

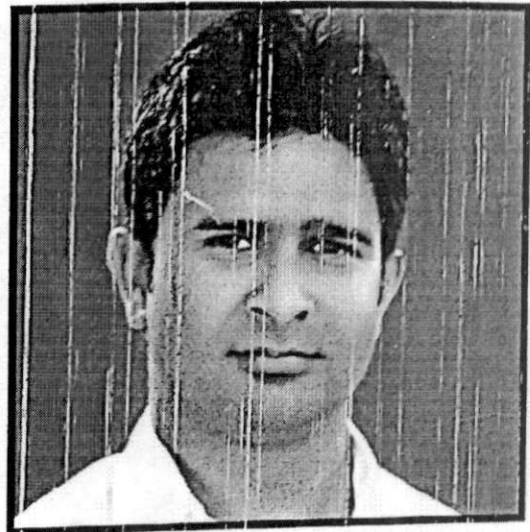
# CONSTITUTION OF BAR ASSOCIATION, BAHADURGARH



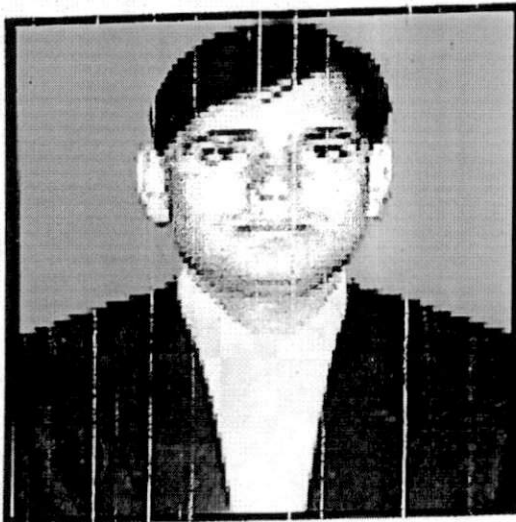
# OFFICE BEARERS



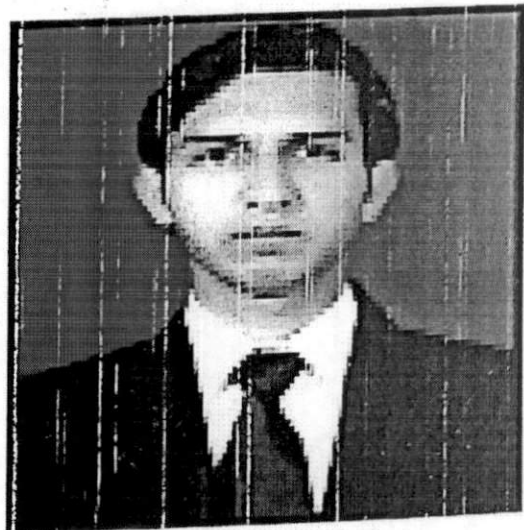
**Suresh Joon**  
President



**Sandeep Gulia**  
Vice-President



**Kapil Bhardwaj**  
Secretary



**Vikas Guliya**  
Jt. Secretary

**For the Year of 2013-14**

**Certificate of Registration to be issued under  
Section 9 (1) of the Haryana Registration  
and Regulation of Societies Act, 2012**


(See rule 5 and rule 6)

**Certificate of Registration of Society**

I hereby certify that a Society bearing the Registration Number and name as under mentioned has been registered this 11th day of October 2013 under the Haryana Registration and Regulation of Societies Act, 2012 (Haryana Act, 1 of 2012)

State Code		Distt. Code				Year of Registration			Registration Number				
0	6	0	1	5	2	0	1	3	0	0	4	4	7
Name of Society						Registered Office Address							
Bar Association Bahadurgarh						Bar Room, Civil Court Complex Bahadurgarh, Distt. Jhajjar							

