

Rules

59

Page No. 1

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THE BAR ASSOCIATION KHARKHODA

RULES

Content

1. Title
2. Aims and Objects
3. Membership
4. Office bearers
5. Nomination
6. No confidence
7. Annual General meeting
8. Quorum
9. Notice of meeting
10. Requisition
11. Conduct of meeting
12. Meeting of executive committee
13. Duties of office Bearers
14. functions of Executive committee
15. Budget
16. Committee
17. Library Rules
18. Furniture
19. Remission of membership fee and fine
20. Membership Committee
21. Annual function
22. Accounts
23. Vakalatnama
24. Restriction on candidates in elections
25. Repeal
26. Amendments
27. Inherent powers
28. List of members of the Executive committee

BYE-LAWS OF THE BAR ASSOCIATION KHARKHODA.

1. TITLE

This association shall be called The Bar Association ,Kharkhoda hereinafter referred to as "The association".

2. AIMS AND OBJECTS

The aims and objects of the association shall be as under:

- a) To promote the administration of Law and justice;
- b) To make proper and reasonable suggestions regarding legislative measures;
- c) To protect, safeguard and advance the rights and privileges of the members of the legal profession in general and the members of the association in particular;
- d) To make arrangements for the comforts and amenities for the members,
- e) To provide a Library duly stocked with law books with legal journals and standard newspapers.

3. MEMBERSHIP

- a) The membership of the association is open to all persons, enrolled and admitted by the state bar council of Punjab and Haryana , having place of practice at Kharkhoda and who are otherwise entitled to practice law, on their agreeing to abide by the rules of the Bar Council of India, Bar Council of Punjab and Haryana and this Bar Association.
- b) The admission fee is Rs. 1000/- (One Thousand) and will be charged from the members joining or re-joining the Association. Fresh admission fee will be charged

from person who wish to join the Association, after their names have been struck off from the rolls of the Association or who have resigned from Association without clearing the dues of the Association, on their making amends to the satisfaction of the Association or clearing the dues, respectively.

- c) Each member shall have to pay the monthly subscription, as fixed by the Association, in advance up to 15th of every month, failing which a penalty of Rs. 5/- (five) per month or part of a month shall be charged. All payments made would first be credited towards the clearance of the arrears.

Note:- At present the monthly subscription is Rs. 75 per month out of which Rs. 25/- shall go to benevolent fund.

- d) A legal practitioner shall cease to be a member of this Association.

i) From the date of his resigning from the Association.

ii) If he does not clear his dues of the concerned financial year till 15th January of this financial year.

iii) If he is declared by the Association to be undesirable, provided such and action shall not be deemed to have been taken by the Association unless passed by a majority of 4/5th of the member on rolls of the Association in a general body meeting specially convened for the purpose, of which ten clear days notice have been given and member/s concerned has been given full opportunity be Executive Committee to explain the allegations against him/them

iv) If he has cast his vote in the annual elections of this Bar Association and is found to have cast his vote in elections of any other Bar Association during the same financial year.

v) If he fails to intimate cessation of his Legal Practice to the Bar Council of Punjab and Haryana and the Association within thirty days of doing so.

4. OFFICE BEARERS

There shall be the following office bearers of the Association, who will also be ex-officio members of the Executive Committee (EC) of the Association.

1. a) President.
b) Vice-President.

- c) General Secretary.
 - d) Joint-Secretary.
 - e) Member-in-charge Library.
2. The Punjab National Bank shall be the banker of the Association. The accounts with the bank shall be operated up on by the President and the General Secretary jointly.
 3. The office-bearers of the Association and members of the Executive Committee, which will consist of 5 members excluding its ex-officio members, shall be elected in the annual elections of the Association to be held in the month of April every year and in case of vacancy during the year, for the remaining term of office. Besides, the President shall nominate five senior members of the Association having legal practice of not less than twenty years as honorary members of the Executive Committee for the relevant term/year. Eleven clear days notice of elections shall be given before the date of the elections and nominations for the office-bearers to reach the office of the Association five clear days before the date of the election.
 4. The Elections shall be conducted by Election Committee consisting of three members out of whom the senior most on the rolls of the bar Association shall act as Presiding Member. Out of these three members at least one must have legal practice of not less than twenty five years to his credit. The members of Election Committee shall be nominated by the Executive Committee in the second half of March every year.

