

DISTRICT BAR ASSOCIATION, AMBALA
HARYANA

Rules and Regulations

1. INTRODUCTION

Name of Society : District Bar Association, Ambala
Location of Registered Office of the Society : District Courts Complex, Ambala City
Area of Operation

2. DEFINITIONS

In these Rules, unless the context otherwise requires.

- (a) **"Advocate"** means an advocate entered in the roll under the provisions of Advocates Act, 1961.
- (b) **"Arrears"** means accumulated dues of Subscription of Bar, Chamber dues, Parking dues, Library Books & all other charges, penalty, etc., of more than three preceding months.
- (c) **"Member"** means an Advocate enrolled as an member of the District Bar Association, Ambala.
- (d) **"Bar Council"** means a Bar council of Punjab & Haryana constituted under the Advocates Act, 1961.
- (e) **"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.
- (f) **"Bar Association"** means the Association of advocates constituted under these rules and regulations.
- (g) **"Committee"** means the Governing Body constituted by the members of the Bar Association,
- (h) **"Sub Committee"** means the committee constituted by the Governing Body for proper regulation and efficient working of the Bar Association, lawyers chamber complex, library, Parking lots, canteen/tuck shops etc.
- (i) **"Subscription"** means monthly subscription of Bar, Chamber Dues, Parking Shed Dues, Library books and all other dues, penalties etc.

3. AIMS AND OBJECTS OF THE BAR ASSOCIATION

a. The aim and object of the District Bar Association shall be:-

- i. To implement the Rule 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 member of the Association.
- iii. To undertake all such activities as are in the interest of the members of the association.
- iv. To generate funds for the fulfilment 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 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 & all other courts established under law 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 discharging the aforesaid functions.
 - xxvi. To acquire, purchase or obtain land for the construction of residential house/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 hence 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.
 - 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 remains after satisfaction of all its debts and liabilities any property whatsoever, it shall not be distributed among the members of the Society, but shall be given or transferred to 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.

PART-1

MEMBERSHIP

4. 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 shall be eligible for membership of the Association.

- b Every candidate for membership shall be proposed by one member and seconded by another member who are not in arrears of the account of Bar Association and such proposal shall be accompanied by the Entrance fee and other charges as prescribed from time to time under Rules 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 for verification with a character certificate and it is only after the satisfaction of the Governing Body that the process for the enrolment of such person shall start. If the Governing Body 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 committing any offence which is in the opinion of the Governing Body or General House, as the case may be, 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. 2,000/- (Two thousand only) plus such other charges as may be prescribed by the General House from time to time. The admission fee may be revised from time to time by the Governing Body.
- ii. **Monthly Subscription:** The monthly subscription for a regular member shall be Rs. 100/- per month which includes a sum of Rs. 25/- as welfare fund. The monthly subscription may be increased by the General House from time to time as it may deem necessary. Each member shall be liable to pay such other charges all dues & bills of lawyers Chamber Complex, Library charges, parking fees etc or as may be prescribed by the General House from time to time.
- iii. **Welfare Tickets:** On every Vakalatnama being filed in any courts at Ambala, a mandatory welfare ticket of Rs. 20/- is required to be affixed which shall be stamped by the office of the District Bar Association, Ambala. The collection of welfare fund and tickets will be spent only on the welfare of Advocates and not for any other exigency or purpose. Any member who fails to affix mandatory welfare ticket, he will be liable for 10 times penalty on each default which will be recovered as arrears of the Bar. The amount of Rs. 20/- of welfare ticket may be revised time to time by the Governing Body of the Bar with the approval of General House.

5. CONSEQUENCES OF NON PAYMENT OF SUBSCRIPTION FEE

- a. **Arrear 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 3 months shall be deemed to be in arrears of subscription, which shall also include all dues and charges of Bar, chamber complex parking lots, Library etc. and his membership shall be suspended if such member fails to clear arrears for another continuous three months that too within 15 days from the dispatch on notice on his/her last recorded address in the record of Association.

