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Rules & Regulations, Constitution
Naraingarh

INTRODUCTION

BAR ASSOCIATION, NARAINGARH(AMBALA) is registered with the Registrar of Firms and societies, Haryana under Act, XXI of 1860 with Registration No. 855 of 1985-86,

Initially, at the time of Registration on 31st January, 1986, this Bar association, Naraingarh was having only 13 (Thirteen) members the strength of Bar Association, Naraingarh was about 30 in August 2009

Now, in August, 2009 due to the establishment of Sub-Divisional Judicial courts at Naraingarh, the whole of the Judicial work (both civil and criminal) has been shifted to naraingarh from Ambala. A large number of practicing Advocates, have shifted to Naraingarh and enrolled themselves with Bar Association, Naraingarh. This increased the number of member of Bar Association, Naraingarh from 30 to 104 (As it was on 18.1.2010)

Now an elected Governing body has been elected by members on 29.1.2010 and in this way, the circumstances have been totally changed.

Today, Bar Association, Naraingarh may be considered as a New Bar Association and presently, this Bar Association neither have sufficient funds to meet its expenses, nor have any sufficient source of income and at such a stage, electing a governing body for the Bar Association, is not an end itself. It was only a beginning of a struggle, the struggle to fulfill the aims and objectives of the Bar Association, Naraingarh to establish a democratic way to elect the office bearers of the Association, a democratic way to solve problems faced by the Bar Association, Naraingarh to collect funds and to utilize the funds for the Bar Association and many other things like this..



For all this, a new constitution (Rules and Regulations) and memorandum of Association framing the basic law for the Bar Association and its members is the main necessity of the Bar Association, Naraingarh.

Therefore, one of the first tasks undertaken by the new elected body of the Bar Association, Naraingarh was framing a new constitution and new memorandum of Association. In this regard the elected governing body passed a resolution and constituted a three member Constituent committee on 2nd. Feb. 2010 with following members:-

- 1) Mr. Ashok Kumar Garg, Advocate
- 2) Mr. Raj Pal Chaudhary, Advocate
- 3) Mr. Mohender Singh, Advocate

MEMORANDUM OF ASSOCIATION
OF
BAR ASSOCIATION, NARIANGARH

The name of the society is Bar Association, Naraingarh having its registered office at Naraingarh having its registered office at Naraingarh.

The objects for which the society is established are :-

1. Promotion of Literature, diffusion of legal knowledge and maintenance of liberty and reading rooms for general use among the members.
2. To take over charge of books, furniture, furniture, moneys and all other articles belonging to Bar Association, Naraingarh
3. To acquire property, raise, control and realize funds of Bar Association and to dispose off whenever necessary, the property and generally to use and spend the funds in furtherance of objects of the society.

Ashok Kumar Garg

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4. To collect dues from members of the Association and other persons including the past members and if necessary to take legal proceedings in connection n therewith
5. To help the litigants in getting justice from different courts and offices or otherwise and to help generally in the administration of justice.
6. To protect and promote the interest of the members of the Association.
7. To maintain a register of clerks for the members of the Association, to specify their qualification for admission and to control and effectively to deal with the clerks, whenever and whatever necessary.
8. To do every thing which the Bar Association thinks necessary to maintain the dignity of the legal profession.

CONSTITUTION (RULES AND REGULATIONS OF BAR ASSOCIATION,
NARAINGARH) 2010-2011 AS AMENDED UP TO DATE.

1. The name of the Association shall be BAR ASSOCIATION, NARIANGARH
2. The Registered office of the Association shall be at judicial complex, Naraingarh
3. Membership of the Association shall be of two kinds. Ordinary and honorary. All the Lawyers practicing in Naraingarh Sub-Divisional Courts shall be eligible for its ordinary membership on payment of enrollment fees and the monthly subscription, which may from time to time be fixed by the Association. Any member of this Association, who has retired from practice and gives intimation in writing to this office to this effect, shall be deemed to be an honorary member of the Association. But, he shall not be eligible for any office nor shall he have any right to vote at any meeting or be counted as a member.






