

Karnal Constitution**MEMBERS DRAFT COMMITTEE**

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|----|--------------------------|---------------|
| 1. | SH. VIDHYA PARKASH SAHNI | CHAIRMAN |
| 2. | SH. J.B.S. CHAUHAN | BAR PRESIDENT |
| 3. | SH. S.C. MITTAL | MEMBER |
| 4. | SH. T.P.S. BEDI | MEMBER |
| 5. | SH. B.S. RATHOR | MEMBER |
| 6. | SH. R.D. BALI | MEMBER |
| 7. | SH. VINOD VAID | MEMBER |
| 8. | SH. F.S. CHHOKAR | AUTHOR |

OFFICE BEARERS 1994-95

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|----------------------------|-----------------|
| 1. J.B.S. CHAUHAN | PRESIDENT |
| 2. SH. RAJESH MANI KAUSHIK | VICE-PRESIDENT |
| 3. SH. SUDHAKAR MITTAL | GEN. SECRETARY |
| 4. SH. VED PAL | JOINT SECRETARY |
| 5. SH. R.D. GOEL | TREASURER |

FOREWORD

BY VIDHYA PARKESH SAHNI PRESIDENT DRAFT COMMITTEE

A FRUITFUL EFFORT

1. I joined this bar association after partition of the country and since then have been enjoying the privilege of being a member of this august body. The provisions of the previous constitution, when barely read, would show that these were not at all exhaustive and were not even couched in good language and were also deficient in meeting certain difficult and peculiar situations and hence there had always been a feeling rankling in my mind and so also in the minds of other senior colleagues that the constitution needed redrafting but unfortunately the task remained unattended and thus the years rolled on.
2. Hearing it with delight that a committee to embark upon this task of redrafting the constitution had been constituted and incidentally I was named as its Chairman. The committee comprised of very distinguished, able and experienced members. Having considered all aspects to have a comprehensive piece of documents, the Committee in its wisdom unanimously decided to entrust this arduous task

of redrafting the constitution of Shre Fateh Singh Chhokar, Advocate. The quantum of efforts gone into an intelligent application of mind and vision is a clear manifestation of his ability and devotion. It is a very well worded document and also couched in good language and hence it is very ideal piece of draft produced by him. He deserves all praise and appreciation from all and sundry. However, the Draft Committee scrutinized each and every article of draft constitution and made changes wherever fell necessary. I personally hope and trust that this new constitution will go a long way in serving this association.

3. I shall be failing in my duty as Chairman, Draft committee if I do not express my deep gratitude to Shri F.S. Chhokar who has magnificiently authored this new venture and also to all other members of the Draft Committee who have excellently contributed to make this constitution a success. Finally I thank the entire General House of this Association for the co-operation and approval of this fruitful effort.

V.P. Sahni

MESSAGE BY BAR PRESIDENT

SH. J.B.S. CHAUHAN

It is matter of happiness that a new worthwhile constitution has come into existence during my tenure. In fact, the Association from the time of its inception itself, did not have a constitution worth the name and as such the affairs of the Association were just being managed either on some kind of precedents or by some loosely drafted guide-lines. The absence of the proper constitution was a clear ridicule to the standard and status of this august body of intellectuals.

2. The scheme of having a proper constitution was a top priority in my mind and as such the first ever decision taken in the first ever meeting of the general house under my presidentship, was to constitute a Draft committee for redrafting the constitution. A draft comittee comprising of sarve Shri Vidya Parkash Sahni as its Chairman and T.P.S. Bedi, F.S. Chhokar, B.S. Rathore, S.C. Mytle, R.D. Bail, Vinod Vaid and myself as members was accordingly constituted. In order to avoid delay and to have better result, the entire draft committee unanimously entrusted this task to Shri F.S. Chhokar, Advocate, who is turn has accomplished the same to the satisfaction of all concerned. It is indeed a major achivement during my

tenure as bar President Sh. F.S. Chhokar, who has authored the new constitution, deserves all praise and I as bar President join the entire house to express deep gratitude to him for his gift in the form of new constitution to his Association. I also thank the members of the draft committee without whose contribution the task would have remained unaccomplished. Finally, apart from thanking all the members of the house, I have to thank the office bearers of the association namely Shri Rajesh Mani, Vice President Sudhakar Mittal, Secretary and Ved Pal Joint Secretary who also have contributed in bringing this comprehensive piece of document into existence, this document will ever remain a beacon's light to guide the affairs of this Association for all times to come.

J.B.S. Chauhan

A WORD BY THE AUTHOR

It has always been a regular cry, of all civilised subject to any orderly society, to be governed and their life regulated by such set of laws as would enable them to take pride in and to lead a systematic, and orderly life. It is in this context that the need to amend and totally revise the existing constitution was realised and consequently a draft committee came into being for the purpose. The draft committee in its wisdom entrusted the task of redrafting the new constitution to me. I accepted this assignment as an opportunity to serve this Hon'ble Institution.

It has been my endeavour to make the new constitution self contained, dependable and as far as possible a veritable mine of direct informations to deal with situations relating to organisational and other aspects of managing an Association. By arranging Subjects Chapterwise and separating matters under different headings; the approach to understanding of provisions is made more handy and systemic. The special care has also been taken to incorporate provisions in such manners as would make the functioning of the Association more practically compatible with existing and emerging environment of governance.

The book is divided into 8 chapters. Each chapter is as nearly exhaustive as could be possible. A chapter on the welfare is also devoted wherein, an adequate source is created for the elected body to span out and act to any limit for initiating and executing the welfare measures including to the extent of legislation passed for life security, insurance covers and family welfare etc. On the pattern of Maharashtra and Rajasthan Government. Besides, it is the first attempt to visualise and analyse the importance of provisions on discipline, duties, privileges and power of members and those of the elected office bearers. The book also sheds adequate light on Election Rules and procedure and on special references to employment of staff members and their service conditions. I have tried to emphasise the importance of maintaining an upto date and orderly

Library with fullest of accountability in all respects.

With all humility at my command, I believe that, an incomplete cannot claim to be perfect. Further to err is human. I shall be particularly grateful to the members who may find time to read the book and point out the mistakes and deficiencies and offer their valuable suggestions to bring about improvements in the provisions, by the way of amendment for which they are fully vested with powers under this very constitution.

I most Humbly and gratefully acknowledge the whole hearted co-operation extended to me in completing this arduous task by all the Hon'ble members of draft committee. I also express my deep gratitudes to the general house of the association. Who on being pleased after active long deliberations, put its seal of approval and adopted this constitution.

I hope and trust that this book would be found of immense use in governing the affairs of this august body for all times to come. Thus, I hereby dedicate this book to the district Bar Association Karnal with which I wish over to remain affiliated and be always in pride to be its humble members.

Author

Fateh Singh Chhokar
M.A. (Eco.) LL.B.
Advocate
District Courts, Karnal

MEMORANDUM OF ASSOCIATION OF THE DISTRICT BAR ASSOCIATION, KARNAL

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MEMORANDUM OF ASSOCIATION

The District Bar Association, Karnal

(This memorandum of Association is passed and adopted by the District Bar Association, Karnal in its General Body meeting held on amending and totally revising the earlier Memorandum of Association framed and passed on 10.11.1984).

PART-I

NAME AND STATUS OF ASSOCIATION)

ARTICLE-1 Name : The name of the Association shall be
THE DISTRICT BAR ASSOCIATION, KARNAL.

ARTICLE-2 Office : The registered office at the Association shall be located in Civil Courts Compound at Karnal or any other such place as may be decided by the Committee and approved by the House.

ARTICLE-3 Status : The association shall be a society (registered under the Registration of Societies Act) by the name aforesaid having perpetual succession and a common seal with power of acquire, hold and dispose off property, both moveable and immoveable and to contract.

- i) The Association can sue or be sued by its name through its General Secretary.

- ii) The General Secretary shall contest all legal Proceedings against and on behalf of the Association through counsel to be engaged by him in consultation with the President.
- iii) Should there exist a situation where the Executive Committee is ousted from the office or dissolved due to expediency of circumstances, the affairs of the Association shall be managed and governed as provided in Article 18.

ARTICLE-4 Definitions :

Unless the context indicates otherwise, the following words in the memorandum of Association shall mean:

- i) **ASSOCIATION** means the Distraict Bar Association, Karnal.
- ii) **COMMITTEE** means a member of the Association
- iii) **MEMBER** Means A member of the Association.
- iv) **NON-ACTIVE MEMBER** means A member whose name is kept on the list of members notwithstanding his having accepted an office of profit disentitling him to practice.
- v) **RESIDENT MEMBERS** means A member residing within the territorial limits of District Karnal and practising as an Advocate in courts at Karnal.

