

Constitution

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Bawal (Rewari)

CONSTITUTION OF THE SUB DIVISIONAL BAR
ASSOCIATION BAWAL, DISTRICT REWARI

PART - 1:- Name and Membership.

1. This association shall be Called "The Sub Divisional Bar Association Bawal, District Rewari" with its registered office at Bawal, District Rewari.
2. Defination :-
 - (a) "Association" will mean the Sub Divisional bar association Bawal, District Rewari.
 - (b) "Committee" will mean the managing committee of the Sub Divisional bar association, Bawal, District Rewari formed and constituted in accordance with the rules for the time being in force.
 - (c) "Rules" mean the rules of the Sub Divisional Bar Association Bawal, District Rewari duly passed at the general meeting of the association and for the time being in force.
 - (d) "Property" will mean the property of the Sub Divisional Bar Association Bawal, District Rewari and shall include, library, chairs, tables, almirahs, stationery and any other article belonging to the association. A property register, library books register should be maintained properly.
 - (e) President, Vice-president, Secretary, joint secretary, treasurer shall mean respectively President, Vice-president, Secretary, joint secretary; treasurer of the association duly elected in election. Auditor shall mean person nominated by the managing committee.
 - (g) "Arrear" shall mean include arrear of monthly subscription, library fee and any other dues of the association outstanding against a member.
 - (g) "Office bearers" shall mean and include the president, the vice president, the secretary, the joint secretary, the treasurer, auditor and member in charge library of the association.
 - (h) "Member" shall mean the enrolled member of the association.

Membership:-

3. Every legal practitioner practicing in Sub Division shall be eligible for membership of the association.
4. Every candidate for membership of the association shall have to make an

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application on the prescribed form to the secretary of Association, the application along with a deposit of Rs./- as enrollment fee together with one month subscription after being recommended by at least 2 member of Bar having 10 Years standing and the enrolment certificate of Bar Council and an affidavit regarding membership of single bar association.

5. Every member on enrolment shall be bound and shall abide by the constitution of the association.
6. Every member of association shall be liable to pay monthly subscription as fixed by the managing committee from time to time.
7. Every member shall be entitled to use the bar library and the bar rooms including the use of furniture, stationary and the services of the servants of the association.
8. The name of a member of the association may be struck off from the roll of the association for any reason which may be deemed sufficient by members of the association in general meeting of the association specially called for the purpose after he has been given a reasonable notice of the ground necessitating his removal after being heard if so desired by the managing committee.
9. As soon as practicable but within the last week of every sixth month the secretary shall serve or cause to be served a demand notice of the arrears upon the member or members in arrears asking him or them, to pay the same within 10 days of the receipt of notice. The notice shall also be put up on the notice board of the association, which shall be deemed sufficient service on the defaulting members in case of refusal or avoidance.
10. Any member who is in arrear for six months subscription or more shall unless he clears off the arrear be liable to have his name struck off from the roll of the association. The secretary shall place the names of such defaulters before the managing committee which will be competent to strike off the name of such defaulting member from the roll of association after giving the member concerned an opportunity of clearing off the arrear. On the failure of the member concerned to clear off his arrear his name shall be struck off from the roll of association and his name will be referred to the district judge and the high court. Such member shall thereupon cease to be a member of the association.
11. Any other member whose name is struck off from the roll of the association under

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rule 10 may be readmitted to the membership of the association by the managing committee provided he makes an application to the effect and pays in advance fresh admission fee plus arrears which stood against his name on the date of the removal of his name.

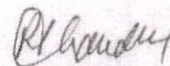
12. A member who at any time owing to illness or any sufficient cause is prevented from practicing a continuous period of three months or more may be exempted from the payment of the monthly subscription and library fee for such period as is deemed proper by the managing committee, provided he gives intimation in writing of such cause to the president or the secretary of the association who shall place the matter before the managing committee.
13. Any other member who retires from practice or joins service shall give such intimation in writing to secretary of the association who shall place the matter before the managing committee and the managing committee shall strike off his name from roll of the association. Until such intimation is received by the secretary such member shall remain liable for dues of the association.

Constitution:

14. Three shall be president, vice president, secretary, joint secretary and treasurer of the association who shall be duly elected every year amongst the members of the association entitled to attend and vote at general meeting of the association especially convened for the purpose and who has cleared all the arrears before the prescribed date.
15. The terms of the office bearer of the association shall be for one year provided that any office bearer may be removed from his office for any reason deem sufficient by 3/4th of the body of members present in a general meeting.

Provided that the office of the president shall not be held by the same person for more than one term in all.