4. The members can be enrolled during the period of process of the election. But only those members will have voting rights in the election of Bar Association, who are on list of enrollment on 30th November and have cleared their dues up to 30th November. The members enrolled after 30th November and the members who have not cleared their dues up to 30th November shall not have any voting right in the election of Bar Association. Eligible voters shall furnish a declaration as detailed in Annexure 'B' of constitution at the time of casting of his vote
5. That no proxy vote shall be permissible in any circumstances.
6. The management of the Association shall vest in the Governing Body consisting of office bearers, namely
 - A) The President
 - B) The Vice President
 - C) The Secretary
 - D) The Joint Secretary
 - E) The Treasurer
 - F) Two other elected members

The members of the Governing body shall be honorary workers elected from amongst the members at an annual meeting to be called for the purpose and shall hold office till the next election.

Every office bearer is eligible for re-election but no officer holder shall retain the same office for more than two consecutive years. The members of the Governing body are not entitled for any remuneration. They will work only under the social obligation towards Bar Association.

FUNCTIONS OF GOVERNING BODY :-

7. The Governing body shall subject to the control of the members in general meeting assembled, in addition to all other powers conferred upon them by any of the rules, have powered to
 - A) Maintain such establishment of Clerks and Servants for the Association as to them may deem fit.

Anu K Singh *Rajpal* *Hachana*
Md. Asif

- B) Appoint and suspend or dismiss from the appointment any Clerk or servant
- C) Determine and regulate the remunerations and duties and conditions of services of all such clerks and servants.
- D) Expand within Budget provisions such moneys for the purpose of Association as to them may seem fit. The Governing body may from time to time as occasion may require appoint sub-committee for the disposal of any work of kind of business and may regulate the manner in which any such sub-committee shall discharge their functions. The report submitted by the Sub-committee shall finally be considered by the Governing body.
- E) To act as a Governing body of privileges in disputes between the members of the Bar Association and allied members.
- F) Purchase of Furnitures, Repairs and such other necessities as may be ordinary required for the Association.
- G) Admission of the members to the Bar Association, Naraingarh
- H) Eradiction of toutism in particular and other mal-practises, pertaining to the profession in general
- I) To deal effectively with the day today difficulties of the member of the Bar Association.
- J) To help the litigants public in redress of their grievances against Bar and Bench
- K) The committee shall meet not less than once a month for the disposal of the business.

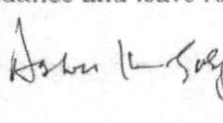
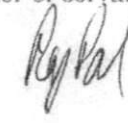
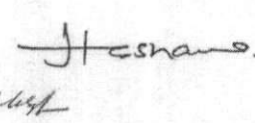
PRESIDENT :

8. The President shall be the Head of the Association and shall control all its activities. In his absence, the Vice-President shall act for him.

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SECRETARY :

9. A) The Secretary shall be the custodian of the furniture books, stationery and all other property other than money and securities of the Association.
- B) It shall be the duty of the Secretary to conduct under the directions of the President and the control of the Governing Body. The correspondence of the Association.
- C) The Secretary shall be responsible that the following registers and books of account are duly maintained in such form as the governing body may from time to time prescribe and that the same are correctly and regularly kept.
 - i) A register of books in the Library showing the value of each book, amount annually written off from the value of the all books, the additions made, the books lost, destroyed or sold and the like the register to be placed before the governing body once every year at-least.
 - ii) A similar register of furniture and other property of the Association.
 - iii) A register of books in the library showing the classification and arrangement of the books in the library in a convenient form.
 - iv) Register of books issued from are returned to the library.
 - v) A minute books of proceedings of the governing body and of all sub committees, therefore.
 - vi) Minute books of proceedings at the General Meeting.
 - vii) A letter book containing copies of letters.
 - viii) A Subscription book.
 - ix) Ledger.
 - x) Counter foil receipt book.
 - xi) Suggestion book and complaint book.
 - xii) Attendance and leave register of servants.
 - xiii)

JOINT SECRETARY:-

10. The Joint Secretary shall generally help the secretary and carry on the work during his absence.

TREASURER.

