

## **BYE-LAWS OF DISTRICT BAR ASSOCIATION, HAMIRPUR (HP)**

### **INDEX**

<b>RULE</b>	<b>ELEMENT</b>	<b>PAGE</b>
	<u>PREAMBLE</u>	4
1	NAME AND COMMENCEMENT	5
2	REGISTRATION	5
3	OBJECTS_	5
4	DEFINATION_	6
5	CLASSES OF MEMBERSHIP, a) HONORARY MEMBER, b) LIFE MEMBER, c) NON-RESIDENT MEMBER, d) ORDINARY MEMBER	6
6	REGISTER OF MEMBERS	7
7	ADMISSION OF MEMBERS	7
8	a) ELDERS COMMITTEE, b) DISCIPLINARY COMMITTEE: c) OTHER COMMITTEES:	8
9	_ORDER ON THE APPLICATION	8
10	COMENCEMENT FOR ORDINARY MEMBERSHIP:_	9
11	FORFEITURE OF ADMISSION FEE	9
12	SUBSCRIPTION BY RESIDENT MEMBERS	9
13	SUBSCRIPTION BY NON-RESIDENT MEMBERS	9
14	ARREARS OF SUBSCRIPTION	9
15	REGISTER, ACCOUNT BOOKS & LETTER BOOKS TO BE MAINTAINED	9
16	OFFICE BEARERS	10
17	GOVERNING COUNCIL/EXECUTIVE COMMITTEE_	10
18	QUALTFICATION OF OFFICE BEARERS	10
19	TERMS OF OFFICE BEARERS_	10
20	FUNCTION OF THE GOVERNING COUNCIL/EXECUTIVE COMMITTEE	11
21	LIMITATION ON THE POWER OF THE GOVERNING COUNCIL/EXECUTIVE COMMITTEE:	11
22	FUNCTION OF THE PRESIDENT	11
23	FUNCTIONS OF THE VICE-PRESIDENT	12
24	FUNCTIONS OF THE GENERAL SECRETAEY	12

25	FUNCTIONS OF THE JOINT SECRETARY.	12
26	FUNCTIONS OF THE JOINT SECRETARY INCHARGE OF LIBRARY.	12
27	THE LIBRARY (RULE OF LIBRARY):-	12
28	FUNCTION OF THE TREASURER	13
29	ANNUAL GENERAL MEETING.	14
30	BUSINESS AT THE ANNUAL GENERAL MEETING	14
31	OTHER GENERAL MEETING	14
32	EXTRA-ORDINARY MEETING .	14
33	NOTICE OF MEETINGS	15
34	NOTICE, AGENDA, CIRCULATION	15
35	QUORUM OF MEETING OF THE ASSOCIATION	15
36	ADJOURNMENT OF MEETING FOR WANT OF QUORUM	15
37	QUORUM FALLING SHORT DURING MEETING.	15
38	ADJOURNED MEETING	15
39	WHO WILL CHAIR THE MEETING	15
40	QUESTIONS TO BE DECIDED BY A MAJORITY OF VOTES	16
41	PROCEEDING OF BE RECORDED	16
42	RECONSIDERATION OF BUSINESS.	16
43	QUORUM OF THE GOVERNING COUNCIL/EXECUTIVE COMMITTEE	16
44	MEETINGS OF THE GOVERNING COUNCIL/EXECUTIVE COMMITTEE	16
45	FUNDS OF THE ASSOCIATION	17
46	PROPERTY OF THE ASSOCIATION	17
47	ACQUISITION, CUSTODY OR DISPOSAL OF FUNDS AND PROPERTY OF THE ASSOCIATION	17
48	ON CEASING TO BE A MEMBER	17
49	ACCOUNT OF THE ASSOCIATION	17
50	AUDITED ANNUAL ACCOUNTS TO BE PRESENTED AT THE ANNUAL GENERAL MEETING	17
51	EXPULSION OF MEMBERS	17
52	BREACH OF RULES	17
53	BYE-LAWS	17
54	AMENDMENT OF RULES	17
55	PROCEDURE OF ELECTION	17
56	ELECTION PROGRAMME	18

57	POLLING AND COUNTING	19
58	COMPLAINTS BY MEMBERS: __	20
59	NO CONFIDENCE MOTION	20
60	CASUAL VACANCIES AND ABSENCE FROM OFFICE	21
61	PROFESSIONAL OR OTHER MISCONDUCT OF A MEMBER	21
62	COMMUNICATION PRIVILEGED	21
63	DISPUTE ARISE BETWEEN ANY MEMBER OF THE BENCH AND BAR	21
64	TRANSITIONAL PROVISION_	22
65	ROLE OF BAR COUNCIL OF HIMACHAL PRADESH	22
66	REPEAL	22
	<u>SCHEDULE-I APPLICATION FOR ADMISSION AS MEMBER TO THE BAR ASSOCIATION, DECLARATION</u>	22
	<u>SCHEDULE-II NOTE-</u>	24
	<u>LETTER OF BAR COUNCIL –REG. APPROVAL OF BYE-LAWS</u>	25

## PREAMBLE

The Legal profession has been considered as a noble profession and advocates play prominent role in the Society. It is for the Advocates to act as a role model for the general public. It is significant to note that most of the freedom fighters were Members of the legal profession. Unlike other professions, the advocates have always played an important role in public Life and in upholding the moral standards. The leaders of Bar will have to necessarily project the high standards of the profession.

It is the matter of concern that in recent days there has been deterioration in professional ethics and moral standards. This deteriorating trend is reflected in the procedure that is followed by the Bar Associations to choose their leaders. For want of proper leadership, the growth of the Bar Association has stunted. It has come to the notice of the association that the elections to Bar Association are influenced by irrelevant considerations and some deterioration has also seeped to the elections held to the Bar Association. Therefore, it is a matter of imperative needs concern that the manner and mode of elections to the Bar Associations should be revamped forthwith.

Advocates practicing in one place are getting Membership of another Association with the intention of voting for a particular candidate. Such Membership is obtained at the instance of the contesting candidate. This has resulted in a situation where the office bearers of the Bar Association do not really reflect the aspiration of its Members. It has come to the notice of the association that bye laws in existence cannot cater the need. Sec. 2 (b) of the HP Advocates Welfare Fund Act, defines Bar Association as "An Association of advocates recognized by the Bar Council under Sec. 14". Sec 14 of the Act provides for recognition of the Association. The concerned Association should produce the bye laws of their Association along with the application seeking for recognition. On grant of such recognition, a Certificate of Registration will be issued by the Bar Council. HP Advocates Welfare Fund Bye laws clearly specifies that the Association should be registered in accordance with the Bye laws. In this regard, the model bye laws will be provided as part of the Bye laws itself. If the model bye laws is not adopted by the Association it would deprive the Members of the concerned Association from taking the advantage of the welfare measures provided by the Bar Council. These bye laws will serve as an effective Bye law for growth and the development of the Bar. These Bye Laws are in accordance with the Model bye-laws of Bar council of H.P. approved by its resolution dated 30.3.2009.

## **1. NAME AND COMMENCEMENT**

- a) The Association shall be called as “District Bar Association, Hamirpur (HP), hereinafter referred to as “ Association “ ( “DBA” for short )
- b) These Rules shall be called the Rules of the District Bar Association, Hamirpur (HP). They shall become into force from the date they are approved by the General House of District Bar Association, Hamirpur (HP).

