

**PLEADERS
AND
BAR ASSOCIATION**

High Court Rules & Orders

Volume 5

Chapter 6 Part D

PART D—THE ADMISSION OF PLEADERS

1. The following persons may be admitted as pleaders:—

- (i) Persons who have graduated in the Faculty of Arts or of Science or of Commerce or of Agriculture and have also in the case of University of the Punjab either passed the L.L.M. examination or the LL.B. examination under the old Regulations, or the LL.B. Final examination under the new Regulations, which come into force with the Law examination of 1951, or have obtained the degree of Master of Laws or Bachelor of Laws at one of the other recognised universities in India or the United Kingdom ; provided that any person applying on or after 1st May, 1939, whose qualification is that of LL.B. under the revised regulations extending the LL.B. course from 2 to 3 years at the Universities of the Punjab or Delhi, shall produce a certificate that he has attended 75 per cent of the course of lectures, on Legal Ethics ; and also those who have passed the Bachelor of Civil Laws Examination of Delhi University ; provided further that any person applying on or after the 1st May, 1947, whose qualification is that of LL.B. under the revised regulations reducing the L.L.B. course from three to two years at the University of Delhi, shall further be required to pass the certificate of Proficiency Examination in Law of that University after undergoing a regular course of study for one year at that University ;
- (ii) Advocates, Vakils, Attorney and Pleaders of any other High Court in India whose names are still borne on the Roll of such court:

Provided that every person applying for admission who does not hold the degree of Master of Laws or Bachelor of Laws of the University of the Punjab or University of Delhi or Bachelor of Civil Laws of Delhi University or the degree of Master of Laws or Bachelor

of Laws at one of the recognised Universities in the United Kingdom, shall have previously passed an examination held by the University of the Punjab or the University of Delhi or the University of Aligarh or the University of Benaras in the Punjab Customary Laws, Punjab Land Revenue Act, Punjab Tenancy Act and Punjab Pre-emption Act and shall have practised as a pleader for not less than 3 years anywhere in India. These conditions, however, shall not apply to those law graduates of the recognised universities of India who have passed the LL.B., final examination of the Punjab University or the Certificate or Proficiency Examination in Law of Delhi University after undergoing a regular course of study for one year at the Punjab University Law College or the Delhi University, as the case may be:

Provided further that the High Court may, in a special case exempt a candidate from the operation of the condition with regard to the passing of examination in the Punjab Customary Laws, Punjab Land Revenue Act, Punjab Tenancy Act and Punjab Pre-emption Act, laid down in proviso 1 :

Provided further that in the case of a displaced Pleader of the Chief Court of Sind, Judicial Commissioner's Court of North-West Frontier Province and Baluchistan and the High Court of Bahawalpur State, who has practised as such in his province or area for six months, this rule shall have effect as if the preceding two provisos were omitted and the said Pleader shall be admitted as a Pleader of this Court if he possesses the qualifications specified in clause (i) or (ii) of this rule.

Admission of insolvents, dismissed Government servants and discharged insolvents.

Note.—No such person shall however, be admitted as a Pleader

- (a) if he has been declared insolvent: or
- (b) if he been dismissed from the service of Government unless he can show that his dismissal was not due to conduct showing him unfit to be admitted as a Pleader.

Discharged insolvents will be admitted if their insolvency was due to misfortune or circumstances beyond their control.

1-A. (1) Notwithstanding anything contained in these rules all persons who were admitted as Pleaders

in the erstwhile Pepsu High Court on or before the 31st October, 1956, shall be deemed to have been admitted as Pleaders of the Punjab High Court with effect from the 1st November, 1956.

(2) For purposes of seniority, a Pepsu Pleader shall be deemed to have been admitted as a Pleader of this Court on the date of his admission as a Pleader in Pepsu High Court or in any of the covenanting States if earlier.

2. Application to be admitted as a Pleader under the provisions of the Legal Practitioners' Act, 1879, shall be by petition to the High Court stamped under clause (b) (iii) of Article (1), Schedule II of the Indian Court Fees Act, 1870, as amended by Punjab Act No. XXVI of 1949. The application which must be dated and signed by the applicant shall state :

Mode of applying and particulars to be stated in application.

- (a) the age of applicant ;
- (b) the nature of the qualification under Rule 1 in respect of which the application is made ;
- (c) the year in which he graduated ;
- (d) the year or years in which he passed the Law Examination (s) mentioned in rule 1 ;
- (e) whether or not he holds any appointment under Government, and if so, the nature of the appointment held ;
- (f) whether he has been convicted by a Criminal Court or dismissed from Government service ;
- (g) that it is his intention to practise within the jurisdiction of the High Court ;
- (h) the district which he proposes to make his ordinary place of business ;
- (i) whether he has been declared insolvent

- (j) whether he is a discharged insolvent, and if so, he should give further particulars to show that his insolvency was due to misfortune or circumstances beyond his control.

Documents
to
accompany
application.

The petition shall be accompanied by evidence of the qualifications required, and by the fee fixed, by the rules for the time being in force. The applicant must produce a certificate from the Principal of Law College (which may in suitable cases be dispensed with) and another certificate from a person of standing and respectability (not a member of the Law College Staff) that he is suitable in every way for admission as a Pleader. If the applicant holds any appointment under Government or carries on any trade or business at the time of his application, the fact shall be stated in the petition.

The application shall also be accompanied by a written undertaking that-

- (i) he will within six months of his enrolment as a Pleader apply for membership of a Bar Association, and if admitted, continue to be a member ;
- (ii) he will abide by the High Court rules regulating the appointment of clerks by legal practitioners and make a declaration from time to time in the following form of his clerk's qualifications or disqualifications :—
- (1) name ;
 - (2) father's name ;
 - (3) qualification, i.e., whether a Matriculate, qualified petition-writer, or legal practitioner's clerk in service without break from a date prior to the date of the issue of the orders, viz.. 20th November, 1936;
 - (4) disqualifications, i.e., whether he was ever declared a tout, convicted of an offence

involving moral turpitude, or dismissed from Government service, the date of conviction or dismissal being given.

3. The petition shall be presented by the applicant in person or by an Advocate practising in the High Court and if it be granted, the Registrar shall give to the applicant a certificate in the Form annexed to these rules on the applicant's furnishing the requisite stamp paper and a declaration in writing stating the Civil and Criminal Courts and the Revenue Courts and Offices which he desires to be specified therein. The Registrar shall notify the admission in the *Punjab Government Gazette* :

Mode of presenting application-grant of certificate.

Provided that if the certificate be not taken out in the year in which the applicant is admitted, it shall not be issued without a special order of the Court.

1. A fee of ten rupees shall be payable by every person admitted by the High Court to be a Pleader under the foregoing rules.

Fees for admission.

FORM OF PLEADER'S CERTIFICATE

Pursuant to "The Legal Practitioners' Act, 1879" as amended by the "Legal Practitioners' Act, 1884," I hereby certify that_____

ordinary place of business is at_____ has been duly admitted by the Punjab High Court as a Pleader on the_____ and _____ is _____ entitled to practise as such, subject to the provisions of the Act above recited and to the rules made thereunder, during the current calendar year in the Courts and Offices specified below, that is to say : —

Civil Courts

The District Court and all Civil Courts of subordinate jurisdiction.

Criminal Courts

The Court of Session and all Criminal Courts of Subordinate Jurisdiction.

Revenue Offices

All Revenue Courts and Offices subordinate to the Court and Office of the Financial Commissioner.

Given under my hand and the seal of the Court, this _____ day of 19 .

Registrar.

