'⁽³⁾
15. In case of tie of votes for any office, the election sub committee(...)⁽⁴⁾ shall decide the result by toss.
16. Election results declared by the election sub-committee (...)⁽⁵⁾ after toss shall be final.
17. Election results declared as per provisions herein before provided, shall not be questioned any where in any manner whatsoever by any person.

(1) Amended Vide S.G.M. dated 07-03-96

(2) Amended Vide S.G.M. dated 15-03-82

(3) (4) (5) Amended Vide S.G.M. dated 07-03-96

APPENDIX 'B'

LIBRARY RULES.

1. None but the members of the Association shall be allowed to use the books of the Library.
2. Members shall be allowed to take books for reference in the court on payment of such fees as the Managing committee determine from time to time subject to the approval of the General body as per Budget against slips issued by the member. Provided that the clerk in charge of Library will issue receipt for Book fees so received from each member taking such books and shall deposit the total amount of book-fees of a day to the clerk concerned on the following day.⁽¹⁾
3. Books issued for court reference are to be returned within a week.
4. Books issued against slip for use within the Association building are to be returned before the end of the working hours of the day.
5. Books may be issued to the members for study at home on entry in a register maintained for the purpose.
6. a) Members may be allowed only one books at a time for study at home without any charge and such book shall be returned by 10 A.M. on the following day. If the book is not returned on the following day an amount of Taka. 1.00 (Taka one) shall be charged for retention of the book for each day and in no case such book shall be retained for more than seven days even with charge.

(1) Amended Vide S.G.M. dated 07-03-96

b) Under exceptional circumstances more than one book may be issued for study at home with the written permission of the General Secretary or the Secretary Library, subject to the application of rule 6 (a) above.

c) Violation of the foregoing rules by any member shall render him liable for disciplinary action by the Managing Committee on the report of the Secretary Library.

d) Members failing to pay up fine imposed under the above rules within a week from the date of imposition thereof, such member shall not be allowed to use the books in any way till fines are paid-up.

7. No member shall be allowed to take home any periodical, Gazette notifications, news paper etc. from the Library without prior permission of the General Secretary or Secretary Library.

8. Members shall be responsible for return of the books issued in their names and they shall be liable to make good the loss for missing of such books.

9. The Clerk incharge of the library shall be held primarily responsible for the custody and proper care of the books, journals, Gazettes, news papers, periodicals and other articles under his custody.

10. Books of the criminal court Branch of the Library shall be under the control and supervision of the Secretary Criminal Court who shall be responsible for protection of the same.

11. Books of this Branch may be issued to the members against slips for use within library only.

12. No books of this Branch shall be issued to the members for court and home use.

13. Books may be issued for use in the Criminal Courts from the main Library only on the undertaking of the member who intends to take such books for the purpose that he will return the same on his own responsibility and provisions hereinbefore contained shall *mutatis mutandis* apply.

APPENDIX 'C'

****Omitted from constitution but Exist separate book-let as Staff recruitment and service rules, 1987-88.⁽¹⁾**

(1) Amended Vide S.G.M. dated 29-06-93

APPENDIX 'D'

LAWYERS, RECREATION CLUB RULES.

- 1. Name:** The name of the Club shall be 'Lawyers, Recreation Club' District Bar Association Comilla.
- 2. Functions:** The Club shall function in consonance with the provision as contained in article 10 (vi) of the Constitution and it shall not do any act prejudicial to the interest and dignity of the Association.
- 3. Membership:** The members of the Club shall be members of the Association subject to payment of admission fee of TK. 2.00 and monthly subscription of TK. 1.00 or any amount as determined by the sub-Committee as and when necessary subject to the approval of the Managing Committee of the Bar Association.
- 4. Mode of payment of monthly subscription, cessation of Membership etc.**

The monthly subscription one month shall be payable by the end of the next following month and a member shall cease to be member in case of default to Pay monthly subscription for consecutive 12 (twelve) months and his name shall be struck off from the roll of membership, provided he may be readmitted as a member on payment of Taka 5.00 as re-admission fee and including all arrear dues from the date of default.

