

Constitution, By Laws, Rules

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LOHARU

CONSTITUTION

CUM

BY LAWS

CUM

RULES AND REGULATIONS

OF

"BAR ASSOCIATION, LOHARU DISTRICT BHIWANI"

Preamble

We, the Permanent residents or Permanent Practicing Lawyers of Sub Division, Loharu having resolved to constitute the Bar Association, Loharu into a Republic body in the light of "The Bar Association (Constitution & Registration) Rules 2009 of the Bar and council Punjab & Haryana and we have tried to secure/protect the rights of all its members.

The purpose of such provision is only to save the right of the regular practicing lawyer.

Constitution Committee

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Bar Association, Loharu District Bhiwani Bye-Laws 2014

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CHAPTER – 1 Preliminary

1. THE BAR ASSOCIATION SHALL BE CALLED

"Bar Association, Loharu District Bhiwani"

2. SHORT TITLE, EXTENT & COMMENCEMENT

- (a) These Rules shall be called "The Bar Association, Loharu District Bhiwani (Bye Laws Cum Regulations) Rules 2014"
- (b) These rules shall extend to the entire Sub Division, Loharu.
- (c) These rules shall come into force forthwith on Registration.

3. REGISTERED OFFICE

The registered Office of the Association shall be at Sub Divisional Complex, Loharu.

4. AREA OF OPERATION

The area of operation of the Association shall be all over India/Haryana.

5. DEFINITIONS :- In these rules, unless the context otherwise requires:-

- (a) **General body** : Shall means "All the Regular Members, whose names are specified in Schedule – I, office bearer of the managing committee & visiting Life Members whose names are specified in Schedule – II (A) of the Bar Association, Loharu.
- (b) **Schedule – I** : Shall means "A Schedule of the membership Register, in which the name of the regular member shall be recorded & maintained.
- (c) **Schedule – II (A)** : Shall means "A Schedule of the membership Register, in which, the name of the visiting life members shall be recorded & Maintained.

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- (d) **Schedule – II (B)** : Shall means "A Schedule of the membership Register, in which, the name of the visiting ordinary members, shall be recorded & maintained.
- (e) **Regular Member** : Shall means "A member, who is Permanent resident of Sub Division, Loharu.
- (f) **Visiting Member** : Shall means "A member, who is not Permanent resident of Sub Division, Loharu.
- (g) **General Body meeting** : Shall means "A meeting of General Body members of the Bar Association, Loharu.
- (h) **Bar Association** : Shall means "Bar Association, Loharu District Bhiwani".
- (i) **Managing Committee** : Shall mean a committee constituted unanimously or elected by the General body for the administration of the Bar Association under the Bye Laws Cum Rules & Regulation of the Bar Association, comprising only office bearers.
- (j) **Enrollment Committee** : Shall mean a committee constituted by managing committee from time to time to look after the work of the enrolment of the Bar Association.
- (k) **Disciplinary Committee** : Shall mean a Committee constituted by Managing Committee from time to time for look after the discipline among the members of Bar Association.
- (l) **Co-ordination Committee** : Shall mean a Committee constituted by the managing committee from time to time for co-ordination between Bar and Judiciary, Govt. authorities, local administration, State Bar Councils, Bar Council of India. High Courts etc.
- (m) **Welfare Committee** : Shall mean a committee constituted by the Managing Committee from time to time for look after the welfare matter of the members of the Bar.
- (n) **Approval** : Shall mean a order of the General body meeting.

- (o) **Annual Meeting** : Shall mean "General Body meeting may be held within last two month at the end of every financial year for adopt the audited account.
- (p) **Emergency Meeting** : Shall mean a meeting other than scheduled meeting and called by 1/5th members of General body or the managing Committee in the emergency circumstances.
- (q) **Administrative Committee** : Shall means any Administrative body or bodies duly constituted by the managing committee to look after of any matter under the aims & objects of the Bar Association as and when feels requirement.
- (r) **Committee or Sub Committee** : Shall means by committee or Sub Committee duly constituted by managing committee to assist it in furtherance of the aims & objects of the Bar Association.
- (s) **Office Bearer** : Shall mean office or staff members duly appointed by managing committee or General body of the Bar Association.
- (t) **Officer & Staff** : Shall mean officer or staff members duly appointed by the managing committee or General body of the Bar Association.
- (u) **Executive Member** : Shall mean all the members duly appointed by managing committee for assist the management work.
- (v) **Financial Year** : Shall mean from 1st April to 31st March of every year.
- (w) **Sub Division Loharu** : Shall mean all revenue estates of Sub Division Loharu.
- (x) **Reserved/Statuary benefits** : Shall mean all such benefits which shall be reserved by the state Govt., Central Govt. or any other statuary bodies for the permanent practicing lawyers at Loharu.
- (y) **Presumption** : A lawyer, who is Permanent resident of Sub Division Loharu and his/her name shall be specified in Schedule – I shall be presumed that he is permanent Practicing Lawyer at Loharu.

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(z) **Bar Council** : Shall means State Bar Council of Punjab & Haryana, Chandigarh.

(aa) **Members of Bar Council** : Shall means an Advocate who has voluntarily taken the membership of the Bar Association.

(bb) **Prescribed** : Shall means prescribed under these rules.

(cc) **Civil Court Complex** : Shall means "Sub Divisional Complex, Loharu.

(dd) **Act** : Shall mean "Advocate Act with Amendment upto date.

(ee) **Permanent or Regular Practice** : Shall means an advocate who remains for legal practice during at least three days of week in civil or revenue court of Sub Division and residence shall be within the territorial Jurisdiction of Sub Division Loharu.