## **2. REGISTRATION**

- (a) The District Bar Association, Hamirpur (HP) shall be a society registered under the H.P. Societies Registration Act 2006 & recognized by H.P. Bar Council and shall consist of all those persons who have signed the Memorandum of Association and all others who become members of the Association by or under these Rules and continued to be members. The Association shall have perpetual succession and shall sue and be sued by its name through its Secretary or through such other person as may be authorised by the Executive Body of this Association and ratified by the General Body. Documents required to be executed by the association shall be signed by the President and sealed with the seal of the association. Documents required to be executed in favour of the association shall be executed in the name of the President for the time being.
- (b) The Registered office of the association shall be in the premises reserved for the Bar room in the buildings of the judicial Court Complex, Hamirpur HP. The meetings of the association and the committees shall generally be held at the office of the association where all records shall also be kept.

## **3. OBJECTS.** The objects of the Association are :

- a) To promote the development of legal science and studies and to watch legislation for the purpose of assisting in the progress of sound legislation.
- b) To safeguard and promote the interest of the legal profession and the members in general and the members of the Association in particular.
- c) To promote a high professional tone, standard and conduct amongst the members of the legal profession and to check unprofessional practices.
- d) To maintain a library of legal literature and of the subjects likely to be useful to the members of the Association.
- e) To provide a meeting place for the members of the Association, for study and discussion of law.
- f) To bring to the notice of the Bar Council, the High court, the Supreme Court or the Central or State Government matters affecting the legal profession in general and the members of the Association in particular.
- g) To prepare and implement welfare schemes for giving assistance to members of Association and their families in distressed circumstances.
- h) To protect the independence, unity and autonomy of the Bar, Association so provided under the Advocates Act.
- i) To safeguard the rights, privileges and interests of Advocates on its Roll.
- j) To promote the growth of District Bar Association, Hamirpur (HP) for the purposes of effective implementation of the Welfare Schemes framed by the Association as well as the Bar Council of H.P.
- k) To promote and support law reforms, to conduct seminars and organize on legal topics by

eminent jurists and public journals and papers of interest.

- l) To organize aid to the poor in the prescribed manner, to manage and invest funds of the bar Association.
- m) To Protect Constitution and law of the land.
- n) To do all such acts or take such steps as might be necessary for the Association or for the fulfilment of these objects.

**4. DEFINATION:** Unless the context otherwise require in these By-laws.

- a) “Bar Association” –Means an District Bar Association, Hamirpur (HP) registered under Society Registration Act 1860 and also affiliated to Bar Council for the purposes of these rule, and in accordance with the Model Bye laws.
- b) “Court”-Means all kinds of courts and shall include all the Trihunals and Bodies where the Lawyers can appear under any provision of law.
- c) “Elders Committee” -Means a Committee the composition of which is mentioned in Bye-Laws no.7 of these rules.
- d) “General Body” -Means a body comprising of all the members of the Association.
- e) “Governing Council of Executive Committee” - by whatever name called, means a body to manage the affairs of the Association.
- f) “Member” -means an honorary member, life member and ordinary member as mentioned in relevant rules.
- g) “Month” -means a month reckoned according to British Calendar.
- h) “Practicing Advocate” -or “Advocate in active practice” or “Advocate in regular practice” - includes an advocate on roll prepared by State Bar Council, who files pleadings and Vakalatnama and who does not do any professional work other that of an Advocate.
- i) Words importing singular member shall include the plural member and vice-versa. Masculine gender shall include the feminine gender and also an Eunuch, i.e.Hijre or Hijri.
- j) “Welfare Scheme” -shall mean any scheme framed under any law for the time being in force to provide financial help, by whatever name called, to an Advocate and on his death to a person entitled under Rules.
- k) “Year” -means a year reckoned according to the British Calendar.
- l) “Ordinary Member” – means member as defined in next rule 5.
- m) “Place of practice” -The Advocate shall be deemed to be ordinarily practicing at the place which is given in his address in the Enrolment Register.

**5. CLASSES OF MEMBERSHIP:** The Association shall have the following classes of members:-

- a) **Honorary Member:** Being or having been a member of the legal profession who, because of distinguished achievements or service to the cause of law or the legal profession, has been admitted by the Association as “Honorary member”. A member who attains the age of 75 years and if leaves active practice at the Bar Shall be deemed to be an Honorary Member of the Bar. He shall be entitled to all the benefits and amenities of a regular member free of cost. All retired judges, who are ordinary resident of district Hamirpur shall be deemed to be an Honorary Member. The General Body may, in its discretion, for any sufficient reasons to be recorded in writing admits any person not practicing at the Bar to be an Honorary member of the Association, such honorary members shall be exempted from the payment of all fees and subscriptions. But shall not possess voting right

in the management and affairs of the Association. Honorary members may be permitted to use the library of the Association subject to the rules relating thereto.

b) **Life Member** : An advocate on the Roll of the Advocates regularly practicing in the courts situate at Hamirpur district headquarter by payment of an amount to be fixed by the General Body which will provide income by way of interest ordinary member, may become a life member of the Association. The Executive Committee on an application being received from any ordinary member shall admit such member as Life Member provided he has been member of DBA continuously for 20 (twenty) years and has been ordinarily and regularly practicing in the courts for such period and who is willing and actually pays an amount of Rs. 10000/- ( Rupees ten thousand only ) and such Life Member will have right to vote and right to contest under these bye-laws and will be subject to all other provisions contained in these bye-laws but will not be required to pay entrance and monthly subscription on being admitted as a Life Member.

c) **Non-Resident Member** : Being an advocate not practicing in the local courts of Hamirpur, who been admitted by the Governing Council/Executive Committee under Rule 7 as a non-resident member or is such a member under these Rules.

d) **Ordinary Member** : Being an Advocate on the Rolls of the DBA regularly practicing in those courts and who has been admitted by the Governing Council under Rule 7 as ordinary member shall be a member under these Rules. *Note: All the applicants shall have to declare that they are the member of the Bar Council of India Advocates Welfare Fund, Rule 40.*

## 6. REGISTER OF MEMBERS

The Governing Council/Executive Committee shall cause to be prepared and maintain a Register of members of the Association and shall for the purposes of Rule 5 classify all those who have become members under such Rule.

## 7. ADMISSION OF MEMBERS

a) Any person enrolled as an Advocate with the Bar Council of Himachal Pradesh wishing to become an ordinary/non-resident/life member may apply in writing to the Secretary of the Association for admission by an application signed by him and bearing the signatures of at least two ordinary members of the Association as Proposer and Secunder having at least ten years of ordinary membership of the Association.

b) Such person shall be entitled to hold the ordinary membership/life membership of only one association i.e. the Association of the court wherein he is actively and regularly practicing. However, he can become non-resident and honorary member of the other association located in other places.

c) Such Advocate shall file an affidavit bearing his Photograph mentioning his Registration Number and Photostat copy of the Registration Certificate declaring on oath that he is neither at present nor will in future intend to become ordinary or life member of any other association in India.

d) The existing members of the association who resolve to adopt the Byelaws shall continue to be members of the association subject to theirs' filing declaration on the prescribed form as per provisions made in the Byelaws for membership.

e) The secretary of the Bar Association shall prepare the **Roll of the Advocates** regularly practicing in that court duly approved by the Executive Committee who alone will be entitled to be the ordinary member of that Association.

f) The secretary shall finalize the Roll of Advocates and place it before the Executive Committee after displaying the same on the notice board for ten days and inviting objections.

g) In case more than ten members object on any name included in the Roll of Advocates, the

same may be placed for consideration before the General Body of the Association and its decision shall be final.

- h) No person other than the one who is on the state Roll of Bar Council will be eligible to become ordinary/life member of the Association.
- i) A non-resident member for the purposes of obtaining the ordinary or life membership of the Association shall have to adhere to the procedure adopted for enrolment of ordinary member.
- j) The advocate applying for membership will have to pay the admission fee as well as the member fee as decided by the District Bar Association, Hamirpur (HP).