5. NOMINATION

The nomination papers for all the elective posts of the Bar association should be entertained by the Election Committee only on prescribed forms to be had from the office of the Bar association on a payment of Rs.100/- (one hundred) per application form. There shall be paid a fee on the

following scale for contesting the elections to various posts of the bar association:

a) President	Rs. 11,000/-
b) Vice-President	Rs. 11,000/-
c) General Secretary	Rs. 11,000/-
d) Joint-secretary	Rs. 11,000/-
e) Member-in-charge Library	Rs. 5,100/-
f) Member executive	Rs. 2,100/-
g) Honorary Member(EC)	NIL

NOTE: _ THESE ALL AMOUNTS MAY PLACED BY THE BAR ASSOCIATION AS THINK FIT.

The Election committee shall note the time and date of the receipt of the nomination forms. The election, if necessary, shall be by ballot. The ballot papers shall be duly signed by the presiding Member of the election committee. The arrangements for the election shall be made by the President in consultation with the Election Committee.

The withdrawal time for all posts should be at least 2 (Two) days prior to the date fixed for polling.

Those members who fail to clear their monthly subscription and other arrears or dues for the financial year preceding that of the annual election of the office bearers of the association shall not be allowed to contest for the Vote for any office of the Association.

Provided further that only those members of the Bar Association , who have cleared their monthly subscription plus any other charges due from them for the preceding financial year till 15th January of the preceding financial year, will be entitled to exercise their right of Vote in that election . New members enrolled during the period of four months preceding to the date of election i.e after 1st January of the relevant calendar year in which the election is held shall not be entitled to vote in the said election.

Provided further that the members of the said Association, who are simultaneously members of any other Bar Association, shall not cast their vote in elections of more than one Bar Association during any financial year.

The new office- bearers and members of the Executive Committee Will Assume office with in a week of the date of election.

6. NO - CONFIDENCE

- i) A requisition to call a meeting to consider a vote of no-confidence against an office-bearer shall be in writing and signed by at least $\frac{1}{3}^{\text{rd}}$ of the total number of members on the roll of the Bar Association. It shall clearly specify the grounds in a precise manner. Information of such a requisition shall at once be given to the office- bearer concerned.
- ii) Ten clear days notice shall be given for a meeting called under 5 (i) to consider a vote of no-confidence . The quorum for such a meeting shall be $\frac{4}{5}^{\text{th}}$ of the member of the Association and resolution to be carried shall require the votes of $\frac{4}{5}^{\text{th}}$ majority of the members present in the meeting in its favor and there is no provision to make the decision without voting.

Provided that no such resolution shall be considered in an adjourned meeting.

Provided also that the office-bearer, against whom the no confidence vote is moved, shall be given full opportunity to explain his position , also in writing if the bar members desired, in the meeting before votes are taken on the resolution .

A requisition shall become invalid if the signatories to it withdraw their consent and the number of such requisitionists falls short of that required by the rule.

7. ANNUAL GENERAL MEETING (AGM)

The annual general meeting shall be held in the first half of the month of April, on a date to be fixed by the executive Committee, at the time and place to be fixed by the president.

Notice of the time and place shall be given by the General Secretary, seven clear days before the date of meeting. The agenda of the meeting shall consist of:

- a) The report of the General Secretary including the accounts of preceding year,
- b) Election of the office-bearers and the members of Executive Committee.

8. QUORUM

The quorum of the annual general meeting shall be at least 50 % of the members on the rolls of the Association. For any other meeting of the Association it shall be 33% or as otherwise provided. No quorum is necessary for an adjourned or emergent meeting

In case the annual general meeting is adjourned, the date of the next adjourned meeting shall be fixed by the president and for such adjourned meeting seven clear days notice is not necessary.

9. NOTICE OF MEETING

Seven clear days with the agenda for the annual general meeting and two clear days notice for ordinary or any other general meeting shall be necessary. No particular time for the notice of an emergent general meeting is necessary.

10. REQUISITION

A Meeting of the Association shall be called on a requisition of 5 members of the Association. The date of such a meeting shall be fixed by the General Secretary but not later than two days after receipt of such a requisition.

