

**MEMORANDUM**  
**OF**  
**ASSOCIATION**  
**OF THE**  
**BAR**  
**ASSOCIATION**  
**BILASPUR**

**(DISTRICT – YAMUNA NAGAR, HARYANA)**

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**MEMORANDUM OF ASSOCIATION**  
**OF**  
**THE BAR ASSOCIATION BILASPUR**

We the members of The Bar Association Bilaspur having solemnly resolved to promote, protect, uphold the rule of law, privileges, interest and prestige of this Association and to maintain high standard of professional ethics and conduct, to fight against mal-administration of justice, to safeguard the rights and privileges of the members of this bar, to provide legal aid to the poor and in order to fulfill the aims and objects enshrined under article V in part II referred to hereinafter in our General Body meeting this ..... day of March 2015, do hereby enact, adopt and give to ourselves this constitution.

**PART – I**

**NAME AND STATUS OF ASSOCIATION**

**ARTICLE – 1    Name:** The name of the Association shall be THE BAR ASSOCIATION BILASPUR.

**ARTICLE – 2    Office:** The registered office of the Association shall be located in THE SUB DIVISIONAL JUDICIAL COURTS, BILASPUR or at 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 firms & Societies Act) by the name aforesaid having perpetual succession and a common seal with



power to acquire, hold and dispose off property, both moveable and immovable and to contract in its name.

- (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 in consultation with the president.
- (iii) If there exists a situation where the Executive Committee is ousted from the office or dissolved due to any of the circumstances, the affairs of the Association shall be managed and governed as provided under Article 18.

**ARTICLE – 4 DEFINITIONS:** Unless the context indicates otherwise the following words in the Memorandum of Association shall mean:-

- (i) ASSOCIATION 'THE BILASPUR BAR ASSOCIATION, BILASPUR'.
- (ii) COMMITTEE 'The Executive Committee of the Association.'
- (iii) Member 'member of the Association'
- (iv) NON-ACTIVE MEMBER 'member, whose name is kept on the list of members notwithstanding his having accepted an office of profit disentitling him to practice & who is not a regular legal practitioner.'
- (v) CLERK 'person under the employment of a member and registered as such with the association'
- (vi) EMPLOYEE 'person under the employment of the association.'



- (vii) COURTS 'all courts-civil, Criminal, Revenue and all other such courts or tribunals – before which a member is entitled to practice under various statutes.
- (viii) PRESIDENT 'Elected President of the Association.'
- (ix) CHAIRMAN 'member who presides over the general body meeting of the Association in absence of the president and the vice-president and also as provided for other Committees/Sub Committees under this constitution.'
- (x) GENERAL BODY MEETING 'meeting of all the active members enrolled with the Association'
- (xi) RETURNING OFFICER 'member appointed by the Executive Committee of the Association'
- (xii) OFFICIAL YEAR 'the official year of the Association shall be from 1<sup>st</sup> April to 31 March of Present & Corresponding year respectively (for example 01.04.2015 to 31.03.2016)'
- (xiii) DEFAULTER 'any member, who has not paid his monthly subscription for a continuous period of six months or more and as such being in arrears.
- (xiv) STANDING AT THE BAR 'the period as membership of the Association.
- (xv) ULTRA MODERN LIBRARY 'Library with updated periodicals journals, news papers and magazines pertaining to law and other subjects directly or remotely connected with law having online and internet access to state High Courts and Hon'ble Supreme Court of India.

## **PART – II**

**ARTICLE – 5 AIMS AND OBJECTS:** - The aims and objects of the Associations are:



- (i) To promote and uphold the rule of law.
- (ii) To protect the privileges, interest and prestige of the Association and promote union and co-operation among the Advocates.
- (iii) To 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 legal public interest and 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 and the rule of law.
- (viii) To acquire and safeguard the rights and privileges necessary or convenient for the purpose of the Association.
- (ix) To participate in All India Lawyers Associations and activities connected therewith.
- (x) To adopt all such measures as might be necessary or incidental of the carrying out the aforesaid objects.
- (xi) To take measures, including funding and applying of funds for aid to deserving members of the Association.
- (xii) To conduct and hold seminars, symposiums, conferences on issues and topics of interest to the legal profession.
- (xiii) To safeguard and 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 judgments 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 the public and to promote legal aid for helping those, who are unable to pay for such legal aid, either wholly or partly.
- (xix) To maintain dignified relations with Judiciary, The District Administration and State Functionaries of the State and Union.