#### **8. ELDERS COMMITTEE**

a) There shall be an Elder committee of this Association consisting of ten senior most members of the Association actively practicing in the local courts. The seniority of the members of the Elders Committee will be determined taking into account by the date of his enrolment as an Advocate by the Bar Council of H.P. and having rendered at least 10 years regular practice in local courts and continuing as regular practitioner. Senior most member of the Elders Committee will be the Chairman of elders Committee. The Elder Committee shall be constituted by the Executive Committee preferably within one month from the date of its first meeting or within such extended time as decided by the General Body. The Executive Committee should consult the Seniors Committee wherever issue arise which concern the Advocates Community at large. The Elders Committee will hold the election for the Executive Committee under such circumstances as provided under these bye-laws.

#### **DISCIPLINARY COMMITTEE:**

b) There shall be a Disciplinary Committee constituted by the Executive Committee and shall comprise of three ordinary / life members of the association. The Disciplinary Committee shall enquire any complaint referred to it by the Executive Committee, made against any member of any contravention, non-compliance, disregard or evasion of the any of these bye-laws, Rules and Regulations of the association, or of any resolutions, notices, or decisions of the Executive Committee or General Body or of any other committee, or of any conduct inconsistent with or detrimental to the interest, reputation of the association or prejudicial or subversive to its aims and objectives. The Disciplinary Committee should maintain its independence from the Executive Committee and shall enquire in to the complaint and submit its report to the Executive Committee as laid down under these bye-laws. The term of this Committee shall remain co-extensive with the term of the executive committee. The Disciplinary Committee shall be constituted by the executive Committee within one month of the result of the election.

#### **OTHER COMMITTEES:**

c) The Executive Committee shall be entitled to constitute Sub Committees or committees as per the provisions of these bye-laws to assist or help the Executive Committee in the management of the affairs of the association. At least one member of the such Committee shall be a female advocate. Any or all such Committees constituted will be deemed to be dissolved with the completion of the particular work or works assigned to such Committee or shall stand dissolved with the expiry of the tenure of the Executive Committee.

#### **9. ORDER ON THE APPLICATION:**

The secretary of the Association shall place the application on the notice board for 10 days inviting objection of other ordinary/life members of the Association and shall place the application as well



as the objections if received any, before the Elders Committee, which will approve or reject the application form in the light of the provisions in the Rule. Once the application for membership having been rejected, he shall not be entitled to apply again for the membership for a period of two years from the date of rejection of the application. Provided that when an ordinary member wishes to become a non-resident member or vice versa, it shall not be necessary for the application to be proposed or seconded or for its being placed on the Notice Board.

#### **10. COMENCEMENT FOR ORDINARY MEMBERSHIP:**

Any person, who has been admitted as an ordinary member by Executive Committee, shall from the date of admission be entitled to all the privileges of membership, but he shall have no right of vote at meetings of the Association until he has paid admission fee in full and has further continued as such for two years. An Advocate who moved an application to become the ordinary/life/non-resident member of the Association shall pay Rs. 2000.00 in advance with the application form.

#### **11. FORFEITURE OF ADMISSION FEE**

If the admission fee has not been paid within the period prescribed by Rule 10 or within such further period as the Governing Council might allow, the person in such arrears shall cease to be a member of the Association and the portion of the admission fee paid by him, if any, shall be forfeited to the Association and shall in no case be refundable.

#### **12. SUBSCRIPTION BY RESIDENT MEMBERS.**

Every ordinary member of the Association shall pay a monthly subscription of Rs. 50.00 subject to rebate of Rs. 20.00, if the monthly subscription is paid in advance on or before the 15th day of the month, and if there are no arrears due to the Association on any account from him outstanding on that date.

#### **13. SUBSCRIPTION BY NON-RESIDENT MEMBERS**

Every non-resident member shall pay a monthly subscription of Rs.30 to the Association

#### **14. ARREARS OF SUBSCRIPTION**

Any member whose subscription is in arrears for three months, his name shall be notified on notice board by the secretary of the Association requiring him to pay the same within one month from the date of the notice issued. If such member fails to pay the arrears within that time, he shall forthwith cease to be a member of the Association and on his applying for re-admission within one month from the date of his ceasing to be a member, the Governing Council may admit him to membership without the payment of a fresh admission fee, otherwise his membership will be forfeited.

#### **15. REGISTER, ACCOUNT BOOKS & LETTER BOOKS TO BE MAINTAINED BY ASSOCIATION:** The following books/registers shall be maintained by Bar Association: -

- a. Separate Proceeding Books for the Executive Body and General Body Meetings and those of the Sub Committee.
- b. The List of Furniture and fixtures of the Bar Association;
- c. Inward and out-ward Registers of correspondence and local Dak Book;
- d. Voucher Files, complaint book, suggestion book and such other registers as the Secretary thinks necessary or as the Executive Body may direct;
- e. A list of Registered Clerks of the Members of the Bar Association.
- f. Cash book, Account Book and Ledger
- g. Subscription Book.
- h. The complete list of Books or Catalogue in the Bar Association Library

i. Register of books issued form and returned to the Library.

The Secretary shall be responsible that the registers and books of accounts are duly maintained in such form as the Committee may from time to time prescribe and that the same are correctly and regularly kept:

**16. OFFICE BEARERS:** The Association shall have the following office bearers who shall be elected every year in the Annual General Meeting :

- (i) A President.
- (ii) A senior vice President.
- (iii) A Vice President.
- (iv) A General Secretary.
- (v) A treasurer.
- (vi) Library Secretary.
- (vii) One joint secretary.
- (viii) Two members of Executive Committee.

#### **17. GOVERNING COUNCIL/EXECUTIVE COMMITTEE**

The affairs of the Association shall be managed and its entire business including the investment of its funds shall be conducted by and under the control of the Governing Council/Executive Committee consisting of Office bearers elected under Rule 16.

#### **18. QUALIFICATION OF OFFICE BEARERS**

- (i) President : An ordinary member having rendered at least 15 years of regular and active practice in the court.
- (ii) Senior Vice-President : An ordinary member braving rendered at least 10 years of regular and active practice in the courts.
- (iii) One vice President : An ordinary member having rendered more than 10 years of regular and active practice in the courts.
- (iv) General Secretary : An ordinary member having rendered more than 10 years of regular and active practice in the courts.
- (v) Treasurer : An ordinary member having rendered more than 7 years of regular and active practice in courts.
- (vi) Joint Secretary : An ordinary member having rendered more than 5 years of regular and active practice in courts.
- (vii) Governing Council/Executive Committee Two Ordinary members having rendered above 10 years of regular and active practice in courts.

*Note :If for any reason, there is no contestant on any particular post the same will be filled up by the Governing Council/Executive Committee within a month from the date of election.*

#### **19. TERMS OF OFFICE BEARERS**

The office bearers of the Association and Members of the Governing Council/Executive Committee shall hold the office till the completion of one year from the date of their election.

However, in extraordinary circumstances they may continue for a further period of one month with the prior approval of the Elder Committee for the reason to be recorded within which they will get the election completed, falling which the administration of the Association will vest in the Elders Committee, who will hold the elections at the earliest as per bye laws preferably within another one month.

## **20. FUNCTION OF THE GOVERNING COUNCIL/EXECUTIVE COMMITTEE.**

The Governing Council/Executive Committee shall subject to the provisions of Rule 21.