Issued under my hand at Bahadurgarh  
on 11th day of October, 2013

  
**District Registrar**  
**Firms & Societies**  
**Jhajjar at Bahadurgarh**  
11.10.13



# CONSTITUTION OF BAR ASSOCIATION, BAHADURGARH INDEX

S. No.	Particulars	Page No.
1.	Annexure - 1, Short Title, Extent and Commencement	1
2.	Definition	1-2
3.	The aims and objections of this Association shall be	2
-3		
4.	Annexure-2	3
5.	Membership	3-6
6.	Eligibility	6
7.	A member shall lose his membership on the following grounds	6-7
8.	Identity Card	7
9.	Officer Bearer	7
10.	Rights and duties of the officer bearers	7-9
11.	Joint Liabilities	9
11.	Election	9-10
12.	Non-Confidence motion	10
13.	Right to vote and to contest election	11
14.	Qualification of officer bears of the Association	11
15.	Quorum	11
16.	Meetings	12
17.	Budget	12-13
18.	Purchasing Committee	13
19.	Account Committee	13
20.	Enrollment Committee	13
21.	Library Books	13-14
22.	Benefits of Plot	14
23.	Repeal of Previous Rules	14
24.	Amendment of Rules	14-15
25.	Dissolution of the Association/Society	15
26.	Disputes	15

## ANNEXURE-1

### Model Memorandum of Association's of a Society

S. No.	Subject	Description
1.	Name of the Society	Bar Association Bahadurgarh
2.	The registered office of the Association / Society shall be at	Bar Room Civil Court Complex, Bahadurgarh-124507
3.	Jurisdiction	District Jhajjar (Haryana)

### Constitution of the Bar Association Bahadurgarh

#### 1. Short Title, Extent and commencement

These rules shall be called the Bar Association Amended Rules 2013.  
These rules shall come into force forthwith.

#### 1A. Definition:

In these rules unless the context otherwise requires

"Bar Council" means the Bar Council of Punjab and Haryana.

"Advocate" means " a person whose name appears on the roll of Advocates prepared and maintained by the Bar Council Punjab and Haryana".

"Bar Association" means an association of Advocates recognized and registered with the Bar Council of Punjab & Haryana and by the Registrar Firms and Societies.

"General Body" or " General House" means a body comprising of all members of the Association.

Executive Committee or any other committee by which ever name called, means a body to manage the affairs of the Bar Association.

Welfare scheme shall mean any scheme framed under any law for the time being enforce to provide financial help, by whatever name called, to an advocate and on this death to a person entitled under the rules.

"Place of Practice". An advocate shall be deemed to be ordinarily practicing at the place which is given in his address in the Electoral Roll of the Bar Council and changed place of practice allowed by the Bar Council Punjab & Haryana.

Regular active + active practice means and includes, the advocates who appears and conduct the cases in the courts at Bahadurgarh at least 4 days a week.

2. The aims and objections of this Association shall be :-

To promote the administration of justice and to create an atmosphere that may be helpful in meeting the end, of justice.

To protect, safeguard and promote the rights and privileges of the advocates/ members of the Association, and further, to make arrangements for, and ensure the upliftment of the legal profession in general and of the members in particular, which may include honest and unfailing efforts to maintain the integrity, dignity and established standards of the legal profession, adorning it with the sense of nobility.

To give appropriate suggestions, from time to time, or on particular occasions, on being requested to do so by the judiciary or the executive or any other institution or agency or of its own as the case may be, in the interest of advancement and promotion of the administration of justice and the firm establishment of the rule of law.

To make efforts to provide facilities and amenities to its members, such as of library and furniture etc. which may be deemed to be essential for the smooth and satisfactory discharge of their duties towards the litigants community and also to make provisions for the basis need and amenities of the litigants.



To make efforts to harmonize the relationship between the Bar and the Bench, while protecting the dignity of the legal profession and the interests of its members, as well as the smooth and honest working of the courts.

## **ANNEXURE -2**

### **Byelaws of a Association / Society (Multi-purpose) Without a Collegium**

Name of the Association/ Society : **Bar Association Bahadurgarh**

The Registered Office **Bar Room Civil Court Complex, Bahadurgarh, Distt. Jhajjar-124507**

The Association/ Society Shall **Distt. Jhajjar** carry out its major activates in.