S.N.	NAME/SRV SHRI	ADDRESS	OCCUPATION	DESIGNATION	SIGNATURE
1.	Gulab Singh Salepur		Advocate	President	
2.	Ravinder Singh Jogiwara		Advocate	Vice President	
3.	Amit Verma		Advocate	General Secretary	
4.	Mohit Bansal		Advocate	Joint Secretary	
5.	Pardeep Nehra		Advocate	Treasure	



**Conditions: -**

- (i) The society by its constitution is required to apply its profit if any, or other income in promoting its objects.
  - (ii) No member of the society shall be appointed to any salaried office of the society or any office of the society paid by fees, that no remuneration shall be given by the society to any member except repayment of out of pocket expenses and interest on money lent or rent for premises to the society.
  - (iii) If upon the winding up or dissolution of the society, there remains, after satisfaction of all its debts & liabilities, any property whatsoever, the share shall not be paid to be distributed among the member of the society but shall be given or transferred to some other institution having similar object of the society to be determined by the members of the society at or before the time of dissolution.
  - (iv) The income and the property of this association whatsoever shall be utilized solely for the promotion of the objects of the association as set forth in the memorandum of association.
  - (v) We, the several members, whose names and addresses are appended below, are desirous of forming ourselves into a society under the society registration Act 1860 not for profit and in pursuance of the memorandum, rules and regulations of the Association, the certified copy of which as required by section 2 of the act is annexed here with:
-



S.N.	NAME/SRV SHRI	ADDRESS	OCCUPATION	DESIGNATION	SIGNATURE
1.	Gulab Singh Salepur		Advocate	President	
2.	Ravinder Singh Jogiware		Advocate	Vice President	
3.	Amit Verma		Advocate	General Secretary	
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5.	Pardeep Nehra		Advocate	Treasure	

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### **PART – III**

#### **MEMBERSHIP AND SUBSCRIPTION**

**ARTICLE – 6 MEMBERSHIP:** - There shall be following classes of members:

- (i) Active members
- (ii) Non-active members
- (iii) Life members
- (iv) Honorary Members
- (v) Founder Members

**ARTICLE – 7 MONTHLY SUBSCRIPTIONS:** -

- (i) Active members: Every member of the Association shall pay in advance by the 1<sup>st</sup> week of each month a monthly subscription of Rs. 50/- as membership fee to the Association.

Provided that if the member pays Rs. 600/- in lump sum at the time of issuance of notice for deposit of subscription and the library books and all other dues by the Returning Officer for the



conduct of elections to the Association in that case the member shall be deemed to have paid the full subscription for whole of the year.

(ii) **NON-ACTIVE MEMBERS: -**

Any member, who joins service or leaves the profession or shifts his/her place of profession from the territorial limits of District Yamuna Nagar, may be continued as non-active member but shall not be entitled to contest and vote in elections.

A non-active member whose name is kept in the list of members can avail the facility of the library only and will have to pay the subscription of Rs. 50/- per month, but he shall not be eligible to take part in general body meeting or to have a voting right in the election of the Association or to contest any election of this Association either as office bearer or to avail any other facility available to the active members or otherwise.

(iii) **LIFE MEMBERS:**

A member can become a life member on the payment of a lump sum amount of Rs. 5000/- and such member shall be exempted from the payment of all kinds of monthly subscriptions to 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 (provided that nothing contained therein shall apply to non-active member).

(iv) **HONORARY MEMBERS:**

Every active member who has attained the age of 65 years and has a standing of 30 years or more with this association shall be deemed to be honorary members and such members shall be



exempted from all sorts of monthly subscriptions payable to the association, but shall enjoy all the rights and privileges available to an active member.

(v) **FOUNDER MEMBERS:-**

All the Members of Bar Association Jagadhri practicing in Sub Divisional Courts at Bilaspur will be considered as founder members of The Bar Association Bilaspur subject to payment of Rs. 1100/- as membership fees (which includes subscription of subsequent one year) up till 31<sup>st</sup> March 2017.

**ARTICLE – 8      DEFAULT CLAUSE:-**

Any member who defaults in making payment of the monthly subscription for a continuous period of six months, shall be deemed to be in arrears and a notice there of 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. If such a member does not make the payment of all arrears up to the last date fixed for depositing of the dues, the name of such member shall be struck off from the rolls of the Association. The information to this effect shall be given to the District Bar Association & Haryana Bar Council for necessary action.

Provided that no such member shall be re-admitted unless he pays the arrears and fresh admission fee in full. Such a defaulting member shall have no right to vote or to contest the election of the association during the period of default.

Provided further that any member, who does not clear his name from the list of defaulting member in respect of the library books in the register maintained by the association, shall have no right to participate



in the election in any manner and shall be dealt with as per rules contained in part VIII of the constitution.

**ARTICLE – 9     ENROLMENT OF MEMBERS AND PROEDURE: -**

(i) NEW ENROLMENT W.E.F. 01.04.2017: - Subject to the provisions in this Memorandum of Association, every Advocate, entitled to practice law shall be eligible for membership of the Association. An application for the membership shall have to be submitted in the prescribed format along with non refundable admission fee of Rs. 1500/- along with the following documents:

- (a) Latest photograph in triplicate.
- (b) Original degree in law and enrolment of respective Bar Council.
- (c) An affidavit, duly attested, to the following effect:
  - (i) That the incumbent fulfils all the pre-requisites to be enrolled as an advocate as per 'The Advocates Act, 1961.'
  - (ii) That the incumbent is not disqualified for enrollment as per 'The Advocates Act, 1961.'
  - (iii) That the incumbent does not suffer from any kind of disability 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 at least two members of this Association.