N.B.—This license is liable to be revoked at any time during the said period on the grounds specified in sections 12 and 13 of the Act, and *inter alia* participation on the part of the holder in any seditious or disloyal movements will be considered reasonable causes for such revocation

HIGH COURT RULES & ORDERS

Volume 5

Chapter 6 Part G

PART G.—THE SUSPENSION AND DISMISSAL OF PLEADERS

Rules made by the Punjab High Court under the powers conferred by clause (b) of section 6 of the Legal Practitioners' Act, 1879 (XVII of 1979) as to the suspension and dismissal of Pleaders.

Insolvency of
a Pleader.

1. (i) A pleader adjudged insolvent shall be liable to suspension until such time as he is discharged whether conditionally or not, or until the order of adjudication is annulled.

Notice.

(ii) Any Court subordinate to the High Court adjudging a pleader to be insolvent shall forthwith send a copy of its order to the Registrar, who shall cause it to be laid with the least possible delay before the Honourable the Chief Justice or an Honourable Judge nominated in this behalf. The Honourable Judge shall fix a date for which notice shall issue to the pleader to appear and show cause why he should not be suspended until such time as he is discharged or the order of adjudication is annulled.

Suspension
until dis-
charge.

(iii) On the date fixed the Honourable Judge shall, after hearing the pleader in person or his counsel, or if he does not appear, although served and is not represented by counsel, in his absence, pass orders suspending the pleader until such time as he is discharged whether conditionally or not, or until the order of adjudication is annulled, unless for good and sufficient reasons to be recorded in writing he considers it necessary not to suspend him.

Note.—The pleader must satisfy the Honourable Judge that his insolvency is not due to any cause which affects his suitability to practise as a legal practitioner.

Conviction
for an
offence.

2. (i) When any criminal court subordinate to the High Court convicts a Pleader of any offence, it shall forthwith report the fact and transmit a copy of its judgment to the High Court.

Complaint in
writing.

(ii) Any person making allegations of professional misconduct under section 13 of the Legal Practitioners' Act against a Pleader shall be required to

submit them in the form of a written complaint and, unless the complainant is a public servant acting in his official capacity, shall be required to support them by an affidavit.

3. (i) An inquiry under section 13 of the Legal Practitioners' Act, 1879, may be ordered by the High Court of its own motion or upon an application for that purpose.

(ii) Such an enquiry into the conduct of a Pleader may be held before the High Court or before any subordinate Court appointed by the High Court to hold it and to report to the High Court.

(iii) A notice about a complaint under section 13 of the Legal Practitioners' Act shall be issued to the Pleader and shall be served upon him at least fifteen days before the day appointed for the consideration of the charge. The pleader may, at this stage, show cause against an enquiry being directed against him, on the ground that the allegations, even, if true, would not constitute a reasonable ground for suspension or dismissal. Inquiry under section 13 of the Legal Practitioners' Act how ordered.

4. When a report and a copy of the judgement under Rule 2(i) or a complaint under rule 2 (ii) or a report from a subordinate court under rule 3 (ii) or a report under section 14 of the Legal Practitioners' Act are received, the Registrar shall cause the papers to be laid, with the least possible delay, before the Honourable the Chief Justice or an Honourable Judge nominated in this behalf. The Honourable Judge may make such preliminary inquiry as he considers necessary, and if he is of the opinion that there is no ground for proceeding further, he may order accordingly.

5. (1) If the Honourable Judge finds that a *prima facie* case is made out for proceeding further against the Pleader he shall pass an order directing that the case be heard by a Bench of Two Honourable Judges and shall call upon the Advocate-General to draw up a statement of charges against the Pleader.

Inquiry under section 13 of the Legal Practitioners' Act how ordered.

Show cause notice.

Preliminary inquiry.

Statement of charges.

- Suspension. (ii) When such an order has been passed the Honourable Judge may suspend the Pleader from practice pending the decision of the disciplinary proceedings against him,
- Notice to Pleader. (iii) When the Pleader is suspended, the Registrar shall forthwith cause notice of his suspension to be served upon him.
- Constitution of Bench Notice. 6. (i) When the statement of charges referred to in Rule 5 has been framed by the Advocate-General and approved by the Honourable Judge ordering the inquiry, the Honourable the Chief Justice shall nominate a Bench of two Honourable Judges to hear the case.
- (ii) The Registrar shall thereupon cause a copy of the statement of charges together with a notice of the date of hearing, to be delivered to the Pleader at least 15 days before the date of hearing and shall call upon him to submit on the first date of hearing a written statement in answer to the charges. The person charged shall also be entitled to make an oral statement in answer to the charges.
- Procedure for hearing before the Bench. 7. If the Bench is of the opinion that there is no ground for taking disciplinary action against the Pleader it may pass orders accordingly and its decision will be final.
- Points of procedure. 8. (i) The Bench shall have powers to decide what, if any, witnesses shall be examined in support of the charges or on behalf of the Pleader and to nominate one of its members to record any evidence which may be adduced.
- (ii) The Bench shall also have powers to decide all points of procedure which may arise during the hearing and may direct that all or any of the evidence to be recorded shall be given by affidavit.
- Pleader may appear as witness. (iii) In all enquiries under section 13 or section 14 of the Legal Practitioners' Act the person charged may offer himself as a witness on his own behalf, and

may thereupon be sworn or affirmed and examined in the same manner as any other witness : but he shall not be called as a witness or examined upon oath or affirmation except at his own request or with his express consent.

9. The Bench shall after hearing such arguments of both for and against the Pleader as may be offered, come to a decision on the merits of the case and direct what action shall be taken. This decision shall be final.

Decision of Bench.

In the case of dis-agreement the case may be referred to the Honourable the Chief Justice or an Honourable Judge nominated in this behalf whose decision shall be final.

10. If the Bench decides that the charges are not proved it shall pass orders accordingly and the Pleader shall, if he is under suspension, be reinstated.

Reinstatement.

11. The High Court may, either of its own motion or on the application of any person aggrieved, call for the records of any case under section 15 of the Legal Practitioners' Act and revise the proceedings of a subordinate court or Revenue officers

Revision.

Provided that no order of acquittal, passed by a subordinate court or officer under section 14 of the Act, shall be set aside without giving the pleader an opportunity of being heard.

12. The orders of the Bench shall be communicated by the Registrar to the Pleader.

Orders to be communicated to pleader.

13. Any order of suspension or dismissal made or Pleader' confirmed by the High Court may, if sufficient cause appears, be re-considered and cancelled or modified by the Bench which made the order :

Reconsideration of orders.

Provided that if, for any reason, any member of the Bench is unable to sit on the Bench for the reconsideration of its order, the Honourable the Chief Justice may nominate another Honourable Judge in his place.

14. Every order of the High Court by which a pleader is suspended or dismissed or reinstated shall be notified by the Registrar in the Punjab Government Gazette.

Orders to be published in the Gazette.

(High Court Notification No. 230-Gen1/XIII-D-3, dated the 13th September, 1956).

Bar Association
Rules & Regulations

THE PUNJAB AND HARYANA HIGH COURT BAR ASSOCIATION

CHANDIGARH

RULES AND REGULATIONS

1. **DEFINITIONS:-**

In these Rules, unless the context otherwise requires:-

- (a) “**Advocate**” means an advocate entered in any roll under the provisions of The Advocate Act, 1961.
- (b) “**Senior Advocate**” an advocate who has been designated as Senior Advocate under Section 16 of the Advocate Act, 1961.
- (c) “**Bar Council**” means a Bar Council constituted under The Advocates Act, 1961.
- (d) “**Bar Council of India**” means the Bar Council constituted under Section 4 of the Advocates Act, 1961 for the territories to which the Advocates Act, 1961 extends.
- (e) “**Bar Association**” means the Association of advocates including Senior Designated Advocates constituted under these rules and regulations.