(ff) **Visiting Life Member** : Shall means, An Advocate, who is not permanent resident of Sub Division Loharu but intend to Permanently Practice at Loharu as a life member.

(gg) **Visiting Ordinary Member** : Shall means, An Advocate, who is not Permanent resident of Sub Division Loharu but intend to practice at Loharu as only a visiting member.

6. **AIMS AND OBJECT** :-

- (i) To watch the welfare of Advocate and to safeguard the rights, privileges and interest of Advocates on its Roll.
- (ii) To Safeguard and promote the interest and welfare of legal profession and its member in general and of the members of the Bar Association.
- (iii) To prepare and implements scheme for giving assistance to the members and their families in distressed circumstances.
- (iv) To maintain a library of legal literature and of other subjects likely to be useful for the members of the Bar Association.

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- (v) To provide a meeting place for the members for study & discussion of Law and to provide all kind of necessaries amenities to the members of the Bar Association.
- (vi) To bring to the notice of the Bar Council of Punjab & Haryana, Bar Council of India, Hon'ble Punjab & Haryana High Court, Hon'ble Supreme Court of India or the Central or the State Govt. matter effecting the legal profession in general and member of the Bar Association in particular.
- (vii) To promote the growth of the Bar Association for the purpose of effective implementation of the welfare schemes framed by the Bar Association as well as Bar Council.
- (viii) To promote the development of legal science and studies and watch legislation for the purpose of assisting in the progress of sound legislation.
- (ix) To protect the independence, unity and autonomy of the Bar Association, as provided under The Advocate Act.
- (x) To promote & support law reforms, to conduct seminars and organize talks on legal topics by eminent jurists and public Journals and papers of legal interests.
- (xi) To organize legal aids to the poor in the prescribed manner to manage and invest the fund of the Bar Association.
- (xii) To protect constitution and law of the land.
- (xiii) To create the harmonious relation between Bar & Branch.
- (xiv) To awaken the public at large about their legal rights, remedies provided by Govt. & Judicial system, social evils like as child marriage, dowry etc., illegal trafficking, child labor and lethal effects of drugs, smoking etc. through organizing the legal literacy camps in the area.
- (xv) To co-ordinate with Bar Council of Punjab & Haryana, Bar Council of India, Hon'ble Punjab & Haryana High Court, Hon'ble Supreme Court of India, District Courts (Judicial & Executive), Sub Divisional Courts (Judicial & Executive), State Govt., Central Govt. or any other bodies for implements the policies, rules, norms, which shall be useful for the public & member of the Bar Associations.

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- (xvi) To bring the notice of the Bar Council of Punjab & Haryana, Bar Council of India, Hon'ble Punjab & Haryana High Court, Hon'ble Supreme Court of India, District Courts (Judicial & Executive), Sub Divisional Courts (Judicial & Executive), State Govt., Central Govt. or any other bodies about the corruption abuses.

 - (xvii) To do all such acts or take such steps as might be necessary for the well being of the members of Bar Association and further to control / curb malpractice, misconduct, toutism etc., by advocate, Munshi, Typist, Draftsman etc.
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CHAPTER – II Membership

7. **MEMBERSHIP** : There shall be three type of membership of the Bar Association as follows :-
- (i) **Regular Membership** : Every person qualified to practice under the Advocate Act and Permanent resident of Sub Division Loharu shall be Regular Member of the Bar Association and his/her name shall be specified in Schedule – I of the Membership Register.
 - (ii) **Visiting Membership** : Every person qualified to practice under the Advocate Act shall be Visiting Members of the Bar Association and his/her name shall be specified in Schedule – II of the Membership Register. There shall be two type of Visiting Membership as follows:-
 - (a) **Visiting Life Membership** : A advocate who is not permanent resident of Sub Division Loharu but intend to Permanently Practice for his life in Bar Association Loharu. Name of such member shall be specified in Schedule – II(A).
 - (b) **Visiting Ordinary Membership** : A advocate, who is not Permanent resident of Sub Division Loharu but intends to practice only a visiting Member in the Bar Association. Name of such member shall be specified in Schedule –II (B).
 - (iii) **Honorary Membership** : Any regular member of Schedule – I is unable to pursue legal practice due to old age, disease, physical disability, shall remain honorary member of the Bar for remaining life without paying any dues etc. and shall be entitled to govt. scheme benefits but not entitled to vote or other proceedings of the Bar.
8. **MAXIMUM LIMIT OF MEMBERSHIP** :- Bar Association Loharu shall have no maximum limit for membership.
9. **GENERAL ELIGIBILITY FOR MEMBERSHIP** : In order to be admitted as a member in any category of the membership of the Bar Association, a person:-
- (a) Qualified to practice under The Advocate Act.
 - (b) Must not be an insolvent and of unsound mind.

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(c) Must have deposited the admission fee and monthly subscription fee, which shall be determined by the Managing Committee or General body as case may be from time to time.

(d) Should abide by the aims & object of the Bar Association.

10. CATEGORICALLY ELIGIBILITY FOR MEMBERSHIP:-

i) **Regular Member** :- In order to be admitted as a Regular Member of the Bar Association, a person;

(a) Must be Permanent resident of Sub Division Loharu.

(b) Must be qualified as per General eligibility as mentioned in the Section I of Bye Laws of the Bar Association.

ii) **Visiting Life Member** :- In order to be admitted as a Visiting Life member of the Bar Association, a person:

(a) Must be qualified as per General Eligibilities as mentioned in the Section 9 of the Bye-Laws of the Bar Association.