(ii) PROCEDURE: - On receipt of the application from the applicant concerned, the General Secretary of the Association shall place the same before the Executive Committee of the Association for consideration. The Committee will examine all aspects including



verification about genuineness of all testimonials including degree in law and on being satisfied in all respects and about the claims and antecedents of the incumbent, it may admit him as a member of the Association. However the Committee shall have the power to reject an application without assigning any reason.

However, in case of rejection of the application, the original certificates 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 verification of genuineness of aforesaid testimonials. The Committee shall be duty-bound to ascertain the genuineness of the testimonials maximum within a period of one year from the date of making of application for enrolment. However, if the verification is not effected within the prescribed period, then the member shall be entitled to the rights and privileges of a member admitted provisionally as member of the Association shall not be affected in any manner whatsoever.

If the aforesaid testimonials on verification are found to be suffering from any defect or illegality or fraud, then the member shall not only be liable to be removed from the rolls of the Association, but it shall also be within the powers of the Committee to take any penal action which the committee may deem fit and proper.

A member who has been rolled provisionally or as regular member after verification as referred to above shall be exempted from all the charges of monthly subscription for a period of one year w.e.f. the date of his provisional admission.



**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 realize, all arrears of subscription and other dues, falling due up to 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 of profit disentitling him to practice or adopts any other business activity, desires to continue his membership of the Association during that 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.

**ARTICLE – 12 REMOVAL AND RE-ADMISSION OF A MEMBER: -** Save as provided in the article 8, no member shall be removed from the Association except by a resolution passed by 2/3<sup>rd</sup> 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 plus subscription charges) as the Committee may think proper.

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



**ARTICLE - 13 CEASSION OF MEMBERSHIP:** - A member of the Association shall cease to be so, if:

- a) he/she expires, or
- b) he/she resigns from membership and his resignation is accepted by the Executive Committee, or
- c) his/her monthly subscription falls in arrears for one year and remains un-paid till the last date fixed for payment of subscription.
- d) Notwithstanding anything contained in the preceding provisions of this constitution, it is made clear that any advocate, being member of this Association, indulges himself/herself in any business or any commercial activities which are prohibited by Bar Council, in that case, the said member shall attract the penalty of disqualification, if he/she fails to show sufficient reasons/grounds of his/her non-indulgence before the Executive Committee or any other Committee appointed by the President in this behalf, or
- e) Provided further, that any member who is holding excess space then what has been allotted to him/her by this Association shall within a period of 7 days of the coming into force of this Constitution shall handover the possession of the said excess space so to the Association and if the said member fails to handover the possession to the association in that case the executive committee may adopt and take any action which it may deem fit and proper (provided further, the excess space so occupied shall be immediately resumed by the association through it executive Committee.)



After resumption of the excess space, or constructed area, as the case may be, the Association may allot the said space to any other member, who has not been allotted any space so far, but is entitled to be allotted. Provided further that any person who is neither the member of this Association or is a non active member, but is in possession of space or any constructed area either with or without consent of an active member the said person shall be deemed to be an unauthorized occupant for all intents and purposes and the executive committee of this association shall be fully empowered to resume the possession of the said space/constructed portion or any construction thereof in its favour and the said space may be allotted to the member who has not been allotted any space so far but is entitled thereto otherwise. The action of the association cannot be called in question before any court of law.

## **PART-IV**

### **MANAGEMENT**

#### **ARTICLE – 14 COMMITTEES AND GOVERNANCE OF ASSOCIATION**

- (1) **EXECUTIVE COMMITTEE**: - The affairs of the Association shall, subject to this Memorandum of Association and the control of the general house, be managed by the Executive Committee (hereinafter called Committee) consisting of the following office bearers.

- 1) President (elected),
- 2) Vice-President (elected),
- 3) General Secretary (elected),
- 4) Joint Secretary (elected),



- 5) Treasurer (elected),
- 6) Auditor (nominated)
- 7) Library Secretary(nominated)

**EXPLANATION:** - The president, in consultation with the other members of the committee, shall make nomination (s) for one or more posts mentioned at serial no. (6) and (7) above. They shall be nominated by the president in consultation with all elected office-bearers. A lady member, if not elected to any of the above said posts for which elections are held in that case the President may with consultation of the members of the executive body nominate any lady member (Active Member as Executive Member). Normally the President shall make nominations to the various posts/Committees in the manner herein provided, but if the President so elects in his wisdom, he may or may not make any nomination for the offices as provided at serial nos. (6) & (7) of clause (1) of Article 14.

**(2) DISCIPLINARY COMMITTEE:**

- (i) There shall be a Disciplinary Committee constituted by the Executive Committee and headed by a member hereinafter called the '**CHAIRMAN**', having at least 20 years standing at the Bar with two more members with at least of 15 years standing at the Bar.
- (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 Committee shall extend its assistance/co-operation whenever sought by the President in addition to 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 meeting of the Executive Committee and those of Association,
- b) Control and regulate the business of the Association and its meeting;
- 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. 5000/- 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 or responsibility to any of the office bearers and or members of Executive committee or members of the Association independently or jointly.
- i) Convene meetings and issue notices for calling such meetings I.e. ordinary, extra-ordinary and requisitioned meetings of the Executive Committee or of the Association;



- j) Address letters and communications/representations to the authorities on behalf of the Association with the knowledge of the Executive committee;

Provided that the minutes of each meeting mentioned herein before shall be maintained in a separate register to be kept in by the Association.