- (f) **“Committee”** means the Executive Committee constituted by the members of the Bar Association.
- (g) **“Sub Committee”** means the committee constituted by the Executive Committee for the proper regulation and efficient working of the Bar Association.

2. **AIMS AND OBJECTS OF THE BAR ASSOCIATION :**

- a. The aims and objects of the Bar Association shall be:-
 - i) To implement the Rules framed by the Bar Council of India as well as Bar Council of Punjab & Haryana under the Advocates Act, 1961 in letter and spirit.
 - ii) To act for the welfare of the members of the Association.
 - iii) To under take all such activities as are in the interest of the members of the association.
 - iv) To generate funds for the fulfillment of the aims and objectives of the Association.
 - v) To receive funds, subscription donations and grants etc. by lawful manner and to apply those funds for the welfare of the members of the Association.
 - vi) To maintain cordial relations amongst the members of the Association.
 - vii) To maintain the cordial relations between the Bench and the Bar.
 - viii) To undertake such steps and plans and execute such schemes and projects work which may be in the interest of the members of the Association.
 - ix) To approach the concerned authorities for providing better facilities to the members of the Association such as public health, parking of vehicles, canteen and mess facilities etc.

- x) To provide good quality and hygienic food, snacks etc. to the members of the Bar at reasonable rates.
- xi) To manage the property and funds of the Association in a proper manner.
- xii) To manage and run the canteens, and other activities of the Association.
- xiii) To organize recreational and cultural activities for the members of the Association.
- xiv) To look after, manage, supervise and control the affairs of the Association.
- xv) To employ persons or to execute contract with contractors in order to provide better facilities to the members of the Association.
- xvi) To maintain the dignity of the advocates.
- xvii) To maintain and uphold the dignity of the Punjab and Haryana High Court as an Institution.
- xviii) To act for and in the direction of maintaining the independence of the Judiciary.
- xix) To act for maintaining the dignity and noble character of the Legal Profession and to enhance the dignity of the Legal Fraternity in the society.
- xx) To undertake the activities such as legal conferences and seminars etc. on Legal Subjects which are helpful to the members of the Bar, Legal Institutions, and the general public?
- xxi) To make efforts for achieving the goals laid down in the Constitution of India for the betterment of the Nation and its people.
- xxii) To provide free legal aid to the weaker sections of the society.
- xxiii) To provide for the election of its members.

- xxiv) To provide legal education and organize training programmers by inviting legal luminaries on different subjects of Law and Constitution, for the young members of the Association.
- xxv) To do all other things necessary for discharging the aforesaid functions.
- xxvi) To acquire, purchase or obtain land for the construction of residential houses/flats for the advocates who are members of Bar Association.
- b. The Bar Association may receive any grants, donations, gifts or benefits for all or any of the purposes specified in Sub Rule 3 (a) which shall be credited to the Bar Association for that purposes.
- c. The income and property of the society shall be applied solely towards the promotion of the object of the society as set-forth in Memorandum of Association and no portion thereof shall be paid to or transferred directly to the members of the society.
- d. No member of the Governing body of the society shall be appointed to any salaried offices of the Association or any office of the Association paid by fees and no remuneration shall be given by the Association to any member of such governing body except repayment of out of pocket expenditure and interest on money lent or lent for premises demised to the Association.
- e. The Society/Association by its constitution is required to apply its profits, if any, or the other income in promoting its objects.
- f. If upon the winding up or dissolution of the Association there remain after satisfaction of all its debts and liabilities any property whatsoever, it shall not be disturbed among the members of the Society, but shall be given or transferred to some other institution having objects of the society to be

some other institution having objects similarly to the objects of the society to be determined by the members of the society at or before the time of dissolution

3. TERMS OF ADMISSION OF MEMBERS:-

- a. Persons eligible for Membership: - Every Advocate whose name is for the time being borne on the rolls of Bar Council of Punjab & Haryana or any other Bar Council of the Country shall be eligible for membership of the Association.
- b. Every candidate for membership shall be proposed by one member and seconded by either such proposal shall be accompanied by the Entrance fee and other charges as prescribed from time to time under Rule 4(c) and 4(c) (II) of these Rules. Anyone who desires of becoming a member of the Bar shall have to submit his educational certificate in original with a character certificate and it is only after the satisfaction of the enrolment committee that the process for the enrollment of such person shall start. If the enrolment committee is not satisfied it may reject his application in its behalf. Any person who is known to be a disreputable character or has been convicted for committing any offence which is in the opinion of the enrolment committee will render him unfit to be enrolled as the member of the Bar.

C. ENTRANCE FEE AND SUBSCRIPTION:-

- i. **ENTRANCE FEE:** - The entrance fee for admission to the Bar Association of a candidate shall be Rs. 1,700/- (Seventeen Hundred) plus such other charges as may be prescribed by the Executive Committee from time to time. The admission fee may be revised from time to time by the Executive Committee.
- ii. **Monthly Subscription:** - The monthly subscription fee for a regular member shall be Rs. 100/- per month and for an out station member shall be Rs. 75/- per month. The monthly subscription may be increased by the Committee from time to time as it may deem necessary. Each member shall be liable to pay such other charges as may be prescribed by the Executive Committee from time to time. The Daily Cause List Charges as prescribed from time to time by the Executive Committee shall be in addition to the above fee.
- iii. **Residence at Chandigarh defined:** - For the purpose of these rules any member who ordinarily resides within the Municipal Limits of Chandigarh S.A.S. Nagar Mohali, Panchkula and within 25 KMs. Radius of Chandigarh shall be deemed to have his residence at Chandigarh.
- iv. **Regular and Outstation Member defined:** - Any member who is a resident of Chandigarh as defined in rule 4 (c) (iii) above may be considered to be a regular member and any member who is not a resident of Chandigarh as defined supra in rule 4 (c), may be considered to be an outstation member.

4. **CONSEQUENCES OF NON PAYMENT OF SUBSCRIPTION FEE**

Arrears in Payment of Subscription: -

It shall be the responsibility of every member to clear the subscription. Any member who is in arrears of subscription for more than six months shall be deemed to be in arrears of subscription.

First Notice: - A notice in the Daily Cause List shall be given to the members in arrears of subscription for the clearance of the same within seven days from the publication of the notice in Daily Cause List.

Second Notice: - A seven days second notice shall be given to the members who fail to clear their arrears of subscription after issuance of first notice, in the manner prescribed above.

Final Notice: - A seven days final Notice be given to the members who failed to clear their arrears of subscription after the issuance of first and second notice, in the manner prescribed above.

Publication of Names of the Defaulters in the Daily Cause List: -

The names of the members who fail to clear their subscription after the expiry of the period of the third and final notice, shall be published in the Daily Cause List and they will be given additional period of seven days to clear their dues.

5. **FINE AND FORFEITURES TO BE IMPOSED ON ANY MEMBERS: -**

- a. **Subscription of Defaulters: -** Any member who fails to clear his arrears of subscription even after publication of his name in Daily Cause List he shall be deemed to have been suspended from the

membership of the Association after the expiry of Seven Days period from the publication of his name in the Daily Cause List. The suspended member shall lose his entitlement for the rights and amenities of a member of the Association and his name shall not be published in the Directory of the Association.

b. **Revocation of Suspension by the Executive Committee: -**

On the application of the suspended member, the Executive Committee may on sufficient grounds may revoke his suspension subject to clearance of all the dues and arrears of subscription together with a penalty of Rs. 500/-However the Executive Committee may waive the penalty by a speaking order.