- vi) **NON-RESIDENT MEMBERS** means A member, who is not a resident member.
- vii) **ASSOCIATE MEMBERS** means A member from income tax Bar Association Karnal with degree in law and is associated with this Association with a view to make it more broad based and to enable it to achieve its aims and objects.
- viii) **CLERK** means A person under the employment of a member and registered as such with the Association.
- ix) **EMPLOYEE** means a person under the employment of the Association.
- x) **COURTS** means All courts, Civil, Criminal, Revenue and all other such courts-before which a member is permitted to practise under the various statutes.
- xi) **PRESIDENT** means Elected President of the Association.
- xii) **CHAIRMAN** means a Member, who presides over the general body meeting of the Association in absence of the President and Vice-President. And also as provided for other committees/sub-committees constitution under this constitution.
- xiii) **GENERAL BODY MEETING** means A meeting of all members enrolled with the Association.
- xiv) **RETURNING OFFICER** means A member appointed

by the General Body of the Association by consensus and if consensus fails, by majority vote to conduct the elections of the Association.

- xv) **OFFICIAL YEAR** means The official year of the Association which shall be from 1st January to the 31st December of every Calander year.
- xvi) **DEFAULTER** menas Any member, who has not paid his monthly subscription for a continuous period of three months or more and as such being in arrears.
- xvii) **STANDING AT THE BAR** means The period of membership of the Association.

PART-II

ARTICLE-5 Aims and Objects

The aims and objects of the Association are:

- i) to promote upholding of the rule of law.
- ii) to promote and protect the privileges, interest and prestige of the Association and to promote union and co-operations among the Advocates practising in the courts and other Associations of Advocates.
- iii) to promote and maintain a high standard of professional conduct among members of the Bar.
- iv) to establish and maintain an adequate library for the use of the members and to provide other facilities and amenities to the members.
- v) to express opinion on proposed legislation and other matters of interest and to make representation in respect thereof.
- vi) to take necessary steps to prevent and remedy any abuse of law or mal-administration of justice.
- vii) to make representations from time to time to the authorities on matters affecting the bar.

- viii) to acquire and safeguard the rights and privileges necessary or convenient for the purpose of the Association.
- ix) to promote and participate in All India Lawyers Associations and activities connected therewith.
- x) to adopt all such measures as might be necessary or incidental to the carrying out of the aforesaid objects.
- xi) to take measures, including funding and applying of funds for aid to deserving members of the Association and its employees and also their families.
- xii) to conduct and hold seminars, symposiums, conferences on issues and topic of interest to the legal profession and to disseminate information in this behalf.
- xiii) to promote the welfare of the members of the association.
- xiv) to associate itself with any work of humanitarian character and research.
- xv) to take such steps as may be necessary to safeguard and to protect the civil liberties of the people.
- xvi) to publish judgements and legal journals etc.

- xvii) to co-operate with any other Association or Associations connected with the legal profession.
- xviii) to provide legal assistance to public and to promote legal aid society for helping those, who cannot afford to pay for such a legal aid, either wholly or partly;
- xix) to maintain dignified relations with Judiciary and the District level Administration.

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PART-III

MEMBERSHIP AND SUBSCRIPTION

ARTICLE-6 Membership: There shall be following classes or members :

- i) Ordinary/resident members.
- ii) Non-resident members.
- iii) Non-active members
- iv) Life members
- v) Associate Members
- vi) Honorary Members.

ARTICLE-7 Monthly Subscription

- i) **Ordinary/Resident Members :** Every ordinary member of the Association shall pay in advance by the 1st week of each month a total monthly subscription of Rs. 20/- as membership fee to the Association, out of which 20 percent (of the monthly subscription i.e. Rs. 4/-) shall be library fee.

Provided that if the members pay Rs. 200/- in lumpsum at one go latest by the last date of nomination for annual election in January each year, then the member shall be deemed to have paid the full subscription for whole of the year.

Provided further that the library fee shall be apportioned in ratio as provided above.

- ii) **Non-Resident Members** : Every non-resident member of the Association shall pay in advance an annual subscription of Rs. 100/- payable upto 31st January, each year.

Provided, that a member seeking admission after the first day of July shall be charged Rs. 50/- only for that year

EXPLANTATION

- i) A person whose permanent place of business is outside the limits of District, Karnal may be enrolled as a non-resident member.
- ii) If any member who joins service or leaves the profession or shifts his/her place of business from the territorial limits of District Karnal may be continued as a non-resident member but shall not be entitled to contest and vote in elections.
- iii) **Non-active members** : A non-active member; whose name is kept in the list of members, during the period of his acting in the office of profit, will not be liable to pay membership fee for such period. However, if such a non-active member avails the facility of reading-room or the library, he will have to pay the library fee as fixed. When a non-active member becomes an active member, he shall have to pay the

monthly subscription as prescribed from the month he join as an active member.

- iv) **Life Members** : A member from any class any become a life member on the payment of a lump-sum amount of Rs. 5000/-. Such a member shall be exempted from the payments of all kinds of subscription of the Association and shall enjoy all privileges and facilities as are available to a regular member. Such life member shall also enjoy a distinction of his name being displayed on the Honour Board to be maintained by the Association.

- v) **Associate Members** : The Associate Member can not be required to pay regular monthly subscription but he shall pay a consolidated amount of Rs. 50/- per year or a nominal subscription of Rs. 10/- per month. Such a member shall have to right to attend the general body meetings of the Association and can avail the facilities of library and reading room etc.

EXPLANTATIONS : Old members from the faculty of income-Tax if in arrears and are willing to maintain their associated membership seniority, shall be permitted to do so by depositing a consolidated amount of Rs. 500/- or the amount of arrears due from them whichever is less by 31st January, 1996. However, limitation can be relexed by executive committee.

- vi) **Honorary Members** : The committee may in its discretion for any sufficient reasons to be recorded in writing, admit any person not practising at the Bar to be an Honorary Member of the Association. Such member shall be required to pay only once, a lump-sum amount of Rs. 2000/- and shall be entitled to use all including library facilities subject to the rules relating thereto but shall not be entitled to vote in the management and affairs of the Association.

ARTICLE-8 Provision as to an Absence/Illness :

Any member, who is liable to pay monthly subscription shall :

- a) for the period of absence, beyond 3 months from the territorial limits of District, Karnal

OR

- b) period of absence due to illness

OR

- c) period of absence due to any reason when the member is prevented from practising for a continuous period of three months or more, for such period be required to pay a nominal monthly subscription at a rate of Rs. 5/- only.

Provided that the period of which the lower rate of subscription is allowed, shall, in case of absence count from the date on

which the member concerned informed the General Secretary in writing and until his return:

Provided further that the member for such a period actually remained absent or prevented by illness and has not actually made use of the library or any other facility provided by the Bar/Association.

- d) Any members, who defaults in making payment of the monthly subscription for a continuous period of three months, such member shall be deemed to be in arrears and a notice thereof shall be sent to the defaulting member through a peon book and such member shall make the payment of the arrears including penalty amount which shall be Rs. 10/- per month if the default continues beyond a period of 6 months. Further, If such a member does not make the payment of all arrears upto the last date fixed for election nomination, then the name of such member may be struck off from the rolls of the Association. The information to this effect shall be given to the District & Sessions Judge, the Collector and the Secretary of the Punjab & Haryana Bar Council for necessary action.

Provided that no such member shall be re-admitted unless he has paid the arrears and fresh admission fee in full. Such a defaulting member shall have to right to

vote or to contest in the elections of the Association during the period of default.

ARTICLE-9 Enrolment of Members and Procedure :

i) **Enrollment** : Subject to the provisions in this Memorandum of Association, every Advocate entitled to practise law shall be eligible for membership to the Association. An application for the membership shall be submitted in the prescribed form together with the following :

- a) an admission fee of Rs. 500/-
- b) latest photograph in triplicate.
- c) original degree in law and certificate in original issued by the respective Bar Council.
- d) an affidavit duly attested, to the effect.
 - i) that no case is pending in any court or law involving the moral turpitude.
 - ii) that no case is registered with the police against the incumbent at the time of enrolment.
 - iii) that the incumbent does not suffer from any kind of discredibility, which may lend a bad name to the Association by admitting him as its member.

Provided that the name of the new incumbent

at the time of the application is recommended by atleast two members of this Association.

- ii) **Procedure** : On receipt of application from the Advocate concerned, the General Secretary of the Association shall place the same before the Executive Committee of the Association for consideration. The committee will examine and deliberate on all aspects including verification about genuineness of all testimonials including degree in law and on being satisfied in all other respects and about the claims and antecedents of the incumbent, it will admit him as a member of the Association. The Committee shall have the power to reject an application without assigning any reason.

However, in case of rejection of application, the admission fee and the original certificate etc. shall be returned to the applicant. The committee shall also decide about the status of the members from time to time.