(2) **VICE PRESIDENT:**

That the vice president shall assist the President in discharging of his functions, towards the members of the Association and towards various other functions including his duties which are mentioned herein before describing at Sr. No. 1 and 2 under Article 15 of the constitution.

(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) Carry on all correspondence and maintain the office of the Association;
- (b) Draw and record full and the accurate minutes of the proceedings mentioned in clause J of Sub Article 1 of Article 15,
- (c) Take all steps to implement the decisions/resolutions passed by the Executive committee and by the general body of the Association,
- (d) 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,



- (e) Contest, represent all suits and legal proceedings on behalf of or against the Association,
- (f) be competent to engage counsel in consultation with the President,
- (g) Prepare the annual record of the Association and its Executive Committee and shall place the same in the General Body meeting for its approval,
- (h) Discharge the administrative functions including sanctioning of bills of recurring expenses,
- (i) Spend, within Budget, a sum not exceeding Rs. 500/- for non recurring expenses without the previous approval of the Committee,
- (j) Do and ensure all other acts/things and deeds for the due compliance of the provisions of the Memorandum of Association in consultation with the President,
- (k) Maintain proper records of the Association and supervise the maintenance of books of accounts,
- (l) 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,
- (m) Take all other steps to keep and maintain the finances of the Association in a sound condition,
- (n) Be responsible for making all arrangements for the ordinary functions including the visits of V.I.Ps. in the Bar and activities of the Association in consultation with the President,



(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 subscription 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 proper and up-to-date accounts and submit the same every month before the Executive Committee in its monthly meeting,
- (e) get the accounts audited annually before the 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) apprise the Executive Committee quarterly about the latest position of the library,
- (i) ensure and maintain proper catalogue of the books and further that the library is reading room and is not used for any other purposes, i.e. consultations and taking instructions from the clients etc.,
- (j) keep and maintain a register for complaints and suggestions about library.

(6) **AUDITOR:**

The accounts of the Association shall be audited at least once a year by the Auditor, appointed or nominated by the President in



consultation with Executive Committee. The Auditor shall examine the entire accounts of the Association and shall have access to the accounts and vouchers at all times throughout 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 to the committee to be laid before the annual general meeting with the complete balance sheet after approval by executive committee unless otherwise directed.

#### **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 proper governance of affairs of the Association.
- (2) The Executive Committee shall constitute a Disciplinary committee and other such Committee or 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 vice president as its Chairman along with other two members to advice the chairman in discharge of the specific task entrusted to this committee. The executive committee shall maintain the minutes of every meeting and this rule shall apply to all the meetings.
- (4) The Executive Committee will hear the grievances of the members, if any, 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, and all 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.
- (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 persons 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, vary, carry out, confirm and cancel the contract and licenses on behalf of the Association.
- (11) The Executive committee shall be competent to invest any money belonging to the Association in nationalized banks or government securities.
- (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 right and facilities to all other members. However, imposition of such



restrictions is to be got approved from the general body of the house. The member whose right are so restricted may appear and present his case in person 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 subject to information to the general house in the next meeting through agenda.
- (15) The Executive Committee/Association 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:-  
It is required for the furtherance of proper governance of affairs of the Association.

OR

- (i) It appears that the continuation of any person as a member of the Association is detrimental to its interest.

OR

- (i) For any reasons affecting the honor and dignity of the profession of the Association.
- (ii) . It is deemed expedient to do so;



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

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

**ARTICLE - 17 DUTIES OF MEMBERS:** - A member of this association shall abide by the following duties;

- (i) A member shall Endeavour to provide full Assistance to the Court and effective representation to his client.
- (ii) In representing a client, a member shall not delay proceedings when it is obvious that such action would serve solely to harass or injure 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 court in any manner or by any other means prohibited by law or by false representation on behalf of his client, and shall not 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 persons/group of persons, who are unable to pay all or any portion of reasonable fees or who are unable to obtain representation by counsel. A member may discharge this duty by providing professional services at no fees/at a substantially reduced fee to persons/groups of persons, who are unable to afford for a counsel



or by active participation in the work of the legal Aid Committees.

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

**ARTICLE – 18 VACANCIES IN THE EXECUTIVE COMMITTEE:**

- (1) In case of any vacancy arising in any manner, among the members of the Executive Committee or the office bearers during the year, it shall be competent for the remaining members of the Executive Committee to co-opt any member of the Executive Committee and to elect one of its members to be such 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 Joint Secretary respectively shall automatically act as President and General Secretary up to the next elections.
- (2) Any member of the Executive Committee, who absents himself from three consecutive meetings of the Committee, without assigning sufficient cause, may be removed 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 or no-confidence is passed against him or incurs the disqualification referred in clause(2) above or is disqualified otherwise, he shall cease to hold his office of Executive Committee. The resignation shall be effective from the date of its acceptance by the Executive Committee.