5. Disciplinary action.

Any case of indiscipline or misconduct or otherwise against any member of the club may be reported by the Secretary recreation and cultural affairs with the recommendations of the sub-committee for taking disciplinary action as per provisions continued in article 14 of the constitution.

6. Fund

The fund of the club shall constitute admission fee, monthly subscription, grant from the Bar Association, Grant or Donations from Government, philanthropic persons or organizations.

7. Bank Account.

There shall be a separate Bank account to be opened with any scheduled Bank at Comilla in the name of the club to be jointly operated by the General Secretary and Secretary Recreation and cultural affairs of the Association.

8. Functions of the Sub-Committee and convener.

a) The Secretary for Recreation and Cultural affairs shall be ex-officio convener of the sub-committee and do all acts necessary for the management of the day to day affairs of the club with the aid & advice of the sub-committee as and when necessary.

b) He shall not keep more than TK. 50.00 in hand at a time and shall not spend more than TK. 100.00 at a time without prior approval of the sub-committee and for any expense exceeding TK. 100.00 he shall obtain prior sanction of the Managing Committee subject to Budget provision.

c) He shall convene ordinary meetings of the sub-committee on 3 days notice and emergent meetings at a shorter notice.

d) He shall maintain office records of proceedings of the meetings of the sub-committee.

e) He shall maintain cash book with proper accounts of income and expenditure.

f) He shall submit an annual report of the affairs of the club along with sock-cultural and recreational activities and with audited accounts of the club conducted by the Auditors of the Association to the General Secretary for approval of the Annual General meeting in July every year. He shall submit a Budget in August every year for approval of the Managing Committee.

g) He may raise funds in furtherance of the social, cultural and recreational activities of the Association subject to the approval of the Managing Committee.

APPENDIX 'E'

MEMBERS SPECIAL EMERGENCY AID FUND RULES

Meeting held on 26.11.77 of the Sub-Committee of 'Members special Emergency Aid Fund' at the Bar Association Hall with Qazi Habibur Rahaman, the convener of the committee in the Chair.

Members Present:

1. Qazi Habibur Rahaman.
2. Mr. Syed Shamsul Haque.
3. Mr. M. A. Mutalib.
4. Mr. Zakir Hossain Bhuiyan.

This Sub-Committee recommends the following rules for proper utilization of the members Special Emergency Aid Fund':

I. Whereas it is expedient to reconstitute the Special Emergency Aid Fund for the benefit of the nominees and the members of the Comilla District Bar Association.

And in exercise of the powers conferred by the unanimous resolution of the Meeting of the District Bar Association, Comilla, held on 11.8.77, the following rules are framed to provide for matters pertaining to management, administration, utilization and investment of the said Fund.

1. These Rules shall be called the 'Members Special Emergency Aid Rules, 1977'

2. These Rules shall come into force at once.

3. These Rules shall apply to all members of the District Bar Association, Comilla.

4. In these Rules, unless there is anything repugnant to the subject or context.

i) Nominee means any person or institution nominated by the member concerned.

ii) Rules means the Members special Emergency Aid Fund Rules.

iii) Fund means the members special Emergency Aid Fund.

iv) Disabled means:

Member who has become permanently unable to practice the profession of law in courts due to physical disability caused by old age or otherwise⁽¹⁾

5. The Fund Shall consist of:

a) The existing corpus of the special Emergency Aid Fund including TK. 12 (twelve)⁽²⁾ contributed in the year 1977.

b) Donation or grant received from any other sources.

c) Compulsory yearly or monthly contribution received from the members

d) Income from Investments made out of the Fund.