6. FINE AND FORFEITURES TO BE IMPOSED ON ANY MEMBER

- a. **Suspension of Defaulters:** Any member who fails to clear any of his arrears even after notice he shall be deemed to have been suspended from the membership of the Association after the expiry of 15 days period from the notice. The suspended member shall lose his entitlement for all the rights and amenities of a member of the Association and his name shall not be published in the Directory of the Association. Any member, who has been suspended, his/her name shall be displayed on the notice board.
- b. **Revocation of Suspension by the Governing Body:** On the application of the suspended member, the Governing Body 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. 5000/-.

7. REMOVAL AND EXPULSION OF MEMBER

- Removal/termination from Membership:** If a member remains suspended from the membership of the Association for a period of more than one month, his name shall be removed from the rolls of the Association by the General House.
- 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 Ipso-Facto be suspended or removed from the membership of the Association during the period of such suspension or removal.
- c. **Re-admission of terminated members:** In case of any member has been terminated for want of arrears, he shall have to seek re-registration in fresh and shall have to pay charges as new entrant with extra fee of Rs. 5,000/- and period of termination shall not be counted in his/her experience certificate.

Part-II

FORMATION OF GENERAL BODY ITS POWER & FUNCTIONS

8. (A) All members of the Bar Association shall be the member of the General Body

- a. **Honorary members:** The Governing Body may in its discretion subject to rectification by General House for any sufficient reasons to be recorded in writing admits any member of Association intending on his application to this effect not practicing after attaining 75 years of age (at the Bar) to be an Honorary member of the Association, such honorary members shall be exempted from the payment of all fees and subscription, 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. A member who has active practice of 50 years or more at Bar 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, but shall not possess voting right.
- c. The Association shall confer befitting honour to those members who complete 50 years of active standing at the Bar.

8. (B) MEETINGS

- a. **General Meetings:** A General Meeting shall be called on such date as the Governing Body may determine.
- b. **Special Meeting:** A special General Meeting may be held whenever the Governing Body 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 Governing Body may deem proper to lay before a General Meeting.
- c. **Meeting convened on requisition:** A special General Meeting shall be convened by the Governing Body whenever a requisition for the same shall be made in manner hereinafter provided:-
 - i. One tenth of total strength or more members who are not in arrears of subscription may require the Governing Body 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 members bringing requisition and delivered to the President/Secretary. The requisition shall clearly mention the names, along with the legible signatures of the members moving the requisition.

- ii. The Governing Body shall within 3 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 meeting.

d. **Annual Budget Meeting:** Annual Budget Meeting shall be called two days before election for passing of accounts. The Balance Sheet and Budget estimates shall be displayed on the notice board at least 15 days before the Annual Budget Meeting.

- e. **Notice how effected:** The notice of the meeting shall be given by circular of the same and through SMS and also by displaying on Notice Board in the Bar Room.

Providing 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 every meeting in which he is present. In case of his absence, the Vice President 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 preside over the meeting whose power shall be equivalent to President for that specific meeting.

- g. Every member of the Governing Body shall make Endeavour to attend all meetings and case a member absents himself/herself from three consecutive meetings, he/she shall cease to be the member of the Governing Body.

9. QUORUM/MEETING OF THE GENERAL BODY:

- a. **Quorum ordinary and Special:** A meeting of the General House shall be held quarterly or in case of any emergency it can be called at anytime. One Tenth members shall form a quorum at General meeting. If for want of required Quorum, meeting is adjourned same quorum shall be required to transact the said business in 2nd meeting for the same agenda. If 2nd

meeting is also adjourned for want of quorum then the next adjourned meeting for the same agenda, no quorum will be required and the members present may take decision on same agenda.

10. FORMATION OF GOVERNING BODY:

- a) The Governing Body shall consist of 10 members comprising of 5 office bearers and 5 members of the Executive of the Association. The following shall be the Office Bearers of this Association:

- i. President : (With minimum standing at this Bar 10 years)
- ii. Vice-President : (With minimum standing at this Bar 10 years)
- iii. Secretary : (With minimum standing at this Bar 5 years)
- iv. Joint-Secretary :
- v. Treasurer : (With minimum standing at this Bar 5 years)

b) Four Executive Committee members:

Three members will be elected from the list of eligible voters and one compulsory lady Member of the Bar will be part of the executive.

