

Constitution & Rules of the Bar Association, Bhiwani

1. NAME :

The Association shall be called the District Bar Association, Bhiwani.

2. AIMS & OBJECTS :

The aims and objects of the Association shall be :

- a) To safeguard the interests of the members.
- b) To maintain the Bar-Room for the personal and Corporate comforts of the members.
- c) To encourage mutual good will and social relations amongst the members of the Bar Association themselves and with the Bench.
- d) To maintain the dignity and purity of the profession.
- e) To render help & assistance to the litigant public where by legitimate grievances may be easily removed.
- f) To help fearlessly in the administration of law & the maintenance of the standard and purity of justice.
- g) To take measures for the provisions of free legal aid to the poor and the establishment and maintenance of a system of prompt and efficient legal advice for persons, irrespective of their capacity to pay.

- h) To take measures to provide financial aid to any member of the Bar in strained circumstances and members of their families on their death.

3. MEMBERSHIP AND SUBSCRIPTION :

- a) The membership of the Association shall be open to all Advocates, whose ordinary place of practice is or has been at Bhiwani or any of the subordinate place in the Bhiwani District or any other place in the State of Haryana. Any Advocate on the roll of Advocates of the Bar Council of Punjab and Haryana shall be eligible to be a members of this association, On payment of Rs. 25/- as an enrollment fee and Rs. 10/- as subscription fee which may be varied from time to time by the Association.
- b) The members shall be liable to pay a monthly subscription of Rs. 10/- in advance upto last day of the month in which it falls due which may be varied from time to time by the Association.
- c) If a member of this Association wants to pay the monthly subscription in lump sum for a year, i.e. he may compound the annual subscription for Rs. 100/- to be paid in advance.
- d) If a member of this Association fails to pay the monthly subscription within that month in which it falls due, he shall pay Rs. 1/- as fine alongwith his due subscription in the following month and so on if default continues.
- e) In case of re-admission of member, fresh admission fee will be charged alongwith all the previous dues, from the member.

- f) If a member fails to pay the monthly subscription for 3 months, his membership shall liable to be cancelled and his name shall be struck off from the Bar roll provided that if the member in arrears within a period of seven days from the receipt of notice in writing to be served upon him by the Secretary, pays/deposits the arrears with the clerk or any of the office bearers of the Executive alongwith cost of notice and penalty amount, as per provisions of clause(d) part 3 of the Constitution then he shall be deemed to have duly paid the arrears within time.
- g) If membership of any member is struck off as aforesaid, his liability for payment of arrears shall not cease.

4. OBLIGATION OF MEMBERS :

EVERY MEMBER SHALL :

- a) Sign a pledge not to adopt or practise toutism & to do his best to eradicate the evil of toutism.
- b) abide by the aims, object, Rules, Regulations as are in the Constitution of the Association and is and shall be bound to act upon the resolutions passed by the Association from time to time.
- c) Appoint Clerk/Munshi which appointment shall be made, governed and regulated by the Rules framed by High Court of Punjab and Haryana & which are in Chapter 6-j (Page 157) of volume V of High Court Rules and orders provided that the Bar Association shall have power/authority to call upon any member to dismiss any clerk/Munshi, if he is found indulging in toutism or

guilty of acts/omissions/offences involving moral turpitude or found violating/contravening/any rule, regulations framed or any resolution passed by this Association or any provision of the Bar Constitution.

- d) abide by the Constitution and respect its ideals and institutions.
- e) uphold and protect the dignity, unity and integrity of the Bar and purity of profession.
- f) defend the Bar and render service when called upon to do so.
- g) value and preserve the rich heritage of our composite culture of legal profession.
- h) protect the property of Bar from being damaged/wasted.
- i) protect and improve the environment between Bar and Bench.
- j) pay subscription fee in time and return the library book/books immediately as per rules framed for the purpose.

k) BUT NO MEMBER SHALL

- i) receive any bribe or otherwise take any case from or through tout of whom the Bar Association shall maintain a list and shall revise the same from time to time.