11. CONDUCT OF MEETING

- a) Every meeting shall be presided over by the president or General Secretary or in his absence by the Vice -President . In case of absence of both, it shall be Presiding over by a Presiding member, elected by the house for the purpose.
- b) Any matter not mentioned in the agenda, can be taken up with the permission of the President or General Secretary or the Presiding member of the meeting.
- c) Every point, not recommended for consideration by the Executive Committee shall be in the form of a resolution duly proposed and seconded.
- d) All matters shall be decided by the majority of votes. In case of a tie the President shall have a 2nd or casting vote.
- e) The method of voting shall be decided by the President of the meeting, except in case of the election of office- bearers which shall be by secret ballot.

12. MEETING OF EXECUTIVE COMMITTEE

- a) The meeting of the executive Committee shall be held at least once every month. An extra ordinary meeting of the Executive

Committee can be held according to requirement or urgency of work.

- b) Three days notice of the monthly and days notice for extra-ordinary meeting shall be necessary . The quorum for the monthly meeting and the extra-ordinary meeting shall be sixteen and seven respectively.

13.DUTIES OF THE OFFICE-BEARERS

1) President:-

a) The President, being executive head of the Association, shall be responsible for its well, shall preside over all over all meeting of the Association and the Executive Committee and shall operate along with the General Secretary , the Bank accounts of the Association.

b) The same gentlemen shall not be elected to this office for more than two consecutive years.

2) VICE-PRESIDENT:- In the absence of President, he shall preside over all meeting of the Association and the executive Committee and discharge all other duties of the President, in his absence, except that he shall not operate upon the Bank Accounts.

3) GENERAL SECRETARY:- The General Secretary shall be elected every year. The same gentlemen however shall not be elected for more than two consecutive years. He shall be in charge of all accounts correspondence to and from the Association, shall exercise general control over the servants and the property of the Association, shall record and maintain minute books of the Association and the Executive Committee, shall operate, along with the President, the Bank accounts of the Association, shall keep an impress amount of Rs.2,000/-(two thousands) to be advanced to him, shall make all payments on behalf of the Association, shall issue receipt for money received for and by the Association, provided however that the receipts of the monthly subscription and collection on

account of use of library books, can be issued by the clerk who can receive such money for the Association.

4) **JOINT SECRETARY:-** Joint Secretary shall work as General Secretary in the absence of the latter and shall generally assist the General Secretary in the day-to-day routine work, except that he shall not operate on the bank accounts.

5) **MEMBER-IN-CHARGE- LIBRARY:-** He shall be responsible for the library, the condition of the books and the due observation by the members of the rules relating to library.

Provided that no office bearer or member of this association shall accept any amount on behalf of the Association in his personal capacity.

14. FUNCTION OF EXECUTIVE COMMITTEE

- a) The Executive committee shall check and confirm the accounts of income and expenditure of the Association, submitted by the General Secretary every month.
- b) The Executive Committee shall suggest ways and means for the well being, betterment and improvement of the prestige of the Association.
- c) Shall recommend to the Association, any action to be taken against any member of the Association.
- d) Shall frame library rules and rules regarding the appointment, retention and dismissal of the staff of the Association, in the light of the instruction of the high court, if any, on the point.
- e) Shall take steps to improve the tone and discipline and maintain the prestige of the staff of the Association and suggest any disciplinary action against them.

- f) Shall entitled to co-opt, if necessary the President and the General Secretary of the Association in framing such rules or in inquiries against them.

15. BUDGET

Annual budget shall be prepared according to requirements by the Executive Committee with in one month of their election which shall come into force 1st of may after approval in a meeting of the house.

16. COMMITTEE

The members elected on different committee, shall submit their reports on the working of the committee, or the action taken by them to the Executive Committee as soon as possible. The Executive Committee shall issue necessary instruction there on , if and when necessary.

17. LIBRARY RULES

The library maintain by this Association shall follow following rules:

- a) Library books shall be issued only to members and for a period of seven days at a time.
- b) In case the book is not returned on the eighth day than a fine of Rs. 5/- (five) per day per book shall be charge upto seven days.
- c) In case book is not returned on the fifteenth day than, the fine as accrued under clause (b) above and the price of new book shall be added in the monthly subscription of the member concerned, which shall not be remittable by any office bearer or committee under any circumstances.
- d) The member who default in returning books to the library on the eighth day as mentioned in clause (b) above shall not be issued any other book from the library till the books is / are returned or the amount of fine and cost of book , as the case may be, is paid by the member concerned.