6. **CATEGORIES OF MEMBERS OF THE ASSOCIATION: -**

- (a) **“Advocate”** means an advocate entered in any roll under the provisions of the Advocates Act, 1961.
- (b) **“Senior Advocate”** an advocate who has been designated as Senior Advocate under Section 16 of the Advocates Act, 1961.

7. **RESIGNATION AND EXPULSION OF MEMBER OR OFFICE**

BEARERS: -

- (a) **Removal from Membership: -** If a member remains suspended from the membership of the Association for a period of more than one year, his name shall be removed from the rolls of the Association by the Executive Committee.

(b) **Suspension or removal from practice:** - In case of suspension or removal from practice of the member of the Association by the Bar Council/ Bar Council of India/Supreme Court of India, member so suspended or removed shall *Ipsa facto* be suspended or removed from the membership of the Association during the period of such suspension or removal.

8. **FORMATION OF GENERAL BODY**

All the members of the Bar Association shall be the members of the General Body.

PART-I

MEMBERSHIP

a. **Persons eligible for Membership:** - Every Advocate whose name is for the time being borne on the rolls of Bar Council of Punjab & Haryana or any other Bar Council of the Country shall be eligible for membership of the Association. Every candidate for membership shall be proposed by one member and seconded by another member and such proposal shall be accompanied by the Entrance fee and other charges as prescribed from time to time under Rule 4 (c) (i) and 4 (c) (ii) of these rules. Anyone who desires of becoming a member of the Bar shall have to submit his educational certificate in original with a character certificate and it is only after the satisfaction of the enrolment committee that the process for the enrolment of such person shall start. If the enrolment committee is not satisfied it may reject his application in this behalf. Any person who is

known to be a disreputable character or has been convicted for render him unfit to be enrolled as the member of the Bar.

b. Proceedings in Balloting: - The name, residence and place of business of the candidate, and the names of the members proposing and seconding him respectively shall be entered in Ballot Book to be maintained by the Secretary. The Ballot Book shall be kept by the Superintendent in his office alongwith a locked Ballot-box for a period of fourteen days, during which period the voting shall be kept open, on all working days, between the hours of 10 A.M. to 4 P.M. Every member desiring to vote shall write his name with his signatures in the Ballot Book in which the particular relating to the said candidate who seeks election entered and shall, at the same time, put either a black or white ball in the compartment of the Ballot-box allotted to the candidate.

i. The Ballot-box before it is located and placed in position, shall be inspected by the Secretary and at least one other member of the Committee as the case may be, to see that it is empty and in proper condition and shall be signed by them.

ii. After the expiry of fourteen days from the date of such proposal Ballot-Box shall be opened by the Secretary and as the case may be in the presence of not less than two members of Committee as the case may be.

iii. If, in case of any Ballot, the number of votes recorded in the Ballot Book does not agree with the number of balls found in the Ballot-box or number of votes recorded is less than 30 the Ballot

shall be declared void and next Ballot may, if the proposer and seconder so desire be held but not earlier than six months.

iv. If, in case of any Ballot, adverse votes reach or exceed the proportion of one adverse votes in every four votes, the candidate shall be declared not elected.

v. No particulars of any Ballot shall be disclosed. On opening the Ballot-Box, the result shall be entered under the votes record on the page relating to the candidate, in the Ballot Box. The entry made shall be either 'duly elected' or 'valid', as the case may be, and, shall be signed by the Secretary and members of the Committee in whose presence the Ballot-Box is opened.

c. Period of 6 months to expiry before a second application can be entertained: - No person who has been declared as "not elected" shall again be eligible for membership after the expiry of six from the date of earlier result.

d. Ballot when closed: - No Ballot shall be held during summer and winter vacations.

e. Honorary members:- The Committee 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.

- f. **Judges to be Honorary Members:** - Every judge for the time being on the Bench of the Punjab and Haryana High Court, Chandigarh shall be deemed to be an Honorary Member.
- g. 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.
- h. A copy of the rules of the Association shall be supplied to every member on demand on payment of Rs.200/-
- i. The Association shall confer be fitting honour to those members who complete 50 years of active standing at the Bar.

9. **POWER & FUNCTION OF THE GENERAL BODY:-**

- a. **General Meetings, Annual Special Meeting:** - A General Meeting to be called the Annual General Meeting shall be held on such date and of such year as the Committee may determine. A special General Meeting may be held whenever the Committee may consider it desirable to convene one for the disposal of any business may deem proper to lay before a General Meeting.
- b. **Meeting convened on requisition :-** A Special General Meeting shall be convened by the Committee whenever a requisition for the same shall be made in manner hereinafter provided:-
 - i. Any hundred or more members who are not in arrears of subscription may require the Committee to convene a Special

Meeting. Every such requisition shall be made in writing and shall state concisely the nature of the business to be laid before the proposed meeting and the precise terms of every motion which it is proposed to put to the meeting and shall be dated and signed by the requisitionists and delivered to the Secretary. The requisition shall clearly mention the names along with the eligible signatures of the members moving the requisition.

- ii. The Committee shall within 7 days of the receipt of any such requisition if the same is found to be in order convene a special General Meeting for the disposal of the business mentioned therein ; but no business other than that entered in the requisition shall be considered at such meetings.
- iii. That in the case of emergency the President or in his absence the Vice-President or in the absence of both, four members of the Executive Committee may further reduce the period of notice required under this rule. No business other than that entered in the requisition shall be considered at such a meeting, however, the Executive is empowered to convene the meeting of the General House any time without the requisition if the urgency so requires.

c. **Annual General Meeting-regular business:-** At the Annual General Meeting the business for disposal shall, besides any other business which may be entered in the agenda including:-

- a. The passing of Accounts, Balance Sheet and Budget Estimates,

- b. The election of the Office bearers of the Association and members of the Committee.
- d. **Notice of Meetings:** - Not less than seven clear day's notice (excluding the date of the issue of the notice) of every General Meeting shall be given to members expect when the Executive Committee convenes a meetings as provided in rule 14 (c).
- e. **Notice how effected:-** The notice of the meeting shall be given by publication of the same in the Daily Cause List and also by displaying on Notice Board in the Bar Room.

Provided that when this rule has been substantially complied with, the non-receipt of notice by any members shall not render, the proceedings of any meeting irregular or effect the validity of any resolution passed in the said meeting.

- f. **President or Vice-President or Chairman to preside:-** The President shall take the chair at General meetings at which he is present. If he is absent, the Vice-President is present at any General Meeting, the latter shall take the chair. In the absence of both the President and the Vice-President the members present shall choose one of their members to be Chairman for the meeting.

10. QUORUM/MEETING OF THE GENERALBODY:-

Quorum ordinary and Special:- 100 members shall form a quorum at General meetings. Provided that no business shall be transacted at any Special General Meeting convened upon a requisition made under Rule 14

(c) and no resolution calling in question the conduct or character or expelling any member or varying to or canceling any member or varying, adding to or canceling these rules or any of them shall be passed unless the President or the Vice-President and at least 10% of the total number of members are present in the said meeting.