(Note :— A person shall be deemed a Tout whom the house of this Association by a decision in the meeting so declares or who has been so declared by any other Bar Association in Punjab & Haryana or by Bar Council of any State/Bar/Council of India).

- ii) violate/contravene any rule/regulations framed by or any order/resolution passed by Bar Council of Punjab and Haryana and also by the Apex body i.e. Bar Council of India.

5 Privileges and Qualification of Members :

Every Member Shall :

- a) be entitled to share all comforts and conveniences provided by the Bar and to use its library according to rules, prescribed for it.
- b) have right to vote in the election and at a meeting of the association provided he has cleared all dues library books upto 15th March of every year.

6 Exclusion from Membership & Consequences :

- a) reasons for exclusion, among other, may include malpractice or toutism, employing those persons as Munshi or Clerks, whom the association has declared unfit for such work and disobedience of the rules, orders/resolution of the Bar Association.
- b) The name of any member shall be liable to be removed from the membership of the association, if at least 2/3rd of the members present in the meeting specially called for the purpose vote for such removal but for holding such a meeting one week's notice and quorum of 2/3rd members of Association shall be necessary.
- c) Exclusion from membership shall entail forfeiture of all privileges ordinarily available to members of the association.
- d) In case of removal of any member for professional misconduct, no member shall give him/her any

professional help assistance directly or indirectly, inside or outside the courts or give or take legal advice, hold professional consultation with or in any manner accommodate him/her in professional work-

7 MANAGEMENT :

- a) The management of the ordinary business and affairs of the Association shall be carried out by a Managing Committee to be elected annually in the election to be held in the month of March in accordance with the provisions herein after contained. The new office bearers shall take charge on 1st April every year.

In case of vacancy falling during the year, it would be filled up by the election.

- b) The Managing committee shall consist of :-

- 1) President
- 2) Vice President
- 3) Secretary
- 4) Treasurer
- 5) Library Incharge
- 6) Auditor

- c) Each member of the Managing committee shall be elected through the process of secret ballot and a candidate getting the highest number of votes shall be declared elected.

- d) The election of the Managing committee (office bearers) of the association shall be conducted by Committee called 'The election committee' consisting of members not more than 7 including its Chairman and Secretary.

The Chairman, Secretary and Member of the election committee shall be chosen unanimously or if not possible by majority of the members of the association present in the general meeting convened for this purpose provided that (i) the quorum for such general meeting shall be majority of the members on roll (ii) No member of committee shall contest the election or any office of the Bar unless he/she resigns from the membership of the election committee, (iii) The Chairman, Secretary and members of the election committee shall be chosen every year in the first week of March and shall continue acting and discharging their duties as such till new election committee is chosen.

The election committee shall notify the elections of programme in the month of March and the elections of all office bearers shall be completed before 31st March every year unless considering some emergent or grave circumstances the election are postponed by 2/3rd majority of members of the Bar present in general meeting convened for this purpose. The quorum for such meeting will be 2/3rd membership on roll.

The election committee shall invite applications for posts of office bearers of the association and shall also fix election schedule/programme bearing dates for filling for nominations scrutiny, withdrawal of nomination papers, polling and declaration of results.

The election shall be held by a secret ballot from 10-00 a.m. to 4-00 p.m. The counting of votes

shall take place immediately after the polling is over and the result shall be announced on the same day. The candidate or his authorised agent shall be allowed to remain present during polling and counting time.

The election committee may frame rules and regulations necessary for conducting the election in accordance with the provisions of this constitution. In case, any one or more members resign from the committee, the remaining members may take the help of members of the Bar, whom they consider just and reasonable or they may ask the general body to fill up the vacancy caused by resignation or otherwise.