- e) Two helpers shall remain available at all times in the library form amongst the staff and their duties shall be in writing. Such helpers shall not leave the library during library hours.
- f) A photocopying machine shall be installed in the library on hire purchase basis /contract basis by the library committee for use of members on chargeable basis.
- g) All purchases for library including books. Journals, furniture, other equipments etc shall be purchased on the recommendation of library committee through quotations and receiving tenders through newspapers.
- h) At least one set of every journal, bare act books etc, where there are more than one sets, and all commentaries and digests shall be treated as irremovable i.e these shall not be issued to the members and shall be maintain for use of members in library only.
- i) In case of spoiling/damage of books of any type, full price of new edition of the books shall be charged as fine from the member concerned . However if the member concerned so desired he shall have option to retain the book with him.
- j) Member are expected to keep the books clean and moving and make efforts to get photocopies of the judgments for producing in court rather than producing the book s to avoid inconvenience to other members.
- k) Notwithstanding anything contained hereinabove the Executive Committee of the Association may add any other rules regulating the library.

18. FURNITURE:

The furniture of the Association shall not be allowed to be removed from the premises of the Association, without the written permission of the president or the General Secretary . The furniture may be allowed only for public functions and general use of members.

19. REMISSION OF MEMBERSHIP FEE AND FINE:

None of the office bearers or committees of the Association shall have any power to remit membership fee of this Association or any fine or other dues outstanding against any member. If any office bearer does so the same shall be recovered and shall be added to dues outstanding against the said office bearers .

20. MEMBERSHIP COMMITTEE

A standing membership Committee shall be constituted by the members of the Executive Committee of the Association comprising of three members of the Bar and the senior most on the rolls of this Association among them being the convener of the committee for ensuring enrolment of the members in accordance with rules of this Association . The term of the membership Committee shall expire at the time of annual election and new committee shall be constituted by the newly elected members of the executive Committee every year.

21. ANNUAL FUNCTION

There shall be held an annual function of the association such as dinner or lunch or tea in the month of December every year or such other date as may be decided by the association for the expenses of which a voluntary special subscription from each member be raised and deficit in the expenditure of the function, if any, shall be paid from the funds of the Association.

22. ACCOUNTS

The accounts of the Association shall be audited every year. The Association shall make payments of any sum equal to or more than Rs. 20,000/- (twenty thousands) through cheque only.

23. VAKALATNAMA

All the members of the association shall only use and file Vakalatnama obtainable from the office of the Association duly affixed with welfare stamp issued by the Bar council of Punjab and Haryana and duly signed by any office bearer of the Association. Vakalatnama shall cost Rs .100/- each.

24. RESTRICTIONS ON CANDIDATES IN ELECTIONS

Any member contesting election for any office of the Association shall not indulge in any of the following acts:

- a) shall not deface the property of the Association /Bar complex in any manner whatsoever.
- b) Shall not canvass for votes within the premises of the Association /Bar Complex on the date of pooling either in person or through any of his supporters.

Provided that any candidate, who violates any of the above restrictions, shall be liable to disqualification from the election by the Election Committee.

25. REPEAL

Rules and resolution framed or adopted in the past in this behalf stand repealed from the date of adoption of these rules by the Association.

NOTE:- (The recent election of the office-bearers shall be deemed to have been held under these rules)

26. AMENDMENTS

The rules of the Association can be amended or modified or added to only by an extra ordinary general meeting specially converted for the purpose for which seven days clear notice has been issued, provided that no such alteration, amendment, modification or

addition to the rules shall be valid unless passed by a majority of $\frac{1}{2}$ members present in the meeting. The quorum for such a meeting shall be $\frac{1}{2}$ th of the members on roll.

27. INHERENT POWERS

Nothing in these rules shall affect the inherent powers of the Association to pass any resolution or to take any action, for the well being, betterment and advancement of the rights and prestige of the Association.

Complied by: Hari niwas Singh ,Advocate

Amended upto 15th July, 2013

THE BAR ASSOCIATION KHARKHODA

List of members of the executive Committee during the year 2013-2014

S.No	Names	Enroll. No.	Year
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