## **ARTICLE – 19 REMOVAL OF EXECUTIVE COMMITTEE:-**

All the powers under the memorandum of Association shall vest in the Executive Committee. The Executive Committee shall hold office for a term of 1 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 or any of its office bearers shall cease to be in office on a vote of no-confidence having carried out against it in a General Meeting of the Association specially called for that purpose only.

Provided that such resolution must be carried out by a majority of  $2/3^{\text{rd}}$  members of the total members on roll excluding non-voting member.

Provided strictly further that the requisition on prescribed form for no-confidence motion is moved at list by  $1/3^{\text{rd}}$  members who shall be present head count and shall state and substantiate the reason for such a motion. In case a no-confidence motion is carried out against the committee, then in the same general body meeting itself an ad-hoc committee of five members shall be setup by consensus with senior most as its chairman to carry on the business of the Association till the new Executive committee is elected. The president on receipt of the requisition shall call the meeting of the general body within 7 days. Provided that if the president fails to call the meeting on such requisition within the



prescribed period then the Returning Officer shall call the meeting within next 3 days after the expiry of 7 days period with in which the president had to call the meeting.

Any member of the executive committee or any office-bearer shall likewise cease to hold office if a vote of **no-confidence** is carried out against him in the same manner as provided hereinbefore.

- (2) (i) The Executive Committee shall ordinary meet once a month for which two clear days notice shall be necessary or on a written requisition by at least 3 members thereof. (ii) The president or the General secretary whenever, deems 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 agrees to such proposal or resolution, it shall be deemed to have been passed by circulation and shall be recorded in the minutes.

#### **ARTICLES – 21 GOVERNANCE OF THE ASSOCIATION AFTER THE REMOVAL OF THE EXECUTIVE COMMITTEE:**

The affairs of the Association in the absence of the Committee shall be governed by an adhoc Committee to be constituted in accordance with the provisions of Article 20 till the new Committee is elected. 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 MEETING**

### **(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 March with 7 days prior notice to the members.

### **(2) HOLDING OF ANNUAL GENERAL MEETING:**

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 the year;
- (ii) to pass the accounts of that year;
- (iii) to consider any other matter with the permission of the President.

All matters in annual meeting shall be decided by consensus and if consensus fails, by a majority vote of the members present and voting. In case there being a tie, the chairman of the meeting shall have a casting vote in addition to his Own.

## **ARTICLE – 23 NOTICE FOR OTHER MEETINGS:**

A notice of at least 48 hours shall ordinarily be necessary for an extra-ordinary general meeting and in case of an ordinary general meeting at least 24 hours notice shall be necessary if in the opinion 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 MEETING:-**

- (a) An ordinary or extra-ordinary general meeting shall be called by the president 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 at least 100 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 specify the object of the meeting.

#### **ARTICLE – 25    QUORUM**

- (1) At least  $\frac{1}{4}$  members shall form the quorum for the general meeting.
- (2) At least  $\frac{2}{3}^{\text{rd}}$  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 committees/sub-committees which may be constituted for various other purposes.

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

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

#### **ARTICLE – 26    ELECTION: -**



The annual general elections for the various posts as provided in Article 14, shall be held by the end of March each year in accordance with the provisions of this constitution and the Election rules Framed there under.

**ARTICLE – 27 ELECTION TRIBUNAL:**

The Returning Officer shall act as Election Tribunal. A member having not less than 20 years of standing at the bar and is not intending to contest the election shall be appointed with his 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 this memorandum of Association. However he shall continue to be Returning Officer for the remainder period of his tenure as such officer.

**ARTICLE – 28 APPOINTMENT OF RETURNING AND ASSTT. RETURNING OFFICER**

The Executive Committee of this Association shall appoint a Returning Officer and an Assistant Returning Officer such member of the Association as such who is not intending to contest the election for the conduct of fair and smooth elections of the Association in accordance with the rules farmed. The decision of the Returning Officer/Assistant 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 House.

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

**ARTICLE – 29 ELECTION PETITIONS: -**



Election Petition (s), if any, may be preferred within 24 hours after the declaration of the result, before the election Tribunal, so appointed for the purpose, under Article 27 only on a ground of re-counting and no other.

The election Petition (s) shall be heard and disposed off in the manner 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 office bearers shall be administered Oath in accordance with rule 13 of the elections rules.

**PART – VI**

**AMENDMENTS, PROFESSIONAL CONDUCT AND SERVICE CONDITIONS: -**

**ARTICLE – 31 REPEAL AND SAVINGS: -**

The Rules/Byelaws followed prior to the coming into force of this constitution framed under this Memorandum of Association of Bar Association Bilaspur previously are hereby repealed;

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 general meeting held after 7 days



prior notice of the proposed amendments and with a clear majority of 2/3<sup>rd</sup> members on the rolls 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 on roll excluding members who are prevented from casting their votes. All members proposing amendment shall be present head count and shall state and substantiate reasons for such an amendment.

