

- (e) To amend, alter, bridge or extend any rules or regulation subject to the approval of the General House by a 3/5<sup>th</sup> majority of the members present.
- (f) To fill casual vacancies of the members of the Executive Committee including office-bearers, for the remaining period preceding the next election, of the Executive Committee by a 2/3<sup>rd</sup> majority of the members present.
- (g) To appoint an auditor for every year from amongst the members of the Association to audit and report upon the accounts of the Association and benevolent fund Account. Auditors appointed shall not be a member of the Executive Committee. The Executive Committee shall also appoint an auditor for the internal audit of the account.
- (h) To supervise the accounts and the records of the Association, to employ peons or other staff, to pay their salaries and grant them increments and to dismiss any such peons or members of the staff and employ others in their place.
- (i) To appoint them among the members of the Executive Committee a member to look after the library.
- (j) The Executive Committee shall be responsible for proper maintenance of the accounts and other records. After every three months, the Secretary shall place the accounts of the Association before the internal auditing of accounts and after every six months before the Executive Committee.
- (k) There will be official publication of a magazine of the Sales Tax Bar Association containing decisions on the Sales Tax matter, circulars and notifications issued by various Sales Tax Authorities. The charges so fixed by the Executive Committee would be compulsory payable by every member along with the annual subscription otherwise the member will be in arrears.

**Explanation : (Added w.e.f. 27.05.1978 by General House)**

If from one office more than one person is a member of the Bar Association, then only one member may purchase the D.S.T.C., volume, other may be exempted from this sub-clause on moving an application to the Executive Committee.

The 'Year' means the financial year i.e. from 1<sup>st</sup> April to 31<sup>st</sup> March (As amended w.e.f. 26<sup>th</sup> May, 1984 by General House).

**VI. MEETINGS OF THE EXECUTIVE COMMITTEE**

**(1) NOTICE :**

For an ordinary meeting of the Executive Committee the Secretary shall ordinarily given three days notice together with a statement of the business to be brought before the meeting, provided that in case of emergency, a meeting may be convened be a shorter notice which shall not be less than 24 hours. The notice may be by circulation.

**(2) QUORUM :**

As every meeting of the Executive Committee at least seven members shall form a quorum. If the quorum is not formed within 30 minutes of the time announced for it, the meeting shall be adjourned and for such an adjourned meeting the quorum shall not be necessary. The adjourned meeting may be held on the same day at the same place after 15 minutes.

**(3) SUMMONING OF MEETING :**

A meeting of the Executive Committee may be summoned by the President or the secretary on his own initiative or on a written requisition by at least five members of the Executive Committee.

**(4) VOTING AT :**

Ordinarily, all decisions the Executive Committee shall be according to the opinion of the majority of the members present and eligible to vote, expressed by a show of hands, but on the demand of at least five members, the matter under discussion shall be decided by ballot. Every member present who is not disqualified for voting shall have one vote. In case of the Chairman, he shall have a casting vote.

**(5) RESOLUTION BY CIRCULATION**

Any resolution required to be passed in the General Meeting or in the meeting of the Executive Committee shall be deemed to have been so passed if on circulation of the assent of the 2/3<sup>rd</sup> members of the General Body or the Executive Committee, as the case may be, has been obtained in writing.

**(6) MATTERS FOR DISCUSSION :**

No matter other than the one mentioned on the Agendas of the meeting shall be brought before the meeting of the Executive Committee except with the special permission of the Chairman or of at least 1/3<sup>rd</sup> of the members present.

**(7) EFFECT OF VACANCIES :**

No act or proceedings of the Executive Committee shall be invalidated merely by the existence of vacancies.

**VII. GENERAL MEETINGS**

**(1) NUMBER OF MEETING IN A YEAR :**

There shall be ordinarily two general meetings in a year.

**(2) SUMMONING OF :**

A general meeting may be summoned by the President or the Secretary on this own initiative or on a written requisition by at least 20 members of the Association.

**(3) QUORUM :**

At every general meeting of the Association, 1/4<sup>th</sup> of the total members or 50 whichever is less shall form a quorum. For an emergent general meeting 50 members shall form a quorum. In case quorum is not formed within 30 minutes of the time announced for general meeting shall be adjourned. The adjourned meeting can be held after half an hour at the same place or on any other day at the place and time as decided by the president.

**(4) NOTICE :**

The Secretary of the Association shall given at least 14 days clear notice for holding a general meeting starting the place, day and agenda for the same, but he Secretary or the President may call an emergent general meeting giving 24 hours notice by affixing the same on the Notice Board.

**(5) PROCEDURE :**

The procedure prescribed for the Executive Committee's meeting shall also be followed in the general meeting.