However the Governing Body may invite any member of the Bar as special invitee in the Executive Committee meeting if required, however said member will have no right to vote.

No member shall be eligible to hold office of the same post for more than two consecutive terms.

- 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.
- a. Member has paid his/her arrears of subscription by 31st October of the year or any other dated fixed by the General House if so required and is not in arrears on any account.
Subscription shall include bar subscription, chamber maintenance and electricity charges, parking sheds charges and library dues and other penalties, etc.
 - b. The tentative list of eligible voters shall be published by the Governing Body on or before 5th November and thereafter voter list shall be displayed on or before 10th November after getting objections if any.
 - c. A person who becomes member of the Association after 31st October in a calendar year or any other date fixed by the Governing Body

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.

- d. 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 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 October of the calendar year or any other date fixed by the Governing Body 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 for 2 years on the recommendation of the Governing Body for filing such false declaration. The Performa is as under:-

"BEFORE THE DISTRICT BAR ASSOCIATION, AMBALA"

Declaration in shape of affidavit for the election of Bar Association to be held on

1. That I,.....s/o,d/o,w/oenrolment No.....do hereby solemnly affirm and declare that I am the member of the following Bar Associations:-

- i.
- ii.
- iii.

2. That I solemnly declare that I have not exercised my right to vote in this year in the election of any other Bar Association in India and shall exercise my right to vote in this year in the election of any other Bar Association in India and shall exercise my right to vote only in the

election of Bar Association, Ambala to be held in this Calendar year starting w.e.f. 31st October.....

3. That I further state on solemn affirmation that I shall exercise my right to vote only one time at one place in the Bar Association in the calendar year.....

Deponent

Verification:-

Verified that Paras. No. 1 to 3 of my above affidavit is correct to the best of my knowledge. I further declare on solemn affirmation that no part of it is false and nothing has been kept concealed.

Deponent

Place:

Date:

PART III

ELECTION, CONSTITUTION, FUNCTIONS & PROCEDURE OF THE GOVERNING BODY OF BAR ASSOCIATION, AMBALA

11. MODE OF ELECTION OR REMOVAL OF MEMBERS OF GOVERNING BODY:

The tenure of the Governing Body shall be for one year. The Governing Body 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 Governing Body and Officer of the Association:** The affairs of the Association shall subject to these rules and managed by a Governing Body consisting of the President, Vice-President, Secretary, Joint Secretary, and Treasurer and not more than Five members of the Governing Body.
- b. The President, Vice President, Secretary, Joint Secretary and Treasurer and other member of the Governing Body shall be elected by the eligible voters and shall hold office for one year from the date of their election and thereafter shall cease to be member of the Governing Body. In the event of the election could not be held for any reason whatsoever, then the five Advocates named by the General House will function as the Governing Body till the fresh elections are held positively within one month. The office bearers of the Governing Body shall take of their officer after the elections are held. The office bearers may contest the election for two years consecutively for the post.

c. Election shall be held as per the procedure prescribed below:

- I. The office-bearers as well as other members of the Governing Body shall be elected by Secret ballot by single distributive votes at the Annual Election to be held in 1st week of December every year. The election schedule shall be notified by the Governing Body on 15th November or on following working days for conduction the election.
- II. The Governing Body shall conduct the election of next Governing Body for the coming year, however if any office bearer choose to contest the election for second term, then he will not participate in the election process. In case of any other eventuality the election will be conducted by the election committee comprising of 5 members nominated by general house for this purpose.

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 shall pay/deposit non refundable nomination fees 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 follows:-

	Amount
President :	5000/-
Vice President :	3000/-
Secretary :	2000/-
Joint-Secretary :	1000/-
Treasurer :	1000/-
Executive Members :	1000/- Each

- (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 any arrears of his/her subscription or dues of Chamber Complex, Parking Sheds and Library books/Charges, penalties etc. of the Bar Association 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.