(b) Must be maintained Present residence within the area of Sub Division till the last day of Practice at Loharu.

(c) Must file an affidavit that his/her name is not enrolled on the roll of other Bar Association in India as a Regular member/permanent member including the Bar Association of such District or Sub Division which belongs to the area of his/her Permanent resident of such member and he / she has no voting right in any Bar Association in India.

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(d) If any member has voting right in other Bar Association, then must be submits a certificate from such Bar Association to this effect that his voting right has been cancelled and now he / she has no voting right in said Bar Association.

iii) **Visiting Ordinary Member**:- In oder to be admitted as a Visiting ordinary member of the Bar Association, a person:

(a) Must be qualified as per General Eligibilities as mentioned in the Section 9 of the Bye-Laws of the Bar Association.

11. **MEMBERSHIP REGISTER** : The Bar Association shall maintain Schedule – I, Schedule – II (A) and Schedule – II (B) in the membership Register as follows:-

(i) **Schedule – I** : The name of Regular Members shall be recorded or maintained in this Schedule of the Membership Register, which shall be called as Schedule-I.

(ii) **Schedule – II(A)** : The name of the Visiting Life Members shall be recorded in this Schedule of the Membership register, which shall be called as Schedule-II (A).

(iii) **Schedule – II(B)** : The name of the Visiting Ordinary Members shall be recorded in this Schedule of the Membership register, which shall be called as Schedule-II (B).

12. **MEMBERSHIP FEE & MONTHLY SUBSCRIPTION**:-

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- (i) The fee for membership of the Bar Association and the Annual subscription shall be as under:-

Sr. No.	Type of Member	Admission Fee	Monthly Subscription
1.	Regular Member	600/-	30/-
2.	Visiting Life Member	2000/-	30/-
3.	Visiting Ordinary Member	2000/-	30/-

- (ii) The admission fee & Annual Subscription shall be decided from time to time by General Body of the Bar Association.
- (iii) The payment of monthly subscription shall become due as on the 1st date of every month, which may be paid upto 10th of every month.
- (iv) Any member who fails to pay subscription for three months consecutively shall be deemed to be defaulter.
- (v) A member of the Bar, who pays the Lumpsum monthly subscription in advance in the month of April/May for a complete year will have to pay Rs. 300/-. A member who does not pay the dues upto month of September, Bar facility provided to him shall be curtailed and shall be disentitled to effective participation in voting or other important matters.
- (vi) Any defaulter member till the eleven months continuously shall be deemed to be under suspension and such member shall not be entitled to cast his vote during the election of the Bar Association for the next year. Nevertheless, the name of regular member of Schedule- I shall not be struck off from the Roll on this ground along but other rules and conditions being applicable.

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- (vii) A defaulting member who ceased to be member under Section 12 or Sub Section (iii) & (vi) of Section 16 can continue his membership by paying the arrears with 18% interest and half the admission fee upto the last week of February.

(Provided that if a member has not been able to pay his / her subscription on account of illness or any other sufficient cause to the satisfaction of the managing committee of the Bar Association for the time being, he may be granted any reasonable concession).

13. **ADMISSION PROCEDURE**

- (i) The Managing Committee with the approval of the General Body of the Bar Association shall be framed the rules for admission process from time to time.
- (ii) Any person enrolled as an advocate with any State Bar Council wishing to become a member of the Bar Association may apply to the Secretary of the Bar Association in prescribed Form –A for the Regular Membership, Form – B for Visiting Life Membership and Form –C for Visiting Ordinary Membership along with prescribed admission fee & supporting documents as per required in bye-laws or as decided by the managing committee from time to time under consideration the rules of Bar Council.
- (iii) In case of the Regular membership, the application must be recommended by two Regular Members of the Bar Association with specific comment that the applicant is the Permanent resident of Sub Division Loharu and in case of the Visiting membership, the application must be recommendation by two any member of Bar Association.
- (iv) After received the application for membership, the Secretary shall examine the application and if found that the said application & enclosures are correct as per required by the bye-Laws & standing orders of managing committee, then he put up the said application before the managing committee for decision.

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- (v) The Managing Committee may accept or reject the application and the decision of the managing committee in this regard shall be final. It shall not be bound to assign any reason for its decision.
- (vi) The approval of the managing committee shall be intimated to the member, his name shall be entered in the Membership Register as applicable to be maintained in such manner & Schedule as Prescribed in Bye-Laws.
- (vii) Every Person admitted as a member will be issued an identity card containing his / her photograph, brief particulars and membership category duly signed by the individual Member and General Secretary & president of the Bar Association.
- (viii) In case of Regular Membership, applicant must be bound to submit two residential proofs along with his / her application as decided by the managing committee from time to time.

14. RIGHT OF MEMBERS :-

- (i) Every Regular member, whose name shall be specified in Schedule – I and every Visiting Life member, whose name shall be specified in Schedule –II(A) shall have a right to participate in General body meeting or any such meeting as invited by the Bar Association and put up his views before the General Body meeting on the Agenda.
- (ii) Visiting Ordinary Member whose names specified in Schedule-II(B) neither shall have a right to cast his / her vote for election of managing committee or any election, nor have any right to contest any election of Bar Association.
- (iii) Every Regular member and Visiting Life Member shall have a right to cast his / her vote to elect the office bearer of the managing committee of the Bar.