11. FORMATION OF GOVERNING BODY

a. The Executive Committee shall consist of 26 members comprising of 21 members of the Executive and 5 Office Bearers of the Association. The following shall be the Office Bearers of this Association :

- i.** President
- ii.** Vice-President
- iii.** Honorary Secretary
- iv.** Joint-Secretary
- v.** Treasurer

Out of 26 members of the Executive 25 shall be elected members and one member shall be the outgoing Honorary Secretary as Ex-Officio member of the Executive.

b. **Executive Committee** : The Executive Committee shall consist of:-

- (i) Five Office Bearers:** President, Vice-President, Honorary Secretary, Joint-Secretary and Treasurer.
- (ii) Twenty One Executive Committee Members:**

a) **Ex-Officio Member:** The out going Honorary Secretary shall be the Ex-Officio Member of the Executive Committee as per earlier rules.

b) **Twenty members shall be the elected members in the following manner:**

Ten Members : Up to standing of 10 years with the Bar Association from the date of enrolment of this Bar.

Seven Members: Above 10 years standing with the Bar Association from the date of enrolment of this Bar.

Two Members: From the Designated Senior Advocates who are the members of the Bar.

One Member: From the lady members of the Bar.

However the Executive Committee may invite any

member of the Bar as special invitee
in the Executive Committee meeting

if required.

c. No member shall be eligible to hold office of the same post for more than two consecutive terms. However, the Honorary Secretary shall not be eligible to hold the same post of Honorary Secretary for more than one term.

i. No member of the Association shall be eligible to contest for any post or vote in the election or propose or second any candidate in the election unless :

ii. He/she is in possession of Identity Card at the time of casting his/her vote and show it on demand, if so required.

iii. He/she has paid his/her arrears of subscription by 31st March of the year or any other date fixed by the General House if so required and is not in arrears on any account.

The tentative list of eligible voters shall be published by the Election Committee and thereafter voter list shall be displayed after getting objection if any.

iv. A person who becomes member of the Association after 31st January in a calendar year or any other date fixed by the Executive Committee shall not be entitled to take part in any elections held in that calendar year in any manner or vote thereto or to stand for election or propose or second any member of the Committee or any other office of the Association.

v. A member who exercises his right to vote in any other Bar Association in India in the calendar year in which the election is being held, shall

12. not be eligible to contest for any post of the Bar Association or to cast his vote or propose or second at the election of the Bar Association in that calendar year. All the members/voters of the Association shall be required to give and file a declaration in the form of an affidavit on or before 31st March of the Calendar year or any other date fixed by the Election Committee in which the elections are being held to the effect that he has not exercised his right to vote in any other bar association in India in that calendar year. The affidavit shall be on the Performa and pattern as being followed by the Supreme Court Bar Association of India. A member of this Bar Association may be member of any other Bar Association and enjoy all other facilities but his right to vote shall be only at one place, provided however, that if such a declaration is found to be false, it shall entail automatic suspension of the membership including suspension of license by the Bar Council on the Recommendation of the Election Committee giving such false declaration.

13. PART II – CONSTITUTION, FUNCTIONS & PROCEDURE OF THE COMMITTEES OF BAR ASSOCIATION.

Notwithstanding anything contained hereinafter the Executive Committee shall be over all in charge of the Bar affairs and Bar interest subject to the superintendence and control of the General House.

a. The Committee and Officer of the Association :- The affairs of the Association shall subject to these rules and managed by a Committee consisting of the President, Vice-President, Secretary, Joint-Secretary and

Treasurer and not more than twenty-one other members of the Executive.

- b.** The President, Vice-President, Secretary, Joint-Secretary, and Treasurer and other members of the Committee shall be elected by the eligible voters and shall hold office for one year from the date of their election and thereafter shall cause to be members of the Committee. In the event if the election could not be held for any reason whatsoever, then the five Designated Senior Advocates named by the General House will function as the Executive Committee till the fresh elections are held positively within three months. The office bearers of the committee shall take oath of their office after the elections are held. The Office Bearers except Secretary may contest the election for two years consecutively for the post.

The Election shall be held as per the procedure prescribed below:-

- i.** The Office-bearers as well as other members of the Executive shall be elected by Secret Ballot by single distributive votes at the Annual Election. No Office-bearer or member of the Committee shall be eligible to hold an office for

more than two consecutive terms. The Election Committee has the power to stop canvassing in any form.

ii. **Election Committee:** Election to the Association shall be conducted by an Election Committee consisting of Chairman, Co-Chairman and Four other members. The members of Election Committee shall not canvass in favour of any candidate in the election, except casting their votes. The Election Committee shall exercise full and absolute control over the election and its decision shall be final and binding. The Election Committee shall be formed by the Executive Committee before the election.

iii. Eligibility of members to contest and vote at election:

(a) No member of the Association shall be eligible to contest for any post of the Association unless:

i. He/she has paid his/her arrears of subscription as per rule 4 (c)

(ii).

ii. He/she pays by Demand Draft/Cash along with his/her nomination form the sum mentioned against the post for which he/she is seeking election, which is as follow:-

President	:	Rs.10, 000/-
Vice-President	:	Rs.7, 500/-
Honorary Secretary	:	Rs.5, 000/-
Joint-Secretary	:	Rs.3, 000/-
Treasurer	:	Rs.2, 000/-
Executive Members	:	Rs.1, 000/- each.,

Members whose nominations are rejected on scrutiny by Election Committee who withdraw their nominations by withdrawal date shall be entitled to a found of the above amount.

b) No member shall be eligible to cast his/her vote at the election unless:

- i. He/she is in possession of identity Card at the time of casting his/her vote and show it on demand, If so required.
- ii. Any member who is in arrears of his/her subscription or any dues to the Bar Association as per Rule 12 (c)
(iii) if these Rules shall not be eligible, to vote or propose or second the candidature of any member to any of the post. Such member shall not be eligible to contest the election.
- iii. Out station Members shall not be entitled to contest the election.

(c) A person who becomes a member of the Association after 31st January in a Calendar year or any other date so fixed by the Executive Committee shall not be entitled to take part in election held in that Calendar year in any manner or to vote thereto or to stand for election or propose any member of the Committee or any other office of the Association thereto.

iv. **Guidelines for the Elections:**

A candidate may file upto two nominations papers for a post. A nomination paper/set of nomination papers must be accompanied by a Demand Draft/Cash toward deposit of security as prescribed. Failure of the candidate to pay the deposit along with the nomination papers shall make the nomination invalid. Nomination will only be valid subject to encashment of Demand Draft. The Demand Draft must be local.

- a.** A candidate shall be proposed or seconded only by members whose names are included in the final voters list.
- b.** No voter shall propose or second more than one candidate for a post.
- c.** 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.
- d.** 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.
- e.** Candidates whose nominations are rejected on scrutiny/and/or those who withdraw their nomination by the last date of withdrawal will be entitled to refund of the deposit amount.
- f.** It will be the sole responsibility of the candidate to see that his/her

nomination is properly filed, duly proposed and seconded by the members
(who

are not in arrears) with their signatures. The office will not be responsible if the form is found to be incomplete in any respect.

h. All voters must be in possession of identity Card and produce the same at the time of issue of Ballot Paper and when so required by the Election Committee.

i. Contesting candidates will be supplied one copy of voter list free of cost at the time of filing of nomination form. For extra copy Rs.200/- will be charged.

j. There shall be no campaigning, distribution of hand bills/pamphlets in the Bar Association premises or in the designated polling area on date of poll and it shall be the responsibility of a candidate to ensure that his/her agents conduct themselves in a manner befitting the dignity of the Bar of the High Court.

k. Any candidate or his/her agent found violating guideline 'x' above or obstructing any voter from exercising his/her right to vote shall render that candidate liable for disqualification.