- (i) Be responsible for the safe custody of the property and assets of the Association and the proper investment of its funds.
- (ii) Make arrangements for the maintenance and up-keep of the library and its proper use by the members.
- (iii) Control the use of the accommodation available to the Association.
- (iv) Frame the Annual Budget of the Association and control expenditure in accordance with the Budget.
- (v) Call the Annual General Meeting and other meetings of the Association.
- (vi) Frame bye-laws for the carrying out of objects and activities of the Association.
- (vii) Do all other acts necessary for the fulfilment of the objects of the Association.
- (viii) Appoint, promote, grant leave and dismiss the servants of the Association and decide disciplinary and other matters effecting them on the recommendation of the General Secretary.

Provided that the Governing Council/Executive Committee may delegate any of its function of any specific work to any sub- committee appointed by it, or by the Association or to any other member.

## **21. LIMITATION ON THE POWER OF THE GOVERNING COUNCIL/EXECUTIVE COMMITTEE:**

The Governing Council/Executive Committee shall not have the power without the previous sanction of the Association :-

- a. To spend within one year any amount exceeding Rs. 5000/- out of the fixed deposits of the Association.
- b. To express any opinion on behalf of the Association on any controversial matter affecting the interest of the legal profession and.
- c. To decide any matter which in the opinion of five or more members of the Governing council/ Executive Committee should be referred to the decision of the Association.

## **22. FUNCTION OF THE PRESIDENT**

The president of the Association shall :

- (i) Preside and conduct all meetings of the Association and the Governing council/ Executive Committee.
- (ii) Shall be responsible for the proper functioning of the various office bearers of the Association.
- (iii) Give the casting vote in case of equality of votes at any meeting of the Association or the Governing council/ Executive Committee.
- (iv) Represent the Association whenever a formal representation is received and.
- (v) Perform such other functions as might be required by the Rules or the Bye-laws of the Association.

### **23. FUNCTIONS OF THE VICE-PRESIDENT.**

The Senior Vice President/ Vice President of the Association shall :

- (i) Perform the functions of the president when the president is absent from district or is not available. Provided that the right to preside at the meeting of the Association or the Governing council/ Executive Committee shall belong to the senior most vice-president present.
- (ii) Perform the functions as may be required to be performed by these by these Rules or the By-laws of the Association.

### **24. FUNCTIONS OF THE GENERAL SECRETARY**

The General Secretary shall be the Chief Executive officer of the Association and of the Governing council/ Executive Committee. Subject to such directions and limitations as may be contained in these Rules or in the resolutions of the Association or the Governing council/ Executive Committee, he shall have the power of:

- (a) Spending the funds of the Association in accordance with the Budget in paying the salaries of servants, in purchasing books, furniture's and materials for the printing press and for other purposes connected with the management of the association and the library in accordance with the direction of the Governing council/ Executive Committee and for this purpose to operate upon the Bank Account's of the Association along with the president/treasurer.
- (b) Spending a sum of not exceeding Rs.1, 000/- in any month for extraordinary and emergent purposes of the Governing council/ Executive Committee.
- (c) Keeping and maintenance of the accounts and minutes of the meetings of the Association and of the Governing council/ Executive Committee.
- (d) Investment of funds of the Association in current or fixed deposit in any scheduled bank approved by the Governing council/ Executive Committee, withdrawal of the deposits from time to time and to utilize and spend them for the purposes of the Association and to deal with Government and other securities on behalf of the Association in accordance with the directions of the Governing council/ Executive Committee.
- (e) To generally supervise the working of the various activities of the Association, and
- (f) To perform such other functions as he might be required to perform by these Rules or the byelaws of the Association.

### **25. FUNCTIONS OF THE JOINT SECRETARY.**

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

### **26. FUNCTIONS OF THE JOINT SECRETARY IN CHARGE OF LIBRARY.**

The Joint Secretary In charge of Library shall, under the general supervision of the general secretary, be responsible:

- (i) For the maintenance of the Library of the Association.
- (ii) For the purchase of books for the library.
- (iii) For seeing to the proper use and preservation of the library and the use and the return of books, and
- (iv) For performing such other functions as might be delegated to him by the Secretary.

### **27. THE LIBRARY (Rule of Library):-**

- a) The Committee or the Library Committee may from time to time make subsidiary rules

consistent with these rules for the management of the Library and the regulation of its use by members and vary, add to, or cancel any rules so made.

- b) List of books not to be removed:- The Secretary Library under the directions of the Committee shall make a list and from time to time revise the same of such books, periodicals and newspapers belonging to the Association as are not to be taken out of the Library and have them marked as “Not Removable.”
- c) He shall have another list prepared of books which may be taken out with the permission of Librarian for the day only to any court but which must be returned by on the same day and have such books marked “REMOVABLE” , if not returned by in future no books will be issued to such member.
- d) All other books a list of which shall also be prepared by the Secretary may be taken out as permitted by rule for a period of four days.
- e) Books may also be issued on receipts signed by known Munshi of such members who initiate to the Secretary the names and will be responsible for the loss or damage to any books issued on the requisition of such Munshis. They cannot claim the issuance of the books as a matter of right.
- f) **Taking out of books:-** With the exception of such books periodicals or newspapers as may appear in the said list members may take out any books, periodical or newspaper belonging to the Association upon giving a receipt for the same to the Librarian but the said books have to be returned with the prescribed period if not returned the Committee has the power to impose any penalty up-on defaulting member.
- g) Every book, periodical or paper taken from the Library shall be returned within two days or earlier if notice is given by the Librarian that it is required. If not returned, the Committee has the power to impose any penalty upon the defaulting members provided that in no case shall the penalty exceed double the value of the book or paper detained.
- h) Taking books irregularly:- Any repetition of an infringement of these rules may be dealt with by the Committee in the manner hereinafter provided for a breach of any rule. Any member who without the permission of the Secretary take from the Library any book, periodical or newspaper included in the list mentioned in rule shall be liable to a sum not exceeding the cost of such book, periodical or news paper etc. plus such fine/penalty as may be imposed in this respect and in default of payment of such sum or in any case on a repetition of the same breach may also in the discretion of the Committee be debarred from the use of the Library for such period as the Committee may determine.
- i) Losing or damaging books:- Any member who may lose, destroy, write upon or otherwise deface any book or periodical belonging to the Association shall be liable to pay a sum which may extend to the cost of replacing the same. If the penalty imposed upon a member under rules is not paid within seven days of the information, to him of the imposition of such penalty the members concerned shall be debarred form using any book of the library either in or out of it until the penalty is fully paid.

## 28. **FUNCTION OF THE TREASURER.**

The Treasurer shall be responsible for:

- (a) Checking the income and expenditure of the Association.
- (b) Preparing the annual Budget of the Association for its being placed before the Governing Council.
- (c) For seeing that all expenditure is in accordance with the Budget, the Rules and the bye-laws.
- (d) For advising the Governing Council on all matters relating to financial policy.

- (e) For performing such other functions as might be assigned to him by the financial policy,
- (f) The Treasurer shall operate Banks and other financial accounts along with the President and the Secretary, and
- (g) Shall publish on the notice board the quarterly expenditure by the end of third month.
- (h) The Treasurer shall have the custody of all money and securities of the Association. All sums due to the Association shall be payable to and recoverable by the Treasurer. Any sums realized or received by the Secretary shall forthwith be made over by him to the Treasurer. The Treasurer shall keep the money of the Association in such Bank and in such manner as the Committee may from time to time direct and shall bring all moneys received into account immediately on the receipt thereof.
- (i) The Treasurer shall grant receipts for all payments and shall be responsible that account Books mentioned in rule are properly kept. All receipts of whatsoever description shall be forthwith paid into Bank and only drawn by means of cheques signed as per rule. Receipts for all payments made and signed by the payee shall be put before the Committee. A monthly statement of income and expenditure should be submitted to the Committee and the same be approved by the Committee. The Secretary will pass all the bills which shall be approved by the Committee.