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- (iv) Every members of Bar Association shall have a right to get seat or chambers for practice in the court campus under the Bar Association, but first of all, such facilities shall be provided to every Regular Members, then shall be provided to Visiting Life Members and thereafter seat shall be provided to Visiting Ordinary Members, in case of Chamber application shall be submitted subject to payment of prescribed fee for Visiting Life Membership.
- (v) Every Regular member and Visiting life members shall have a right to call general body meeting with $\frac{1}{4}$ th quorum of total members.
- (vi) Every Regular member shall have all the other rights as per laid down by the law.
- (vii) Every member of Bar Association shall have a right to use all the amenities like as Library facilities, retire room etc and all other amenities, which shall be arranged by the Bar Association, Loharu.
- (viii) The both type of visiting members neither shall be entitled for any such reserved or Statuary benefits specified under the section 5 Sub section (x), nor shall be entitled for any Regular / Permanent Practioner Certificate from the Bar.
- (ix) Regular member of the Bar Association shall be only entitled for such benefits mention in section 5 (x) of this rules & Regulations and both type of visiting members shall not be entitled for such benefits.
- (x) Regular member shall be only entitled to get Permanent Practice certificate from the Bar Association if all dues paid upto date. No such certificate shall be given to the any type of visiting Members.
- (xi) Regular Members shall have a right to contest any election of the Bar Association as per laid down rules for election in this Bye Laws.
- (xii) Visiting Life Member shall have a right to contest any election of the Bar Association as per laid down rules for election in this Bye-Laws after six years of the date of his / her enrolment in the Bar Association.

15. DUTIES OF THE MEMBERS

- (i) Every members of the Bar Association will be bound to maintain decorum in the Bar Association as Protocol and follow dress code.
- (ii) Every member abide all the standing orders, miscellaneous orders instructions, rules of the Bar Associations, which shall be framed from time to time by the General boy of the Bar Association or its managing committee.
- (iii) Every member will be liable to pay the monthly subscription or all other contributions as decided by the managing committee or General Body of the Bar Association from time to time as per requirement of funds for the welfare of the member of the Bar Association.
- (iv) Every Member shall have duties to safeguard the interest of Bar Association. A member can employ only one Munshi in the court compound.
- (v) Every member shall have duty bound to safeguard the properties of the Bar Association, Loharu.

16. CESSATION OF MEMBERSHIP:- Any person admitted as a member shall cease to be a member of the Bar Association in the following events:-

- (i) Upon his / her acting contrary to the aims & objectives of the Bar Association.
- (ii) Upon such member being found guilty of a financial misappropriation of the funds of the Bar Association / misconduct/adverse interest of the Bar Association.
- (iii) A member specified in Schedule – II (A) or II (B) of the membership register shall automatically ceases to be a member of the Bar Association also if he / she
 - (a) Fails to pay his / her monthly subscription for a period of eleven month from the first due date, OR
 - (b) If he / she is guilty of any such conduct which, in the opinion of 2/3rd members of total strength of members present in meeting specially

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convened for the purpose after two weeks notice, is found held unworthy of a member or a lawyer, OR

- (c) If he / she is debarred by high court from practicing as a legal practitioner for any reason whatsoever.
 - (iv) Upon shall not practicing at Loharu.
 - (v) Upon the request of a member, Bar Association may voluntarily suspend his / her membership from the foll of the Bar Association for any curtained period or any uncertain period as he / she wants.
 - (vi) Upon the request of voluntary suspended member, the membership may be resumed on the payment of half fee of enrollment.
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CHAPTER – III – Meeting & Quorum

17. GENERAL BODY:-

- (i) Every Person admitted as a Regular Member and Visiting Life Member shall be a member of General Body of the Bar Association and shall be entitled to cast his / her vote for the election of managing committee of the Bar Association unless he is in arrears of payment of any dues of the Bar Association, including monthly subscription.
- (ii) Every Member of the General Body shall have a right to cast his / her vote in person in any election or any matter of issue as decided by General Body and no proxy voting shall be allowed.

18. MEETING OF THE GENERAL BODY:-

- (i) A meeting of the General Body of the Bar Association will be held as and when required. However, at least one meeting of the General Body of the Bar Association will be held in a year, called as the Annual General Meeting (AGM), at least two months of the close of the financial year for adoption of the duly audited annual accounts and approval the budget for the next financial year of the Bar Association. The meeting shall be convened by the President.
- (ii) Managing committee of the Bar Association may convene an extra ordinary meeting of the General Body of the Bar Association at any time on receipt of a written requisition along with reasons for convening such meeting, from at least 1/10th of the members of the General Body.
- (iii) For above meeting of the General Body, a clear notice of at least 7 days along with a copy of the Agenda of the business to be transected, date, time & venue of the meeting will be given.

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- (iv) A emergent meeting of the General Body may also be convened at a shorter notice, if agreed to, by a majority (at least above $1/5^{\text{th}}$ of the total members) or the members of the General Body.
- (v) Quorum for the meeting of the General Body will be 40% of the total members entitled to vote and present in person, in case of a meeting adjourned for want of Quorum, the Quorum for the adjourned meeting shall not be less than 10% of the total members. The General Body shall be competent to transact all business in such adjourned meeting except the consideration of any special resolution. Any special resolution can be passed in such adjourned meeting only if at least 25% of the total members of the Bar Association are present.
- (vi) The proceedings of all meetings of the General Body will be recorded in the minutes book (bound or in loose leaves) maintained separately for the purpose by the secretary and such minutes will be signed by the President and the Secretary of the Bar Association.