#### **3. Membership :**

- (i) The membership of the Association shall be open to all the members of the legal profession who are enrolled as Advocates with the Bar Council of Punjab and Haryana only.
- (ii) At Present Association/ Society have seven founder/ life members by adopting old bye- laws & rule of the society and in future the new members will be accepted with the following condition as per model bye laws of the Society Act, 2012.
- (iii) The enrolment fees in the first instance shall be Rs. 2000/- (Rupees two thousand only) and incase an old member, his name having been struck off the rolls of the Association in accordance with the rules in force at the time, or his or her having voluntarily resigned from the membership of the Association, seeks to get the membership of the association afresh and is duly permitted to be enrolled as such, he or

she shall be required to pay a sum of Rs. 1000/- (one thousand only) as enrollment fees, alongwith all the dues of all sorts if any. In such a case, however, his or her previous seniority shall not be disturbed or effected, unless it is decided otherwise by the general body of Associations by a  $\frac{3}{4}$  majority of the members present and voting in a meeting called for that purpose after giving a seven days notice. However if application for fresh membership under Rule 3 sub Rule II is made after the expiry of a period of six calendar months from the date of his or her losing the membership, it will deemed as if he/ she was seeking membership at the first instance, and the benefits under the foregoing provisions shall not be available to such aspirant.

- (iv) That the President/ secretary of the association may entertain the application and other documents from a person seeking the membership of the Bar Association shall forward the person alongwith the papers to the Chairman of Enrolment Committee. The recommendation of the Chairman in consultation with other members shall be final. If there is a dispute and the committee is unable to recommend the name for enrolment, in that case the person alongwith papers shall be put before the monthly meeting following next. Any person who want to seek the membership of the BAR shall produce two I.D. proof of residence at Bahadurgarh Sub-Division for the last five years.
- (v) That the monthly subscription per member shall be Rs. 100/- per month which shall be payable upto 10<sup>th</sup> of every month. Any member who does not clear the dues of subscription upto 31<sup>st</sup> of October each year, he shall not be eligible to contest and cast the vote in the forthcoming election. Further if any member does not pay the subscription after 31<sup>st</sup> of October a penalty of Rs. 500/- per month shall be imposed upon him/ her, upto 31<sup>st</sup> March of that financial year and after that it will be presumed that he is not interested to be the member of Bar Association and is not in active practice at Bahadurgarh and his name shall be struck off from the roll of Advocate maintained by the Bar



Association without any notice or intimation. If such member, after the struck off his name from the roll of Advocate, wants to restore his membership, he/ she shall have to pay fine of Rs. 5000/- alongwith unpaid subscriptions. The joint secretary of the Bar Association shall perform the duty of collection of the subscription.

- (vi) If any advocate practicing in other Bar Association and he want to seek the membership of this Bar Association, the enrolment committee will minutely scrutinized and ensure that the said advocate have not applied for membership for this Bar to take only and only undue / foul benefit.
- (vii) The girls advocates who are already married before applying for membership of the Bar must submit two residence proof of her husband's residence, which should be five years old of Bahadurgarh Sub Division.
- (viii) The retired Govt. Servant/ advocate if wants to take the membership of the Bar must submit his 2 five year old residence proof of Bahadurgarh Sub Division. In case, if due to service conditions he has no residence proof then he should submit the 2 five year old residence proof of his spouse/ father/ mother etc.
- (ix) Initially the membership of the Bar Association will be given provisionally to the fresh enrolled advocates for two years, without any voting right in the election of Bar Association Bahadurgarh and Bar Council and during that period such Advocate will not be entitled to get any benefits of Advocates welfare schemes, including the benefit of reservation in HUDA plots. If he/ she pass the exam of Bar Council of India and found regular member in practice, his/ her name will be included in the list of regular members, but if he/ she could not pass the said exam his name will be deleted even from the list of provisional members and will not be the members of this Bar until he/ she passes the said exam.
- (x) The advocate, who enrolled as an advocate from the Bar Council,

Punjab & Haryana Chandigarh in and after 2011 and thereafter become the member of this Bar, has not passed the said exam till date, his membership shall be treated as provision, without voting right and not entitlement of other benefits as mentioned in clause (ix).