## **29. ANNUAL GENERAL MEETING.**

The Annual General Meeting of the ordinary members of the Association shall be held every year on a date fixed by the Governing council/ Executive Committee at least a month before the expiry of the term of the office bearers.

## **30. BUSINESS AT THE ANNUAL GENERAL MEETING**

The Annual General Meeting of the Association shall :

- (a) Fix a date for electing of the office bearers and other members of the Governing council/ Executive Committee from amongst its ordinary/life members.
- (b) Pass the audited annual accounts, the annual report and sanction the Budget for the year.
- (c) Adopt such resolution as might be brought forward for guiding the activities of the Association or its bodies, and
- (d) Appoint the auditor for the ensuing year.

## **31. OTHER GENERAL MEETING**

The Governing council may, at any time convene a General Meeting of the ordinary members of the Association and in case of emergency; the President or the General Secretary may also convene such a General Meeting.

## **32. EXTRA-ORDINARY MEETING .**

An extra ordinary General Meeting of the ordinary members of the Association shall convened by the president/General Secretary at the requisition of 30 ordinary members. Such requisition shall be in writing addressed to the General Secretary and accompanied by a statement.

- (a) In case the extra ordinary general meeting of the Association is not convened as per the requisition and the same is also not ruled out by the Governing council/Executive Committee the requisition shall be entitled to convene the meeting, which will be presided over by one of the senior members of the Elders Committee.
- (b) No decision will be taken to strike work in the courts by the Bar Association beyond a strike of one day, unless the decision and voting by majority of members present and voting by a secret ballot in a General Body Meeting of the Association. Only ordinary members will participate in

voting who are entitled to vote on that day according to Rules of the Association.

### **33. NOTICE OF MEETINGS**

Notice of the Meetings shall be given in the manner provided by Rule 33 at least seven clear days before the date fixed for the meeting. In case of emergency relating to the subject, which cannot be postponed for 7 day, a meeting, other than Annual General Meeting may be called in like manner, but at such shorter notice as may be considered sufficient by the General Secretary which will not be in any case less than 24 hours.

34. Notice of a meeting shall be given by fixing up a notice along with the agenda on the notice board of the Association and by circulating it on a working day to such members as are present or can be found, and after such fixation and circulation no meeting shall be cancelled on the ground of improper service of non-service of the notice by any member or the insufficiency or impropriety of the time allowed of fixed by the notice.

### **35. QUORUM OF MEETING OF THE ASSOCIATION**

Fifty ordinary members including the office bearers shall form a quorum for the Annual General Meeting, other General Meeting or an Extra Ordinary General Meeting as per Rule 32.

### **36. ADJOURNMENT OF MEETING FOR WANT OF QUORUM.**

If the quorum is not complete at any meeting, it shall be adjourned and no business shall be transacted then at except, if necessary, the election of a person to preside the meeting, and the fixing of the time and date of the adjourned meeting.

### **37. QUORUM FALLING SHORT DURING MEETING.**

If at any time during the course of a meeting, the attention of the person presiding is drawn to the fact that number of members present has fallen short of the quorum required, the person presiding, after ascertaining the truth of the facts, shall forthwith dissolve the meeting, but any business already transacted shall be deemed to be validly transacted.

### **38. ADJOURNED MEETING**

If a meeting has been adjourned for want of a quorum, no quorum shall be necessary for the next meeting held after the issue of the usual notice and with the same agenda provided that an extra ordinary meeting of the Association called at the requisition of the ordinary members under Rule 32 above, shall not on the same requisition be called a second time if it has been adjourned once for want of quorum. Senior most member of the Elders Committee available may preside in the absence of the president or the senior Vice President.

39. All Meetings of the association shall be chaired by the President and in his absence by Vice President or General Secretary in that order of merit. Subject to these Bye Laws, the Chair's ruling on all matters relating to the order of business and the procedure and conduct of a Meeting (including any poll or ballot) is final and no motion of dissent from a ruling of the Chair may be moved. A resolution put to the vote of the meeting is decided on a show of hands unless a ballot is demanded by majority of the members present before the declaration of the result of the show of hands. Every Ordinary/Life Member present in person has one vote on a show of hands and one vote on a ballot. If there is an equality of votes whether on a show of hands or on a ballot, the Chair has a casting vote in addition to the Chair's deliberative vote as a Member. An objection to the qualification of a voter must be referred to the Chair who must rule on the objection before a vote is taken. If a ballot is not duly demanded, a declaration by the Chair that a resolution has on a show of hands been carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book containing the minutes of the Meetings of Members, is conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution. Provided that any resolution for suspending or expelling members or for the variation of or addition to or deletion in these bye laws or any of them shall be deemed to be carried only by a two third's

vote of the members present. Provided further the quorum of such meeting should not be less than half members of the association. A ballot may not be taken on the election of a Chair or on a question of adjournment. A ballot may be demanded by majority of members present and entitled to vote. The demand for a ballot may be withdrawn. The demand for a ballot does not prevent the continuance of a meeting for the transaction of business other than the question on which the ballot is demanded. If a ballot is duly demanded, it must be taken in the manner and at such time as the Chair directs. The result of the ballot is the resolution of the meeting on the question Concerned

#### **40. QUESTIONS TO BE DECIDED BY A MAJORITY OF VOTES**

Except as hereinafter provided all questions at the meetings of the Association shall be decided by majority of votes of the members present and voting. The participation of ordinary members will be recorded on the register in their legible signatures. The person presiding shall have a second or casting vote in case of tie. No voting by proxy shall be allowed.

#### **41. PROCEEDING OF BE RECORDED .**

The decisions arrived at a meeting shall be binding on all members of the Association. The Secretary and the joint Secretary shall keep a record of the proceedings of all the meeting held under the provisions herein contained. Such record shall be open to inspection by members of Association only.

#### **42. RECONSIDERATION OF BUSINESS.**

Any matter which has been the subject of a decision in any meeting of the Association shall not be reconsidered till after the expiration of six months from the date of such decision except on a written requisition for the purpose by 2/3rd majority of ordinary members.

#### **43. QUORUM OF THE GOVERNING COUNCIL/EXECUTIVE COMMITTEE**

Five members shall form the quorum of meeting of the Governing Council. Each member shall have one vote. The decision of majority of the members present at the meeting shall be deemed to be the decision of the Committee. In case the votes for and against any motion shall be equal in number; the Chairman of the meeting shall have a casting vote. In case the quorum is not complete on a particular meeting, the meeting shall be adjourned and on the adjourned date the meeting shall be held by the members present and the quorum shall be deemed to be complete on the adjourned date.

#### **44. MEETINGS OF THE GOVERNING COUNCIL/EXECUTIVE COMMITTEE.**

The Governing council shall meet as often as may be necessary and all the provisions in these Rules relation to the meetings of the Association shall apply mutatis mutandis to such meetings of the Governing Council. The meeting of the Executive Committee shall be held at least once a month for which a clear notice of two days specifying the agenda shall be given by the General Secretary to the members of the Executive Committee. An extra ordinary meeting of the Executive Committee may, however be called even at a shorter notice by General Secretary whenever the President deems it necessary or on a written requisition by at least five members thereof. It is obligatory for the executive committee members to attend meetings. Any executive committee member who does not attend two consecutive meetings without sufficient and valid reasons or does not attend a single meeting during the six months without valid reason and prior permission of Executive Committee shall be removed from the executive committee. The General Secretary in consultation with the President may, whenever deemed necessary, circulate any proposal or resolution among the members of the Executive Committee and in case of majority of the members of the Executive Committee agree to such proposal or resolution; it shall be considered to have been passed by circulation and shall be recorded in the minutes. The minutes of the Executive Committee shall be recorded by the General Secretary regularly. Executive Committee may invite any member of the Bar as special invitee in the Executive Committee meeting if required. The president shall preside over all meeting of the Committee in which he is present. In his absence the Vice-



President shall, if present, preside. If neither the President nor the Vice-President is present in any meeting the members present shall elect one of their member to be chairman for that meeting.