## **VII. ELECTIONS**

### **(1) TIME FOR HOLDING ELECTIONS :**

The Annual General Meeting of the Association shall be held by the end of the month of May every year.

- (a) To pass the audited accounts.
- (b) To elect the Office-bearers and member of the Executive Committee, and
- (c) To transact such other business as may be necessary.

### **(2) METHOD :**

The elections shall take place by secret ballot, as per regulations in the Appendix hereto.

- (3)** Any person who is enrolled as a member less than three months before the elections, or a member who is in arrears in respect of membership fee, Benevolent Fund contribution, library fine, telephone charges, Appendix B & C etc. shall not be entitled to vote and contest the election. Further, no member who has incurred any disqualification under these Rules and Regulations or under any provision(s) of the constitution will be entitled to contest the elections.

Members of the Executive Committee or Office-bearers who has incurred any disqualification under the Rules and Regulations of the Association shall not be eligible to contest election for next two years after he has incurred such disqualification.

**Explanation : ‘Election’ also includes “Bye-election”.**

## **IX. MISCELLANEOUS**

### **(1) CONDUCT OF MEETING WHEN PRESIDENT OR VICE-PRESIDENT IS ABSENT.**

In the absence of both the President and Vice-President in the meeting of the Association or the Executive Committee the members present shall elect a Chairman from amongst themselves to preside over the meeting.

### **(2) POWER TO REGULATE PROCEEDING OF MEETING**

The President or the Chairman, as the case may be, shall have full authority to regulate the proceedings of a meeting and maintain order there at in such manner as he thinks fit.

### **(3) REQUISITION OF THE MEETING IN THE EVENT OF SECRETARY FAILING TO CALL.**

If the Secretary fails to call a meeting of the Executive Committee or of the Association, as the case may be, for which a requisition as laid down in the above Rules has been served on him within a period of 15 days from the receipt of notice of requisition, giving 14 days notice, the requisition shall be entitled to convene the meeting, and for such purpose they shall give notice as laid down in the Rules and Regulations of the Association. Such a meeting shall be deemed to have been duly at validity convened.

## **X. RESIDUARY PROVISION :**

- (1)** The funds of the Association shall consist of the following :

- (i) Admission fees, if any,
- (ii) Membership fees and special contributions and levies, fines and
- (iii) Donations.

- (2) All the income of the Association shall be applied towards the promotion of the objects of the Association as appearing in the Memorandum of Association. The expenses of the Association shall be defrayed out of the funds of the Association.
- (3) The funds of the Association shall be kept in a scheduled bank and the same shall be operative by the Joint-Secretary Cum-Treasurer or the Secretary, counter-signed by the President.
- (4) No member or office-bearer shall be answerable for any loss arising from the administration of the funds or damage or deterioration of the funds of the association unless the same is caused by willful default of trust or culpable negligence on his part.
- (5) If at any time the Association is dissolved, the remaining funds (or property, if any) whatsoever, left the satisfaction of all its just debts and liabilities shall be disposed of in accordance with the provisions of the Societies Registration Act. XXI of the 1860.
- (6) Every member of the Association shall be bound by its rules and regulations, bye-laws.
- (7) All matters not specifically provided in the rules and regulations shall be decided by the Executive Committee.
- (8) **Amendments of Rules and Regulations**  
The Rules and Regulations shall not be amended except upon a vote of 3/5<sup>th</sup> majority of the members present in the General Meetings or in a meeting specially convened for this purpose, except the Rules which can be amended by a bare majority.
- (9) **SUITS**  
The Secretary may be sue or be sued and may take such legal proceedings as may be considered expedient, on behalf of the Association.
- (10) **CONTRACTS :**  
The Secretary shall enter into any contract or execute such documents on behalf of the Association as may be necessary with the prior approval of the Executive Committee.
- (11) This constitution shall take affect from 1<sup>st</sup> January 1975.

**APPENDIX - A**  
**ELECTION REGULATIONS**

- (1) The Secretary shall invite nomination papers for office bearers and members of the Executive Committee of the Association so as to reach him or the Joint-Secretary of the Association not later than 7 days before the date before the date fixed by the Executive Committee for the Annual Meeting.
- (2) At least three days period shall be given for the filing of nomination papers.
- (3)
- (a) The candidate or his sponsor or agent for the election shall deposit with the Secretary the following non-refundable fees :
  - Rs. 1000/- for President ship
  - Rs. 750/- for Vice-President ship
  - Rs. 500/- for Secretary
  - Rs. 250/- for Joint Secretary-cum-Treasurer
  - Rs. 100/- for membership of the Executive Committee.
- (b) Upon receipt of the prescribed fee for a particular office/post, the official nomination paper/papers for the same shall be issued by the Secretary, who shall enter the name of the person for whom the same has have been issued.
- (c) Nomination shall be filed on officially issued nomination papers.
- (d) No nomination paper shall be received after 5:00 P.M. on the last day fixed for receipt thereof.
- (4) The nomination paper shall be in the following form :-

Nomination paper for election of the Executive Committee of the Sales-tax Bar Association, New Delhi for the year.