Provided that such admission shall remain provisional until the genuinessness of aforesaid testimonials, especially the certificate and degree in law from the Bar Council and the University respectively is ascertained. The committee shall be duty-bound to ascertain the genuiness of the

testimonials maximum within a period of one year from the date of making of application for enrolment. However, if the verification of not effected within the prescribed period, then the member shall be deemed to have been enrolled as a regular member. The rights and privileges of a member admitted provisionally as member of the Association shall not be affected in any manner whatsoever.

Provided further that the genuineness of the aforesaid testimonials of the existing members also shall be got verified by the Committee and in case any defect, illegality and/or his fraud is detected, the member shall not only be liable to be removed from the roll of the Association but it shall also be within the powers of the Committee to initiate such penal action or otherwise as the Committee may deem proper and necessary.

ARTICLE-10 Special provision for arrears due before the commencement of this memorandum of Association : The Executive Committee shall have the authority and will be competent to realise by instalments, all arrears of subscription and/or other dues, failing one upto the date of coming into force of this Memorandum of Association.

ARTICLE-11 Suspension of Practice/Membership : If a member who is appointed to or accepts any

office or profit disentitled him to practise or otherwise suspends his practice, desires to continue his membership of the Association during the period, he may apply to that effect and the Executive Committee may permit his name to be kept in the list of non-active members, subject to the payment of dues prescribed in that behalf, if any.

ARTICLE-12 Removal and re-admission of a member : Save as provided in the Article in the Article-B, no member shall be removed due to any reason from the Association except by a resolution passed by 2/3rd of the members present and voting in an extra-ordinary general meeting specially convened for the purpose.

Provided that a member so removed may be re-admitted by the Committee, with the prior approval of the General Body of the House, but not earlier than six months from the date of such removal and on such terms (including payment of admission fee), as the Committee may think proper.

Provided further that the meeting for re-admission of a member shall be attended by not less than one half of the total member of members excluding non-voting members.

ARTICLE-13 Ceassion of Membership : A member of the Association shall cease to be so, if:

- a) he expires, or
- b) he assigns, from membership and his resignation is accepted by the Executive Committee or
- c) his monthly subscription falls in arrears for six months or more and remains unpaid till the last date fixed for election nomination in case of any ordinary member and his annual subscription falls in arrears for two years or more in case of an Associate/non-active/non-resident member and he fails to pay within seven days after the receipt of a notice from the General Secretary.

PART-IV

MANAGEMENT

ARTICLE-14 Committees and Governance of Association.

- i) **Executive Committee** : The affairs of the Association shall, subject to this, Memorandum of Association and the general control of the house, be managed by the Executive Committee (hereinafter called Committee) consisting of the following :
- i) President (to be elected).
 - ii) Vice-President (to be elected).
 - iii) General Secretary (to be elected).
 - iv) Joint Secretary (to be elected).
 - v) Treasurer (to be elected)
 - vi) Auditor (to be nominated)
 - vii) Library Secretary (to be nominated) and
 - viii) 14 more members (to be nominated).

EXPLANTATION : The President, in consultation with the other members of the Committee, shall more nomination(s) for one or more posts mentioned at serial No. (v), (vi) and (viii) above. The members of the Executive Committee shall be nominated by the President in consultation with all elected office-bearers. Out of the total 14 members of the committee, at least 3 members will be senior members having at least 20 years of standing at the Bar and similarly 3 more members to be nominated on the Committee will have between 10 to 20

years, practice. A lady member, if available, shall also be nominated as a member of the committee. Normally, the President shall make nominations to the various posts/Committee in the manners provided, but if the President so chooses in his wisdom, he may or may not make any nomination for the posts as provided at serials Nos. (v) (vi) and (vii) of clause(I) of Article 14 but the committee shall be a team of total 21 members, including elected one.

2. Disciplinary Committee :

- i) There shall be Disciplinary Committee constituted by the Executive Committee and headed by a member called CHAIRMAN having at least 20 years standing at the Bar with two more members with at least 15 years of membership each.
- ii) The tenure of the Disciplinary Committee shall be one year and its composition shall not be altered in any manner.

Provided further that the D-committee shall extend its assistance/co-operation whenever sought by the Bar President in addition on its duties.

ARTICLE-15 Duties and functions of the office bearers:

- 1) **President :** The president shall be the Head of the Association and shall:

- a) preside over the ordinary, extra-ordinary or requisitioned meetings of the executive Committee and/or those of Associations.
- b) control and regulate, the business of the Association and its meetings.
- c) authenticate the minutes of the meeting after approval of the same by the Executive Committee.
- d) represent the Association on all occasions.
- e) exercise power to sanction any expenditure, within budget, for a sum not exceeding Rs. 500/- for non-recurring expenses, without previous approval of the committee.
- f) act as spokesman of the Association.
- g) appoint or dismiss any servant or other employee of the Association, or take disciplinary action against any such person, subject to the confirmation by the Committee, and shall issue all necessary orders and directions to the Superintendent and the staff of the Association.
- h) Be competent to assign any independent task of Responsibility to any of the office bearers and on members of E.C. independently or jointly.

2. Vice-President

In the absence of the President, the Vice-

President shall exercise the powers, perform the duties and carry out functions of the President.

Should the office of the President become vacant at any times, the Vice-President shall act as President and the Committee may thereupon elect one of its members to act as Vice-President until the election takes place. When the office of the Vice-President becomes vacant, the Committee may fill up the vacancy in the same manner.

3. General Secretary

The General secretary shall be the executive officer of the Association. He shall be responsible for the proper and systematic working of the Association and in particular shall :

- a) convene meetings and issue notices for calling such meetings i.e. ordinary, extraordinary and requisitioned meetings of the Executive Committee or of the Association.
- b) carry on all correspondence and maintain the office of the Association.
- c) draw and record full and the accurate minutes of the proceedings mentioned in clause(a) above;
- d) take all steps to implement the decision/ resolutions passed by the Executive Committee

and by the general body of the Association.

- e) address letters and communicators/representations to the authorities on behalf of the association with the knowledge of the Executive Committee.
- f) be the custodian of the property of the Association except the money and securities and shall maintain the Register of minutes and records of the Association.
- g) prepare agenda for all kinds of meetings.
- h) contest, represent all suits and legal proceedings on behalf of or against the association.
- i) be competent to engage counsel of consultation with the President.
- j) prepare the annual report of the Association and its Executive Committee and shall place the same in the General Body meeting for its approval;
- k) discharge the administrative functions, including sanctioning of bills of recurring expenses.
- l) spend, within budget, a sum not exceeding Rs. 100/- for non-recurring expenses with the previous approval of the Committee.
- m) do and ensure all other acts/things and deeds for the due compliance of the

provisions of the Memorandum of Association.

- n) maintain proper records of the Association and supervise the maintenance of books of accounts;
- o) perform all other duties and shall transact all other business concerning the Association and shall do all other works as the Committee from time to time entrusts to him.
- p) take all other steps to keep the maintain the finances of the Association in a sound conditions.
- q) be responsible for making all arrangements for the ordinary functions including the viists of VIP's in the Bar and activities of the Association.

4. Joint Secretary

The Joint Secretary shall assist the General Secretary in the discharge of his duties and functions and in his absence shall perform all duties and exercise all powers vested in him.

5. Treasurer : The treasurer shall :

- a) collect all dues and subscriptions of the Association.
- b) hold and operate the finances of the Association under the supervision of the

President;

- c) make payment only on order from President;
- d) maintain proepr and uptodate accounts and submit the same every month before the Executive Commitee in its monthly meeting.
- e) get the accounts aduited annually before me annual general meeting of the Association.
- f) counter-sign all receipts to be issued to all the members.
- g) keep supervision on the staff collecting the subscription and the same being maintained properly.
- h) deposit all funds of the Association in some Banks approved by the Commitee except such amount as may be kept as cash for meeting the day to day, financial requirements of the Association or any other sum which may be approved by the Executive Committee for being kept as cash in hand. However, the ban account shall be jointly operated by the President and the Treasurer.
- i) prepare and submit to the Executive Commitee, before the annual general meeting, the details of the accounts.

6. Library Secretary : The library Secretary shall :

- i) be responsible for the proper management and upkeep of the Library;
 - ii) be responsible for collecting library dues and for taking steps to enforce payment of library and other dues on intimation from the Treasurer.
 - iii) recommend to the Executive Committee or a sub-committee of appointed for that purpose, the books, journals, magazines and newspapers to be purchased by the Association.
 - iv) maintain and approve the library.
 - v) be convenor of the Library committee constituted, if any by the Executive Committee for purchase of books etc.
 - vi) regulate about the taking out of the books from the Library by the members;
 - vii) ensure purchase of relevant books, journals, periodicals, newspapers and magazines on the recommendations of the Committee;
- Provided that : No purchase shall be made unless recommended by the Committee.
- viii) maintain a register of the books in the library indicating the value of each book, the amount annually written off, books lost and destroyed.

- ix) apprise the Executive Committee quarterly about the latest position of the library.