#### **45. FUNDS OF THE ASSOCIATION.**

The fund of the Association shall consist of all sums received by or on behalf of the Association.

#### **46. PROPERTY OF THE ASSOCIATION .**

The property of the Association shall consist of all property received or acquired by or on behalf of the Association.

**47. ACQUISITION, CUSTODY OR DISPOSAL OF FUNDS AND PROPERTY OF THE ASSOCIATION.** All funds and properties of the Association shall be under the direct control and management of the Association and shall be acquired, maintained and disposal of in accordance with these Rule of bye-laws, in furtherance of the objects of the Association.

48. No members of the Association shall on ceasing to be a member of the Association, have any right to or claim upon any fund or property of the Association, or to the use of such or property.

#### **49. ACCOUNT OF THE ASSOCIATION**

The Treasurer shall cause to be kept an account of all receipts and disbursements made by or on behalf of the Association during the Year. The Accounts shall be audited once every year by a qualified auditor, appointed by the Annual General Meeting and failing such appointment by any other General Meeting of the Association.

50. **Audited annual accounts to be presented at the annual general meeting.**\_\_\_ Accounts kept and audited in accordance with Rule shall be submitted along with the Audit Report and the Budget to the Annual General Meeting of the Association.

#### **51. EXPULSION OF MEMBERS**

The Association may at a General Meeting specially convened for the purpose, of which 14 day's notice has been given, by a resolution adopted by a majority of not less than two-thirds of the ordinary members of the Association present and voting by secret ballot expel an ordinary member on any of the following grounds:- (i) Professional misconduct, (ii) Conviction for an offence involving moral turpitude, or (iii) Gross misconduct unbecoming of the member of the Bar. Provided that notice of the meeting shall be given to the member concerned and he shall be entitled to be heard before any decision is taken by the Association.

#### **52. BREACH OF RULES\_**

Any member of the Association who shall be guilty of continued infraction of the Rules herein contained or any of the bye-laws made there under, shall be liable to expulsion by a vote of majority of the members present at the General meeting of the Association.

#### **53. BYE-LAWS**

Subject to these Rules the Governing Council/Executive Committee may, from time to time frame bye-laws for the purpose of carrying out the objects or regulating the activities of the Association. The Bye-laws framed shall not be effective till they have been approved by the Bar Council.

#### **54. AMENDMENT OF RULES**

None of these Rules shall be altered or modified or rescinded nor shall any new Rule be framed unless they have received the assent of two- thirds of the members present and voting by secret ballot, at a General Meeting convened for the purpose and be subject to approval by the bar council.

#### **55. PROCEDURE OF ELECTION**

A meeting of General Body of the Association will be convened at least a month before the expiry of the term of the office bearers and shall fix a date for Election. The Elders Committee will act as Penal of Returning office to hold election and be entitled to include any other member of the Association, provided that he is not contesting the election and the result of the election shall be declared in the meeting of the General Body so convened by the Elders Committee. In order to meet the heavy burden of expenditure of the Association, the Elders Committee will also fix security money for various posts, which shall not be refundable after the nomination is accepted and found valid. Only ordinary members who have put in two years of continuous membership, will be entitled to vote and participate in the Election. The person, who has held office, will not be entitled to contest the following elections in sequence. However, he can re-contest after a gap of one year.

#### 56. ELECTION PROGRAMME:

- a) The Executive Committee shall display in the notice board of the association the cut off date up to which the members are allowed to pay the subscription and the payment of subscription shall be closed by three days before polling day.
- b) Mere payment of subscription by a member shall not give a right for inclusion of his name in the voters list which shall be prepared by the Executive Committee strictly in accordance with the provisions of these bye laws.
- c) The election process shall commence from the preparation of the electoral rolls and concludes on the announcement of successful candidates.
- d) The Executive Committee shall ensure that only ordinary members, life members and the Honourary members are included in the voters list.
- e) The voters list shall not include members in default of subscription; members whose names were removed from the Register of Members, members expelled from the association, members who are not practicing in the Courts usually and regularly, rather engage in any profitable job, salaried service, serve in Government Offices, Public Sector / Private Sector companies / Industries, serve in schools / colleges / universities ( other than part time Law teacher ), carry on, engage in any business, non practicing advocates, members having practice of less than two year prior to commencement of election process.
- f) The Executive Committee after preparing the Final Voters List in terms of the preceding clause shall convene an Extra Ordinary General Meeting. The Extra Ordinary General Meeting so convened shall approve the Final Voters List prepared by the Executive Committee. The Final Voters List approved by the General Body shall be displayed in the Notice Board of the association on the very next day of such approval and a copy of the same shall be handed over to the Elder Committee to conduct the election.
- g) The Elders Committee shall exercise full and absolute control over the election and its decision shall be final and binding and the secretarial assistance and funds as may be required by the Elders Committee shall be made available to it by the Executive Committee.
- h) The Elders Committee shall draw up a programme of election and display the same in the notice board of the association which shall include: (a) Dates for filing nominations., (b) Date for publication of the list of valid nominations., (c) Date for withdrawal of nominations., (d) Date for publishing the list of eligible contestants., (e) Date of the election., (f) Date of counting of votes and (g) Date of declaration of results. Provided the date of the election, counting and declaration of results shall be on the same day.
- i) No candidate shall contest more than one office in an election. Only such members whose names are included in the final voters list shall be entitled to vote, contest, propose and second any candidate in the election., Any member contesting election for any post of office bearers or member of the Executive Committee shall possess the qualification as shown against each post under the Bye-laws. He/she pays by Cash along with his/her nomination form the security sum

mentioned against the post for which he/she is seeking election, which is as follow:-President : Rs.2, 000/-Vice-President : Rs.1000/-other office bearers : Rs.5, 00/- A candidate may file upto two nominations papers for a post. A nomination paper/set of nomination papers must be accompanied by security as prescribed. Failure of the candidate to pay the deposit along with the nomination papers shall make the nomination invalid.

- a) Nomination may be filed for more than one post by a candidate, provided each such nomination accompanied separately by the deposit as specified and complies with other formalities. However, a candidate can contest only for one post. A candidate who has filed nomination for more than one post shall withdraw nominations for post/posts except the one which he/she intends to contest, within the time specified for withdrawal and failure to do so shall disqualify him/her from contesting the election for any of the posts and his/her deposit shall be forfeited.
- b) Any eligible member may be nominated as a candidate for the post of an Office Bearer / Member of Executive Committee of the Association by filing the nomination in the prescribed form for such candidature duly proposed by one member and seconded by any other member provided that a member shall propose or second only one candidate for one post.
- c) It will be the sole responsibility of the candidate to see that his nomination is properly filed, duly proposed and seconded by the members whose names are included in the final voters list with their signatures. The Elders Committee will not be responsible if the form is found to be incomplete in any respect.
- d) Candidates whose nominations are rejected on scrutiny/and/or those who withdraw their nominations by the last date of withdrawal will be entitled to refund of the deposit amount.
- e) The Elders Committee shall appoint an Election Officer from amongst its members and such Member shall not be entitled to contest for any post. The Election Officer shall prepare the proforma of the Ballot Paper and shall get printed, typed or cyclostyled such number of ballots as are required and shall put his signatures and seal thereon, and the expenses to be incurred, are to be borne from out of the funds of the Bar Association. To elect the members of the Executive Body, a single ballot paper shall be prepared in which the names of the contestants shall be written in English Alphabetical Order.
- f) The candidates shall ensure that festoons, flex boards, posters and banners are not displayed in the court campus. The candidates shall not seek vote in the name of caste, religion or political affiliation. The candidates shall not offer gifts in any form, host breakfast, lunch, dinner or cocktail parties to any member.,
- g) No malpractice shall be adopted by candidates including deployment of money power.
- h) Candidates shall not use persons other than advocates for campaigning. There should be no campaigning, distribution of hand bills/ pamphlets on the date of poll and it shall be the responsibility of a candidate to ensure that his agents conduct themselves in a manner befitting the dignity of the association. Any candidate or his agent found violating the guidelines or obstructing any voter from exercising his right to vote will render that candidate liable for disqualification.