11. (i) The treasurer shall have the custody of moneys and securities of the association. All sums due to association shall be payable to and recoverable by the treasurer. Any sums realized or received by the Secretary shall forthwith be made over him to the Treasurer.
- (ii) The Treasurer shall keep the money of the association in such bank and in such manner as the governing body may from time to time direct and shall bring all moneys received into account immediately on the receipt thereof.
- (iii) The treasurer shall grant receipt for all payments and shall be responsible that books no. (IX) to (XI) mentioned above are properly kept up. All receipts of what so ever description shall forthwith be paid into bank and only you drawn by means of cheques and all payments except those for petty expenditure shall be made by cheques drawn by the treasurer.
- (iv) Receipts for all payments made and signed by the payee be obtained and placed on record.
- (v) A monthly statement of income and expenditure should be submitted to the governing body along with bills. The secretary will pass all bills.
- (vi) No expenditure shall be met from current receipts. The clerk or the librarian shall prepare and place on notice board every month and account showing the amounts due from the member of the association, such account to be counter signed by the treasurer.

Amul Singh *Rajpal* *H. S. Chandra*
M. K. Singh

- (vii) Once a year, in the month of January the treasurer and Secretary shall submit a revenue account and balance sheet of the affairs of the association as on the 31st December, to the previous year duly passed by the Auditor.
- (viii) The audited Revenue account and the balance sheet shall be laid before the annual meeting of the members for approval.

The Accounts of Bar association to be made available to the members at least one week earlier to the annual meeting of the members.

- 12. Every member of the governing body, who does not attend three meetings regularly shall cease to be the member of the governing body. In case of such vacancy the general house will elect the successor in special meeting.
- 13. Every application for ordinary membership shall be signed by the candidate and shall be sponsored and seconded by two members of the association. The application shall be accompanied by the attested photo copy of the enrollment certificate issued by Bar Council of Punjab and Haryana, Chandigarh along with two photographs of the candidates.

The application shall be presented by the applicant personally along with his identity proof. In case of applicant who applied for the membership within six months from the date of issue of enrollment certificate, the admission fees shall be Rs. 1000/- and for all others it will be Rs. 2000/-.

If the application is rejected or withdrawn before acceptance by the association, the admission fees shall be refundable.

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Attn to Secy

14. The name of any member shall be liable to be removed from the membership of the association on the vote for such removal of 2/3rd members on the role of the association, in a meeting specific called for this purpose. One week notice of holding of such a meeting shall be given.

Before holding of such meeting a sufficient opportunity of being heard shall be given to such member.

15. An old member who ceases to be member otherwise, then by removal under rule 14 may be re-admitted on payment of arrears if any without paying fresh admission fees. However, in case of member whose name has been removed due to the non payment of monthly subscription, he will have to pay Rs. 200/- as fine along with the arrears at the time of re-admission.
16. A member whose name has been removed from the role of the Bar Association under rule 14 shall not be re-admitted unless, 2/3rd of the members on the role of the Association vote in his favor and on such terms as may be enforced by the Association.

The application for re-admission by such members shall not be entertained unless, it is accompanied by usually admission fees and arrears if any and is supported by at least 15 members.

PAYMENT OF SUBSCRIPTION

17. (a) Monthly subscription of this association shall be Rs. 50/-
 (b) The monthly subscription shall be payable in advance
 (c) Any member whose monthly subscription is in arrears for more than three months shall be dismember from the role of bar and such member shall not be entitled to use the library facility of the bar association and such member shall not be entitled to vote and attend the meeting of the association. However, such members may be re-admitted on the payment of arrears along with a fine of Rs.200/- without payment of fresh admission fees.