6. All members on the roll of the Association 'shall contribute the amount imposed by the General body in the budget Meeting of the year.'⁽³⁾ All members on roll of the Association shall pay Taka 150/- (one hundred and fifty)⁽⁴⁾ as special donation immediately and shall contribute Taka 15/- (fifteen)⁽⁵⁾ every months towards the Fund with retrospective effect from the months of January 1997. 'The account of the members concern will be closed after the expire of 40 years and his payment shall be made with in the two month'⁽⁶⁾

7. Each member shall fill-up and sign a prescribed form indicating his/her nominee or nominees.

(1) Amended Vide S.G.M. dated 11-02-88

(2) (3) (4) (5) (6) Amended Vide S.G.M. dated 29-06-93

8. Every person on his first enrollment as a member of the Bar Association shall have to pay the special donation to the Fund and thereafter he shall have to pay his monthly contributions according to Rule 6.

9. On the death of a member, the General Secretary of the Association, shall, as far as possible, immediately pay Taka 1000/- (One thousand) to the nominee of the member concerned out of the Fund and in case of claiming benefit on the ground of disability, the member concerned may apply himself/herself to the General Secretary, District Bar Association Comilla.

9. a) A member who will avail himself of the disability benefit his nominee or heirs will not get any further benefit after his death if he discontinues his membership of the Association. In case he continues his membership of the Association till death nominee or his heirs after his death will be entitled to the balance of the benefit in pursuance with the provision of Rule 10 of appendix 'E' as per decision of the Managing Committees.⁽¹⁾

10. The Association on the recommendation of the Managing Committee shall grant and pay within 60 days from the date of death or application out of the fund family/nominee of any deceased member or a disabled member as follows:-

(1) Amended Vide S.G.M. dated 11-02-88

a) Death or disability on payment of contribution for 3 (three) years or less TK. '3000/- (three thousand)⁽¹⁾ only.

(aa) Death or disability on payment of contribution for more than 3 (three) years upto 6 (six) years TK '5000/- (five thousand)⁽²⁾ only.

b) Death or disability on payment of contribution for more than 6 (six) years and upto 10 (ten) years TK '8000/- (eight thousand)⁽³⁾ only.

c) Death or disability on payment of contribution for more than 10 (ten) years upto 15 (fifteen) years TK '10,000/- (ten thousand)⁽⁴⁾ only.

d) Death or disability on payment of contribution for more than 15 (fifteen) years upto 20 (twenty years) TK. '12,000/- (Twelve thousand)⁽⁵⁾ only.

e) Death or disability on payment of Contribution for more than 20 (Twenty) years TK. '16,000/- (Sixteen thousand)⁽⁶⁾ only.

(f) Death or disability on payment of contribution for more than 25 (Twenty five years) upto 30 years TK. 18,000/- (Eighteen thousand)⁽⁷⁾

(g) Death or disability on payment of contribute more than 30 years upto 35 years TK. 22,000/- (Twenty two thousand)⁽⁸⁾

(h) Death or disability on payment of contribute more than 35 years upto 40 years TK. 25,000/- (Twenty five thousand)⁽⁹⁾

(1) Amended Vide S.G.M. dated 15-03-82, 14-03-85, 11-02-88

(1) (2) (3) (4) (5) (6) (7) Amended Vide S.G.M. dated 15-03-82, 14-03-85, 11-02-88

(8) (9) Amended Vide S.G.M. dated 29-06-93

12. i) A member during the suspension of his/her membership shall not get the benefit of the Fund, but on resumption the period of suspension shall be excluded from the counting of period of contribution.

ii) A member shall have to continue the contribution, if he intends to get the benefit out of the Fund, till his/her death or permanent disability.

13. A member may nominate any person or institution to the grant on his/her death and the grant will be paid to such person or institution accordingly.

14. A Register of contributions to the Fund shall be maintained by the Bar Association, and the name of the nominee shall be noted therein against the name of each member.

15. The Bar Association shall keep in deposit the fund in any Bank by opening a Saving Account, and may also keep in fixed deposit with any Bank or post office or may invest any portion of the Fund in such manner as it may think proper.