19. POWER, FUNCTIONS & DUTIES OF THE GENERAL BODY:-

- (i) To guide the Bar Association in determining and fulfilling its aims & objects.
- (ii) To decide policy matter such as change of name of the Bar Association, adopt the annual accounts, approval for disposal or purchase of immovable assets, approval the budget for every next years of the Bar Association etc., approval of each & every step or activity of the managing committee or any other committee, which shall be appointed by the managing committee or General body and all such other acts beyond the power of the managing committee.
- (iii) To remove any member from the managing committee or any committee and according approval to the continuation of a person appointed as a member of the managing committee or any committee against a casual vacancy.
- (iv) To amend the bye-laws / rules & regulation, $3/4$ Quorum of Regular member shall be mandatory.

- (v) To elect the members of the Managing Committee and any member or committee a deem fit & proper in furtherance the aims & object of the Bar Association.
- (vi) To appoint / nominate Executive President of the managing committee in some special circumstances as required by consent or vote 2/3rd of the total member of the General Body.

20. **MANAGING COMMITTEE** :- The Managing Committee shall be nominated by General Body unanimously or elected by secrete voting system.

- (i) **Period** :- Nominated or elected managing committee shall hold the office till the completion of one year from the date of their election. However, in extraordinary circumstances they may continue for a further period of one month with the prior approval of General body and Bar Council, for reason to be recorded. The office bearer of the Bar Association shall have to get the election completed within the extended time, failing which the administration of the Association will vest in a special committee, who will hold the elections at the earliest as per the constitution of the Bar Association, within another one month.

Note:- If special Committee constituted by Bar Association fails to hold election with in the stipulated period, the Bar Council would get the election conducted under its supervision.

- (ii) **Due Date** :- Nomination or election of the managing committee, will be held in first week of April of every year or on any such date which shall be fixed by the Bar Council of Punjab & Haryana, Chandigarh.

(iii) **Candidature Barred:-**

- (a) No candidate can be nominated or elected for more than four times for the same post.

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- (b) No member will have a right to put his / her candidature continuously for the same post and a gap for one year is compulsory for contest the election for the same post.

(iv) Qualification for Candidature:-

- (a) A Regular Member of the Bar Association specified in schedule No.-1 may contest for any post of managing committee with subject to General rules for election.
- (b) A Visiting Life member of the Bar Association specified in schedule No. II (A) may be contest for any post of managing committee after his five year regular practice at Loharu with subject to General rules for election.

(v) General Election Rules:-

- (a) President, Vice President, Secretary, Treasurer, Joint Secretary will be nominated unanimously or elected by the General Body directly by secret voting system. The post of Vice President, Joint Secretary, Treasurer and Librarian and their election will be optional at the hands of General Body.
- (b) (i) In case of hold the election in time or within the extended time, then the President of the Managing Committee shall be Returning Officer for the said election and he may be appoint any member of the Bar Association as Assistant Returning Officer, Presiding Officer or any Officer as he think fit for manage the fail election or (ii) The General Body may constitute Election Committee comprising Chairman and two members to conduct election.
- (c) In case of election does not hold in time or within extended time, then Governing Committee appointed as per rules of Bar Council may be appoint Returning Officer or any officer as its think fit for manage the fair election.

- (d) The election shall be declared before 25 days from the due date for election and process of the election shall be start from the day of declaration of the election.
- (e) The present managing committee shall be dissolved on the day of declaration of the election, but the present managing committee shall be officiate as executive managing committee till the elected new managing committee and such Managing committee shall not decide any policies, amendment or other important matter.
- (f) The present managing committee as executive managing committee shall be scrutinize the voter list and displayed on the notice board of the Bar Association before 15 days of the election with notice that aggrieved member may file their objection within two days from the day of displayed.
- (g) The Present managing committee as executive managing committee shall be hear the complaint against the displayed voter list, if any and shall be decide within 24 hours. After decided all the complaints, a final voter list shall be displayed on the notice board of the Bar Association before 10 days of the election.
- (h) The present managing committee shall be fully liable to organize the next election as executive managing committee and shall manage all the equipment/stationary or other required things.
- (i) Every candidate shall be abide all the rules & regulations, instructions, orders of the election officer during the election process.
- (j) After election, result shall be declared on the same day after counting. The certificate to the winner shall be issue forthwith.

- (k) Bar Association shall be fully authorized to adopt all such statutory election provisions, in the interest of fair election, which are followed by Election Commission, Govt. of India.
- (l) All the records of the Bar shall be handed over to new & elected body within a week.

(vi) **Right & Duties of the Managing Committee:-**

- (a) Managing committee may be appointed or nominated 3 Executive Members for assist the administrative work. The Managing Committee shall meet at least once in every three month generally. But, in special circumstances, President, Secretary may be called urgent meeting at any time after displaying the urgent agenda of the meeting.
- (b) Proceeding of every meeting shall be recorded in the proceeding book and duly signed by the President, Secretary.
- (c) The Managing Committee shall have right to appoint officer & staff for office.
- (d) The managing committee shall have a right to take legal or disciplinary action against the officers & staff of the Bar Association sue motto or on any complaint against such officer or staff.
- (e) The Managing Committee may appoint any inquiry officer or committee for inquiry the allegations in complaint against any officer or staff or May inquired itself.
- (f) The managing committee or inquiry officer or inquiry committee as case may be issue a show cause notice with direction to file reply within 15 days from received the same. After filed the reply, if the managing committee or inquiry officer or inquiry committee as case may be satisfy from the reply, then the complaint may be filed, if not satisfy, then a charge sheet may be given to him / her with direction to file reply along with documents in his / her defence within 15 days, if he / she failed.

then the managing committee may be suspend or dismiss or discharge as may be deemed fit and necessary after providing sufficient opportunity of hearing.