DUTIES AND POWERS OF OFFICE BEARERS :

Duties and power of the office bearers shall be as follow :—

THE PRESIDENT

a) The President shall :

- 1) President over all the meetings of the Association when present.
- 2) Represent the association on all occasions or authorise any person to represent on his behalf.
- 3) Issue orders to other office bearers for the well being of the Association.
- 4) Generally supervise and control the affairs and activities of the Association and members of the Managing committee and staff
- 5) Incur and sanction and expenses upto Rs. 500/- (Rupees five hundred) at any time subject to the approval of the Managing Committee.

- 6) Have a right of casting vote in case of tie.
- 7) May delegate any power to Vice-President or in his absence to Secretary.

VICE PRESIDENT

The Vice President shall act for the President in his absence, provided that the Vice President, too, is absent any senior member of the Association may also do so in good faith-

SECRETARY

The Secretary shall,

- 1 issue notices of the meeting in consultation with president.
- 2 carry on correspondance of the Association and supervise collection of subscriptions and notices of demand for arrears etc as provided for herein.
- 3 supervise the maintenance of the furniture and the bar Room.
- 4 use funds of the Association with the approval of the office bearers for the upkeep and improvement of the Bar Association, including Library.
- 5 Transact all other business of the Association.
- 6 carry into effect all resolutions of the Managing Committee or the Association.
- 7 keep the minutes of the proceedings of the meeting of the Association and the Managing Committee.
- 8 keep necessary record of other orders.
- 9 supervise and control the menial and other staff.
- 10 Drawn upon the treasurer to meet expenses of the Association for monthly pay and other chargeg such as newspaper etc.

- 11 responsible for the smooth functioning of the programme of the Bar.
- 12 record the proceedings of the meeting of Managing Committee and the general body meeting and will be responsible for proper maintenance.
- 13 bring to the notice of the Managing Committee all such matters requiring action by them and give notice to all members with the approval of the president.
- 14 keep in touch with all office bearers as far as possible to secure fullest co-operation in the execution work of the Bar.
- 15 carry out the directions of the President or the Vice President in his absence.
- 16 maintain upto date list of all members of this Bar.
- 17 prepare annual report of the Bar and present it before the Managing Committee before presenting it to general body and whenever required.
- 18 keep upto date rules, regulation and constitution of the Bar made from time to time.

MAINTAIN THE FOLLOWING REGISTERS :

- 1 A register of members containing their names and address.
- 2 A minute book
- 3 A correspondence book
- 4 A peon book
- 5 A cheque book
- 6 Subscription register
- 7 Register of approved Munshis
- 8 A Register of ill reputed touts.

- 9 A register of disreputable persons in eligible for employment as clerks etc.
- 10 A register of assets.
- 11 Any other register which may be deemed necessary.

JOINT SECRETARY

The Joint Secretary shall perform the duties of the Secretary in his absence, or such duties, as the president or the Secretary may assign to him/her from time to time.

THE TREASURER

The Treasurer shall,

- 1 Arrange to collect all subscriptions from the members.
- 2 maintain account books relating to funds of the Association.
- 3 deposit all the cash in the bank account except to the extent of Rs. 500/- for current expenses.
- 4 issue proper receipts for all payments received by him on behalf of the Bar and disburse only under the authority of the president or in his absence the Vice President present.
- 5 maintain complete and upto date list of members of the Bar and amount due from each member.
- 6 responsible for proper maintenance of accounts, annual audit and then present before the Managing Committee for approval.
- 7 Arrange to collect grant/endornments or any other property what so ever in the name of the Bar and the same shall be deposited with the bank immediately.

LIBRARY INCHARGE

The Library Incharge shall ;

- 1 Suggest to the managing committee the purchase of suitable books, news papers etc.

- 2 be responsible for the maintenance of library and carry all other duties enjoined upon him under the Rules of the Association Library and amended from time to time.

AUDITOR

The Auditor shall audit the record of the Bar from time to time (at least once in a month) and shall submit the audit report in the general meeting annually.