16. The General Secretary of the BAR Association shall operate the Fund and also be responsible for the same.

17. The Managing Committee of the Bar Association may, on any application by any needy member of the Association for his treatment, grant loan not exceeding TK. 500/- (five hundred) to him and the loan so granted shall be realised on his recovery, in 5 (five) equal installments. This amount may be granted on execution of guarantee by two securities supported by an undertaking by the applicant himself.

18. The Association may, at its general meeting, amend, alter or change any Rule or Rules of this 'Members Special Emergency Aid Fund Rules, 1977.'

APPENDIX 'F'

MEMBERS' WELFARE FUND RULES, 1987-88.**District Bar Association, Comilla.**

The sub-committee recommends the following rules for creation of a new fund for the welfare of the members of the Association:-

Whereas it is expedient to constitute and create a fund for the benefit of the members of the District Bar Association, Comilla and in exercising of powers conferred by the unanimous resolution of the General Meeting of the District Bar Association held on 10.9.87 and meeting of the Managing Committee dated 18.8.87 the following rules are framed to provide for the matter pertaining to management, administration, utilisation and investment of the said fund.

1. This rule shall be called the members 'Welfare Fund rules, 1987-88'.

2. These rules shall come into force at once.

3. These rules shall be applicable to all the members of the District Bar Association, Comilla.

4. In these rules, unless there is anything repugnant to the subject of the context.

i) Rules means the members 'Welfare Fund Rules 1987-88'.

ii) Fund means members 'Welfare Fund'.

iii) Nominee means any person or institution nominated by the member concerned.

iv) Association means 'District Bar Association, Comilla.'

5. The fund shall consist of:-

a) The available fund by apportionment and transfer of TK. 5.00 (five) per month for each member to this fund out of the existing corpus of the Members 'Special Emergency Aid Fund' so far collected from the

members at the rate of TK. 10.00 (ten) per month during the financial year, 1986-87 and thereafter.

b) Donation or grant received from any other source or by transfer of TK. 1.00 (one) lac or more or less from out of the total fixed deposit in the Banks in the name of Members, Special Emergency Aid Fund to this fund within this financial year 1987-88 and thereafter once every five years.

c) The fund henceforth will be available by compulsory monthly deduction at the rate of Tk. 5.00 (five) for each member as monthly contribution to the fund out of TK. 12.00 (twelve)⁽¹⁾ Payable per month by member to the Members Special Emergency Aid Fund.

d) 4th of the net annual income of the sale proceeds of Vokatatnama in the name of the Association.

e) The (one fourth) of the net annual income of the sale proceeds of the Hazira.

6. Each member shall appoint his or her nominee with full particulars and address and fill up and sign the prescribed form in this respect.

7. 'All the individual Accounts of the Members shall be closed and the amount lying in the individual Accounts will be withdrawn as per rules of Association out of total amounts withdrawn Taka 20 (Twenty) Lakhs shall always be kept in a separate fixed Deposit Account in the name of Members welfare Fund and the balance amount along with present and future income shall always be kept in the name of 'Members welfare Fund of Comilla District Bar Association' to be operated by Joint signatures of the president, General Secretary and Treasurer'⁽²⁾.

8. 'That in no circumstances any amount can be withdrawn from the said Savings Accounts for any other purpose of the BAR, except for payment to the Members as per their dues of this (Amendment) 1997-98'⁽³⁾.

9. That the amount of fixed deposit Account as stated in Clause 7 shall in no circumstances can be transferred to any other business of the BAR nor the amount of said Fixed Deposit can be withdrawn for any other

(1) (2) (3) Amended Vide S.G.M. dated (17-01-98)

purpose except with the prior approval of 3/4 majority of the Members of the BAR in the Special Annual General Meeting to be held for the purpose.⁽¹⁾

10. 'Deleted'.⁽²⁾

11. 'a) In case of death of any member, his nominee/heirs shall be paid at the rate as shown in Appendix below'.⁽³⁾

b) In case of disabled member, on his/her prayer 50% of the amount may be paid to him as per Rules and it will be deducted from the total amount payable to him of his heirs or nominees.