- (g) The managing committee take on lease, hire or to acquire any movable or immovable property / properties as may be expedient for the purpose of the Association.
- (h) The managing Committee may enter into, carry out, rescind, modify or cancel any contract on behalf of the Association.
- (i) The managing committee may institute, conduct, defend or abandon any legal proceeding by or against the Bar Association and also compound and claims or demand by or against the Bar Association and to take all steps required and deemed fit and necessary.
- (j) The managing committee remove any member with approval of General body from the roll of the Bar Association for mis-conduct or misbehavior prejudicial or gainst to the aims and objects of the Bar Association after due notice to such member.
- (k) Generally, to take decision to regulate the affairs of the Asssocation and look after the properties, funds and finance of the Bar Association.
- (l) The managing committee shall have a right to nominate or to appoint enrollment Committee / Disciplinary Committee & all other committee or sub committee as deem fit & necessary for any matter in issue in furtherance to the aims & object of the Bar Association.
- (m) The managing committee shall be bound to scrutinized vote list, prepared vote list, arrangement the election of managing committee within the period specified in this Bye-Laws.
- (n) The managing Committee shall be bound to watch over the interest and welfare of the member of the Bar Association and to take action for safeguard the same.

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- (o) The managing committee shall be bound to keep safely record, properties movable or immovable of the Bar Association.
 - (p) The managing committee shall be make the efforts to provide amenities like as water, library facilities, place of practice, parking etc. to the members of the Bar Association.
-

CHAPTER – IV – Office Bearer

21. Duties & rights of the Office Bearer:-

(i) President:-

- (a) The President shall be chief of the managing committee and preside over each & every meeting of the Bar and managing committee.
- (b) The president is fully responsible for the general administration of the Bar Association.
- (c) The president shall be entitled to be incur expenditure upto 1,000/- at one time subject to a maximum limit of Rs. 5,000/- per month, which shall be approved by the managing committee in the next meeting.
- (d) The president shall have right to participate in any committee meeting like as enrollment committee, disciplinary committee etc.
- (e) The president shall have a right to call the general body meeting after issuance a notice at any time emergency circumstances.
- (f) Incase, there is no sub or additional committee constituted, then the president shall be represented every where between Bar Association & Judiciary, civil administration, State Bar Council, Bar Council of India, Punjab & Haryana High Court or all other than all authority, which deemed fit & necessary.
- (g) The president shall examine all the record at any time of the Bar Association.
- (h) The president is one authorized signatory of the Bank account and no deposit / withdrawal shall be allowed without his signature.
- (i) The president, in public interest, can issue permission letter to any typist, draftsman to work in the complex upon the recommendation of two former presidents of the Bar. This permission letter shall be renewable after every three year upon same recommendations.
- (j) The president shall issue experience certificate etc. to its regular members.
- (k) The president can disallow any typist, draftsman, munshi to function as such in complex upon receiving complaints from former two ex-presidents of the Bar.

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- (ii) **Vice President:** (a) Vice President shall operate as President in his absence for convening meeting of formal nature only.
- (iii) **Secretary:-**
- (a) Secretary shall work under the Control of the President of the Bar Association and he / she shall be liable to President also along with the Bar Association.
 - (b) All the record of the Bar Association shall be in his charge and he shall be prepare the Agenda for the meeting and duly informed the member of the Managing committee for meeting and in case of meeting of General body, he shall be fully liable to inform all the member of the General body about the meeting along with Agenda.
 - (c) Secretary may called the General body meeting in the emergency circumstances at any time after serving notice with Agenda.
 - (d) Secretary shall supervise the income and expenses of the Bar Association. He / she may be sanctioned the bill of payments with consent of the president, signed all the papers on behalf of the Bar Association with the consent of President and generally to do all such thing and acts which may be deemed necessary to carry out his duties.
- (iv) **Joint Secretary:-** (a) Joint Secretary shall operate as Secretary in the absence of the Secretary and will discharge such duties as laid out for the Secretary.
- (v) **Treasurer :-**
- (a) Treasurer shall be maintained the accounts of the Bar Association and he / she shall be fully responsible for all kind of funds and accounts.

- (b) Treasurer shall be prepared all annual receipts and payments accounts, balance sheets and other accounts of statements.
 - (c) Treasurer shall be preparing annual budget of the Bar Association. He / She will be fully responsible for the payment of all approved bills and expenditure for and on behalf of the Bar Association.
 - (d) Treasurer shall be responsible for all such things, which shall be connected with the finance and funds of the Bar Association.
 - (e) Treasurer shall have cash in hand of Rs. 2,000/- or less than in one time without approval of the managing committee or General Body.
-

CHAPTER – V – Finance

22. **Income Resources & Expenditures** :- The income resources & record of the income & expenses shall be kept as follows:-

(i) **Resources** :-

- (a) Funds received from enrolment fees & Life Membership Fee.
- (b) Funds received from Annual Subscription.
- (c) Donations.
- (d) Govt. Semi. Govt. Aids.
- (e) Collections.

(ii) **Managing** :-

- (a) Bank Accounts shall be opened in the name of the Bar Association / Society in the nationalized Bank.
- (b) The said Bank account shall be operated jointly only by President and Secretary.
- (c) The funds more than Rs. 5,000/- shall be operate by the Cheque / Demand Draft / Pay order only.
- (d) All the funds shall be deposited in the Bank account.
- (e) The account of the Bar Association shall be maintained on financial year basis i.e. from 1st April to 31st March succeeding year.
- (f) Record of all entries in regards the finance of the Bar Association i.e. receipts and expenditures shall be maintained i.e. cash book, ledge etc. or any other book required under the supervision of the Treasurer.