7. Auditor

The accounts of the Association shall be audited atleast once a year by the Auditor. The Auditor shall be appointed or nominated by the President in consultation with the Executive-Committee. The Auditor shall examine the entire accounts of the Association and shall have ccess to the accounts and vouchers at all times throughtout the year. The Auditor may make such comments on the affairs of the accounts as he may deem proper and shall countersign the same. He shall submit an annual brief report on the state of the accounts. The Auditors report shall be laid before the annual general meeting with the complete balance sheet.

ARTICLE-16 Duties and powers of the Executive Committee

:

- 1) The Executive Committee shall hold, control and administer the property and funds of the Association and use the same for achieving its aims and objects and shall have powers to constitute such sub committees as may be required for the furtherance of propre governance of affairs of the Association.

- 2) The Executive Committee shall constitute a Disciplinary Committee and any other such committee for Committees as it may deem necessary for effective discharge of its duties.
- 3) The Executive Committee may constitute a Library Committee to be headed by the Library Secretary as its Chairman alongwith other two members to help and guide the Chairman in executing the specific task entrusted to this Committee.
- 4) The Executive Committee will hear the grievances, of the members, if any, and take a decision by majority votes. In case of equal voting for or against, the President shall have a casting vote.
- 5) The Executive Committee will be competent to appoint all the clerical staff, peons and other employees of the Association. No employee shall be employed by any individual of the Committee.
- 6) The Executive Committee will make rules relating to service conditions of employees and will define their duties. The rules for grant of leave to the employees will also be framed by the Executive Committee and the same shall be got approved from the house.
- 7) The Executive Committee will fix and/or revise

the salaries and allowances and grant advances to the employees and shall make rules in that behalf.

- 8) The Executive Committee shall manage and regulate the finances, accounts, investments, properties and all administrative affairs, of the Association and for that purpose shall appoint such agents as it may deem fit.
- 9) The Executive Committee shall be competent to accept donations and transfer of property to the Association.
- 10) The Executive Committee shall have power to enter into very, carry out, confirm and cancel the contracts and licences on behalf of the Association. However, the Executive Committee will seek approval from the General Body in the event of a project involving a sum more than Rs. 10,000/-.
- 11) The Executive Committee shall be competent to invest any money belonging to the Association in such manner as it may deem fit, but shall seek prior approval of the general body in case such investment exceeds Rs. 10000/-
- 12) The Executive Committee shall have an over all control over the affairs of the Library.
- 13) The Executive Committee shall be competent to restrict the rights and facilities to

all other members other than the resident members. However, imposition of such, restrictions, is to be got approved from the General Body. The aggrieved member shall have a right to requisition the meeting of the General body of the house and seek a review of its decision. The aggrieved member may appear and present his case in person or through his agent even when the general body meeting is on for approval of the decision of the Executive Committee.

- 14) The Executive Committee shall have power to grant and sanction expenditure in case of emergency to the extent of amount which it may deem fit to meet the exigency.
- 15) The Executive Committee shall be competent to elect office-bearers and nominate members of the Executive Committee for the remaining period of the year in the event of a vacancy subject to the provisions contained in this Memorandum of Association.
- 16) The Executive Committee shall help and guide the General Secretary in discharge of his duties.
- 17) The Executive Committee shall be competent to recommend to the Association, the removal of any member from its membership whenever: may be required for the furtherance of proper governance of affairs of the Association.

- a) It appears that the continuation of any person as a member of the association is detrimental to its interest;
- b) For any reasons affecting the honour and dignity of the professions of the Association

OR

- c) It is deemed expendant so to do.

Provided always that the member concerned has been given an opportunity of being heard.

- 18) It shall be the responsibility of the Executive Committee to arrange and organise social and other functions and activities and take all steps necessary for realisation of the aims and objects of the Association.

Note : All the time of drafting of this Memorandum of Association it is given that the Executive Committee likely to be elected this some year time in the month of September, may be allowed by the House to continue in office till the new Executive Committee is elected in the month of January, 1996, irrespective of the fact that the terms of the present Executive Committee expires in September, 1995. But in case the House decides to hold election, then term of new Committee shall end by December, 1995 to pave way for fresh election in January, 1996.

ARTICLE-17 Duties of the Members : A member of this Association shall abide by the following professional duties viz;

- i) A member shall endeavour to provide full assistance to the Court and a competent representation to his client.
- ii) In representing a client, a member shall be delay proceedings when it is obvious that such action would serve solely to harass or injury the other party.
- iii) A member shall not knowingly.
 - a) make a false statement of a material fact or of law to the court.
 - b) shall not seek to influence the court or judges or officials of the Courts in any manner or by any other means prohibited by law or by false representations on behalf of his client, nor shall indulge in such other activity intended to bring disrepute to the profession and functioning of the courts.
- (iv) a member shall participate in serving those person/group of persons, who are unable to pay all or portion of reasonable fees or who are unable to obtain representation by counsel. A member may discharge this duty by providing professional service at no fees/at a substantially reduced fee to persons/groups

of persons, who are unable to afford for a consuel or by active participation in the work of the Legal Aid Committees:

- (v) A member shall charge a reasonable fee fromt his client which should be determined on the basis of the time and labour spent over the matter.

ARTICLE 18. Vacancies of the Executive Committee.

- (1) In case of any vacancy arising in any manner, among the members of the Executive Committee or the office beareres during the year. It shall be competent for the remaining members of the Executive Committee to co-opt anymember of the Association in th Executive Committee and to elect one of its members to ne suh office-bearer for the remaining period.

Provided that in the event of the office of the President or the General-Secretary falling vacant, the Vice-President and the Hoint Secretary respectively shall automatically act as President and General Secretary upto the next election.

- (2) Any member of the Executive Committee, who absents himself from threee cosecutive meetings of the Committee without assigning sufficient cause, may be remaove from the Committee by a resolution of the Executive Committee in this behalf.

- (3) In case an office-bearer or member of the Executive Committee resigns or ceases to be a member of the Association or a motion of no confidence is passed against him or incurs the disqualification referred to in clause (2) above, he shall cease to hold his office to remain a member of the Executive Committee.

ARTICLE 19. Removal of Executive Committee.

All the powers under the Memorandum of Association shall vest in the Executive Committee shall hold office for a term of one year and cannot be removed or replaced during its tenure so long as it enjoys the confidence of the members, However, in exceptional circumstances the Committee can be ousted or removed but only through a no confidence motion in accordance with the provisions of Article 20.

ARTICLE 20. No Confidence Motion.

- (1) The Executive Committee shall cease to be in office on a vote of no confidence passed against it in a General Meeting of Association specially called for that purpose only.

Provided that such resolution is passed by a majority of 2/3rd members of the total members on roll excluding non-voting members.

Provided strictly further that the requisition on prescribed from for no confidence motion is move at least by 200 members, who shall be present head count and shall state and substantiate the reasons for such a motion. In case a no confidence motion is carried against the Committee then in the same general body meeting itself; an adhoc committee of five members shall be set up by consensus with senior most as its Chairman to carry on the business of the Association till the new Executive Committee is elected.

Any member of the Executive Committee or any office bearer shall likewise cease to hold office if a vote of no confidence is passed against him in the same manner as provided hereinbefore.

- (i) The President of the General Secretary whenever, deem necessary may circulate any proposal or resolution among the members of the Executive Committee and in case a majority of the members of the Committee agree such proposal or resolution, it shall be considered to have been passed by circulation and shall be recorded in the minutes

ARTICLE 21. Governance of the Bar Affairs after the removal of the Executive Committee.

The affairs of the Association in the absence of

of the Committee shall be governed by ; an ad-hoc Committee to be constituted in accordance with the provisions of Article 20 till the new Committee is elected. However the posts of Returing Officer shall stand automatically revived int he event of the Committee.

is voted out or removed from the office in such an eventuality the election of new Committee shall be completed within a period of one month. It is provided here that no such election shall be conducted if the left over term of the Committee is less than 90 days from the date of the removal of the Committee

PART-V

MEETINGS AND ELECTIONS

ARTICLE 22 Annual General Elections

(1) Notice for the Annual General Meeting.

The Executive Committee shall fix a date for the annual general meeting to be held in the month of Dacember with 7days perior notice to member

(2) Holding Annual General Meetings.

The Annual General Meeting of the Association shall be held in the last month of the official year of the Association to transact the following business:-

- i) to discuss the progress report of that year
- ii) to pass the accounts of that year:
- iii) to appoint Returning officer and Asstt. Returning Officer for the election of the new Executive Committee in the month of January following year:
- iv) to appoint an Election Tribunal for hearing election petitions.
- v) to consider any other matter with the permission of the President.

All members is annual meetings shall be

decided by **consensus** and if consensus fails, by a majority vote of the member present and voting in case there being a **he**, the Chairman of the meeting shall have a casting vote in addition to his own.