Appendix

- 1) On payment of contribution upto 10 years TK. 2000 per year
- 2) On payment of contribution upto 11 years to 15 years TK. 2200 per year
- 3) On payment of contribution upto 16 years to 20 years TK. 2500 per year
- 4) On payment of contribution upto 21 years to 25 years TK. 2800 per year
- 5) On payment of contribution upto 26 years to 30 years TK. 3300 per year

After contribution of 30 years member is not to Contribute and is entitled to withdraw his/her full amount upto TK. 99000/-

12. The Association shall prepare annual accounts of receipt and distribution of this fund with copies of the same to the members and the General Secretary shall submit the Audited accounts of this fund to the annual General Meeting for approval.

13. The Association may at its annual or special general meeting amend, alter or change any rule or rules of this Members, Welfare Fund Rules, 1987-88.

(1) (2) (3) Amended Vide S.G.M. dated 07-01-98

APPENDIX 'G'

DISTRICT BAR ASSOCIATION, COMILLA **MEMBER'S BENEVOLENT FUND RULES 1993-94**

1. These Rules shall apply to all Advocates entitled to practice the Profession of law in the District Bar Association, Comilla and it shall come into force from the 1st day July, 1994.

2. In these Rules unless there is any thing repugnant to the subject or context:-

i) Family includes:-

a) Wife or wives or husband, as the case may be.

b) Sons and daughter of the deceased Advocate.

c) Parents of the deceased Advocate.

ii) 'Rules' means the benevolent Fund Rules, 1993-94.

iii) 'Fund' means the benevolent Fund reconstituted under these Rules.

iv) Disabled means:

Advocate who has become permanently unable to practice the Profession of law in Courts and in any Chamber due to physical disability caused by old age or for any other reasons and made continuous contribution to the Fund for a period of not less then 3 years certified by an M.B.B.S. Doctor to be so disabled and recommended by the Managing Committees of this Association.

v) (a) Retirement means:

An Advocate who having completed 30 years continuous practice and having made continuous contribution to the Fund for a period of not less then 25 years, gives up practicing the profession of law for ever and surrenders his/her Sanad to the Bangladesh Bar Council throughout the Association.

vi) 'Nominee' means any person or institution nominated by the Advocate.

vii) 'Member' means, Member of the Association. Who shall contribute to this Fund.

3. The Fund shall consist of:-

- a) Any Grant not less than TK 25000/- (twenty five thousand)⁽¹⁾ shall be deposited by the Association, towards the Fund, every year.
- b) Compulsory yearly contribution received from the Advocates.
- c) Income from investments made out of the Fund.
- d) Donation or Grant received from any other sources.
- e) Rent of the Hall room and other rooms will be deposited in the members Benevolent Fund.

4. All Advocates on the Roll of the Association shall have to pay TK. 200/- (two hundred)⁽²⁾ each initially to create the fund and there after shall pay TK. 240/- (two hundred and forty)⁽³⁾ as yearly contribution in advance to the Benevolent Fund by 31st day of December of the preceeding English Calendar year.

Provided that arrear contribution to the Benevolent Fund may be paid up to 1 (one) year with late fee of TK. 10/- (Taka ten) only for each month of delay but arrear contribution for any period exceeding 2 (two) years shall not be accepted by the Association and such defaulters shall be debarred from the benefit of the Benevolent Fund and their previous contribution to the Fund shall be forfeited.

5. Each Advocate shall fill up and sign a prescribed form indicating his/her nominee or with other particulars.

6. Every person on his enrollment as an Advocate in this Association shall have to pay the contribution to the Benevolent Fund and therefore he shall have to pay his annual contribution according to Rule 4 of the Benevolent Fund 1993-94 at the office of the Association. Provided that persons who may be enrolled as an advocate after completion of the age of 40 years shall not be allowed to join the Benevolent Fund Scheme of the Association. This proviso will take effect from 1.7.1995.