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(iii) **Assets of Bar Association :-**

- (a) The Bar Association shall accept donations of every kind of movable & immovable properties. All such donation shall vest in the Bar Association and shall be used for attainment of the objects of the Bar Association.
 - (b) No property vesting in the Bar Association shall be transferred in any way unless it is sanctioned by a resolution of passed by 2/3rd majority votes of the General.
-

CHAPTER – VI – Miscellaneous

23. Legal Proceedings, Amendment in Bye – Laws, Quorum, Punishment & Dissolution:-

(i) **Legal Proceedings Status :-**

- (a) Bar Association may be sue or be sued in the name of President / Secretary as per provisions and both are fully entitled to signed Wakalatnama, plaint, affidavit, statements or all other papers, which are necessary to defend the interest of the Bar Association.
- (b) President & Secretary of Bar Association will be fully entitled to defend any legal proceedings against the Bar Association and signed the Wakalatnama, reply, written statement, compromise, memorandum of appeal, Affidavits and all such other documents, which shall be necessary to save the interest of the Bar Association.
- (c) The Bar Association shall be autonomy body.
- (d) In case of any dispute, if the constitution or the bye-laws does not provide any remedy, then the Bar Council shall take all effective steps to resolve the dispute.
- (e) No Civil Court would have Jurisdiction to entertain any dispute of the Bar Association.

(ii) **Amendment in Bye – Laws & Framing Rules:-**

- (a) Any provision of the Bar Association as well as Bye-Laws / Rules & Regulations of the Bar Association may be amended by 3/4th majority of the General Body after serving the notice of 30 days to all the General Body members along with proposed amendment in writing except the provisions of type of membership, voting rights or Statuary benefits. The provision of type of membership, voting rights or Statuary benefits may be amended by 3/4th majority of the meeting of Regular Member only.

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(b) If the amendment adopted as prescribed in clause (a) Sub Section (ii) of Section 23, then amended Bye – Laws should be filed with Bar Council within one month.

(iii) **Quorum:-**

(a) Quorum of the meeting will be majority of total members of the Bar Association to decide any matter except expressly provision in regards the quorum in Bye-Laws.

(iv) **Power or duties of Sub Committee:-**

(a) All the committee duly appointed by the managing committee for any matter of issue or aims & objects, for assistance for managing committee shall be acted independently and recorded its separate proceedings for its activities. After, satisfy about the purpose of the said committee, shall prepare report along with proceeding book may be submitted before the managing committee for taking further action according to the said report.

(b) The managing committee shall be bound to put up the details of the report / working of the said committee, if required by the General body.

(v) **Punishment:-**

(a) If any member of the Bar or office bearer misbehaved or such act, which coming within the definition of misconduct, Bar Association may be punished by struck off his / her name from the roll of the Bar, declare black

listed on the notice board, his / her seat or chamber cancelled.

- (b) Only the General Body shall be empowered to take action as mentioned in Clause (a) & (b) of Sub Section (v) of Section 23 and Managing Committee or other committee shall have no such right.

(vi) **Dissolution**:-

- (a) If the Bar Association needs to be dissolved or Bar Association fails to carry out its objects or is found otherwise unfit for the purpose, or the affairs of the Bar Association are found to be mismanaged, then the members of the managing committee may by 3/4th majority resolution passed in the meeting specially shall stand dissolved forthwith or at the time then agreed upon and all necessary steps shall be taken for the disposal and settlement of the assets and liability of the Bar Association.
- (b) If upon the dissolution of the Bar Association there shall remain after satisfaction of all its debts and liabilities and properties, whatsoever the same shall be paid to or distributed among the members of the society or trust having similar objects and as determined by the resolution of the General body passed by 3/4th majority in the meeting called specifically for the said house.

CHAPTER – VII

24. Rules under the Provisions of Bye Laws of the Bar Association,
Loharu – 2014

1. As per provision of Sub Section (i) of Section 11 of Chapter – II, The Schedule – I for Regular Membership shall be in hereunder Form:-

Sr. No.	Name of the Member	Father's / Spouse Name	Date of Birth	Permanent Address	Sub Division	Type of Member	Phone / Mobile No.
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2. As per provision of Sub Section (ii) of Section 11 of Chapter – II, The Schedule – II (A) for Visiting Life Membership shall be in hereunder Form:-

Sr. No.	Name of the Member	Father's / Spouse Name	Date of Birth	Permanent Address	Present Address	Type of Member	Phone / Mobile No.
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3. As per provision of Sub Section (ii) of Section 11 of Chapter – II, The Schedule – II (B) for Visiting Ordinary Membership shall be in hereunder Form:-

Sr. No.	Name of the Member	Father's / Spouse Name	Date of Birth	Permanent Address	Present Place at Regular Practice	Type of Member	Phone / Mobile No.
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4. As per provision of Sub Section (ii) of Section 13 of Chapter – II, Form-A for Regular membership shall be in hereunder Form:-

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Before the Bar Association, Loharu Distt. Bhiwani

Form - A

(See Sub Section (ii) of Section 13)

Form for Roll of Advocates as Regular Member

1. Name of the Advocate : _____
2. Father's/Spouse Name : _____
3. Date of Birth : _____
4. Number of the State Roll (Enrolment No.) : _____
5. Permanent Resident Address : _____
6. Present Address, if any _____
7. Sub Division / District _____
8. Present Place of practice _____
9. Previous place of practice _____
10. Are you member of any Bar Association, if so (Give Particular) _____
11. Are you have voting right in Any Bar Association (Give Particular) _____
12. Are you convicted in any moral Turpitude for more than 1 year Terms (if yes, give details) _____
13. Details of Membership Fees _____

Please affix / paste here attested photo of passport size.