**3(A) Eligibility :** In order to be admitted as member of the Association/ Society, a person :

- (i) Must be 21 years of age on the date of admission.
- (ii) Should subscribe to the aims and objects of the Society.
- (iii) Must have deposited the admission fee and annual subscription fee and must not be in arrears of payment of such fee as on the date of annual general meeting for continuing as a member.
- (iv) Must not be an insolvent and of in sound mind and
- (v) Must not have been convicted of an offence involving moral turpitude involving imprisonment of one year or more.

**4. A member shall lose his membership on the following grounds :-**

- (i) If he is found to be directly or indirectly involved in the promotion of the activities of toutism.
- (ii) If he is found guilty of corrupt practice.
- (iii) If he is found to be involved in such other activities which may, in every likelihood of the case, damage or tarnish or lower the dignity and integrity of the advocates and the nobility of the legal profession.
- (iv) If he is found, any how, to have worked against the interests and decision of the Association, in any manner whatsoever.
- (v) If the affidavit as well as other information furnished by him/ her found false and misleading shall loose his/ her membership and shall also be



liable for criminal act at any time.

- (vi) Unmarried female advocates would cease the membership, if after marriage she lives the residence situated within area of Bahadurgarh, Sub Division.
- (vii) If he or she has rendered himself/ herself liable to so lose his/ her membership under Rule 3 Sub (ii) of these rules However any action under Rule 4 Sub Rules (i) to (iv) may be taken by a majority of not less than three fourth (3/4) of the members present and voting.

5. **Identity Card for every member :**

Every person admitted as member will be issued an identity card containing is/ her photograph, brief particulars and membership category, duly signed by the individual member and the President/ Secretary of the Association/ Society

6. **Office Bearer :**

To Manage the affairs and to execute the decisions and directions of the association there shall be the following office bearers of the association, to be elected by the General Body of the Association from among its members, who collectively shall form the executive body of the association.

- |                           |                   |
|---------------------------|-------------------|
| • President               | • Vice-President  |
| • Secretary-cum-Treasurer | • Joint Secretary |

7. **Rights and duties of the office bearers :**

- (i) **President** :- The president, being the executive head of the association shall be responsible for the day to day functioning of the



association and the acts and omissions of the members of the executive, done severally or jointly, in the capacity of such member or members. He, alongwith all the members of his executive, shall be directly responsible to the general body of the association in all matters regarding the function of the association. He shall preside over all meetings of the association and shall, jointly with the Secretary-Treasurer, operative the accounts of the association in some local nationalized bank, which shall be the Banker of the Association.

- (ii) **Vice-President** : He, in the absence of the President, shall perform all duties, and exercise all powers of the President except that of operating the account of the Association.
- (iii) **Secretary-cum-treasurer** : He shall, with the help of the joint Secretary and the clerk of the Association, maintain all accounts pertaining to the income and expenditure of the Association, shall maintain the stock register, shall maintain the accounts book of the Bar Association shall write down the gist of proceedings of every meeting of the Association, shall do the necessary for and on behalf of the association. He shall be duty bound to place on the table of the house, in every monthly meeting, a detailed report showing the position of income and expenditure, books, furniture and other articles belonging to the Association. A duly attested true copy of such details shall also be left with the clerk of the Bar Association for the inspection of any of the members. The failure on the part of the Secretary to place such detailed report on the table of the house continuously for three consecutive months, shall render him liable to loss his post of Secretary-cum-Treasurer ipso facto on the very first day of the 4<sup>th</sup> calendar month. The secretary shall be empowered to keep with him an amount of Rs. 500/- (Rupees five hundred only) and not more than that, for emergency needs of the Association. He shall exercise general control over the Staff of the Association. He shall operate the account of the association jointly with the President, shall receive different amounts and issue receipts accordingly. The secretary of the

Bar should not have more than Rs. 15,000/- cash in hand otherwise he will be guilty of embezzlement.

- (iv) **Joint Secretary :** He shall perform all duties and enjoy all powers of the Secretary-cum-treasurer, in his absence except the operating of the account in the bank.