#### 57. **POLLING AND COUNTING:**

- a) Polling shall be held as per time schedule of Elders Committee. However a voter who enters a polling booth before time will be allowed to cast his vote. The candidates may nominate their polling agents who shall produce their authorization letters to the Elders Committee. The Ballot Boxes shall be sealed before the start of the polling in the presence of the candidates or their polling agents duly authorized. No ballot paper shall be issued to any voter unless he proves his identity.
- b) The Election Officer shall provide ballot paper disclosing the name of the candidates to the post and the voting shall be by secret ballot.
- c) A voter in giving his vote shall place in his ballot paper the mark 'X' against the name of the

candidate of his choice.

- d) Ballot paper shall be invalid on which (a) the mark "X" is not made, (b) the mark "X" is set opposite the name of more than one candidate or is so placed to render it doubtful to which candidate it is intended to apply, (c) the mark "X" and any other mark or figures are set opposite the name of the same candidate, (d) there is any mark in writing by which the voter can be identified,
- e) In case of doubt or dispute regarding mark 'X' and in the event of any erasures or alterations or marking, the decision of the Elders Committee shall be final in all matters relating to the polling process.
- f) Immediately after closing of polling the Ballot Boxes shall be de sealed by the Elders Committee in the presence of the candidates or their duly authorized agents and shall count the valid votes in the presence of candidates or their duly authorized agents who choose to be present. The candidates securing the highest number of votes shall be declared elected by the Elders Committee. In case of two or more candidates securing an equal number of votes, the Elders Committee shall decide the election by drawing lots.
- g) After counting of the votes the result shall be announced under the signature of the Elders Committee and a Certificate to that effect shall be issued by the Elders Committee to the candidates declared elected who shall take charge immediately on issuance of such certificates.
- h) After declaration of the result the ballot papers and other election materials shall be sealed by the Elders Committee with his signature and that of all the contesting candidates if they desire to do so and kept in safe custody of the period of thirty days. There after such records shall be handed over to the elected General Secretary for safe custody.
- i) **DISPUTES:** All disputes arising out of the Election shall be decided by an Appeal Committee consisting of 3 Members of Elders Committee appointed by Elders Committee. The Election Petition shall be filed within 7 days of the Election Result before the Appeal Committee. The appeal committee shall decide the matter within 15 days of the presentation of the Election Petition. Any person aggrieved by the decision of the Appeal Committee, may prefer a Second Appeal to the State Bar Council and its decision thereon, shall be final.

#### **58. COMPLAINTS BY MEMBERS: \_\_**

- (i) If an individual Member of the Bar Association makes a complaint to the Association relating to or arising out of profession, he is expected not to compromise the matter independently without approval of association.
- (ii) It is also expected from a member of the Bar Association that he will place his grievance relating to the profession for consideration of the Bar Association before taking recourse to any other remedy.

#### **59. NO CONFIDENCE MOTION:**

A motion of No Confidence against any office bearer of the Association or members of the Executive Committee can be moved by requisition signed by not less than 50% of the total strength of the Association. The said requisition if properly made will be put to consideration before a specially convened Extra Ordinary General Meeting. The said motion of No Confidence can be passed against any or all office bearers / members of the Executive Committee. Provided that it is voted by at least two third majorities of the persons present in the meeting and the strength of members attending such Meeting should not be less than two third majority of the total strength of the Bar Association. If the quorum of the meeting is not complete then it shall be adjourned dies non. Provided further that if the No Confidence motion is moved against President, he will not preside the Meeting discussing no confidence in him and the meeting in that case will be presided over by Vice President or General Secretary in that order of Merit. Provided further that if no

Confidence motion is moved against all the office bearers of the Association the meeting shall be presided over by senior most member of the association present in the meeting. If the Extra Ordinary General Body meeting specially convened to consider the motion of no confidence is adjourned sine die for want of quorum or if the motion of no confidence is once rejected by the General Body no fresh motion of no confidence shall be brought before the General Body within a period of six months from the date of such adjournment or rejection.

#### **60. CASUAL VACANCIES AND ABSENCE FROM OFFICE:**

In case the office of the President falls vacant on account of death, resignation or in capacity to act as such or his removal or absence of his having obtained leave from the Committee, the Senior Vice- President shall act as the President for the un-expired term of the President or, as the case may be, till the President resumes his office. Casual vacancies occurring in other office of the Executive Committee may be filled in by appointment made by the Committee from among member of the Association in conformity with the rules regarding qualifications till the next election is held or the incumbent resumes his office, as the case may be.

#### **61. Professional or other misconduct of a member:-**

- a) A member who is a member of Bar Association shall maintain and abide by high standard of professional conduct and rules as contained in Chapter-II part-VI of the Bar Council of India Rules framed under the advocates Act, 1961, regarding standards of professional conduct and etiquette.
- b) Punishment of the Members of Bar Association for misconduct:- Where on a receipt of complaint or otherwise the Executive Committee has reason to believe that any member of the Association has been guilty of professional or other misconduct, it shall refer the case to the Bar Council or to the Disciplinary Committee of the Bar. The Disciplinary Committee of the Association after giving the member concerned and the complaint, an opportunity of being heard may pass any of the following orders, namely:- i. Dismiss the complaint; ii. Reprimand the member of the Association; iii. Suspend the member from the membership of the Bar Association for such period as it may deem fit; iv. Remove the name of the advocate from the membership of the Bar Association. The Disciplinary Committee shall refer the complaint to Bar Council of HP forthwith for taking disciplinary action the member found guilty of professional or other misconduct. The orders passed by the Disciplinary Committee of the Association will be the final.
- c) Consequence of removal of name or expulsion:- The removal of any member from the list of members or the expulsion of any member shall carry with it absolute forfeiture of all facilities of the Association along with donations and subscriptions paid to the Association or any unpaid subscription by such member to the Association at the time of such removal of his name or expulsion.
- d) Cessation from membership:- All members, whose name shall at any time have ceased to be borne on the rolls of Bar Council, shall cease to be member from the date on which his name is removed from the rolls of the Bar Council.

**62. Communication privileged:-** All communication made to the Committee or inquiries held under the proceeding rules, shall be deemed to be privileged.

**63.** It will be duty of every member to secure co-operation between bench and bar. If **any dispute arise** between any member of the bench and bar association. The member of bar shall make complaint in writing to the President. The President along with members of Elder Committee shall take such measures consistent with prestige of bar member concerned as may restore proper and smooth functioning in due administration of justice. If the President fails in his efforts he will put the matter before the house, which will decide the course of action to be followed in order to secure proper administration of justice. All dispute between the association & members shall be decided by

the Elder Committee.

#### **64. TRANSITIONAL PROVISION :-**

The Association shall get itself registered under the Societies Registration Act, within a period of three months or such extended period, as provided by the Bar Council. During this period the existing office bearers shall continue in office till the expiry of their term as per present bye laws. On the expiry of their term as per previous bye laws, the election shall be held as per these Bye Laws.