(c) A person who becomes a member of the Association after 31st October in a Calendar year or any other date so fixed by the Governing Body 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 or second any member of the committee or any other office of the Association thereto.

IV. Guidelines for the Elections

- a. 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 towards deposit of security as prescribed. Failure of the candidate to pay the deposit along with the nomination papers shall make the nomination invalid.
- b. A candidate shall be proposed or seconded only be members whose names are included in the final voters list.
- c. No voter shall propose or second more than one candidate for same post.
- d. Nominations 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.
- e. 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.
- 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 for is found to be incomplete in any respect.
- g. All voters must be in possession of identity Card and produce the same at the time of issue of Ballot paper or so required.
- h. 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.

- i. There shall be no campaigning, distribution of hand bill/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 Ambala City.

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.

12. POWER AND FUNCTIONS OF GOVERNING BODY:

a. Powers of Governing Body: The Governing Body 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 and 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.
- V) To maintain and regulate the smooth working and proper maintenance of Library, lawyers chamber complex, parking sheds and canteens booths by maintaining proper income and expenditure record.
- VI) Governing Body is competent to constitute sub-committees from time to time if so required who shall work under the control of Governing Body and shall be presided by the President, for proper upkeep and maintenance of Chamber Complex, Library, Canteen/shops, parking lots etc.
- VII) The Governing Body shall not give shops/canteen on rent beyond its tenure.

13. MEETING/QUORUM AND NOTICE OF GOVERNING BODY:-

- I. **Quorum. Casting votes:** Five members shall constitute a quorum at all meeting of the Governing Body. 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 Governing Body. 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 Governing Body:** The president shall preside over all meeting of the Governing Body. In his absence the Vice-President shall preside. If neither the President nor the Vice-President shall are present, in any meeting the members present shall elect one of their members to be chairman for that meeting.
- III. **Rules of Business:** The Governing Body may from time to time make subsidiary rules consistent with these rules for the regulation of their own proceedings and the proceedings of all or any sub-committee appointed by them for maintenance of library, chambers, parking sheds, canteen booth, ATM etc 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 any may from time to time vary, add, to or cancel any rules so made and such variation, addition or alteration shall be displayed on notice board for the information of the members.
- IV. The secretary is allowed to spend Rs. 5000/- without obtaining the sanction of the Governing Body before hands, however this expenditure is subject to the approval of the Governing Body.

14. POWER AND DUTIES OF EACH OFFICE BEARERS

- a. **President or Vice-President to preside:** President shall be head of the Association and shall control all its activities. The President shall take the chair at General Meeting 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.

- b. **Minutes of Proceedings:** A minutes 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 and shall be got approved from the General House in the next meeting. In case of failing to do so, the disqualification to remain as secretary for another period of remaining part shall entail.
- c. **Order at meeting:** The Chairman or every General meeting shall have full authority to regulate the proceedings and maintain order thereto in such manner as may deem fit.
- d. **Secretary-Custodian of Property:** The Secretary shall be Custodian of the furniture, books, stationery and all other property other than money and securities of the Association.
- e. **Duties of Secretary:** it shall be the duty of the Secretary to work under the direction of the President and the control of the Governing Body. Letters addressed by the Association any authority shall be issued in the name and under the signatures of the President or the Secretary. Any correspondence to High Court shall be under signatures of both the President & the Secretary.
- f. **Books 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 Registrar of the Book 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 from 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/ Complaint Book.

Joint Secretary shall assist the Secretary in the performance of his duties and functions and he shall do all the duties and function 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 moneys 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 be Treasurer. However the treasurer cannot retain more than Rs. 5000/- in cash on any occasion and amount exceeding Rs. 5000/- shall be deposited in the Bank account forthwith. The Treasurer will examine the cashbook and will sign the same to the effect. Monthly statement of the account shall be pasted on the notice board of the District Bar Association Ambala upto the 7th day of every month for the information of the members of the District Bar Association, Ambala.