ARTICLE 23. Notices for other meetings

A notices of a **atleast** 48 hours shall ordinarily be necessary for an extra-ordinary general meetings atleast 24 hours notice shall be necessary. However, no such requirement of notice shall be necessary if in the opi nion of President the decision of the House is urgently needed to deal with the sudden and emergent situation.

ARTICLE 24. Ordinary or Extra-Ordinary General Meetings

- (a) An ordinary of extra-ordinary general meetings shall be called by the Gneral Secretary in the following cases.
 - i) on the resolution of the Executive Committee to that effect, OR.
 - ii) on a written requisition on prescribed proforma by atleast 75 members of the Association, OR.
 - iii) Whenever it is considered necessary by the President.
- (b) The requisition under sub-clause (ii) of

clause (a) shall always specific the obhect of the meeting.

ARTICLE 25. Quourum

- (1) Atleast 75 members hall form the quorum for a general meeting.
- (2) Atleast 1/3rd of the members will form quorum for any meeting of the Executive Committee.
- (3) One-half of the members shall form the quorum for other committee/ sub-committees which ma be constituted for various other purposes.

Provided that no business shall be transacted at any gneral meeting convened through requisition and no resolution. calling in question the conduct or character on expelling of any member for specific period of varying adding to, or deleting rules framed or any of them, shall be passed unless the President or the Vice-President and atleast 100 other members are present there at;

Provided further that no quorum will be necessary for an adjourned meeting. All members present shall have a right to vote subject to the limitation and restriction imposed vide various provisions contained in this constitution.

ARTICLE 26. Elections

The Annual General Elections for the various posts as provided in Article 14, shall be held by the end of January each year in accordance with the provisions of this constitution and the Election Rules framed thereunder.

ARTICLE 27. Election Tribunal

A member having not less than 20 years of standing at the But and not intending to contest the elections shall be appointed with the consent as Election Tribunal. The tenure of such Election Tribunal shall come to an end as soon as the Election Petitions, if any, are disposed off and he shall function and discharge his duties as provided in the rules framed under the Memorandum of Association.

ARTICLE 28. Appointment of Returning Act Asstt. Returning Officer.

The General body of the House in its annual meeting shall appoint a returning and a Asstt. Returning Officer for the conduct of three, fair and smooth elections of the Association in accordance with the rules framed. The decision of the Returning Officer in the matters relating to elections shall be final and binding and shall not be called into question in any court of law or by the

general body of the house. The tenure of these officers will come to an end after the announcement of the election results except as provided in Rule 3 of the Election Rules.

Provided that in the absence of Returning Officer Asstt. Returning Officer shall be competent to assume the duties and powers of exercise the same as full-fledged Returning Officer.

ARTICLE 29 Election Petition.

Election petition(s), if any, may be preferred within half an hour after the declaration of the result, before the Election Tribunal, so appointed for the purpose under Article 25 only on a ground of re-counting and no other.

The election Petition(s) shall be heard and disposed off in the matter as provided under Rule 14 of the Elections Rules appended to this Memorandum of Association. The decision of the Tribunal in this behalf shall be final and binding and will not be called into question before any court of law/general body of the House.

ARTICLE 30 Oath

All the elected persons shall be administered oath in accordance with Rule 13 of the Election Rules.

PART-IV

**AMENDMENTS, PROFESSIONALS, CONDUCT AND SERVICE
CONDITIONS**

ARTICLE 31. Repeal and Savings

The Rules/Byelaws framed under this Memorandum of Association of District Bar Association, Karnal dated 10.11.1984 are hereby repeated.

Provided that all notices; rules, regulations and orders issued under them before the commencement of this Memorandum of Association shall remain in force as if issued under the relevant provisions of this Memorandum of Association and will continue as such so long as fresh notices, rules, regulations and orders are not passed under this Memorandum of Association.

ARTICLE 32. Amendment

Any amendment in the provisions can only be made by a resolution of general body of the Association in a general meeting held after 7 days prior notice of the proposed amendments and with a clear majority of 2/3rd members on the Rols of this Association voting for such amendment.

Provided that such proposed amendment shall be signed by not less than one-half of the total number of members of the Association

of Roll excluding members, who are prevented from casting their votes. All members proposing amendment shall be present head court and shall state and substantiate reason for such an amendment.

ARTICLE 33. Private Conversations Confidential

No publicity shall be given to any statement of expression of opinion of conversation in any premises at any time occupied by the Association. Any member infringing this Rules shall on proof thereof be liable to have his name removed from the membership.

ARTICLE 34. Professional conduct of members and their employees.

- 1) No member shall be entitled to practise in courts at Karnal unless he is duly enrolled as a member of this Bar Association.
- 2) No member shall receive any brief or otherwise take any case from or through any of the following persons, namely.
 - i) any person whom he knows or has reasons to believe to be a tout;
 - ii) any person, whose name is entered on the list of any Court as being a tout or on the list of reputed touts kept by the Committee.
 - iii) a clerk whose employment to the members of the Association prohibited by the Committee.

- 3) For the purpose of Article 32(2), the committee shall maintain a list of persons reputed to be touts, and shall revise the list from time to time. The list shall be open to inspection by members in the Library during working hours on all days other than holidays.
- 4) No member shall directly or indirectly indulge in publicising his name as an Advocate in any manner whatsoever to attract work.
- 5) No member shall employ :
 - i) as a Clerk, Munshi, Chaprasi or other servants, any person mentioned in Article 34, clauses (i) and (ii) or on the list mentioned in relevant Article.
 - ii) in any capacity any person who has:
 - a) at any time been recorded as a bad character or be a disreputable character and objected to by the Committee as such;
 - b) convicted of giving or fabricating false evidence, theft, forgery, criminal misappropriation or breach of trust, or any offence which in the opinion of the Committee renders him unfit to be employed by a legal practitioner.
 - c) been declared by the Committee not to be a fit and proper person for or whom the

Committee has prohibited from such employment or retain the service of any person, who may at any time be found to have been ineligible under this Article.

- 6) No person shall be employed as a Clerk by a member of this Association unless he fulfills the conditions as are laid down by the High Court from time to time.
- 7) No member shall engage, as his clerk or munshi any person, who having served as such, does not produce a certificate of good character from his last employer or explains the non-production thereof to the satisfaction of the Committee.

ARTICLE 34-A Consultation Fee

No member of this association shall render any legal consultation/advice to any client without charging consultation fee.

ARTICLE 35. Staff and tehir service conditions

1) Office Superintendent

For efficient functioning of the administration of the District Bar Association, a post of Office Superintendent is created and the incumbent may possess the following qualifications :

- i) should be at least matriculation.

- ii) should be well conversant with English language i..e speaking and writing.

NOTE : The employees retiring from the local courts may be preferred.

- 2) Librarian
- 3) Clerks
- 4) Peons and
- 5) Sweepers

The Executive Committee shall be competent to appoint as, many clerks, peons and sweepers from time to time as it deems sufficient and fix their pay scales as it may deem proper.

EXPLANTATION-I

The pay scales for various categories of employees shall be fixed at just and reasonable scales.

EXPLANTATION-II

An employee, who is already in employment of the Association and has put in at least 5 years of service and his conduct and efficiency is found to be satisfactory in the estimation of the Executive Committee, will be confirmed within a period of one year from the date of enforcement of this Memorandum of Association.

EXPLANTATION-III

The services of the so confirmed employee

will not be terminable without serving upon him a show-cause notice and without giving him an opportunity of being heard in person or through his Agent.

EXPLANTATION-IV

Action of the Executive Committee for the purpose of appointments of the staff, regulating their service conditions, suspensions, dismissal, reinstatement etc. will not be called question in any court of law and the decision of the appropriate authority in this regard shall be final.

EXPLANTATION-V

The Executive Committee shall frame the Rules providing for pay scales with allowances and service conditions, leave and on such other aspects of the employment, within a period of one year from the date of commencement of this mamorandum of Association.

ARTICLE 36. Referee

All differences between members and members and Association shall be resolved through a referee appointed by the Committee. The decision of the Referee shall be final and binding on the contending parties.

ARTICLE 37. Right of dissent

Members shall have right to dissent against

the decisions of the Executive Committee. Such dissent, shall not be expressed by the member/members through hand-bills posters or press statements. However, if at least 25 members, disagree with the decision of the Committee, they shall have right to voice the dissent by the first placing in writing before the Committee to do the needful within 48 hours. If nothing is done by the Committee within the aforesaid time, then through the requisitioning of General Body meeting in terms of the provisions laid down in the relevant clauses, they can voice their dissent in that meeting.

Provided that remedy of dissant shall not be available after 3 days from the date of such a decision over which dissent expressed.

**ARTICLE 38. Mis-conduct by the Members and
Disciplinary Action.**

The following cts on the part of the members shall constitute misconduct;

- a) Wilful disobedience or non-compliance of the decisions taken by the Executive Committee, General Body or decision of any other sub-Committee constituted under this Memorandum of Association.
- b) threatening the members of the Committee or those of the sub-committees or of persons

appointed by the District Bar Association, Karnal or coercing them to do or not to do any act in discharge of their duties and functions under the Memorandum of Association.