OPERATION OF BANK ACCOUNTS

The Bank accounts of the Association shall be operated by the President and also by any one of the other office bearers.

MEETING

- 1 The meeting of the Managing Committee shall be held once in a month in Bar/Library room which shall be called by the President or in his absence by the Vice President or Secretary.

Provided that the President when required in writing by majority of Managing Committee members to call a meeting, shall do so within three days, failing which these members shall be entitled to call a meeting after giving a weeks notice to the President and other members. The minutes of all such meetings shall always be reduced into writing.

- 2 Majority of the members of the Managing Committee for the time being holding office, shall form a quorum.
- 3 The decision of the Committee shall be by majority and in case of tie, the President shall have the casting vote.
- 4 At every meeting of the Managing Committee the President if present or in his absence Vice President shall preside over the meeting and shall be deemed to be the Chairman for the purpose of clause (3) *ibid*.

ESTABLISHMENT

- 1 The Bar Association shall employ :
 - a) One Peon
 - b) One Library Clerk
 - c) If need be an extra servant/servants
- 2 The appointment suspension, dismissal of or award of other punishment to any employee of the establishment shall be made by the President in consultation with the Managing Committee, whose decision shall be final.

MEETINGS

- 1 There shall be held :-
 - a) General
 - b) Special
 - c) Ordinary
Meeting of the association

2— GENERAL MEETING

General Meeting shall be held at least twice in a year to consider the question of :

- 1) Annual elections and election of members of election Committee.
- 2) Accounts and reports
- 3) Expulsion and other disciplinary measure against members
- 4) Changes in the constitution, rules, aims and objects of the Association (to be done by 2/3rd majority)
- 5) Such other matters, as may from time to time be submitted for its consideration by the Managing Committee.

Note : The Managing Committee or the President, on a written requisition of 50 members may call a general meeting at any time for any special purpose.

No General meeting shall be held unless at least 33% of the members on the roll are present in the Meeting and at least 5 days notice is given by the Secretary containing the Agenda.

3 SPECIAL MEETING :

Special meetings of the Bar Association shall be held :

- 1 By order of the President or at the written request of any member counter signed by the fifty ordinary members at any time to consider important question which may include :
 - a) The preparation of the list of touts;
 - b) proposal regarding the amendment or consideration of legislative bill or acts;
 - c) matters of emergent necessity;
 - d) Proposals circulated by public bodies or others for opinion of the Association
 - e) such other proposals that any member of Managing Committee may submit for decision.
- 2 Two days prior notice for such meeting shall be necessary.
- 3 Quorum for such meeting shall be :
 - a) For consideration of the questions relating to the list of touts or other matters relevant to it, 50% of the members on roll.
 - b) for other questions at least 50 members on roll.

4 ORDINARY MEETING

- a) Any ordinary meeting of the Association shall be called at least once in a month to consider such other questions as will be circulated in the agenda by the Secretary under the order of the President.

- b) Notice for such meetings shall be of two days and at least fifty ordinary members shall form a quorum for such meetings.

5 QUORUM FOR ADJOURNED MEETINGS

- a) In cases of meetings adjourned for want of quorum no quorum shall be necessary, but fresh notice shall have to be issued containing the agenda;
- b) In case of meeting adjourned for disposal of pending business, which could not be finished in the sitting, no fresh notice or quorum would be necessary, if the next date is fixed in the meeting.

6 VOTING AT MEETING

- a) For consideration of the questions relating to the list of touts or other matters relating there to, the voting shall be carried out.
- b) At all other meetings, the question be decided by a majority of votes of the voting members present in the meetings, which shall be not less than 50, unless otherwise provided in the constitution of rules.
- c) In cases of equality of votes, the president shall have right of casting vote also.

7 NOTICE FOR EMERGENT MEETINGS

In cases of emergency, any meeting may be called under the order of President on a shorter notice than provided for any particular kind of meeting.