#### **65. ROLE OF BAR COUNCIL OF HIMACHAL PRADESH**

Every bar association will be registered with Bar Council of Himachal Pradesh. Any dispute between the member of bar association with other member of Bar Association or with Bar association can be referred by the Bar Association for resolving the same to and in case any such dispute is referred the Bar Council shall decide the matter in full form or through some committee duly constituted by bar council for this purpose. The dispute between two Bar associations can be referred to Bar Council for resolving the same and in case any such dispute is referred, the Bar Council shall decide the matter in full form or through some committee duly constituted by bar council for this purpose. Any decision taken by the Bar Council shall be final and binding on the parties to the dispute.

#### **66. REPEAL:**

(b) The existing Bye-laws of the association and all amendments thereto heretofore in force, is hereby repealed in full and superseded by these Bye-laws as and from date of enforcement of these Bye-laws, provided that any act done under the said Bye-laws shall not be invalid only on account of coming in to force of these Bye-laws.

(c) A copy of the rules of the Association shall be supplied to every member on demand on payment of Rs.200/-

#### **(SCHEDULE-I)**

##### **APPLICATION FOR ADMISSION AS MEMBER TO THE BAR ASSOCIATION.**

An applicant for being enrolled as an ordinary member of the bar Association shall state :-

1. That the applicant wishes to become the member of the Bar Association as an ordinary/Non-Resident/Life Member.
2. That the applicant has been proposed-seconded by two advocates, who are the ordinary members of the Association for the least 5 years.
3. That the applicant neither applied nor intends to obtain the membership of any other Bar Association than this.
4. That the applicant is actively and regularly practicing in the courts of the Association, of which he wishes to become the member.
5. That the particulars of his enrolment with Bar Council, H.P. are given hereunder :-

i. Name of the applicant :

ii. Father's and Mother's

name :

iii. Permanent address of the

applicant :

applicant :

the Bar Council of H.P.

if any, of which he is an Honorary or Non-Resident Member:

iv. Local address of the

v. Registration Number with

vi. Name of the Association,

6. That the applicant's name finds place at Serial No. . . . . .on the Roll of the Advocates regularly practicing in the courts prepared by the Secretary of the Bar Association duly approved by the Executive Committee.

7. That the applicant has not been convicted for any offence related to moral turpitude under the provisions of the I.P.C./Cr. P.C.

8. That the applicant is not facing any trial before the Bar Council of H.P. for Professional misconduct/any other misconduct under Section 35 of the Advocates Act, 1961 nor has been convicted.

9. That the applicant has also read and understood the Rules governing the professional misconduct and etiquette framed by the Bar Council of India provided by the Bar Council of H.P. at the time of enrolment and undertakes to adhere to it.

10. That the applicant is hereby submitting the Admission fee as well as undertakes to pay the Membership subscription of the Association regularly as and when it falls due and in case his Membership dues exceed for more than 3 months, I will be deemed to have surrendered my Membership of the Association and the same shall be deemed to have seized after the conclusion of one month beyond 3 months unless the dues are cleared.

11. That the applicant is a Member and has paid mandatory fees under the Bar Council of India Advocates Welfare fund Rule 40 of the Bar Council of India Rules.

12. That the applicant has read the Bye-laws framed by the Bar Council of H.P. and adopted by the Bar Association and he undertakes to act as per the provisions of the Bye Laws Association will be entitled to cancel my Membership.

13. That the applicant further commits that in case of violation of my provision of Bye-laws deliberately he can be tried by the Bar Council of H.P. under Section 35 of the Advocates Act, 1961.

14. That the applicant has personally inquired and verified that the Bar Association for which he proposes for Membership is affiliated to the Bar Council of H.P. and has adopted and obtained registration as per the Model Bye-laws provided by the Bar Council of Himachal Pradesh.

15. That the applicant declares that he has not obtained the Membership of any other Association and in any case he is not availing voting right in any other Association to which otherwise he is entitled to be a Member under the Bye-laws.

16. That the applicant hereby declares that he has read the Bye-laws duly approved by the Bar Council and adopted by the Association duly registered under the provisions of Societies Registration Act and he undertakes that he will abide by such Rules and in case of violation face penal consequences.

17. That the applicant undertakes to intimate the President of the Bar Association/Secretary of the Bar Council of H.P. in case subsequent to the grant of Membership of the Association he is involved in any criminal case, wherein he has been convicted and in that case my Membership will be deemed to have been extinguished.

Applicant.

**DECLARATION**

That the deponent is the applicant named above and has give personal undertaking and hereby declares and swears on oath vide this Notary Affidavit that averments in the application the same and in case of any violation of the provision mentored in the Application as well shall he deemed to have relinquished his Membership from the date of such discovery of Violation and shall be liable to Consequential action mentioned in the Bye-laws.

**(SCHEDULE-II)**

**Note-**

I. The applicant shall file an affidavit while applying for membership that each and every details furnished by him are true to his personal knowledge and he undertakes to act as per the laws. False document on oath will be a misconduct within the meaning of Section 33 of the Advocates Act.

II. The qualifying year of the office Bearers can be reduced, which will not be in any case more than 5 years, subject to the approval by the Bar Council.

III. Any Resolution passed by the Bar Association in contravention of the provisions of Bye-Laws without the approval of the Bar Council of H.P. shall be void.

IV. ALL such Bar Association, who have not adopted the Bye- Laws and have not got registration from the Registrar, Societies and Chits within a period of 3 months from the receipt of Bye-Laws, will stand disaffiliated.

V. ALL those Advocates, who are not members of the Bar Association affiliated to the Bar Council of H.P., shall lose their right availing the various beneficial/welfare schemes sponsored by the Bar Council of Himachal Pradesh.

VI. Participation in the meeting of the Bar Association and Election in violation of the various Provisions of the Bye-laws will hold the Election officer, President and the General Secretary of the Association liable to be tried for any other misconduct under Section 35 of the Advocates Act, 1961.

VII. The aforesaid Bye-laws approved by the Bar Council, of H.P. vide Ref. No. BCHP Bye-Laws 2014/1260 dated 29.8.2014 in its meeting dated 20<sup>th</sup>. July, 2014. These Bye-Laws are approved unanimously by the General House of Bar Council.

VIII. Not with standing anything contained to and contrary elsewhere in these rules, the Membership obtained or offices held b any person under the provisions of the old bye-Laws/Rules immediately in force before the amendments contained herein shall continue to remain in force for all purposes till or subject to the period provided under rules. **Explanation 1:** For the time being those who applied on the prescribed form will be ordinary member for all purposes.

**Explanation 2:** The existing member of the association who resolve to adopt the Model Bye-Laws shall continue to be members subject to their filing/ declaration on the prescribed forma as per provisions made in the Model bye-laws for Membership.

**Explanation 3:** If any member opts for the ordinary membership of any other Bar Association, he will be entitle to his length of membership of earlier Bar Association for the purpose of his seniority in New Bar Association, however such change of membership will not be allowed for a period of 2 years.

BAR COUNCIL OF HIMACHAL PRADESH

Ref. No – BCHP Bye-Laws 2014/1260 Dated 29.08.2014.

To



The President,  
District Bar Association Hamirpur,

Subject:- Reg. Approval of the Bye-Laws.

Sir,

It is brought to the kind notice of the President, District Bar Association Hamirpur HP that the Bye-Laws submitted by your Bar Association with the Bar Council of Himachal Pradesh were placed before the General House meeting held on 20<sup>th</sup>. Of July 2014. The members in the General House have unanimously approved and the same are noted.

As per the request of the President Bar Association the Bye-Laws submitted are returned and photocopy of the Bye-Laws are retained by the Bar Council for record.

Encls:- Original Bye-Laws

Sd/SMITA THAKUR (Secretary)