(1) (2) (3) Amended Vide S.G.M. dated 07-03-96

7. The fund is constituted for the purpose of granting financial assistance.
- To the families or nominees of the deceased or to the disabled Advocates.
 - To render assistance to any institution/ organisation according to the nomination of the Advocate.

8. On the death of member-Advocate his/her nominee shall apply to the General Secretary of the Association in the prescribed form within 3 months from the date of death of the member. In the absence of nominee the Association will proceed according to the best of their judgment Advocate Claiming benefits on the ground of disability may apply himself/herself to the Association.

a) The General Secretary, after scrutiny of the application shall place it to the Managing Committee for disposal.

9. The Association shall grant, out of the fund to family member/nominee of any deceased advocate in the following manner:

In Case of death:-

- On payment of contribution 'upto'⁽¹⁾ 3 years TK. 5,000/-
- On payment of contribution 'upto' 5 years TK. 7,000/-
- On payment of contribution 'upto' 9 years TK. 12,000/-
- On payment of contribution 'upto' 14 years TK. 20,000/-
- On payment of contribution 'upto' 19 years TK. 30,000/-
- On payment of contribution 'upto' 25 years TK. 40,000/-
- On payment of contribution 'upto' 30 years TK. 50,000/-
- On payment of contribution 'upto' 35 years TK. 60,000/-
- On payment of contribution 'upto' 40 years TK. 70,000/-
- On payment of contribution for 40 years TK. 75,000/-

After contribution of 40 years person concerned account will be closed and he will draw his full amount TK. 75,000/-.

10. The Association shall pay to a disabled member Advocate as defined in Rule 2 (iv) in the following manner:

(1) Amended Vide S.G.M. dated 07-01-98

In Case of disability:-

- a) On payment of contribution for 10 years 'TK. 1,200/- Per-year⁽¹⁾
- b) On payment of contribution upto 11 years to 14 years TK. 20,000/-
- c) On payment of contribution upto 15 years to 19 years TK. 30,000/-
- d) On payment of contribution upto 20 years to 25 years TK. 40,000/-
- e) On payment of contribution upto 25 years to 30 years TK. 50,000/-
- f) On payment of contribution upto 30 years to 35 years TK. 60,000/-
- g) On payment of contribution upto 35 years to 40 years TK. 70,000/-
- h) After contribution of 40 years TK. 75,000/-

Provided that an Advocate who has been paid under the Rule his/her nominee or family members shall not be eligible for grant of the Benevolent Fund on his/her death. Provided further that if any member Advocate, who becomes disable before completion of 5 years contribution his/her case may be considered by the Managing Committee.

11. An Advocate on retirement as defined in Rule 2(v)

- a) May be granted 50% of the amount to which he/she would be entitled to at that stage in the event of disablement within the meaning of Rule 2(v).

12. An Advocate during the suspension of his Sanad shall not get the benefit of this Fund. On resumption the period of suspension shall be excluded from the period of contribution.

13. The Association may invest any portion of the fund in such manner as it may think proper for enhancement of the Fund as approved by the General body.

14. The account of the Fund shall be operated jointly by the president and the General Secretary of the Association.

(1) Amended Vide S.G.M. dated 07-01-98

15. i) A separate Savings Account for the fund may be opened for yearly collection and withdrawal of the same for meeting immediate need of the Members.

ii) A separate F.D.R/F.D. Rs. account in any Post Office or Government Commercial Bank which appears more profitable and secured, as the Managing Committee may think fit and proper by transferring from the S.B.Account.

16. Maintenance and recording of Benevolent Fund A/C Register Book:

i) A separate and prescribe Benevolent Fund Register A/C book shall be maintained by the Bar Association.

ii) The Register shall contain full yearly financial information regarding accumulation of fund position and grant and disbursement figure of the fund among the members along with full address of the nominee.

17. Annual Statement of Benevolent Fund-

The Association shall separately publish an annual statement regarding yearly income and distribution in the annual report of the Association.