If the office of President becomes vacant at any time or the President is absent in any meeting the Vice-President shall act as President and if the Vice-President is absent the Committee may thereupon elect one of their members to act as Vice-President until the President returns or another election takes place as the case may be. If the office of the Vice-President becomes vacant the Committee may fill up the vacancy in the same manner. Casual vacancies occurring amongst other offices or members may be filled up by the Committee. Every such appointment shall hold good until the next election are held.

14. POWER AND FUNCTIONS OF GOVERNING BODY:-

a. Powers of Committee:- The Committee shall subject to the control of General House has the following powers:-

- i. To maintain such establishment of clerks and servants for the association.
- ii. To appoint and suspend or dismiss any of the employee of the Bar after giving opportunity of hearing;
- iii. To determine and regulate the remuneration and duties and conditions of service of all such clerks or servants.
- iv. To purchase, acquire or obtain land from the government on the concessional rates for providing housing facility to the members of the Bar.

b. General Meeting, Annual and Special:- A General Meeting to be called the Annual General Meeting shall be held on such date and of such year as the Committee may determine. A special General Meeting may be held whenever the Committee may consider it desirable to convene one for the disposal of any business which these rules require to be transacted at a General Meeting or which the Committee may deem proper to lay before a General Meeting.

c. Meeting convened on requisition: - A special General Meeting shall be convened by the Committee whenever a requisition for the same shall be made in manner hereinafter provided:-

- i.** Any hundred or more members who are not in arrears of subscription may require the Committee to convene a Special Meeting. Every such requisition

shall be made in writing and shall state concisely the nature of the business to be laid before the proposed meeting and the precise terms of every motion which it is proposed to put to the meeting and shall be dated and signed by the requisitioners and delivered to the Secretary. The requisition shall clearly mention the names along with the eligible signatures of the members moving the requisition.

ii. The Committee shall within 7 days of the receipt of any such requisition if the same is found to be in order convene a special General Meeting for the disposal of the business mentioned therein: but no business other than that entered in the requisition shall be considered at such meetings.

iii. That in the case of emergency the President or in his absence the Vice-President or in the absence of both, four members of the Executive Committee may further reduce the period of notice required under this rule. No business other than that entered in the requisition shall be considered at such a meeting, however, the Executive is empowered to convene the meeting of the General House any time without the requisition if the urgency so requires.

d. Annual General Meeting-regular business:- At the Annual General Meeting the business for disposal shall, besides any other business which may be entered in the agenda, including:-

(i) The passing of Accounts, Balance Sheet and Budget Estimates,

(ii) The election of the office bearers of the Association and members of the Committee.

e. Notice of Meetings:- Not less than seven clear day's notice (excluding the date of the issue of the

notice) of every General Meeting shall be given to members except when the Executive Committee convenes a meetings as provided in rule 14 (c).

f. Notice how effected: - The notice of the meeting shall be given by publication of the same in the Daily Cause List and also by displaying on Notice Board in the Bar Room.

Provided that when this rule has been substantially complied with, the non-receipt of notice by any members shall not render, the proceedings of any meeting irregular or effect the validity of any resolution passed in the said meeting.

15. **MEETING/QUORUM AND NOTICE OF GOVERNING BODY:-**

i. Quorum, Casting votes:- Nine members shall constitute a quorum at all meetings of the Committee. 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.

ii. Chairman of Meeting of Committee:- 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.

iii. Rules of Business:- The Committee may from time to time make subsidiary rules consistent with these rules for the regulation of their own proceeding and the proceedings of all or any Sub-Committee appointed by them as well as for the conduct of business by the Secretary, Joint-Secretary, and Treasurer and for regulating the duties of all or any of the servants of the Association and the manner in which the property, account, and records of the Association are to be kept and may from time to time vary, add to or cancel any rules so made.

i. The expenditure of the Association is divided into two heads:-

1. **Recurring expenses:** - Which mean establishment charges, cause list charger, printing, stationary charges and book binding charges;

2. **Non-recurring expenses:**

ii. The Secretary is allowed to spend amounts under head (i) of the above rules as contained in rule 15 (c) (i) without the previous consent of the Executive Committee, however the expenditure so incurred is subject to the approval of the Executive Committee.

iii. The Secretary is allowed to spend Rs.10,000/- as per 15 (C) (ii) without obtaining the sanction of the Executive Committee before hand, however this expenditure is subject to the approval of the Committee.

- iv. All items of non-recurring expenditure- regarding rule 15 (c) (ii) involving an expense of more than five thousand rupees per month.
16. **POWER AND DUTIES OF EACH OFFICE BEARERS:-**
- a. **President or Vice-President or Chairman to preside:-** The President shall take the chair at General meetings at which he is present. If he is absent, the Vice-President is present at any General Meeting, the latter shall take the chair. In the absence of both the President and Vice-President the members present shall choose one of their members to be Chairman for the meeting.
- b. **Quorum Ordinary and Special:** - 100 members shall form a quorum at General meetings. Provided that no business shall be transacted at any Special General Meeting convened upon a requisition made under Rule 14 (c) and no resolution calling in question the conduct or character or expelling any member or varying to or canceling any member or varying , adding to or canceling these 'rule or any of them shall be passed unless the President or the Vice-President and at least 10% of the total number of members are present in the said meeting.
- c. **Procedure at Meeting-Voting:** - Every member shall have one vote on every motion made in any General Meeting. All motions put to a General Meeting shall ordinarily be determined by a majority of votes. Ordinarily the voting shall be by show of hands but it will be by ballot, if demanded by 50 members present in the meeting. Provided

that no resolution calling in question the conduct or character or expulsion of any member or variation of addition to or cancellation of these rule or any of them shall be deemed to be carried unless not less than three-fourth of the members present shall vote for the same. If in the case of any motion determinable by mere majority of votes the votes for and against the same shall be equal in number the Chairman shall have a casting vote. No vote may be given by proxy.

- d. **Minutes of proceedings:** - A minute of the proceedings at every General Meeting shall be recorded by the Secretary and signed by the Chairman of the meeting and place on record.
- e. **Order at meeting:** - The Chairman of every General Meeting shall have full authority to regulate the proceeding and maintain order thereto in such manner as may deem fit.

SECRETARY OR TREASURER.

F. Secretary-Custodian of Property:- The secretary shall be Custodian of the Furniture, books, stationary and all other property other than money and securities of the Association.

G. Duties of Secretary:- It shall be the duty of the secretary to work under the direction of the president and the control of the Committee. Letters addressed by the Association to the Registrar of the High Court shall ordinarily be issued in the name and under the signatures of the President or the Honorary Secretary.

H. **Book and Accounts:-** The Secretary shall be responsible that the following 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.

i. A Register of the Books in the Library showing the value of each book, the amount annual written off from the value of old books, the additions made the book lost, destroyed or sold and the like. The register to be placed before the Committee once every year at least.

ii. A similar register of the furniture and other property of the Association.

iii. A printed Catalogue of books in the Library showing the classification and arrangement of the books in the library in a convenient form. Printed correction slips, showing additions and removal shall be annually supplied to members.

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

v. A minute book of the proceedings of the Committee and of all Sub Committee, thereof.

vi. Minute book of the proceedings of the General Meeting.

vii. A letter book containing copies of all letters issued and received.

viii. A letter book containing a note of all letters received.

ix. A Subscription Book.

x. A cash book of income and expenditure.

xi. A ledger.

xii. A payment advance account.

xiii. Counterfoil Receipt book.

xiv. Suggestion book.

xv. A Complaint Book.

Joint Secretary shall assist the Secretary in the performance of his duties and functions and he shall do all the duties and functions as may be assigned to him by the Secretary from time to time.