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The governing body may, however in special suitable case relax this rule and while relaxing this rule the governing body shall give reasons to do so in writing. The association on expiry of current 3rd month during which any member has not paid monthly subscription, the name of such members shall be pasted on the notice board in side the bar room as defaulter and on the expiry of 7th day from the day of pasting of his/her name on the notice board, the name of such member shall be automatically removed from the role of Bar Association.

18. AUDIT

- (a) The accounts of association shall be audited at least once a year by an auditor. The auditor ordinarily be elected or appointed at the annual general meeting (Any casual vacancy in the office of Auditor may be filled up by the governing body)
- (b) The auditor shall examine the entire accounts of the association and shall have arrears to account and vouchers at all reasonable times through out the year.
- (c) The auditor shall check the revenue account and balance sheet and shall after making each correction there in as he may deem proper count signed the same. The auditor shall submit annually in the 1st week of January to the governing body a brief report on the statement of account. The auditor report shall be laid before the annual general meeting with the revenue account and balance sheet.

MEETINGS

- 19. An ordinary meeting of the association may be called at anytime by the secretary for the disposal of any business
- 20. An extra ordinary meeting of the association shall be called by the secretary on requisition of the President or the Vice President. Such a meeting shall also be called by the Secretary if he receive a requisition to that effect, signed by at least 1/10th members of the

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total strength of the association, within 48 hours of the receipt of such requisition the secretary will call the extra ordinary meeting.

21. An annual meeting of the association shall be held on 29th January, every year for:-

- (i) The passing of account, balance sheet and budget estimate
- (ii) Election of the office bears of the association, members of governing body and the library committee and of an auditor

Provided that in case, the annual meeting is not held as provided above, the said annual meeting shall take place on 15th Feb. at 10-00 a.m. in the Bar room without any further notice.

22. An emergent meeting of the association may be called by the Secretary at any time on the orders of President to that effect in writing.
23. In the case a meeting under rule 19 & 22 a notice issued from the office at least 24 hours before the proposed time of the meeting is necessary.
24. For the annual meeting to be held on 29th January, a notice of at least 10 days shall be issued by the office, a copy of the small shall be affixed on the notice board of the association and this shall be deemed to be a valid notice to all the members.
25. The quorum for all the meetings shall be 1/5th of total member of association and it may be 1/10th in the adjourned meeting subsequent meeting on the same agenda
26. Any meeting called except the annual meeting may be post poned from time to time. Provided no meeting shall be post poned more than twice or a period of one month.
27. The president , and in his absence the vice president of the association shall preside over the meeting. If neither of these be present at any meeting, the members present shall elect their chairman from amongst those present. The vice president or the nominated chairman shall vacate the Chair for the president or the vice president on his arrival as the case may be

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28. The president shall be the sole authority for the proper guidance and regulation of the meeting and all present must concede unquestioned obedience to his order and directions.
29. All the matters except those provided for all else wherein these aforesaid rules applies by a majority of votes of the members present and in case of equality of votes the president or the chairman of the meeting shall also have a right to cast vote. But this particular rule no.29 shall not apply to election process of the Association.

ELECTION OF OFFICER BEARERS

30. Persons seeking election to any office of the association as provided in rule 6 shall file their nomination papers duly proposed and seconded by any member of the association whose dues are cleared and he must be competent to cast vote. ~~The annual election of the association shall be held on last Saturday of January of every year.~~ The process of notification of annual election shall be notified within time of two week prior to the date of election. The office time for the election process shall be from 10 a.m. to 4 p.m. for all days including holidays and Sundays. On the day of election no member shall be permitted to cast his vote after 4 p.m. However it is made clear that the members standing in the queue at the relevant time shall be permitted to cast his vote.

The candidate for the president ship should have at least ten years standing as an advocate and the candidate for the secretary ship and Vice president should have five years standing as a advocate who have right to vote. Only those members will have voting right who are enrolled before 30th November, and who have cleared their monthly subscription up to 30th November. But the candidate's continuative the election must be the sole member of this association only. The annexure 'A' would be the Performa for nomination paper and candidate must comply with the terms and conditions mentioned there in.