18. The yearly receipt of the Benevolent Fund shall be transferred to Members Benevolent Fund S.B. A/C within 15th July after the closing of the financial year.

19. For the purpose of accounting, purpose, a separate item may be shown in the budget.

DISTRICT BAR ASSOCIATION, COMILLA

Application form for the
Benevolent Fund

To,
The President
District Bar Association,
Comilla.

Dear Sir,

I express my desire to join the Benevolent Fund Scheme which has constituted the District Bar Association Comilla for the benefit of families of Advocates as contemplated in Article 14 (i) of the Bangladesh legal practitioners and bar Council order, 1972. In this connection requisite particulars are given below :

1. Name (In Block Letters) -
2. Father's / Husband's Name -
3. Date of joining the Bar -
4. Present Address -
5. Permanent address -
6. Name of Nominee/Nominees -
7. Remarks of Secretary of the Bar Association concerned.

I agree to comply with and shall be bound by the Benevolent Fund Rules.

Date.....

Yours faithfully,

Advocate

District Bar Association
Comilla.

APPENDIX 'H'

RELIEF FUND RULES OF DISTRICT BAR ASSOCIATION: COMILLA-1993-94

1. These rules shall apply to all advocates entitled to practice the profession of law and enrolled on the District Bar Association, Comilla. It will come into effect from 1st July, 1993.

2. In these Rules, unless there is any thing repugnant to the subject or context:-

a) 'Distressed Advocate' means an Advocate who has been totally or partially disabled in earning livelihood by practicing the profession of law, whether such disablement is permanent or temporary, and his financial condition is such that assistance has become necessary, and also an Advocate whose financial condition otherwise is such that assistance has become necessary.

b) 'Distressed family' includes:-

i) Wife, Sons and daughters.

ii) Parents of any deceased Advocate whose financial condition is such that assistance has become necessary.

c) 'Fund' means the Comilla District Bar Association Relief Fund 1993-94.

3. The Fund shall consist of:-

a) The existing corpus of the Relief Fund.

b) Compulsory yearly contribution received from Advocates.

c) Grant made by the Government.

d) Donations received from local authorities and other sources.

e) Income from investment made by the Fund.

f) Such further grant as may be made by the Association.

4. All advocates on the Roll of the Association shall pay TK. 36.00 (thirty six) only as yearly contribution or TK. 3.00 per month or the amount imposed time to time in the annual Budget of the Association.
5. Every person on his enrolment as an Advocate shall have to pay the contribution to the Fund and there after he shall have to pay his annual contribution according to rule 4 in the office of the Association.
6. A Register of Contribution and donors shall be maintained by the Association.
7. The Association may invest any portion of the Fund in such manner as it may think proper for augmenting corpus of the Fund.
8. No portion of this Fund shall be utilised for any purpose other than those specified in these rules.
9. The purpose for which financial assistance may be granted from the Fund shall be:-
 - i) For the help of any distressed Advocate or his family.
10. A disabled Advocate or the distressed family of an Advocate may apply to the General Secretary of the Bar Association in the prescribed form duly certified by a Medical Practitioner acceptable to the Association in Cases the claim is for total or partial disablement whether permanent or temporary, claiming assistance under these rules.
11. The application of the distressed family of an Advocate shall be certified and recommended at least by 10 members of the Association.

12. The Association shall grant, out of the Relief Fund to any disabled Advocate or to any such family of an Advocate such amount of money as the Managing Committee may in its discretion consider proper and necessary.

13. A separate S.B. Account shall be maintained for the Fund in the Post office or the Schedule Bank. It shall be operated by the joint signatures of the President, General Secretary and Treasurer and shall be operated by any two.