Treasurer-Custodian of money and Securities:- The Treasurer shall have the custody of all money and securities of the Association. All sum due to the Association shall be payable to and recoverable by the Treasure. Any sums realized or received by the Secretary shall forthwith be made over by him to be Treasurer.

Bank Accounts:- 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 and the Bank Account shall be operated by the President and any one of the tow following:-

- i. President.
- ii. Secretary
- iii. Treasurer.

If the cheque is of amount exceeding Rs. 50,000/- onwards then that must be got approved by the Finance Committee and after approval the cheque will be issued.

Receipts:- The Treasure shall grant receipts for all payments and shall be responsible that Books Nos. ix to xii mentioned in rule 16 are properly kept.

Payments: All receipts of whatsoever description shall be forthwith paid into Bank and only drawn by means of cheques signed as per rule 16 (k).

Vouchers:- Receipts for all payments made and signed by the payee shall be put before the Committee.

Bill:- A monthly statement of income and expenditure should be submitted to the Committee and the same be approved by the Committee and the same be approved by the Committee. The Secretary will pass all the bills which shall be approved by the Committee.

Permanent Advance or starting a project:-

- i. An imprest or permanent advance not exceeding Rs. 10,000/- shall be made by the Treasurer or the Secretary to meet contingent current expenditure and the Treasurer shall check and reimburse the imprest account at least once a month and note the fact on the account subject to the post fact approval of the Committee.
- ii. If any project involving the expenditure of more than 10 Lakh (ten lakhs) is to be started, then it should be with the prior approval of the General House. No expenditure shall be met from current receipts or otherwise than as provided for in rule 16 (1) and in this rule.
- iii. The superintendent shall prepare and place on the notice board every month an account showing the amounts due from the members of the Association and such account to be countersigned by the Treasurer.
- iv. Revenue Account and Balance Sheet Budge:-Once in a year in the month of April or any other month fixed by the General House, the Treasurer and Secretary shall submit a Revenue Account and Balance Sheet of the affairs of the Association as of the previous year duly passed by the Auditor.

- v. The audited Account Balance Sheet shall be laid in the Annual Meeting of members of the General House for approval.

Q. Special duties and powers of Secretary:- It shall be the duty of the Secretary to see that the books and property of the Association are properly kept and cared for and to report from time to time to the Committee what books or other necessities are required for the purposes of the Association and when sanctioned by the Committee or in urgent cases in anticipation of such sanction he may purchase with the approval of the President or in his absence of the Vice-President subject to the approval of the Committee.

THE MANNER OF THE INVESTMENT OF THE FUNDS, KEEPING OF ACCOUNT AND FOR ANNUAL OR PERIODICAL AUDIT OF THE ACCOUNT BY A CERTIFIED CHARTERED ACCOUNTANT.

- a. The accounts of the Association shall be audited at least once a year by an Auditor. The Auditor shall ordinarily be elected or appointed at the Annual General.
- b. **Audit of account:** The Auditor shall examine the entire accounts of the Association and shall have access to accounts and vouchers at all reasonable time through out the year.
- c. **Balance Sheet and Revenue account be checked:-** The Auditor shall check the Revenue Account and balance Sheet and shall after making such corrections therein as he may deem proper countersign the same. The auditor shall submit annually in the month of January to the Committee a brief report on the state of the accounts. The

Auditor's report shall be laid before, the General House meeting with the detailed report of account and Balance Sheet.

18. THE LIBRARY

a. **Rule of Library:-** 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 catalogue mentioned in rule 16 clause iii shall be printed and every member shall be entitled to receive one copy thereof and of each new issue thereof free of charge. Additional copies may be supplied as the Committee may determine.

The Secretary 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." He shall have another list prepared of books which may be taken out with the permission of Head Librarian for the day only to any court but which must be returned by 3.30 P.M. on the same day and have such books marked "REMOVABLE" , if not returned by 3.30 P.M. in future no books will be issued to such member. All other books a list of which shall also be prepared by the Secretary may be taken out as permitted by rule 18 © for a period of four days books may also be issued on receipts signed by known Munishis of such members who initiate to the Secretary the names why 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.

c. 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 upon defaulting member.

d. 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.

e. 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 56 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.

f. **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 18 © or 18 (e) is not paid within seven days of the information, to him of the imposition of such penalty the members concerned shall be debarred from using any book of the library either in or out of it until the penalty is fully paid and the committee may even suspend the sending of its daily list to the members's residence.

g. **Complaint and Suggestions:-** Members may make any suggestion or complaint in the prescribed book kept for those purpose in the Library and the Secretary shall take the necessary action upon all such suggestions and complaints.

Daily Cause List: - One daily Cause list will be placed in the Library for the convenience of the members- which will not be taken out or removed outside the library.

19.MAINTENANCE OF ORDER IN THE LIBRARY AND OTHER ROOMS OF THE ASSOCIATION.

a. **Private Conversation Confidential:-** No publicity shall be given to any statements, expression of opinion or conversation in any of the rooms at any time occupied by the Association. Any member violating this rule shall on proof thereof be liable to have his name removed from membership.

b. **No noise in the Library:-** No member shall make any noise in the library or have heated discussion which may disturb the other members.

c. **Strangers:-** No person who is not a member shall be permitted to the library unless at the request of a member and that too for a short time.

d. **Clerk:-** The clerks of members shall not sit in the Library or other rooms of the Association when not actually engaged with their Advocates for professional work. Members shall not be allowed to use the Library as Consultation room and it should not be used as a permanent seat in the library by the members.

e. **Breach of the order how to be dealt with:-** If any member at any time acts in a manner which may be open to objection in any room occupied by the Association he may be called by the Committee to advise to behave properly. If such member does not mend his ways the committee has the power to stop him from sitting in any room of the Bar.

f. **Committee's powers in regard to maintenance of orders:** The Committee or the Library Committee may from time to time by resolution in that behalf regulate the manner in which order is to be preserved in the Library.

The servants of the Bar Room shall not be sent out of the High Court premises by members for their own private work.

20. PART-III PROFESSIONAL CONDUCT OR ANY OTHER MISCONDUCT OF MEMBERS AND THEIR EMPLOYEES, PROHIBITION AS TO TAKING BRIEFS FROM CERTAIN PERSON.

a. **Professional or other misconduct of a member:-**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. Further, no member shall receive any brief or otherwise take any case from or through any of the following persons, namely:-

- (i) Any person whom he knows or has reasons to believe to be a tout;
- (ii) Any person whose name is entered on the list of any Court as being a tout or on the list of reputed touts kept by the Committee;
- (iii) Any petition writer or nay typist on commission.
- (iv) A clerk whose employment by the Members of the Association is prohibited by the Committee.
- (v) Parting with fee with advocate/clerk or any other person.

b. Punishment of the Members of Bar Association for misconduct:- (i)

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 Punjab and Haryana 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 said Bar Council.

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

f. For the purpose of rule 20 (a) the Committee shall maintain a list of persons reputed to be touts, and shall revise the list from time to time. The list shall be open to inspection by members in the Library during business hours on all days other than holidays.