Amul Singh *Raj Pal* *prakash* *Herman*

All the election process shall be under the management, control and directions of the governing body, if any member of governing body is contesting election of the office bearers he shall resign from the membership of governing body and if all the members of governing body are contesting election second time in this case the members of the bar association, shall elect / appoint a chairman to conduct the process of elections.

Non refundable security for the following posts shall be as under :-

- | | | |
|----|--------------------------|--------------|
| 1. | President | : Rs. 3000/- |
| 2. | Vice President | : Rs. 2000/- |
| 3. | Secretary | : Rs. 2000/- |
| 4. | Joint secretary | : Rs. 1000/- |
| 5. | Member of Executive body | : Rs. 500/- |
| 6. | Treasurer | : Rs. 500/- |

In the annual election, the voting shall be by secret ballot and in all other meetings as per order of chair persons.

Any member who wants to contest the election of the office bearers of bar association should be the sole member of Bar Association, Naraingarh, he should not be the member of any other Bar Association at the time of filling of nomination papers, during the process of election and if elected during the period for which he assumes office of the bar association for any post and such candidates will give an declaration to this effect at the time of filing of nomination papers.

31. As soon as possible after the close of the poll on the day on which polling is to take place, the chairman of the meeting, in the presence of the candidate or their agents if any may be, in attendance shall open the ballot boxes and count the valid votes recorded for each candidates, rejection as invalid any ballot papers, which :

- (a) Has not on it the official mark, or

Arjun K. Singh *Rajpal* *Harshana*

- (b) Has not vote recorded on it by means of stamp as approved by the
Bar Association, or
 - (c) Is so marked that it is uncertain, how the voter intended to vote, or
 - (d) Bears any mark, by which the voter can be identified.
32. The Candidate who is found to have secured the highest number of valid votes shall be declared to have been elected provided that if it is impossible to determine which candidate has or have obtained the highest number of votes owing to, two or more candidate having obtained an equal number of votes, the chairman shall decide by lot either by draw or toss, which of such candidates shall be deemed to have been elected and shall declare him or them elected accordingly.

METHOD OF RECORDING VOTES

33. When any elector has received a ballet paper, he shall forthwith proceed to the place set apart for marking of ballet papers and shall mark by using the official stamp in the square opposite to the name of the candidate for whom votes.
34. An application for the 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 at least 10 members of the association.
35. An application for the review, shall be put up in an extra ordinary meeting and a previous order shall be reversed or modified only $\frac{2}{3}$ rd of the members present vote for such a reversal or modification, provided that the $\frac{2}{3}$ rd or not less in number then those, who originally voted in favor the decision under review.

RIGHTS AND LIABILITIES OF THE MEMBERS:

36. The members are entitled to use the Bar room furniture and the services of the servants of the association on count days and

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during court hours. They are also entitled to use of the bar library unless disabled under rule 17 or any other rule or resolution of the association.

37. All the members are bound to implicitly obey the rules and resolution 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 members concerned shall be liable to pay any penalty, which may be imposed upon him in such a meeting.
38. No member shall give or extent, take or receive any professional help or assistance, directly or indirectly, inside or outside, the courts, or give take legal advise hold professional consultation with, or in any manner accommodate in professional work any person, whose name has been struck off under the rules of the association. This treatment shall also apply to the cases of a non member who does not take the earliest opportunity of applying for membership of the association.
39. Every member shall inform the secretary in writing of the name parentage and full address of his clerks and shall also give information of any change in his staff with in one week of 1st change.
40. No member shall employee in any manner, any person who has been declared undesirable by the association.
41. No member shall allow his clerk to visit Bus Stand premises, Sarais or Dabhas or shops or Police stations or Govt. Offices with the object of securing professional work.
42. No person shall employee any person as a clerk, who is not matric in education.
43. No member shall conduct or continue any proceeding in any civil, criminal or revenue case in any court at Naraingarh after the court hours prescribed by financial commissioner or High Court. It shall be duty or the President to see that the members of bar observe

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this rule rigidly and the members of the bank do not hold courts after the prescribed hours.