16. There shall be a managing committee of the association consisting of President, Vice President, Secretary, Joint Secretary and Treasurer duly elected by the association
- 16 (a) There shall be an advisory committee consisting of five members having at least 10 years experience and one of them shall be a lady member. Members of the advisory committee will be nominated by the managing committee. For lady member experience of 10 years is exempted.



Function of the President:

17. The president shall preside over all meetings of the association. The president presiding at the meeting shall have a casting or second vote in the case of equal division. All the powers of income, expenditure, control and Supervision shall vest in President.

Function of the Vice-President:

18. The vice president shall exercise all the powers of the president in his absence. Function of the Secretary :

The Secretary shall :-

- (a) Issue all notice including notices of meetings.
- (b) Record and keep minutes of proceedings of meetings and memorandum of resolution passed therein.
- (c) Control, operate and supervise the accounts, of the association.
- (d) Realize and collect all subscription and fee.
- (e) Manage and look to the association and carry on correspondence on behalf of the association in all the matters concerning the administration of the association and in other matters affecting the rights and in obligation of the member with the approval under the direction of the managing committee.
- (f) Carry into effect the resolution of the association and the committee and the instructions of the managing committee as from time to time to be issued in writing or communicated to him by president.
- (g) Disburse the salary of the servant and spend at his discretion a sum not exceeding Rs. 500/- on behalf of matters concerning the association.
- (h) Shall keep and maintain register or registers of all the stock present, past and future belonging to association..

Provided that Secretary shall work with the prior approval of President.

Functions of Joint Secretary :

19. The joint secretary shall have all powers and shall exercise all or any of the functions of the secretary jointly with him under his instruction or in his absence in case of emergency all the functions of the secretary shall be done by the joint secretary. He will be the member in charge of library of the bar.

R. Chaudhary

Functions of the Treasurer:

20. The treasurer shall keep account and funds of the bar association and make payment as and when required by the president or secretary. He shall also get his accounts audited by the auditor or member of the managing committee before he gives over charge and also to put at the notice board half yearly

Functions of the managing Committee

2.1. The managing Committee shall :

- (a) Have general control and supervision over the management and affairs of association.
- (b) Have the right to settle or otherwise decide all disputes between the members or between the clerks and members and such decision shall be binding on the parties concerned unless is set aside by 3/4 majority of members present in a meeting specially convened for the purpose. The defiance of such decision would automatically entail expulding of the defying members or clerk.
- (c) Keep and maintain a list of touts declared by court and of clerks.
- (d) Decide as to the fitness or eligibility of clerk or decided clerk as up fit to continue as such except in case covered by rule (b).
- (e) Consider report and make recommendation to the general body as to the expulsion of members or dismissal of clerks.
- (f) Keep an eye over all matters as are conducive to the welfare of the association or to the up keep of its prestige or the maintenance of its dignity and report and make suggestions as regards the same.
- (g) Derive means and methods check the report accordingly concerning the matters and actions which are not in keeping with the status of the bar or which are otherwise in any way derogatory to the dignity of the profession e.g. case of misconduct of members of clerk, frequent branches of the rules etc.
- (h) Employ, dismiss, discharge or reemploy servant fix their pay, raise or reduce the same, grant them leave or impose fines as the case may be.
- (i) Purchase, repair, destroy or dispose off all old furniture, books and other articles unfit for use of the association.
- j) To maintain record of all the properties of the Bar Association and leaving at to the notice of the Bar.

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- (22) All the reports and suggestions and resolution made or by the committee shall, if required by the rules for the time being in force, be put by the secretary or by any members of the committee before a meeting of the association in the form of a resolution and shall take effect if duly passed by a majority of the members present at a meeting provided that in case of emergency and where prompt and immediate action is, in the opinion of the committee necessary, the committee may by an unanimous vote pending a meeting of the association and subject to the final decision arrived there and have its resolution enforce as if the same were duly passed at a meeting of the association. All such resolution of the committee shall be in writing and shall be open to inspection by the members at all convenient time.

Provided that all reports, suggestion and resolution affecting the rights of the members or members inter shall be put up before the bar association in a general meeting.

MEETING

25. a) A general meeting of the association for annual general election shall be held at least once in a year in month of April or May at the least:
- b) The quorum for such meeting shall be $\frac{1}{3}$ ^d of the total number of members on the roll of the association, in case the meeting is not held for want of quorum then in the next meeting for this purpose no quorum is required.
- c) No general meeting shall be held without 7 days clear notice to be issued by the secretary and duly put up on the notice board or otherwise circulated amongst the members.
26. An ordinary general meeting of the association will be held at least once in every three month the quorum of such meeting shall be $\frac{1}{3}$ of the total number of members on the roll.
- Provided that in case of emergency such a meeting may be called by the president or secretary on a notice shorter than 7 days.
- Provided also that the secretary shall on the request in writing signed by at least 50 members call and convene a general meeting
27. Extra ordinary meeting may be called at any time by the committee, the president, the secretary or on the request, notice shall be necessary for the validity of such meeting provided that the following resolution shall not be passed in any