CLERKS AND SERVANTS.

g. Employment of certain persons prohibited:- No member shall employ:-

(i) As a clerk, Munshi, Chaprasi or other servants any persons mentioned in rule 20(a) clause (i) and (ii) or on the list mentioned in rule 20 (f)

(ii) In any capacity-any person who has:-

(a) At any time been placed on security for good behavior or recorded as a bad character by the police or who is otherwise known to be a disreputable character and objected to by the Committee as such:-

(b) Been convicted of giving or fabricating false evidence, theft , forgery, criminal misappropriation or breach of trust, or any offence which in the opinion of the Committee, renders him unfit to be employed by a legal practitioner:-

(c) Been declared by the Committee not to be a fit and proper person for, or whom the Committee have prescribed from such employment; or retain in his service any person who may at any time be found to have been ineligible under this rule;

Provided that the limit fixed by clause (ii) of this rule shall not apply to clerks and typists employed in a member's private office and not employed for the purpose of cases or Court work.

h. No person shall be employed as Clerk by a member of this Association unless he fulfills the conditions laid down by the High Court from time to time.

i. Production of certificate from last employer:-No member shall engage, as his clerk or Munshi any person who having served as such does not produce a certificate of good character from his last employer or explain the non production thereof to the satisfaction of the Committee.

J. Intimation on employing new clerk etc:- Every member proposing to engage any person as a clerk or Munshi shall intimate the fact by letter in the attached form or in such similar form as the Committee may from time to time prescribe, in that behalf, addressed to the Secretary. If the required particulars are not supplied in the letter intimation when it is received by the Secretary, he shall forthwith return the same with a request that the letter be re-submitted after proper completion. If no reply is received from the Secretary within one month of submitting (as the case may be) the letter of intimation, the member concerned shall be at liberty to engage the person named thereon:-

k. FORM OF INTIMATION TO BE GIVEN BY A MEMBER OF THE BAR ASSOCIATION WHEN ENGAGING A CLERK.

To

The Honorary Secretary,
High Court Bar Association,
Chandigarh.

Dear Sir,

I beg to inform you that I propose to engage _____ as one Court rules, as

1. He has been a legal Practitioner's clerk for 3 years * and is a literate,

Or

2. He is a Matriculate of a recognized University.

Or

3. He is a qualified petition- Writer.

I further certify that,

1. He has never been declared a tout,
2. He has never been convicted of an offence involving moral turpitude
3. He has never been dismissed from Government service, and
4. He is not an undischarged insolvent.

Yours

Faithfully Dated _____ Name _____

Address _____

I have scrutinized the application and recommended his name for registration as a clerk of Mr. _____.

Honorary Secretary
High Court Bar Association

1. Particulars of person whom it is proposed to engage

FULL Name: _____

Father's Name _____

Caste _____

Approximate age _____

Residence. _____

Education Qualifications _____

Nature of past employment (if any) _____

Name and address of last employer _____

List of testimonial (including certificate of last employer.

Attached.

Whether convicted of any offence which would render him unfit for engagement as clerk to a legal Practitioner _____.

- I. Remuneration of persons employed: No member shall remunerate any person employed by him for the purposes of his profession by a commission, percentage or share in the employer's professional income or any part thereof, or otherwise, than by a monthly salary or fixed percentage of clerks.
- II. Submission of annual list of employees: Every member shall before the 1st April in each year furnish the Secretary with a list of all persons employed for the purpose of his practice, in his office and all changes of each establishment shall be reported to the Secretary within fourteen days of their occurrence.
- III. The committee shall cause a list of all persons for the time being in the employment of members. The list shall be corrected from time to time as occasion may require.

Regulations re-conduct of Clerks and Servants

iv) Conduct of Clerks and Servants:- No person employed by any member shall:-

- a) hold any communication whatsoever whether directly or indirectly, with any person who is on any list of touts or reputed touts or with any person prescribed by the Committee, nor shall any time allow or suffer any such person to enter or remain in his master's premises without immediately informing his master of the fact;
 - b) Without his master's express knowledge or consent, assist any client in engaging any other legal practitioner.
- a) If the Committee shall at any time is satisfied that any such agent, servant or employee ha socmmitted a breach of rule 20 (L) (i) the Committee may require the member, whose agent, servant or employee, he is, to forthwith dismiss him and may also declare that such agent, servant or employee is not a fit person to be employed in future by any member and enter his name in the list of persons prohibited by the committee from employment by members.
 - b) If the Committee finds that any agent, Munshi or employee of a member is guilty of any malpractice, it may ask the member who has been his employer to dismiss him from his employment.

vi) arrangement with Clerk's Association for regulating matters affecting clerks and Munshi:- The Committee may from time to time make suitable arrangements with the Clerk and Munshi 's Association for obtaining the assistance of the latter in dealing with any matter arising under these rules

relating to the agents, servants or employees of members, or candidates for such employment. All communications between the Committee and the Clerk's Association relating to any such persons, shall be deemed to be privileged.

m. **PART IV- POWER AND PROCEDURE IN DEALING WITH EMPLOYEES**

i. **Enquiry into offences:-** The Committee shall have power, either upon complaint or of its own motion to inquire into the conduct of any servant or other employees of the Bar and take suitable action, provided that before the Committee takes any action the committee shall inform the servant or other employee of the Association of the nature of charge and shall afford him a reasonable opportunity or tendering to the Committee his explanation, either personally or in writing, and of submitting to the Committee rebutting evidence which he may desire to produce before it.

ii. **Committee's action in regard to employee:-** If, after inquiry the Committee is of opinion that any, servant or employee of the Association has been guilty of a misconduct, it may impose the punishment of dismissal or withholding of increments or any other punishment whichever is deemed fit.

PART V- RULES

iii Alteration of rules: When there is any suggestion regarding alteration of rules the matter shall be referred to the Rules Drafting Committee. These rules shall not be varied, added to or cancelled otherwise than by Special resolution in that behalf passed in a Meeting of General house in the manner prescribed by rules 16 (b) and 16 (c).

iv. **When alteration to take effect:-** Every special resolution varying, adding to or canceling any of these rules shall be attached to these rules and all variations, additions, or cancellations thereby made shall, unless any time be specified in such special resolution, take effect one month after the passing thereof.

v. **Rule to be printed:-** The rules of the Association shall be printed and are made available to any member.

SCHEDULE

Clerk in Legal Practitioners.

1. **Qualification:-** No person shall be employed by a legal practitioner as his clerk unless such person has been a legal practitioner's clerk for three years, or a qualified petitioner-writer, or has passed the Matriculation Examination of a recognized University.

Disqualification:- Provided that no such person shall be employed as a clerk:

- (a) If he has been declared a tout: or
- (b) If he is an insolvent; or
- (c) If he has been convicted for an offence involving moral turpitude: or
- (d) If he has been dismissed from the service of Government, unless he can show that his dismissal was not due to conduct showing him unfit to be legal practitioner's clerk, viz corruption or some other reason involving dishonesty;

- (e) If he is an ex-petition-writer, whose license has been cancelled for corruption or for some other reason involving dishonesty;
- (f) If he is unfit to be legal practitioner's clerk for any other sufficient reason. Dismissed Municipal Corporation and District Board employees shall be regarded as dismissed" Government Servant " for the purposes of these rules.

ALTERATION AND RESCINDING OF RULES AND REGULATIONS OF SOCIETY (AS PER PROVISION OF SECTION 12 AND 12-A OF SOCIETY REGISTRATION ACT, 1860

Any Alteration and rescinding of Rules and Regulations of Society (As per provision of Section 12 And 12-A of Society Registration Act, 1860.

2. The manners of Dissolution of the Society (As per provision of section 13 and 14 of Society Registration Act, 1860

If upon the winding up or dissolution of the Association there remains after satisfaction of all debts and liabilities any property whatsoever, it shall not be distributed amount the members of the Society, but shall be given or transferred to some other institution having object similarly to the objects of the society to be determined by the members of the society are or before the time of dissolution.

Certified to be copies Rules and Regulation of the Society.