14. The annual report shall contain a separate statement of accounts of the Fund.

END

APPENDIX-F

MEMBERS WELFARE FUND RULES, 1987-88

Whereas number of Accounts of individual members have increased and whereas there has not been proper and regular deposit in those accounts and whereas as per Govt. Decision interest in individual accounts is lesser and the interest in Fixed Deposit is higher and whereas as per Govt. rules duty is deducted from each individual accounts and due to individual Accounts members sustained loss, so the Managing Committee of the Comilla District Bar Association in its meeting held on constituted a Sub-Committee with Mr. Md. Mukhlesur Rahman Chowdhury Vice-President or Convenor and Mr. Md. Shafiqur Rahman Treasurer and Mr. Israkul Aman, Library Secretary and Mr. Ashok Kumar Majumder, Member of Managing Committee, as Member of the Sub-Committee and they in its meeting held on 23/11/1997 recommended the following rules for proper utilization of the members welfare fund.

The amendments recommended by the Sub-Committee is passed with some modification by the special General Meeting held on 7/01/1998 and the amended rules with modification passed by the members is as follows:-

1) This amendment as it called the Members welfare Fund (Amendment) Rules, 1997-98.

2) This amendment shall be deemed to have come into force with effect from the date of commencement of Members welfare Fund Rules 1987-1988 for the alive members only and this amendment shall not be applicable to the deceased or past members or their nominees or heirs.

3) That clause 7 will be omitted and the same will be written as follows:-

All the individual Accounts of the Members shall be closed and the amount lying in the individual Accounts will be withdrawn as per rules of Association out of total amounts withdrawn Taka 20 (Twenty) Lakhs shall always be kept in a separate fixed Deposit Account in the name of Members welfare Fund and the balance amount along with present and future income shall always be kept in the name of 'Members welfare Fund of Comilla District Bar Association' to be operated by Joint signatures of the president, General Secretary and Treasurer.

4) That clause 8 will be deleted and it will be rewritten as follows:-
That in no circumstances any amount can be withdrawn from the said Savings Accounts for any other purpose of the BAR, except for payment to the Members as per their dues of this (Amendment) 1997-98.

5) That clause 9 will be deleted and it will be rewritten as follows:-
That the amount of fixed deposit Account as stated in Clause 7 shall in no circumstances can be transferred to any other business of the BAR nor the amount of said Fixed Deposit can be withdrawn for any other purpose except with the prior approval of 3/4 majority of the Members of the BAR in the Special General Meeting to be held for the purpose.

6) That clause 10 and 11 will be deleted and clause will be re-written as follows:-

a) In case of death of any member, his nominee/heirs shall be paid at the rate as shown in Appendix below.

b) In case of disabled member, on his/her prayer 50% of the amount may be paid to him/her as per Rules and it will be deducted from the total amount payable to him or his heirs or nominees.

Appendix

- 1) On payment of contribution upto 10 years TK. 2000 per year
- 2) On payment of contribution upto 11 years to 15 years TK. 2200 per year
- 3) On payment of contribution upto 16 years to 20 years TK. 2500 per year
- 4) On payment of contribution upto 21 years to 25 years TK. 2800 per year
- 5) On payment of contribution upto 26 years to 30 years TK. 3300 per year

After contribution of 30 years member is not to Contribute and is entitled to withdraw his/her full amount upto TK. 99000/-

Al-haj Neamat ullah

President

Dated- 07/01/1998.

1st Published by:

Md. Mohsenuzzaman Chowdhury

General Secretary, (1978-79)

District BAR Association, Comilla.

2nd Published & Reprinted by:

Md. Yeakub Chowdhury

General Secretary, (1988-89)

District BAR Association, Comilla.

Edited & Reprinted by:

Syed Mohammad Salim.

General Secretary, (1997-98)

District BAR Association, Comilla.

Tel phone:- 081-5142.

Price TK. 30.00

1st Print : 400 copies

30.6.78

2nd Print : 500 copies

15.5.88

3rd Print : 8.00 copies

10.01.1998.

Composed by:

Amod computer

Printed by:

Industrial Press ,Offset & Computer. Old Chowdhurypara. Comilla- Phone-3310