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such meeting :

- a) Resolutions regarding the election of the office bearers or members of the committee.
 - b) Resolutions regarding the expulsion of members or dismissal of clerks or declaration of person as taut.
 - c) Resolutions which according to the rules must be passed at meeting or which the quorum is fixed.
 - d) Resolution regarding the addition, suspension, variation, abolition of the rules for the time being in force.
 - e) Any resolution which the committee or the president or the majority of the members assembled at such meeting declare to be of sufficient importance to require the calling of an ordinary or general meeting.
28. In the absence of the president or vice president the member present at the meeting shall elect one of them to be chairman thereof.
29. No resolution regarding the expulsion of a member or the dismissal of a clerk or the declaration of a person as taut or the variation of the rules shall be passed unless there is a quorum of 1/2 of the number of members on the roll of the association at the time.
30. There shall be no quorum or previous notice for any adjourned meeting of the association provided that all resolution passed at adjourned meeting shall be carried by majority of votes of members present and entitled to vote at such meeting.
31. All notice for meeting required to be issued under the rules shall as far as possible be circulated to the members and served personally and also put up on the notice board.
- A notice affixed on the notice board relates to personal matter of any member "of the association, the service shall so far as possible be made personally but in case of refusal or avoidance of service of a notice sent to the member under postal certificate and express delivery shall be deemed as effectual and as binding as personal service.
32. A meeting of the management committee shall held at least once in every month.

LIBRARY RULES

33. No person except the member of the association shall be allowed to use the

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34. shall be permitted to take the library books to out station without the written permission of the member in charge of library or in his absence secretary of the association.
35. There shall be a regular register in which all the books of the library .«ready purchased or to be purchased shall be entered from time to time by the member in charge of library.
36. No member shall obtain any book from the library for any non - member or member not entitled to the use the library.
37. There shall be register in which the books removed from the library by any member of the association shall be entered under the clear signature of member or his clerk. The said member or his clerk shall also sign the entry in the register when returning the book, or books and note the date of returning the book or books.
38. Any member who fails to return the books of the library shall be liable to pay its price or any such price or damage which the managing committee deems fit under the circumstances of the case.
39. Any dues against a member in connection with the library shall be realizable from him as if they were arrears of monthly subscription standing against his name.
40. The member in charge shall check the register or registers of library after every 7 days and shall bring to the notice of the secretary or the president the case or case of breach of library of library rules by any member or member of association from time to time.
41. All new books shall be purchased or subscribe only by the managing committee

ELECTION RULES:

42. Every member of the association who is entitled to vote shall have single non-transferable vote.
43. Subject to rules 44 & 15 every member who is entitled to vote shall be eligible to contest the election of any office of the association. The office of the president

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shall be applied on every member who had been president of Distt. Bar Association, Rewari since formation of Distt. Bar Association, Rewari i.e. 1989.

Provided that the candidate for office of the president shall have a minimum experience of five years practising at Distt. Bar Association, Rewari.

44. Any member who is entitled to vote and who is a candidate for the election to any office of the association shall file his nomination paper duly proposed and seconded in writing by the member entitled to vote with the election Returning Officer and his associates duly appointed in General meeting of Bar. Provided that the candidate for the office of president and other offices of the association shall also deposit a sum of Rs. 1000/- and Rs. 500/- each respectively with the treasurer under his receipt which shall be attached with the nomination paper. The deposit so made shall be non refundable except in case under rule 45 & 46.
45. A nomination paper which is not in accordance with rule 44 above shall be considered as invalid.
46. Any candidate for the election can withdraw his nomination. On such withdrawal the candidate shall be entitled to the refund of deposit money.
47. The election shall be held by a secret ballot.
48. The annual general meeting for election shall be presided over by the president subject to the proviso of rule 28 in which case the chairman for the meeting will be elected by the members of the association present and entitled to vote in the meeting.
49. Each voter shall exercise his vote by putting a cross mark 'X' against the candidate for whom he wants his vote to be recorded.
50. A member shall be entitled to vote :-
 - (i) Who is paying the subscription of the bar regularly as per Rule - 9
 - (ii) Who is not member of any other bar except Rewari Distt. Bar Association.
 - (iii) Who has been member of Distt. Bar Association Rewari at least one year prior to the date of election.
50. (a) There shall be provision for by - election in case of resignation/death of any office bearer.
51. No member shall receive any brief or otherwise take any case from or through any of the following persons :
 - i. Any person whom he knows or has reasons to believe to be a tout.