**ARTICLE – 33 PRIVATE CONVERSATIONS CONFIDENTIAL:**

No publicity shall be given to any statement or expression of opinion or conversation held in any premises at any time occupied by the Association. Any member infringing this rule 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 practice in court at Bilaspur 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 touts kept by the Committee;
  - (iii) A clerk whose employment to the member of the Association is prohibited by the Committee.
- (3) For the purpose of Article 32, 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 publishing 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 (ii) or on the list mentioned in relevant Article.
  - (ii) In any capacity any person who:-
    - (a) at any time been recorded as a bad character or be a disreputable character and objected to by the Committee as such;
    - (b) in the opinion of the committee renders him unfit to be employed by a legal practitioner;
    - (c) has 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 THEIR SERVICE CONDITIONS:**

(1) Office Superintendent.

For efficient functioning of the administration of the Bar Association Bilaspur, a post of office Superintendent if is created and the incumbent must possess the following qualifications:

- (i) Should be at least Graduate:
- (ii) Should be well conversant with English language, i.e. speaking and writing.

(2) Librarian

(3) Clerk

(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.

**EXPLANATION-1: -**

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

**EXPLANATION-II: -**

An employee, who is already in the 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.



### **EXPLANATION – 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.

### **EXPLANATION – IV: -**

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

### **ARTICLE – 36                      RIGHT OF DISSENT: -**

Members shall have right of dissent against the decisions of the Executive Committee, such dissent, shall not be expressed by the member/members through hand bills, posters or press statement. However, if at least 100 members disagree with the decision of the committee, they shall have right to voice the dissent by first placing in writing before the committee to do the needful within 48 hours and 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 dissent shall not be available after 3 days from the date of such a decision over which dissent is desired to be expressed.

### **ARTICLE – 37                      MIS-CONDUCT BY THE MEMBERS AND DISCIPLINARY ACTION:**

The following acts on the part of the members shall constitute misconduct:



- (a) wilful disobedience or non-compliance of the decision taken by the Executive Committee, general Body decision or of any other Sub-Committee constituted under this Memorandum of this association,
- (b) threatening the members of the committee or those of the Sub-Committees or of persons appointed by the Bar Association Bilaspur or coercing them to do or not to do any act in discharge of their duties and functions under the Memorandum of Association,
- (c) misuse 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 undesirable activities like gambling, playing cards and drinking etc. in bar premises during and after the working hours,
- (e) threatening and/or assaulting the members or employees of the Bar Association;
- (f) acts, deeds, which do not behave to the Advocates and Committing professional misconduct as defined under Advocates Act, 1961,
- (g) any member found helping touts or soliciting work through touts;
- (h) attending courts or court proceedings or meeting of the Association after 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) 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,
- (o) forming any Society/Association on the lines and in the name of castes, class, religion or political party etc.
- (p) doing any act to disintegrate the unity of the Bar,
- (q) issuing posters, hand bills against the decision of the Executive Committee or the General Body.
- (r) engaging any persons declared to be touts in the employment as clerk or sheltering any person/member against whom the Association has lodged a civil/criminal case or has taken any disciplinary action for committing misconduct,
- (s) allowing any person to sell any item or to take benefit from the property vesting with the Bar Association.
- (t) 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, constitutes misconduct.



**ARTICLE – 38 DISCIPLINARY ACTION: -**

The Executive Committee on the receipt of the findings of the disciplinary Committee, may, by 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 a term which may extend to six months (Suspension period will be considered as a break for the purpose of membership of the Bar Association 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 misconduct.**

**(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 misconduct to the Bar Council of Punjab and Haryana, Chandigarh.**

**(e) Imposing penalty of amount not exceeding Rs. 5000/- and the minimum penalty of amount not be less than Rs. 500/- which has to be deposited with the Bar Association, Bilaspur.**

**(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, Jagadhri and Bar Council of Punjab and Haryana, Chandigarh.**

**(g) The Committee may also debar any erring member from carrying on practice in courts at Bilaspur.**



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

- (i) On receipt of the complaint, the General Secretary shall call comments from the member, against whom the complaint is received requiring the member to submit the same within 7 days.
- (ii) On receipt of the comments from the concerned member, the General Secretary shall forward the complaint along with 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 findings 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 finding from the disciplinary Committee and requiring the member to make representation within two days against the proposed action.
- (iv) On receipt of the reply to show cause notice as referred above and in case of the proof of the guilt, the Committee shall take action or actions as are incorporated in Article 37, 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 – 39 CODE OF CONDUCT FOR EXECUTIVE MEMBERS:**

- (I) In the case of any dissent or difference 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 – 40 WELFARE SCHEMES: -**

The legal fraternity constitutes of leading segments of the intellectual communities and is largely responsible for the maintenance of and upholding of rule of law, which is 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 nominal at least 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 for the benefits of advocates. It shall be the bounden duty of the Committee to approach the Haryana Government for such an enactment as early as possible and also seek the help of Bar Council and other concerned authorities in this regard.

## **PART – VIII**

### **(RULES)**

#### **LIBRARY RULES OF LIBRARY AND BAR ROOM RULES OF THE BAR ASSOCIATION BILASPUR: -**



**1. NAME: -**

The Library shall be name as BAR ASSOCIATION BILASPUR LIBRARY.