- c) mis-use of the Chambers, seats, Library, Reading room, Conference Hall and any other building or premises or part of the premises which are under the control of the Association.
- d) carrying on illegal and undersirable activities like gambling playing cards and drinking etc. in bar premises, during and after the working hours.
- e) threatening and/or assaulting the members of employees of the Bar-Association.
- f) acts, deeds, which do not behave to the advocates and committee professional misconduct as definede under Advocates Act, 1961.
- g) any member found helping touts or soliciting work through touts;
- h) attending courts or court proceedings or meetings of the Association afer consuming liquor.
- i) acting against the interest of the Bar and the decision of the Executive Committee/ General Body.

- j) assaulting the employees of the Association or obstructing them in discharge of their duties, directions/instructions of the Executive Committee.
- k) disrupting or attempting to disrupt the unity of the Association by factional activity or forming any parallel panel of the Bar Association or misusing the name and letter pad of the Bar Association whether in writing or otherwise.
- l) nuisance or disturbance or putting any hindrance in smooth conduct of Executive or general body meeting.
- m) Tempering official record of the association or tearing of or disfiguring or damaging and/or removing of library books or any other property of the Bar Association.
- n) distributing passing over or allowing the stickers of the Bar Association meant for cars/scooters for usage of non members/non-advocates.
- o) using the service of the employees of the Association during working hours for personal work unless any kind of work is permitted by the Executive Committee.
- p) forming any society/association on the lines and in the name of caste, class or religion etc.

- q) doing any act to disintegrate the unity of the Bar;
- r) issuing posters, hand-bills against the decision of the Executive Committee or the General body.
- s) engaging any persons declared to be touts in the employment as clerks of sheltering any person/member against whom the Association has lodged a civil/criminal case or has taken any disciplinary action for committing misconduct.
- t) allowing any person to sell any item or to take benefit from the property vesting with the Bar Association.
- u) any act or acts or expression injuring the religious feeling of any member(s) and any such other act or acts or expression, which, in the opinion of the Committee, constitute a mis-conduct.

ARTICLE 39. Disciplinary Action.

The Executive Committee on the receipt of the findings of the disciplinary Committee, may be passing a resolution take the disciplinary action against the erring member(s) with the approval of general body of the House, which may include;

- a) **Suspension** : Suspension for term which may extend to six months (Suspension period)

will be considered as a break for the purpose of membership of the District Bar Association, Karnal and Welfare Scheme).

- b) Removal of the member from the rolls of the membership of the Association and withdrawing all facilities enjoyed by the member at the time of mis-conduct.
- c) cancellation of chamber(s)/removal of seat(s) allotted to the member(s) including removal of the board(s) of the erring member(s)
- d) Reporting the mis-conduct to the Bar Council of Punjab & Haryana, Chandigarh.
- e) Imposing penalty of amount not exceeding Rs. 1000/- and the minimum penalty would not be less than Rs. 300/- which has to be deposited with the District Bar Association, Karnal.
- f) The General Secretary of the Association shall within 15 days of taking action, report the name(s) of the offending member(s) to the District Judge, Karnal nad Bar Council of Punjab & Haryana, Chandigarh.
- g) The Committee may also debar any erring member from carrying on practice in Courts at Karnal.

PROCEDURE :

The procedure to be followed in taking disciplinary action will as far as possible, be in conformity with principles of natural justice. The following procedure shall be followed :

- i) On receipt of the complaint, the General Secretary shall call comments from the members, against whom the complaint is received, requiring the member to submit the same within 7 days
- ii) On receipt of the comments from the concerning members, the General Secretary shall forward the complaint alongwith comments, if received, to the Disciplinary Committee for investigating the matter. The Disciplinary Committee after giving proper hearing to both the parties shall record its finding and forward the same to the Executive Committee within next 7 days.
- iii) On receipt of the findings of the Disciplinary Committee, the Executive Committee shall issue show cause notice to the erring member within 3 days of the receipt of the findings from the Disciplinary Committee and requiring the member to make representation within two days, against the proposal action.
- iv) On receipt of the reply to show-cause notices

as referred above and in case of the proof of the guilt, the Committee shall take action or actions as are incorporated in Article 38, within 7 days. The Executive Committee shall also be competent to initiate action suo-moto or on the complaint made to it by any member.

ARTICLE 40. Code of conduct for Executive Committee.

- i) In the case of any dissent or differences of opinion, the members shall be bound by the majority decision. Any violation thereof shall entail disciplinary action.
- ii) No member of the Executive Committee except the President shall issue press statements.
- iii) Decorum will be observed in the meeting and proper respect will be required to be paid to the chair.

PART-VII

WELFARE SCHEMES

ARTICLE 41. Welfare Scheme

The legal fraternity constitutes one of the leading segments of the intellectual communities and is largely responsible for the maintenance to and upholding of rule or law, which is a basic and the strongest pillar of democracy. Lawyers thus render a yeoman service to the nation, but while every other class of services, has been provided with provisions of security in one form or the other, the lawyers have none atleast in the State of Haryana. It is, therefore, imperative on the part of this Association to initiate steps to create life security in the form of and through welfare schemes. Hence, it is provided that the Association through its Executive Committee shall endeavour to take up the cause of welfare through various schemes like Group Insurance Scheme at its own level and shall also approach the Government for bringing a comprehensive law on the pattern of Maharashtra and Rajasthan Governments. It shall be the bounden duty of the Committee to approach the Haryana Government for such an enactment as early as possible.

CHAPTER-VIII

RULES

LIBRARY RULES

OF LIBRARY OF

THE DISTRICT BAR ASSOCIATION, KARNAL

1. **Name** : The Library shall be named as **Karnal District Bar Association, Karnal.**
2. **Location** It shall be located at the District Bar Association premises at Karnal.
3. **Definitions** : Unless context refer to otherwise :

Member means a member of the District Bar Association, Karnal.

Library means Karnal District Bar Association Library.

Books include books, Law Reports, Journals, Magazines, Periodicals, Digest, Gazettes and Rajpatrasand all other such printed material as may be deemed necessary to keep library up dated.
4. **Membership and Subscription** : Every ordinary member or life member, who is practising in Karnal Courts, shall be deemed to be a member of the Library and shall have to pay Rs. 5/- per month by the 1st week of each months as subscription as provided in the Memorandum of Association.
5. **Incharge of Library** : The Library Secretary or any member so appointed, shall be directly

incharge of the Library and all routine work of the Library will be carried on by the Librarian appointed by the Association under the supervision of the Library Secretary to collect subscription, penalties and other charges in respect of library and Books.

6. Membering of Books

- a) A catalogue of all the books shall be maintained and kept in the Library. It shall be open for inspection to members.
- b) Index of all general and text books shall also be maintained for use of members, and books shall be accordingly kept.

7. Purchase of Books and the Register.

- a) A separate register containing full details of all the books, purchased indicating the cost of each book shall be maintained.
- b) Any member may make suggestions regarding purchase of books for the Library and the Library Secretary or such other member shall put up such suggestions before the Executive Committee for consideration.

8. Daily Timing

The Library shall open on all working days fifteen minutes before and close half-an-hour after the court hours.

9. **Issue of Books**

- 1) In order to maintain upto date library, it is given that no books will be issued to the members except on the responsibility of the President and General Secretary who shall ensure the return of books from the member within two days from the date of issue. In case the books so issued are not returned, then the President and the General Secretary shall be responsible for meeting the cost of such books.
- 2) The members, however shall be entitled to consult the books in the Library room itself during working hours and shall also be entitled to get the relevant rulings photostated for presenting them in the courts in supports of their cases.
- 3) All current issues of every newspaper, magazines, journals and periodicals coming in the Association shall be kept on tables assigned for the purpose and shall not be removed by any member or taken out of the Association premises during library timing.
- 4) At the end of the year, all the waste newspaper etc. will be disposed off by the Library Secretary or incharge of the Library.
- 5) No person other than a member will be allowed entry in the Library.

10. **Smoking, Tea, Eatables, Prohibited** : Smoking, Tea and other eatables are strictly prohibited in the Library.
11. **Action against erring members** : If any member commits a breach of the Library Rules and President shall initiate action against the erring members as he may deem proper and necessary.
12. **Complaints/Suggestions about the Library** : All complaints/suggestions about the library should be made in writing to the Library Secretary of the Member Incharge of the Library or in the Book maintained in the Library for the purpose.

ELECTION RULES OF THE

DISTRICT BAR ASSOCIATION, KARNAL.