44. 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 rule 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.
45. 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 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 G.B
 - (iii) Any practicing petition-writer
 - (iv) Court officials.
46. 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.
47. No member shall allow any person or other than him clerk to visit courts or his clients on his behalf directly or indirectly for any purpose whatsoever.
48. No member shall be able to withdraw any journal from the Library. He will however be able to get the Photostat copy of ruling or journal concerned
49. No member shall accept any case previously being conducted by any other Lawyer unless he obtains a No objection certificate from the previous lawyer.
50. Text books may be issued to clerk or member themselves for getting relevant portion photographed which shall be returned by the said person after getting it photographed. The members can

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Raj Patel

M. S. Joshi

J. S. Chandra

take the textbooks only in Library room and read them there. They may however take a photo copy of any portion of it.

51. Any repetition or an infringement of these rules may be dealt with by the G.B in the manner here in after provided:

(a) Any member who shells without the permission of the Secretary take from the Library any book periodical or newspaper included in the list mentioned in rule 54 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 use of the Library for such period as the G.B. 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 imposed upon a member under rule 57 (a) 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.

52. No publicity shall be given outside to any statement 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:

(a) No member shall make any noise in the Library

Adhikary . *Rajal* *Subhash* *Harman*

(b) 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.

(c) Members shall not have papers read out of them in the Library

(d) 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 G.B. who may be present or may be reported by any member of the association to the G.B. who may take such action in regard to the same as they may think proper in the circumstances.

53. There shall be constituted a library committee consisting of 3 members of the Bar besides the President and the Secretary, who will be entrusted with the purchase of Library book.

54. 25% of the subscription shall be placed at the disposal of library committee.

GENERAL

55. The servants of the Bar room shall not be sent out of the District Court premises by member for their private work.

56. There shall be at least two counsels engaged in the following cases:

(a) All first class civil cases

(b) All session trials

57. No member shall entertain or render free private service at his cost except on social function such as marriages, to any officer or official before when he generally appears in connection with his professional work.

58. 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.

59. It will purely be a non-political association

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Rajpal

M. S. Singh

H. S. Singh

60. The membership can not be terminated on the basis of court and creeds.
61. All proceedings taken, order passed, acts done under these rules shall be in writing.
62. 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"
63. The associations may make bye laws consistent with these rules or make any change in the above rules, at a meeting specially convened for the purpose and by a majority of 3/4 that of the members present.

PENALTIES

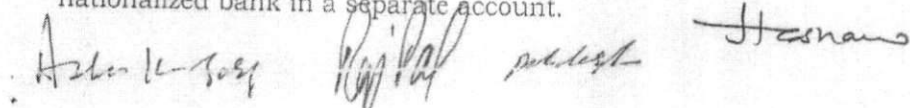
64. For the disposal of any work, if re constitution is silent, matter will be decided by the house in a democratic way by a majority of 3/4th of the members present.
65. In case of violation of any of the foregoing rules the members concerned shall pay Rs. 100/- in case of first infringement and Rs.200/- for any subsequent infringement to the Bar. Association as a penalty recoverable as arrears of subscription except as otherwise provided.

ADVOCATE WELFARE FUND

66. The bar association shall collect advocates welfare fund and for this purpose the bar association has already issued a stamp for Rs.10/- to be affixed by the members on every vakalatnama filed before any court of office or tribunal or any authority.

The Bar Association shall make rules separately to utilize the advocate welfare fund for the welfare of needy members

The advocate fund so collected shall be deposited in a nationalized bank in a separate account.



The funds so collected shall not be utilized for any other purpose except for the welfare of the needy member or his dependant. However the governing body in case of any financial emergency may utilize the advocate welfare fund for any other purpose except the welfare of the needy member in some special circumstances but the amount so utilized shall be re-deposited in the account of advocate welfare funds as soon as the bar association receives some income or collection.

John K. Gray *Rajesh*
mod. hgt

J. S. Shaw