8 CHAIRMANSHIP AT MEETING

- a) The President and in his absence, the Vice President shall preside over the meetings. When none of these office bearers is present, at a meeting, the members present shall select their Chairman from amongst the Senior members those present.
- b) The decision of the Chairman on all questions or order, procedure; counting of votes, or other matters relating to the conduct of the business in the meeting shall be final.

9— REVIEW

- a) No resolution passed in any meeting shall be reviewed unless application for review is supported by the signatures of 100 members or is recommended by the Managing Committee.
- b) An application for review shall be put up in a special meeting and the previous order shall be reversed or modified only if 2/3rd of the members present votes for such reversal or modifications, provided that the two-thirds shall not be less in number than those who originally voted for the decision under review :
- c) If any member feels aggrieved by any act or omission, of the managing committee, he/she may request the President in writing counter-signed by 50 (fifty) members of the Association to consider the matter, who shall consider the matter himself or refer to the general body for decision.

10— DECISION OF THE GENERAL MEETING

The decision of the General Meeting shall be final on all matters

10 SERVICE OF NOTICE :

Notice of meeting will so far as practicable, be served personally on the members. If service on any member cannot be made personally, a notice shall be placed upon the notice board at least 24 hours before the time fixed for the meeting and this shall be considered sufficient service on such member also.

11 GENERAL :

- 1 No stranger shall be allowed admittance in the rooms occupied by the Association.
- 2 No publicity will be given to any private conversation, which may take place in the meeting of the Association.
- 3 No proposal sent up by a member for consideration of the Association, will be dealt with, unless the proposer either attends personally to move and support his proposal or authorise in writing some other member to represent the matter of the proposal before the meeting, in order to facilitate its decision.
- 4 Any person aggrieved by any decision of the Managing Committee or displeased with any act of the Secretary or other official, may appeal to the association within 30 days and not after.

12 AMENDMENT IN CONSTITUTION :

The association shall always invite suggestion from any member of the Bar concerning the matter and business of the Association, for the purpose of inserting the same or for the purpose of deleting any provision from the constitution.

If such suggestion is supported by at least 50 members of this association, the same shall be laid immediately before the house of the association. The house shall have open and general discussion before deciding on such suggestions. The decision shall be taken by secret ballot if difference of opinion is found.

The quorum of house shall be of 2/3rd majority of the members of association on role & no amendment shall be allowed unless it is passed by 2/3rd majority of members present in the meeting. The decision of the house shall be implemented in the constitution forthwith.

13 FORMING OF THE COMMITTEES :

The Managing committee may from committees consisting of members not exceeding four subject to the minimum of three for the purposes of maintaining discipline, to give finding in an enquiry initiated on any complaint, for taking accounts or for any other matter which will facilitate for taking any decision by the house.

The report of the Committee will be read in the general meeting for its approval.

POWERS & FUNCTIONS OF COMMITTEES

The Committees shall have all powers to summon the witnesses and of recording evidence as provided in CPC & Evidence Act as far as possible. In case any member disobeys the instructions /order/resolution of the committee the same will tantamount to misconduct for the purpose as contained in the Constitution.

True to the original as approved by the House

Library Rules

1. No text-book or manual or Digest shall be issued to any member. The member can study any book or can get the photostate copy/ copies of any book at his own expenses.
2. Every member shall be return the issued book within 7 days from its issuance failing with 1 Rs will be charged for each book per day. This amount shall be added in the monthly subscription and recover as arrear. If any member refused to pay fine he shall not entitled to avail any library facility.
3. A member can take only 5 Books from library.
4. The Member will be liable for all kind of damage, torn out and mutilated the issued book/Books. The current/present price will be charged by the member of that book which will be assessed by the library committee and executive committee.
5. No any loose part of monthly journal will be issued to member. Member can take photostate copy at his own expenses.
6. Books shall be issued only those member who clear their account. Defaulter can't make any claim of books.