RULE-1. Appointment of Returning and Asstt. Returning Officer :

There shall be a Returning and Asstt. Returning Officer appointed for the purpose of conducting the elections of the Association. The appointment of the Returning or Asstt. Returning Officer shall be made with his consent in the Annual General Meeting held in December, each year. The outgoing Executive Committee shall propose one or more names for being appointed as Returning Officer and Asstt. Returning Officer with their consent. Efforts may be

made for concensus appointments of such Officers, failing which, the appointments shall be decided by majority votes.

**RULE-2. Qualifications of the Returning and
Asstt. Returning Officer.**

- i) A member intending the contest any election of the Executive Committee, shall not be appointed as R.O. and A.R.O.
- ii) No member shall be appointed as Returning of Asstt. Returning Officer without his consent.
- iii) Such member should not be an office bearer of the outgoing Executive Committee.
- iv) R.O. & A.R.O. shall not be entitled to be proposer or seconder of contesting candidates.
- v) The member proposed to be appointed as Returning Officer or Asstt. Returning Officer should be impartial and a man of integrity in the estimation of the entire House and should have atleast 12 years standing at the Bar.

RULE-3. Tenure of Returning Officer.

The tenure of the Retuning Officer shall be from the date of his appointment till oath is administered to the members of the new executive committee except for the purpose as provided in Rule 16.

In case the outgoing Executive Committee fails to get the Returning Officer or Asstt. Returning Officer appointed in the annual general meeting, then notwithstanding provisions any single members of the association shall have right to requisition so requisitioned shall be competent to elect the Returning and/or Asstt. Returning Officer.

RULE-4. Postponement of Election.

Election shall not be postponed/delayed under any circumstances, and shall have to be held before 31st January, each year. However, the election shall stand countermanded only in case of death of a contesting member.

RULE-5. Duties and Powers of the Returning Officer.

- 1) The Returning Officer once appointed or elected shall have powers to include four members of his choice in his election team.
- 2) The Returning Officer immediately after appointment shall start the process of elections by issuing a notice. He shall ensure preparation of rolls, declaration of election schedule and arrangement for elections and complete the same within the stipulated period.
- 3) The Returning Officer shall conduct the

elections, in strict compliance of Election Rules. The outgoing Executive Committee shall make its staff available to the Returning Officer for performing the election duties.

- 4) The Returning Officer and his team members shall not participate in the elections except for casting their votes. The Returning Officer shall exercise full and absolute control over the election affairs and his decision alone shall be final and binding and shall not be interfered with by the General Body or challenged in any court of law. However, in absence of Returning Officer, the Asstt. Returning Officer shall assume and exercise all duties and powers of Returning Officer.
- 5) All used and unused ball of papers shall be preserved by the Returning Officer till election petition(s) If any is/are disposed off.

RULE-6. Eligibility of members to contest and vote at the elections :

No member of the Association shall be eligible to contest or to be nominated for any post of the Association Unless.

- a) He has paid his full subscription on or before the last of filing of nomination papers for election.

b) He pays alongwith his nomination form a non-refundable sum of security mentioned as below :

1. President	Rs. 500/-
2. Vice-President	Rs. 400/-
3. General Secretary	Rs. 300/-
4. Joint Secretary	Rs. 100/-.

c) He has completed a minimum period of membership/practice mentioned elsewhere as below :

1. President	12 years
2. Vice-President	10 years
3. General Secretary	5 years
4. Joint Secretary	2 years

2) No member shall be eligible to cast his vote at the elections unless he is in possession of his identity card issued by the Association in case the member is not in possession of the Identity card he shall have to be identified by the two such members, who are personally known to the Returning Officer.

NOTE

i) A member, who is in arrears of his/her subscription of any dues to the Bar Association will not be eligible to propose or second the candidature of any member for any of the posts.

ii) Non active members and associate members

shall have no right to vote or contest the elections.

RULE-7. Mode of election and tenure of Executive Committee.

The officer-bearers of the Association shall be elected by secret ballot and the tenure of the elected Executive Committee shall be only upto 31st December each year.

RULE-8. Convassing

- 1) There shall be no convassing in the form of posters, pamphlets, handbills and banners etc. by the contesting candidates or their supporters in the area of Election Enclosures on the day of the polling.

NOTE : The Election Enclosure shall mean the area/building occupied by elections staff and/or is indicated by writings or by marks or by symble etc.

- 2) The candidates and their supporters shall not be permitted assembly in the election enclosure except those in queue for voting.
- 3) The Candidates or their supporters will not be allowed to enter into polling booth except as provided in rule 9 below.

RULE-9. Presence of candidate and their agents.

- 1) At the time of voting and counting of votes, the candidate in persons and his Agent will

be permitted to remain present in the polling station.

- 2) The counting shall be held within closed doors under the direct supervision of Returning Officer and his team members.
- 3) No substitute of the Agent shall be permitted unless a specific permission is granted by the Returning Officer on genuine request to that effect.
- 4) Candidates or their agents shall be required to conduct themselves in a dignified manner and to maintain decorum inside the polling station and in case any Agent indulges into undesirable conduct i.e. making unnecessary noise or disturbing the peace and smooth work of the elections, the Returning Officer shall be competent to call such persons to order and disobedience to such order will entail his removal from enclosure/Polling station.
- 5) The candidates shall be required to give the names of their respective polling and counting agents at least half-an-hour before the commencement of poll to the Returning Officer.
- 6) No polling agent shall be permitted to come out of the polling station before half time. However, the counting Agents may be called in the time of counting if they are different persons from polling agent.

- 7) No candidate or his agent, shall be permitted to entire the polling station after the commencement of the poll except with the permission of the Returning Officer or as provided here in before.
- 8) No candidate or his agent shall be permitted to leave the place of polling after the counting begins and is completed.

RULE-10. Election Material

All the election material as prescribed, like ballot, boxes, ballot papers, slips, pencils and papers and other necessary material shall be provided by the Executive Committee to the Returning Officer on or before the date of filing nominations and thereafter such election material shall be under the safe custody of the Returning Officer.

RULE-11. Poll Timings

The polling shall be held from 9.00 a.m. to 3.30 p.m. with half-an-hour interval from 12.00 to 12.30 p.m. The voters having entered the Polling Exclosure and forming the queue with in the Enclosure by 3.30 p.m. shall be allowed to cast their vites.

RULE-12. Election Schedule

- 1) Election Notice

The Returning Officer shall issue a 15 days notice (i.e. 15 days prior to the date of poll) and announce the Election schedule. A copy of such notice shall be affixed on the Notices Board of the Association and he shall also ensure its wide circulation among the members through peon-book.

EXPLANTATION

- i) The election process shall be deemed to have commenced on the date of the issuance of the election notice.
- ii) The member enrolled after the issuance of the election notice shall not be eligible to contest the election. However, such a member shall be allowed to cast his vote after making payment of his subscription enrolment fee etc. in full.

NOTE : The member enrolled after close of the nomination shall be eligible to vote.

- iii) Notwithstanding the provisions in this memorandum of Association, no member shall have right to vote unless he has cleared all his dues or on before the date of close of nominations.

2) NOMINATIONS

- i) Filing of nominations papers will commence on the 7th day after the issuance of the election notice and would close off on 10th

day.

- ii) It shall be endeavour of the Returning Officer and that of the Executive Committee to expedite the process of collecting dues from the members so that the last minutes rush is avoided and the election is conducted in a peaceful manner.
- iii) The timing of filing nomination papers shall be from 11.00 a.m. to 3.00 p.m.
- iv) The nomination from can be collected from the office of Returning Officer between 11.00 a.m. to 12.00 noon after issue of the election notice.
- v) The eligible voter can only be proposer of a seconder of a candidate.
- vi) A nomination paper wrongly filled will entail rejection and the decision of the Returning Officer rejecting or accepting the nomination papers shall be final and binding and that such a decision shall not be challengeable in any court of law or in the General Body of the House.

3) **PUBLICATION OF LIST OF ELIGIBLE VOTERS**

- i) The Returning Officer shall be responsible for preparation and publication of the list of eligible voters and the same shall be affixed on the Notice-Board of the Association on the day next of the close of

nominations. Such lists shall also be provided to the contesting candidates on payment of Rs. 50/- each.

- ii) In the case of error or omission in the list of voters, the same shall be pointed out to the returning officer on that day itself and consequently the Returning Officer will take necessary steps to correct the errors.
- iii) No member shall be permitted to vote, whose name does not appear in the list of eligible voters. However, the Returning Officer shall be competent to permit a member to cast his vote if he otherwise is found to be eligible.

4) OBJECTIONS

The objections can be filed within two days next to close of nominations and the same shall be heard and disposed of by the Returning Officer in the subsequent day. The order of the Returning Officer disposing off the objections shall be final and binding.

5. SCRUTINY OF NOMINATION PAPERS

The security of the nomination papers will be held on the following day. The returning officer shall have the power to reject the nomination paper(s) if not found in order. However, the aggrieved person shall have a right to seek Review and the Returning

Officer shall make his decision known within 24 hours which shall be final and binding and shall not be called in question in any court of law or the General Body of the House.