Bank Account: 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 two followings:-

1. Secretary
11. Treasurer

Receipts: The Treasurer or any official authorized by him shall grant receipts for all payments and shall be responsible for all transactions.

Payments: All receipts of whatsoever description shall be forthwith paid into Bank and only drawn by means of cheques signed as per rule 14 (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 Governing Body and the same be approved by the Committee. The Secretary will pass all the bills which shall be approved by the Governing Body.

15. Permanent Advance for Starting Project:

- a. An imprest or permanent advance not exceeding Rs. 10,000/- shall be made by the Treasurer or the Secretary to meet contingent current expenditure.
- b. If any project involving the expenditure of more than Rs. 10 Lakh (Ten Lakhs) is to be started, then it should be with the prior approval of the General House.
- c. The office incharge shall prepare and place on the notice board every month an account showing the months due from the members of the Association and such account to be countersigned by the Treasurer.
- d. Revenue Account and Balance Sheet Budget:- Once in a year upto the 30th November before holding the election or any date 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.
- e. The audited Account Balance Sheet shall be laid in the annual general house meeting for approval to be held before holding the elections.

THE MANNER OF THE INVESTMENT OF THE FUNDS, KEEPING OF ACCOUNT AND FOR ANNUAL OR PERIODICAL AUDIT OF THE ACCOUNT BY A CERTIFIED CHARTED ACCOUNTED:

Auditor: The account of the Association shall be audited at least once a year by an Auditor. The auditor shall be nominated by Governing Body.

Audit of Accounts: The Auditor shall examine the entire accounts of the Association and shall have access to accounts and vouchers at all reasonable time throughout the year.

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 before the date of election to the Governing Body 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.

16. THE LIBRARY

- a. **Rules of Library:** The Governing Body or the Library Committee may from time to time make subsidiary rules consistent with these rules for the management of the Library and the regulations of its use by members and very, add to or cancel any rules so made.
- b. **List of books not to be removed:** The catalogue of Books in library shall be printed and kept for inspection for any member of Bar.

The Secretary under the directions of the Governing Body shall make a list and from time to time and revise the same of such books, periodicals and newspaper belonging to the Association, which are not to be taken out to the library except with the prior permission of Governing Body.

- c. Every book, periodical or paper taken out from the Library shall be returned within two days or earlier. If not returned the Governing Body has the power to impose any penalty upon the defaulting member provided that in no case shall the penalty exceed double the value of the book or paper detained.
- d. **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 double of the cost of the book.

If the penalty imposed upon a member is not paid within seven days of the information to him of the imposition of such penalty the member concerned shall be debarred from using any book of the Library either in or out of it until the penalty is fully paid.

- e. **Complaint and Suggestions:-** Member 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.

17. 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 of Bar Association 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. Member 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. The Clerks of Advocates will not be allowed to put on white shirts during court hours.
- e. **Committee's powers in regard to maintenance of orders:** The Governing Body may from time to time by resolution in that behalf regulate the manner in which order is to be preserved in the Library.

PART IV

18. 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 members: A members who is a member of Bar Association shall maintain and abide by high standard of professional conduct and rule 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 members shall receive any brief otherwise take any case from or through any of the following persons, namely.
 - I. Any person whom he know 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 **Governing Body**.
 - III. Any petition writer or any typist on commission or court officials.

punishment of dismissal or withholding or increments or any other punishment whichever is deemed fit. Superintendent of Bar will be responsible for working of employees under the instructions of the Governing Body.

Alteration and rescinding of Rules and Regulations of Society (As per provision of Section 12 & 12-A of Society Registration Act, 1860)

Any alteration and rescinding of Rules and Regulations of Society (as per provision of Section 12 & 2-A of Society Registration Act, 1860)

The manners of Dissolution of the Society (As per provision of Section 13 & 14 of Society Registration Act, 1860)

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

Part VII

Appeals or Review

- 21.
- i.) All appeals against the order of Secretary shall lie to the Governing Body and to the Association against the orders of Governing Body.
 - ii.) An application for review of a decision of the Association shall be maintainable if it is presented within 30 days of such decision provided that such application is signed by atleast 50 members.
 - iii.) An application for the review, shall be put up in an extra ordinary meeting and a previous order shall be reversed or modified only if two third of the members present vote for such reversal or modification. Provided that the 2/3rd are not less in number than those who originally voted in favour of the decision under review.