DECLARATION

I, _____ son of Sh. _____ Resident of _____ do hereby declare on oath that all the information given in my application form are true and correct. No any part & parcel is false and nothing has been concealed therein. If any information furnished by me, found as false, incorrect or concealed, then my membership shall be liable to be cancelled. I also declared that I shall be abide all the terms and conditions of Bye Laws of the Bar and I shall have no any adverse interest against the Bar.

Place :
Date :

Signature of Application.
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As per provisions of Sub Section (iii) of Section 13, the recommendation for regular membership shall be in hereunder form:-

Recommendations

It is certified that Sh. _____ Son of _____ is the Permanent resident of village _____ which is fallen within the Jurisdiction of Sub Division (Revenue), Loharu, Distt. Bhiwani and I personally known to him from last _____ years.

Place:
Date :

Signature
Name of Regular Member:
State Enrolment No:
Number on Roll of the Bar:

As per provision of Sub Section (ii) of Section 13 of Chapter – II, Form –B for Visiting Life Membership shall be in hereunder Form:-

Before the Bar Association, Loharu Distt. Bhiwani

Form – B

(See Sub Section (ii) of Section 13)

Form for Roll of Advocates as Regular Member

1. Name of the Advocate : _____
 2. Father's/Spouse Name : _____
 3. Date of Birth : _____
 4. Number of the State Roll (Enrolment No.) : _____
 5. Permanent Resident Address : _____
 6. Present Address, if any : _____
 7. Sub Division / District : _____
 8. Present Place of practice : _____
 9. Previous place of practice : _____
 10. Are you member of any Bar Association, if so (Give Particular) : _____
 11. Are you have voting right in Any Bar Association (Give Particular) : _____
- Please affix / paste here attested photo of passport size.

Contd.....35

12. Are you convicted in any moral Turpitude for more than 1 year Terms (if yes, give details) _____
13. Details of Membership Fees _____

DECLARATION

I, _____ son of Sh. _____ Resident of _____ do hereby declare on oath that all the information given in my application form are true and correct. No any part & parcel is false and nothing has been concealed therein. If any information furnished by me, found as false, incorrect or concealed, then my membership shall be liable to be cancelled. I also declared that I shall be abide all the terms and conditions of Bye Laws of the Bar and I shall have no any adverse interest against the Bar.

Place :

Date :

Signature of Application.

As per provisions of Sub Section (ii) of Section 13, Form - C for the Visiting Ordinary Membership shall be in hereunder form:-

Before the Bar Association, Loharu Distt. Bhiwani

Form - C

(See Sub Section (ii) of Section 13)

Form for Roll of Advocates as Regular Member

1. Name of the Advocate : _____
2. Father's/Spouse Name : _____
3. Date of Birth : _____
4. Number of the State Roll : _____
(Enrolment No.)
5. Permanent Resident Address : _____
6. Present Address, if any : _____
7. Sub Division / District : _____
- Please affix / paste here attested photo of passport size.

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- 8. Present Place of practice _____
- 9. Previous place of practice _____
- 10. Are you member of any Bar Association, if so (Give Particular) _____
- 11. Are you have voting right in Any Bar Association (Give Particular) _____
- 12. Are you convicted in any moral Turpitude for more than 1 year Terms (if yes, give details) _____
- 13. Details of Membership Fees _____

DECLARATION

I, _____ son of Sh. _____ Resident of _____ do hereby declare on oath that all the information given in my application form are true and correct. No any part & parcel is false and nothing has been concealed therein. If any information furnished by me, found as false, incorrect or concealed, then my membership shall be liable to be cancelled. I also declared that I shall be abide all the terms and conditions of Bye Laws of the Bar and I shall have no any adverse interest against the Bar.

Place : _____ Signature of Application.
Date : _____

As per provisions of Sub Section (iii) of Section 13, the recommendation for Visiting membership by any type of member of the Bar shall be in hereunder form:-

Recommendations

It is certified that Sh. _____ Son of _____ resident of village _____ Tehsil _____ Distt. _____ and I personally known to him from last _____ years.

Place:
Date :

Signature
Name of Regular Member:
State Enrolment No:
Number on Roll of the Bar:

As per provision of Clause (c) Sub Section (ii) of Section 10, the affidavit for Visiting Life Membership shall be in hereunder Form:-

Affidavit

I, _____ Son/Wife of Sh. _____ Resident of _____
Teshil _____ Distt. _____ State _____ do hereby
solemnly affirms and declare as under:-

- (i) My name is not coming enrolled in any Bar Association in India as a Regular Member including such Sub Division / District which he / she belongs permanently.
- (ii) I have no voting right in any Bar Association in India, if have, then, I have withdrawn the voting right from such Bar Association.

Verification

It is verified that all the contents of the above affidavit of mine are true and correct to the best of my knowledge and belief and No part is false therein and nothing has been concealed therein.

Place

Date

Deponent

The aforesaid Bye Laws have been prepared as per the present circumstances for governing the Bar Association, Loharu, Distt. Bhiwani to put up before the meeting of General Body to adopt the same.
Thus today _____ same is presented.

Ditto is accepted

The list of consenting members with photo is mentioned hereunder:-