**2. LOCATION:**

It shall be located in the premises of Bar Association Bilaspur.

**3. DEFINITIONS:**

Unless context refers to otherwise.

MEMBER means a member of the Bar Association Bilaspur.

LIBRARY: Bar Association Bilaspur Library.

BOOKS: include Text Books, Law Reports, Journals, Magazines, Periodicals, Digests, Gazettes and Rajpatras and 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 practicing at Bilaspur Courts, shall be deemed to be a member of the Library and shall have to pay 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 works of the library will be carried on by the librarian appointed by the Association under supervision of the Library Secretary to collect subscription, penalties and other charges in respect of library and Books.

**6. NUMBERING 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 be accordingly kept.

**7. PURCHASE OF BOOKS AND ITS 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 the consideration.

**8. DAILY TIMING:**

The Library shall open on all working days 30 minutes before and close 30 minutes after the court hours.

**9. ISSUE OF BOOKS:**

- 1) In order to maintain up-to-date library, it is made clear 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 got returned then the President and the General Secretary shall be responsible for meeting the cost of such books. It will be the duty of the librarian to inform the President and the General Secretary regarding non return of books within two days.
- 2) The members, however, shall be entitled to consult the books of the library room themselves 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 newspapers, magazines, journals and periodicals coming in the library of 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 newspapers etc. will be disposed off by the Library Secretary or In-charge 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, the President shall initiate action against the erring member 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 or the Member In-charge of the Library or in the Book maintained in the Library for the purpose.

**BAR ROOM RULES OF THE BAR ASSOCIATION**

**BILASPUR:**

**1. NAME:**

Bar Room Bilaspur

**2. LOCATION:**

It shall be located in the premises of court compound Bilaspur.



**3. INCHARGE:**

Any member so appointed by the Executive Body, shall be in-charge of Bar Room.

**4. SMOKING, DRINKING OF LIQUOR PROHIBITED IN THE BAR ROOM.**

**5. ACTION AGAINST ERRING MEMBERS:**

If any member commits breach of rules of Bar Room, the Executive Committee shall initiate action against the erring member as it may deem proper and necessary.

**ELECTION RULES OF BAR ASSOCIATION**

**BILASPUR:**

**RULE - 1 - APPOINTMENT OF RETURNING AND ASSISTANT RETURNING OFFICER:**

There shall be a Returning Officer and an Assistant Returning Officer appointed by the outgoing Executive Committee of the Bar Association Bilaspur in the month of January of the following year for a period of 2 years. The decision of the appointment of Returning officer and Assistant Returning Officer shall be made known to the members in the meeting of the general body.

**RULE - 2 - QUALIFICATIONS OF THE RETURNING AND ASSISTANT RETURNING OFFICER:**

- (i) A member intending to contest any election of the Executive Committee, shall not be appointed as Returning Officer or Assistant Returning Officer.
- (ii) No member shall be appointed as Returning Officer or Assistant Returning Officer without his consent.



- (iii) Such member should not be an office bearer of the outgoing Executive Committee.
- (iv) Returning Officer or Assistant Returning Officer shall not be entitled to be proposer or seconder of contesting candidates.

**RULE - 3 - TENURE OF RETURNING OFFICER OR ASSISTANT RETURNING OFFICER:**

The tenure of Returning Officer or Assistant Returning Officer shall be from the date of their appointment for 2 years. The Returning Officer shall administer oath to the members of new Executive Committee as provided in Rule 16.

**RULE - 4 - POSTPONEMENT OF ELECTION:**

Election shall not be postponed/delayed under any circumstances and shall have to be held before 31<sup>st</sup> March each year or as per the order of Bar Council of Punjab and Haryana Chandigarh. However, the election shall stand postponed only in case of death of a contesting member or the Returning Officer/Assistant Returning Officer. The postponement shall be for a period of 1 week in maximum.

**RULE - 5 - DUTIES AND POWERS OF THE RETURNING OFFICER:**

- (1) The Returning Officer once appointed or elected shall have powers to include three members of his choice in his electoral team.
- (2) The Returning Officer immediately after appointment shall start the process of the election by issuing a notice. He shall ensure preparation of rolls, declaration or election schedule and arrangement for election 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 election 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 the absence of Returning Officer, the Assistant Returning Officer shall assume and exercise all the duties and powers of Returning Officer.
- (5) All used and unused ballot 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 ELECTION:**

- (1) 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 full subscription on or before the date fixed for filling of nomination papers for election or the date fixed by the Returning Officer for deposit of subscription and the return of library books.
  - (b) He pays alongwith his nomination form a nonrefundable sum of security mentioned as below:
    - (1) President Rs. 1000/-
    - (2) Vice President Rs. 500/-
    - (3) General Secretary Rs. 500/-



(4) Joint Secretary Rs. 300/-

(5) Cashier Rs. 300/-

(c) He has completed a minimum of membership/practice mentioned post wise as below:

(1) President 5 Years

(2) Vice President 3 Years

(3) General Secretary 3 years

(4) Joint Secretary 1 year

(5) Cashier 1 year

(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 Bilaspur; will not be eligible to propose or second the candidature of any member for any of the posts.