Part VIII

22. RIGHTS AND LIABILITIES OF THE MEMBERS

- I. Members are entitled to the use of the Bar-Room furniture and the services or the servants of the Association on court days and during court hours. They are also entitled to the use of the Bar-Library unless disabled under any above mentioned rules or resolution of the Association.
- II. All members are bound to implicitly obey the rules and resolutions of the Association, any infringement of which if brought to the notice of the secretary, shall be put by him in a meeting of the Governing Body, and the

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 Governing Body has reason to believe that any member of the Association has been guilty of professional or other misconduct. It shall conduct and inquiry thereto and after giving the member concerned and the complainant, 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 orders passed by the Governing Body of the Association will be the final, subject to approval from the General House.

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:-** Any member, whose name shall at any time have ceased to be borne on the rolls of Bar Council, shall cease to be a member from the date on which his name is removed from the rolls of the Bar Council.

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

f. For the purposes of rule 18 (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 member in the Library during business hours of all days other than holidays.

PART V

Distribution of Welfare fund to persons eligible

19. **Eligibility for assistance in case of death of any member:** If any member of the Bar passes away, his/her family shall be entitled to receive Rs. 1,50,000/- welfare fund from the Bar. This amount of assistance shall be revised from time to time by the Governing Body with the approval of the General House.
- II. **Eligibility for assistance in case of serious injury/major surgery/operation or serious decease of any member:** Members having incurred any expenses for treatment of any serious injury, undergone major surgery/operation or suffering from any serious decease, shall be provided medical assistance (Medical Aid) on the application supported by documents of said member, however if the bills supporting the application are less than amount then amount of Rs. 30,000/- then the member will be provided Aid as per the bills submitted by him. Medical aid cannot exceed more than Rs. 30,000/- to any member in any case. The member claiming assistance under this head has to give undertaking by way of affidavit to the effect that he has not availed this facility from any other institution/insurance. This amount of assistance shall be revised from time to time by the Governing Body with the approval of the General House.
- III. Any member whose membership has been suspended and terminated for want of arrear or otherwise, shall not entitled for claiming welfare assistance in case of death/injury or any serious decease.

PART VI

20. POWER AND PROCEDURE IN DEALING WITH EMPLOYEES

- I. **Enquiry into offences:** The Governing Body 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 Governing Body takes any action the Committee shall inform the servants or other employee of the Association of the nature of charge and shall afford him a reasonable opportunity or tendering to the Governing Body his explanation, either personally or in writing, and of submitting to the Committee rebutting evidence which he may desire to produce before it.
- II. **Governing Body action in regard to employees:** If, after inquiry, the Governing Body is of opinion that any, servant or employee of the Association has been guilty of a misconduct, it may impose the

members concerned shall be liable to pay any penalty which may be imposed upon him in such a meeting.

No member shall give or extend, take or receive any professional help or assistance, directly or indirectly inside or outside, the courts, or give or take legal advice hold professional consultation with, or in any manner accommodate in professional work, any person, whose name has been struck off the Rules of the Association. This treatment shall also apply to the case of a non-member who does not take the earliest opportunity of applying for membership of the Association.