8. **Joint Liabilities :**

All the office bearers of the association shall be jointly liable for financial losses caused to the Association due to negligence on the part of all or any of them or for any other such act or omission which is in any way adverse to the interests of the association, or which may adversely effect the integrity and dignity of the association, provided that such act or omission has been the direct result of common intention and joint endeavor. It is not necessary that involvement, in such act or omission, of each and every office bearer should be direct and active. If no resistance was exercised, where there was an opportunity to do so, to such act or omission, by the other or others office bearers, it shall be assumed, unless disproved that there was common endeavors or intention. However, an individual member shall be individually liable for his acts and omission done in his individuals capacity.

9. **Election :**

- (i) The election shall be held on 1<sup>st</sup> Friday of April or any date fixed by the Bar council of Punjab & Haryana Chandigarh.
- (ii) Every Person admitted as a member shall be a member of the General Body of the Association/ society and shall be entitled to cast his vote for the election of the Governing Body of the society unless he is in arrears of payment of any dues of the society, including the annual subscription.



- (iii) Every member shall cast his vote in person and no proxy voting shall be allowed.
- (iv) The same person shall not be entitled to contest the election to the same post for more than two terms consequently. If a candidate has won/ elected two time, shall not be entitled to contest the election again for two year of last contested election.
- (v) There shall be returning officer to hold/ conduct the proceeding of election who shall be nominated on 1<sup>st</sup> day of March of the relevant year. The returning officer shall submit the list of voters with their photographs, telephone number and address to the Bar Council up to 15<sup>th</sup> of March.
- (vi) The fees for filing nomination for each post shall be Rs. 2000/- (Rupees Two thousand only) which shall be charged by the Returning officer against a proper receipt. All the dues and amount received by the returning officer shall be handed over to the newly elected secretary on following next day alongwith counterfoils of receipt issued by him. The returning officer shall maintain proper account of the expenses incurred by him during the process of election.

#### 10. Non-Confidence motion :

- (i) A requisition to call a meeting to consider a vote of non confidence against all or any of the officer bears shall be signed by at least (1/10) of the regular members. The requisition shall clearly specify the grounds in a precise manner. The information of such requisition shall be given at once, or as soon as possible, to the member/ members against whom the motion has been moved by way of such requisition.
- (ii) A 7 (seven) clear days notice shall be given for such meeting. A requisition shall become invalid if all or any of the signatories to it withdraw their consent and the number of such requisitions falls short of the required number.



### 11. Right to vote and to contest election :-

- (i) Any advocate, who sought the membership of Bar Association before 31<sup>st</sup> of October of the relevant year shall be entitled to cast his/ her votes in the forth coming election.
- (ii) Every member of the Bar Association shall have a right to cast his vote in the election and/ or himself to contest the election to any of the posts, if six months has expired since his membership at the first instance rules framed by Bar Council of India or Bar Council of Punjab & Haryana, Chandigarh.
- (iii) If he is not debarred from exercising his right to vote and/ or from contesting the election to any of the posts by any of the provisions contained here in these rule.

### 12. Qualification of officer bears of the Association :

**President :** Any member of the Bar Association who is having at least seven years of regular and active practice in the court.

**Vice President :** Any member of the Bar Association who is having at least five years of regular and active practice in the court.

**Secretary :** Any member of the Bar Association who is having at least four years of regular and active practice in the court.

**Joint Secretary :** Any member of the Bar Association who is having at least two years of regular and active practice in the court.

### 13. Quorum :

The quorum for the annual general meeting shall be at least 50% of the total regular member on the rolls of the association and for any other meeting, it shall be 33% or as otherwise provided in these rules. No quorum, however shall be necessary for an adjourned or emergent meeting.