(ii) Non active members shall have no right to vote or contest the elections.

**RULE – 6A -** No member shall be eligible to contest and to be elected twice for the same post consecutively

**RULE – 7 - MODE OF ELECTION AND TENURE OF EXECUTIVE COMMITTEE**

The office-bearers of the Association shall be elected by secret ballot and the tenure of the elected Executive Committee shall be only upto 31<sup>st</sup> March each year and not thereafter.



**RULE – 8 - CONVASSING:**

- (1) There shall be no co canvassing in the form of posters, pamphlets, hand-bills and banners etc. by the contesting candidates or their supporters in the area of Election Enclosure on the day of the polling.

**RULE:** The Election Enclosure shall mean the area/building occupied by election staff and/or is indicated by writings or by symbols or by marks etc.

- (2) The candidates and their supporters shall not be permitted to assemble 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 has been provided in rule 9 below.

**RULE – 9 - PRESENCE OF CANDIDATES AND THEIR AGENTS:**

- (1) At the time of voting and counting of votes, the candidates in person or their agents 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 person 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 polls 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 at the time of counting if they are persons other than polling agents.
- (7) No candidate or his agent shall be permitted to enter the polling station after the commencement of the poll except with the permission of the Returning Officer or as provided herein 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 filling 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 between 9:00 A.M. to 4:00 P.M. with half an hour interval from 12:00 to 12:30 P.M. The voters having entered the polling enclosure and forming the queue within the enclosure by 4:00 P.M. shall be allowed to cast their votes.



## **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 affixed on the notice board of the Association and he shall also ensure its wide circulation among the members through peon book.

#### **EXPLANATION:**

- (i) The election process shall be deemed to have commenced when the electoral rolls are published and are placed on the notice board fixed in the complex of Association.
- (ii) The member enrolled after the publication of the electoral rolls and their placement on the notice board of the Association shall not be eligible to vote/contest the election.
- (iii) Notwithstanding the provisions in this Memorandum of Association, no member shall have right to vote or contest unless he has cleared all his dues including books of library, if any, on or before the date so fixed by the Returning Officer for clearing of dues and deposit of library books.

### **(2) ELECTORAL ROLLS AND NOMINATIONS:**

- (i) Electoral rolls shall be published within two days after the date of clearing of dues and deposit of library books and filling of nomination papers will commence on the 7<sup>th</sup> day after the publication of the electoral rolls on the notice board and would close on the 10<sup>th</sup> day thereafter.



- (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 election is conducted in a peaceful manner.
- (iii) The timings of filling of nomination papers shall be from 10:00 A.M. to 3:00 P.M.
- (iv) The nomination forms can be collected from the office of the Returning Officer between 10:00 A.M. to 12:00 noon after publication of the electoral rolls.
- (v) The eligible voter can only be a proposer or 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) That the list of electoral rolls so published on the notice board of the Association can be had from the Association by the contesting candidates on payment of Rs.50/- each.
- (ii) In case of any error or omission in the list of voters, the same shall be pointed out to the Returning Officer within 2 days itself and consequently the Returning Officer will take necessary steps to correct the error.
- (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 off by the Returning Officer on the subsequent day. The order of the Returning Officer disposing off the objections shall be final and binding.

**(5) SCRUTINY OF NOMINATION PAPERS:**

The scrutiny 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 or 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 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 and without written information.



**(8) POLLING:**

Polling shall take place from 9:00 A.M. to 4:00 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:**

- (i) No member other than the Returning Officer shall have any right to announce the official result and to release a press note to that effect.
- (ii) The Returning Officer shall announce the election result on the day of polling itself.
- (iii) 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 PETITIONS:**

- 1) The Election Petition, if any, can only be preferred before the Election Tribunal within a period of 24 hours 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 Bar Association Bilaspur.
- 3) The Returning Officer shall preserve the election record i.e. used and unused ballot papers till the disposal of the Election Petitions, if any.



**RULE – 14 -      ELECTION TRIBUNAL:**

One member Election Tribunal shall consist of Returning Officer and the Returning Officer may in his own wisdom may take the services of the Assistant Returning Officer and any other two persons to conduct the proceedings of the Election Tribunal. A member having ..... at least 15 years of practice shall be appointed as Returning Officer who will head the Election Tribunal.

**RULE – 15 -      HEARING OF ELECTION PETITIONS:**

(1) The Election Tribunal shall receive the election petition, if any, from the aggrieved candidates 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. 24 hours from the time ending declaration of election result.

NOTE: The Returning Officer shall be duty bound to announce the time after the declaration of results.

- (2) Subject to the provisions of sub-section (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 or 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 working day by the Returning Officer or any senior most member of the Association if the Returning Officer is not available. The office superintendent shall make all arrangements including refreshments 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/her, if not found guilty,
  - (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 the Memorandum of Association,
  - (v) to take any other action which the Executive Committee deems proper.
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