- V. Every member shall inform the Secretary in writing of the names, parentage and full address of his Clerks, and shall also give information of any change his staff, within one week of such change.
- VI. No member shall employ in any manner any person who has been declared undesirable by the Association.
- VII. No member shall employ more than two persons as clerks without the special previous permission of the Association.
- VIII. No member shall allow his clerk to visit the Railway premises, Sarais, Tandoor or Dhabas, shop and police stations with the object of securing professional work.
- IX. No person shall employ any person as a clerk who is not Matric in education.
- X. No members shall conduct a case before any court at any place other than usual court hours except when the court is on tour or is inspecting a spot or in cases of applications for bails, injunctions, in case of the violation of this rules member concerned shall forfeit to the Association the entire fee of the case charged by him in addition to any other penalty, if imposed by the association.
- XI. No member shall conduct or continue any proceedings in any civil, criminal or revenue case in any court at Ambala, after the court hours prescribed by the High Court or the Finance Commissioner. It shall be the duty of the President to see that the members of the Bar observe this rule rigidly and members of the Bench do not hold courts after the prescribed hours.
- XI. No member shall receive any brief or otherwise take any case from or through any of the following persons namely:-
 - a. Any person whom he know or has reasons to be tout;
 - b. Any person whose name is entered on the list of nay court as being a tout or on the list of reputed touts kept by the Governing Body.

- c. Any practicing petition-writer
- d. Court Officials

- XII. No member shall remunerate any person employed by him for the purpose of his profession by commission, percentage or share in the employer's profession income or any part thereof, or otherwise, than by a monthly salary.
- XIII. No member shall allow any person or other than his clerk to visit courts or his clients on his behalf directly or indirectly for any purpose whatsoever.
- XIV. No member shall be able to withdraw any Journal from the Library. He will, however be able to get the photo state copy of ruling or journal concerned.
- XV. No member shall accept any case previously being conduction by any other Lawyer unless he obtains a No objection certificate from the previous Lawyers.
- VI. Text books may be issued to clerk or member themselves for getting relevant portion photocopied which shall be returned by the said person after getting in photocopied. The members can take the textbooks only in Library room and read them there. They may however take a photo copy of any portion of it.
- XVII. Any repetition or an infringement of these rules may be dealt with by the Governing Body in the manner hereinafter provided.
 - a. Any member who shall without the permission of the Secretary take from the Library any book, periodical or newspaper, shall be liable to a sum not exceeding the price that Association has to pay for its replacement within 15 days 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 Governing Body be debarred from the use of the Library for such period as the Governing Body may determine.
 - b. 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 to the extent of its cost of replacing the same.
 - c. If the penalty is imposed upon a member and such penalty is not paid within seven days of the information to him of the imposition of penalty, the member concerned shall be debarred from using any book, Volume, Periodical or paper of the library either in or out of it until the penalty is full paid.
 - d. Members may make any suggestion or complaint in the prescribed book kept for the purposes in the library and the Secretary shall take the necessary action upon all such suggestions and complaints.

Maintenance of order in the Library and other Rooms of the Association.

- XVIII. No publicity shall be given outside to any statements, expression of opinion or conversation of members in the premises at any time occupied by the Association. Any member infringing this rule shall on proof thereon be liable to have his name removed from membership.
- No member shall make any noise in the Library.
 - No person who is not a member shall be admitted to the library unless after the request or on the introduction of a member and then only for a short time for business purposes.
 - Members shall not have papers read out of them in the library.
 - 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 to order by any member of the Governing Body who may be present or may be reported by any member of the Association to the Governing Body who may take such action in regard to the same as they may think proper in the circumstances.
- XIX. There shall be constituted a library committee by the Governing Body. President and Secretary will be ex-officio members of the library committee who will be entrusted with the purchase library book.

23. GENERAL

- The servants of the Bar room shall not be sent out the District Court premises by member for their private work.
- There shall be at least two counsels engaged in the following cases:
 - All first class civil cases.
 - All session trials.
- No member shall entertain or render free private service at his cost except on social function such as marriage to any officer or official before when he generally appears in connection with his professional work.
- All speeches made in meetings of the Association shall be treated as strictly confidential. All private and confidential conversations or discussions held in the Bar Room shall also be confidential and not communicated anywhere.
- All proceedings taken, order passed, acts done under these rules shall be in writing.
- All suits and proceedings on behalf of the Association shall be filed by and in the name of the Secretary for the time being and he shall be entitled to

defend all legal proceedings brought against the Association unless the Association appoints some other person for a particular case.

7. The Association may make by laws consistent with these rule or make change in the above rules at a meeting specially convened for the purpose and by a majority of 3/5 that of the members present.

END