#### 14. Meetings :

- (i) The annual general of the association shall be held on any day in the first week of the month of March, the date and time to be decided by the working body, the President and other office bears.
- (ii) A 7 (seven) clear days notice alongwith the agenda, for the annual general meeting, and a two clear days notice alongwith the agenda, for an ordinary meeting, shall be necessary. However no particular time for the notice of an emergency meeting shall be required.
- (iii) To requisition a meeting of a the association, other than the one for considering a No confidence Motion, shall be required to be signed by at least 1/10 members of the Association. A two days notice shall be necessary.
- (iv) That monthly meeting of the Bar Association shall be held on first Saturday of every month.
- (v) President/ Secretary shall be bound to call meeting on the requisition of 1/10 of practicing members of the BAR and if they fails to do so, the members, who made the requisition, shall have every right to call the meeting of General House.
- (vi) The president and Secretary shall handover the record to the newly elected President/ Secretary within seven days from the date of election otherwise they shall be liable for punishment.

#### 15. Budget :

Annual budget shall be prepared in accordance with the requirements and resources, by the executive within one month of its election, which shall come into force from 1<sup>st</sup> of May after approval, in a meeting of the house. In any function of the Bar Association Bahadurgarh no gift, memento etc will be given to any Judicial or executive officer of any



rank in future in future by the Bar or its office bearers or any other advocates.

16. **Purchase Committee :**

There shall be a purchase committee to purchase all sorts of items or materials including the library books as according to the needs of the association. There shall be five members in this committee to be nominated by the General body meeting held in this regard. However all the office bearers shall be ex-office-member of such committee.

17. **Account Committee :**

There shall be an accounts committee comprising of five members as above, in the purchase committee, to inspect the accounts of the association from time to time and to submit its report in the general house of the association.

18. **Enrollment Committee :**

All committee shall comprise five members including the Chairman. The members should have five years experience and Chairman should have twenty years experience of regular and active practice at Bahadurgarh Courts.

19. **Library Books :**

All the members of the Bar Association shall enjoy the facilities of the books provided by the Bar Association Bahadurgarh. A member may retain with him a Book/ books of the Library for not more than seven days, after which a fine of Rs. one each day per book shall be imposed upon the defaulting member unless an amount double of the



price of the book so kept or lost is fetched. The clerk of the Bar Association shall assist the library incharge in keeping the proper records of the books and in preparing a report to that effect to be submitted in a meeting of the association.

**20. Benefits of plot :**

As provided in the scheme of reservation quota of advocates in HUDA plot only those persons who are regular practicing Advocate shall be entitled to this benefit. So the members who are neither originally resident of Sub Division Bahadurgarh nor they are regular and active practicing lawyer at Bahadurgarh shall not be entitled to the benefit of plot. Mere membership shall not be a ground for obtaining the plot and other benefits. The required certificate for filing form for plot shall be issued by the committee constituted for this purpose. The certificate shall not be challengeable before any authority.

**21. Repeal of Previous Rules :**

All the rules to be enforce, and to be contrary to these rules, shall stand repealed by these rules at the very moment these rules are accepted by the association by a simple majority of the members present in voting.

**22. Amendment of Rules :**

These rules, or any provisions pertaining thereto, may be amended or modified or added to only in an extra ordinary meeting of the general body of the association specially convened for this purpose after a clear seven days notice, by a majority of not less than 2/3 member present and voting.

In further, if any amendment is proposed to be made, the President/ Secretary shall circulate seven days clear notice to the members of the Bar enclosing the proposed amendment and such notice should be pasted at least five conspicuous places of court complex including Notice Board of the Bar and the proposed amendment be put on the floor of the house and the same shall be accepted by 2/3 majority only.

**23. Dissolution of the Association / Society :**

Association/ Society may resolve to dissolve itself in accordance with the provisions contained in the Act and the rules there under in case it becomes difficult to carry on with the operations of the society or it becomes insolvent or for any other pressing and unavoidable reasons;

In the event of the dissolution of the society, no assets of the society shall devolve on or distributed among the members of the society.

Its assets and property shall be first use to liquidate any liabilities and the left over properties/ assets if any, shall be considered for transfer to any other society established with identical aims and objects or to the District Collector for interest.

**24. Disputes :**

All the disputes will be subject to the jurisdiction of Bahadurgarh Court only. All the litigations will be filed and defended by the president or by the Secretary.

\* \* \* \*





# **CONSTITUTION OF BAR ASSOCIATION, BAHADURGARH**