6. WITHDRAWAL OF NOMINATION PAPERS.

The withdrawal of the nomination papers will take place on the day next to scrutiny.

7. RETIREMENT OF CANDIDATES

Any of all candidates will have right to retire from the contest in the event of other candidates retiring and only a single candidate is left in the field for any post, the Returning Officer shall announce such a candidate elected unopposed for that post. Such announcement may be made even before election.

The candidates shall be permitted to retire from the contest till the date prior to the polling day and no such retirement shall be allowed on the polling date.

8. POLLING

Polling shall take place from 9.00 a.m. to 3.30 p.m. on the date fixed for polling, with half-an-hour interval from 12.00 noon to 12.30 p.m.

9. ELECTION RESULTS

- 1) No member other than the Returning Officer shall have any right to announce the official and to release a press note to that effect.
- 2) The Returning Officer shall announce the election result on the day of polling itself.
- 3) The decision of the Returning Officer shall be final and binding and shall not be called into question in any court of law or before the General Body of the House. However, the Election Petition as provided in Rule 14 of the Election Rules can be preferred before the Election Tribunal within the stipulated period as provided therein.

RULE-13.

Election Petition

- 1) The Election Petition, if any can only be preferred before the Election Tribunal within a period of half-an-hour from the time of the declaration of the election results only on the ground of recounting of votes and no other.
- 2) The Election Petition shall be accompanied by a receipt of Rs. 50/- issued from the office of the District Bar Association, Karnal.
- 3) The Returning Officer shall preserve the

election record, i.e. used and unused ballot papers till the disposal of the Election petition, if any.

RULE-14. Election Tribunal

- 1) One member of Election Tribunal shall also be appointed by a majority decision in the Annual General Meeting of the House only for a limited purpose of hearing Election Petition(s), if any, a Member having at least 20 years practice of the Bar shall only be eligible to be appointed as Election Tribunal, its tenure shall come to an end as soon as no petition is pending before it.

RULE-15. Hearing of Election petition.

The Election Tribunal shall receive the election petition, if any, from the aggrieved candidate personally and shall dismiss the same if :

- i) The petition is not accompanied by a receipt of Rs. 50/-.
- ii) The petition is filed after the expiry of limitation period i.e 30 minutes from the time ending declaration of election result.

Note : The Returning Officer shall be duly bound to announce the time when the declaration of results ends.

- 2) Subject to the provisions of sub-clause (i) and (ii) of clause (1) of rule 16, The Election Tribunal shall call the respondent(s) and the Returning Officer with the election record.
- 3) On receipt of election record, i.e. used and unused ballot papers, the Tribunal shall take up the re-counting and shall declare the result accordingly. The decision of the Tribunal shall be final and binding and shall not be called into question before any court of law and before General Body of the house.

RULE-16. Oath

All the elected members shall be administered oath expressing their allegiance and faith in the constitution MEMORANDUM OF ASSOCIATION on the following day by a senior-most member of the Association available. The office superintendent shall make all arrangements including refreshment etc. for oath taking ceremony.

RULE-17 Election Offences

- 1) The newly elected Executive Committee, on a written complaint made to it, by any member against a member, who violated the election Rules and acted in defiance of the orders of the Returning Officer appointed or any other election officer appointed by the Returning Officer, shall have the powers

to take the following action :-

- i) to acquit him;
- ii) to disqualify him from contesting elections for a specific period.
- iii) to suspend his membership for a specific period.
- iv) to remove him from the membership in accordance with the provisions of Memorandum of Association.
- v) to take any other action which the Executive Committee deems proper.

Author

Fateh Singh Chhokar
M.A. (Eco.) LL.B.
Advocate
District Courts, Karnal

(i)

ANNEXURE-I

PRESCRIBED FORM FOR MEMBERSHIP

(Article-9)

(To be filed by the incumbent seeking membership)

PART-I

- | | |
|---|--|
| 1. Name of the incumbent
(IN BLOCK LETTERS) | _____
_____ |
| 2. Permanent Address | _____

_____ |
| 3. Postal Address | _____
_____ |
| 4. Admission fee of
Rs.500/- (to be paid) | Paid/Unpaid
(Score out whichever
is not applicable). |
| 5. Receipt for Admission
fee to be attached | Attached/Unattached
(Score out whichever
is not applicable). |
| 6. Latest passport size
photograph in triplicate
to be attached | Attached/Unattached |

(ii)

7. Affidavit as per the Attached/Unattached
Provision of Article-9
of new constitution,
(to be attached).

8. Academic testimonials

- a) Degree in law (attested Attached/Unattached
copy to be attached and
original to be shown to
the Bar President.
- b) Certificate of Bar Council Attached/Unattached
(attested copy to be Attached/Unattached
attached and original
to be shown to the
Bar President.

Signature of the Person
applying for membership

(iii)

PART-I

RECOMMENDATION

By any two members of the
Association with their
names and signatures

	Name	Signature
1.	_____	_____
2.	_____	_____

PART-III

(For office use only)

I have examined the membership form and all
the requirements are found to be met and in order and
therefore, the incumbent may be allowed to be enrolled
as a Member of the Association.

Signature of Office Superintendent

President

Allowed

Signature of President,
Distt. Bar Association Karnal

(with office seal)

ANNEXURE-II

DISTT. BAR ASSOCIATION, KRNAL

NOMINATION PAPER

Election to the office of President/Vice-President/
General Secretary/Joint Secretary

(To be filed by the proposer)

I hereby nominated _____
as a candidate for election to the office of President/
Vice-President/General Secretary/Joint Secretary.

1. Full name of the proposer _____
2. Serial No. on the rolls of _____
the Bar Association.
3. Name of the Candidate _____
4. Serial No. on the rolls _____
of the Association.

Dated _____

Seconded by _____

5. No. of the rolls of the _____
Bar Association

Signature of Seconder _____

Signature of Proposer _____

Dated _____

(To be filed by the candidate)

(ii)

I, the above named candidate assent to this nomination and hereby declare :

1. That I have completed _____ years of law practice.
2. That I have compleed _____ years of age.

Date

Signature of Candidate

Decision of returning officer Accepting or Rejecting the nomination paper.

I have examined this nomination paper in accordance with the provisions of new constitution of the District Bar Association, Karnal and decide as follows :

- i) Nomination accepted
- ii) Nomination rejected.
- iii) Give reasons in case of rejection.

Score out whichever is not applicable

Returning Officer

(i)

ANNEXURE-III

REQUISITION FORM

We, the following members of the District Bar Association, Karnal desire to requisition an urgent/ordinary meeting of the General Body/Executive Committee for the purpose/subject/object/mentioned below:

1. Narrate the topic/subject which you desire to be discussed in the meeting.

2. Name of the first _____
member who would
pilot the requisition _____
(Sig. of first member)

3. Name of the second _____
speaker member supporting
the requisition _____

(Sig. of Second Speaker Member)

(ii)

4. Name of the third speaker _____
member supporting the
requisition _____

(Signature of third speaker member)

5. Name & Signature of
other members supporting
the requisition

S.No.	Name	Signature	S.No.	Name	Signature
1.			16.		
2.			17.		
3.			18.		
4.			19.		
5.			20.		
6.			21.		
7.			22.		
8.			23.		
9.			24.		
10.			25.		
11.			26.		
12.			27.		
13.			28.		
14.			29.		
15.			30.		

(iii)

S.No.	Name	Signature	S.No.	Name	Signature
31.			55.		
32.			56.		
33.			57.		
34.			58.		
35.			59.		
36.			60.		
37.			61.		
38.			62.		
39.			63.		
40.			64.		
41.			65.		
42.			66.		
43.			67.		
44.			68.		
45.			69.		
46.			70.		
47.			71.		
48.			72.		
49.			73.		
50.			74.		
51.			75.		
52.			76.		
53.			77.		
54.			78.		

Attach More Sheets to meet requirement of Nos.

(iv)

(Note Numbers of the members supporting the requisition should be as per the provisions in the new constitution.

6. Name and signature _____
of the person presenting
the requisition to the
Preisident

7. Decision of the Bar President

i) Requisition accepted

ii) Requisition rejected

iii Meeting ordered to be convened on _____

(date) at _____ (hours) at _____

(place) and office is directed to circulate the
requisition/to issue notices.

Score out whichever not applicable.

Signature of the Bar President
With date

ANNUEXURE-IV

OATH

(For the elected office bearers of the District Bar Association, Karnal)

I, _____ advocate
having been elected as _____ of the
Bar Association, Karnal, do hereby swear in the name
of God/Solemnly affirm that I shall bear true faith
and allegiance to the Constitution of this Bar
Association as by law established and that I shall act
lawfully with dignity and to the best of my knowledge
and ability, to uphold and achieve objectives as are
set out in this constitution.

Signature