  - (A) Name of the candidate (IN BLOCK LETTERS)
  - (B) The office for which the candidate is proposed.
  - (C) Name of the proposer
  - (D) Signature of the proposer
  - (E) Name of the seconder

**Signed declaration and acceptance by the candidate.**

I, \_\_\_\_\_ accept my candidature for \_\_\_\_\_ and solemnly declare and affirm that I am eligible to contest in terms of the Rules and Regulations of the Association at the time I am signing this acceptance.

Place :

Date :

Signature of the Candidate

- (5) The nomination paper shall be given in a closed cover. The receiving Officer shall note the date and time of receipt thereof and put a serial number thereon.
- (6) The candidate and his proposer and seconder should also be eligible to vote at the time they put their respective signature on the nomination paper.
- (7) Closed cover containing the nomination paper shall be opened in the office of the Association at 5:15 P.M. on the last date fixed for the receipt thereof in the presence of such members as may like to be present on the occasion. The nomination paper shall be initialed by the Secretary and the Serial No., date and time appearing on the cover shall be endorsed on the respective nomination paper. A list containing the names of the candidates and other particular contained on the nomination papers shall be prepared in duplicate immediately and signed by the Secretary and one of these

lists shall be put on the Association's Notice Board forthwith, and the other shall be placed by him before the Executive Committee on the next following days.

- (8) The Executive Committee shall appoint a member of the Association as an Election Officer and some Polling Officer for the purpose of conducting the elections and another members of the Association as an Election Tribunal. None of the members appointed shall be a candidate for election. An appeal shall lie to the Appellate tribunal against the decision of the Election Officer and the Tribunal decision shall be final.
- (9) The Election Officer shall perform the following functions :-
  - (a) To scrutinize the nomination paper received in the Office of the Association on the date and at the time previously notified for the purpose by the Secretary in the presence of such members of the Association as may wish to be present on the occasion.
  - (b) To prepare a final list of the candidate remaining eligible for election after the Scrutiny and to put up the same on the Association Notice Board.
  - (c) To conduct the election with the help of the Polling Officer as appointed by the Executive committee of the Association none of whom will be a candidate for the election.
  - (d) The ballot papers shall be issued to the members who are eligible to vote during the hours to be fixed by the Election officer, at the time of Annual General Meeting of the Association's office on the date fixed for the election. The ballot papers shall be secretly marked and put in boxes placed for the purpose.
  - (e) Only those ballots shall be valid for counting which have been officially issued.
- (10) Withdrawals shall be made two days prior to the date fixed for the elections.
- (11) All the nomination papers of a member who has filed his nomination papers for more than one office or post shall be deemed to have been withdrawn, If he does not withdraw from all but one post or office within the time notified for withdrawals.
- (12) At the conclusion of the polling, the Election Officer shall open the box and counts the vote polled by such candidate in the presence of such members as they may wish to be present at the time.
- (13) The election officer shall announce the results of the election and the constitution of the Executive Committee elected in the Annual General Meeting and if that be not possible, he shall notify the same by means of notification put on the Association's Notice Board.
- (14) The used and unused ballot papers shall be sealed and preserved by the Election Officer for ten days after the date of election and unless the ballot papers are requisitioned by the Election Tribunal in the meantime, the same shall be destroyed.

**(Added w.e.f. 29.05.1981 by General House)**

- (15)
  - (a) Appeals arising out of the Election matter or against the election results shall lie only after the election results have been declared/notified. The appeals shall be preferred before the Election Tribunal within 7 days of the declaration/notification of the results.
  - (b) Each aggrieved candidate who may file an appeal before the Election Tribunal shall deposit an appeal fee of Rs. 250.00 with the office of the Bar Association and shall enclose the receipt thereof along with the appeal petition.
  - (c) The Election Tribunal shall adopt its own procedure for disposal of appeal which he shall notify on the notice Board of the Association within 7 days of the last date of the Appeal/Appeals.
  - (d) The Election Tribunal shall deliver its judgment within a period of 60 days from the date of announcement of the election results. In case the Election Tribunal fails to deliver the judgment within the and said period the appeal/appeals shall abate.
  - (e) The decision of the Election Tribunal shall be final and binding for all intents and purposes and no suit shall lie in any court of law unless the remedy as provided hereto before above has been exhausted.
  - (f) The cost, if any awarded by the Tribunal shall be binding and recoverable from the concerned member as arrears of subscription of the Association.