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- ii. Any person whose name is entered on the list of any court as being tout or as the list of repeated touts kept by the committee.
52. For the purpose rule 51 the committee shall maintain a list of persons declared or reported to be touts and shall revise the list from time to time. This list shall be put up on the notice board and shall be open to inspection by member in the library during business hours.
- Explanation : A reported tout is one who is so reported in the opinion of the committee.

CLERK

53. Every member of the association shall appoint his clerk or clerks as per rules framed by the Distt. Judge or Hon'ble High Court.

Servants :

54. The managing committee of the association shall appoint the servants of the Bar and all the powers regarding their appointment, Salary and punishment shall vest in the managing committee of the association.

Power and Procedure in dealing with members.

55. The managing committee shall have power, either upon complaint or of its own motion to enquire into conduct of any member of any clerk or employee of any member so far as such conduct relates to any breach of these rules or the professional character or honour of any member or for the purpose of any such enquiry may do all acts and things which may be necessary or expedient to enable the committee to render such enquiry effective.

Provided that before the committee shall take any action upon the result of such enquiry, the committee shall inform the member concerned or his clerk or employee is convened, or the nature of charge and shall afford him a reasonable opportunity of tendering to the committee his explanation either personally or in writing and submitting to the committee any rebutting evidence which he may desire to produce before it.

56. If after such the committee shall be of such opinion that a breach of any of these rules has been committed or permitted by any member or that any member has been guilty of unprofessional or dishonorable conduct, the committee shall submit

a report on the matter to a general meeting for disposal.

Provided that the committee may in any case in which it may deem proper to do

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so, before making such report afford the member concerned an opportunity of tendering his explanation.

57. If after such enquiry the committee shall be of the opinion that any clerk or employee of any member has been guilty of breach of any of these rules they may pass such order in the matter as they may deem proper in the circumstances and as may be in accordance with the provisions of these rules.
- (a) In every case submitted to a general meeting under the proceeding clause the committee shall give the member concerned at least ten day's notice in writing of the date time and place at which the general meeting will be held and shall at the same time supply him with a copy of its report.
- (b) Every notice issued by the committee under this rule shall be sent by a registered letter address to each member at his ordinary place of business or last known address. Every notice so sent shall be deemed to have duly served on the date on which letter would ordinarily be delivered in the ordinary course of postal delivery.
58. Any member may after ; the provisions of rule 54 and have been complied with. Be expelled from membership by resolution passed in general meeting.
59. Any member whose name shall at any time ceased to be born on the rolls of the advocate of the high court shall cease to be member from the date on which his name is removed from the rolls of the said court.
60. Every order, decision of the committee affecting any member or employee of any member shall be subject to appeal to a general meeting by such member.
- (a) Every such appeal shall be in writing and shall be signed by the member and delivered to the secretary within 15 days of his becoming aware of the order or decision, which desires to appeal.
- (b) The secretary shall without delay put every appeal received under rule 60 before the committee who shall thereupon convene a general meeting for the purpose of disposing of such appeal within one month after date of the receipt of the appeal, by the secretary unless the appellant agrees to or desire a long date.
61. All communications made to committee of enquiries held under the preceding rules shall be deemed to be privileged.

62. Any proceedings or suit in any court by or against the association shall be instituted or defended in the name of the district bar association Rewari with its

instituted or defended in the name of the district bar association. Korean War

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registered office at Bawal through its president, duly authorized by the resolution of the managing committee passed in its meeting.

63. The association shall have authority to relay any dues outstanding against a member or an ex-member by a suit if not paid on demand made in that respect.
64. The property of the bar associations meant exclusively for professional use of the member of the association only. No property of the association shall be given to the member for their private use.
65. All disputes of professional nature between the member of the association and their clerks or employees interest shall be heard and decided by the committee and the decision of the committee shall be final subject to appeal in writing of the general meeting of the association within a week from the decision of the committee.
66. The bar association at the sub divisions, Head quarters may be affiliated with the district bar association Rewari on payment of Rs. 10/- per year for purpose of dignity, general control and discipline with the approval in the managing committee.

Amendments

67. The amendment in the constitution can only be carried out in a General meeting of association in which 50% of the total member will be present and resolution of amendment will be carried by 2/3* majority of the members present.

This constitution has been passed in meeting of Sub Divisional Bar Association, Bawal District Rewari on 15.07.2017.



R. Handley
President
Bar Association
Sub Division Bawal
Distt. Rewari (Hr.)

[Signature]
Secretary
Bar Association
Sub Division Bawal
Distt. Rewari (Hr.)

Nitin Kamli
Vice President
Bar Association
Sub Division Bawal
Distt. Rewari (Hr.)