

**Proposed changes to the Constitution, Rules and
Election Bye Laws of DHCBA approved in the meeting
of the Executive Committee held on 23.03.2015.**

Part – I : NAME & MEMBERSHIP

NAME OF THE ASSOCIATION

- 1 The name of the Association shall be “Delhi High Court Bar Association, New Delhi.”

The office of the Association shall be in the Delhi High Court Premises or at such other place where the seat of Delhi High Court is located. The meeting of the Association and Executive Committee shall generally be held at the office of the Association where all records shall also be kept.

I-A: Aims and Objects

The aim and objects of the Association are :

- (i) To promote and protect the privileges, rights, interests and prestige of the Association and its members and to promote unity and cooperation amongst advocates and other Associations of Advocates including the Bar Council(s);
- (ii) To promote and maintain a high standard of professional conduct among members of the Bar;

- (iii) To establish and maintain an adequate library for the use of members and to provide other facilities to them;
- (iv) To take note of the state of legal affairs, progress of legislation and administration of justice and to take and/or suggest, as may be necessary for their reforms;
- (v) To express opinion on proposed legislation and other matters of interest to the Association and to make representations in respect thereof;
- (vi) To take necessary steps to prevent abuse of law or mal-administration of justice and to suggest remedies therefor;
- (vii) To make representations from time to time to the authorities on matters affecting the Bar;
- (viii) To promote, organize and participate in All-India and International Lawyers' Association and activities connected therewith;
- (ix) To take measures including funding and applying of funds for aid to deserving members or their families and its employees;
- (x) To promulgate and schemes for social security and welfare of the members;
- (xi) To hold seminars, to conduct continuing education programmes, competition, etc. and to do any other activity which in the opinion of the Executive Committee would be beneficial for its members;

- (xii) To promote sports activities amongst the members and hold competitions and create separate fund for the purpose;
- (xiii) To enter into a collaboration or joint venture with any other organization, Bar Association or NGO, Indian or foreign which are beneficial to the interest of the Members;
- (xiv) To adopt all such measures as might be necessary or incidental to the carrying out of the aforesaid objects.

All the incomes, earnings, movable, immovable properties of the association shall be utilized and applied towards the promotion of aims and objects, set forth above, directly or indirectly by way of dividends, bonus, profits in any manner whatsoever to the present or past members of the association or to any person claiming through any one or more of the present or the past members. No member of the association shall have any personal claim on any movable or immovable properties of the association or make any profits, whatsoever, by virtue of this membership.

1-B : Definitions :

Unless the context indicates otherwise, the following words in these Rules shall mean :

- (i) “Associate Member” means an Advocate who is regularly practicing in Delhi High Court and whose name is on the Roll of the Bar Council of Delhi; and shall include an Advocate who has been admitted to the Association as an Associate Member and continues

to be so for a minimum period of **2** years, till he/she is eligible and is admitted as a Member of the Association by the procedure prescribed in the Rules, but it does not include Outstation Members and Honorary Members;

Provided that an Advocate who is practicing in Delhi but whose name is not on the Roll of the Bar Council of Delhi would be eligible to be the 'Associate Member' of the Association except that he/she shall have no right to participate, requisition or vote at the Annual General Meeting of the Association and also would not be entitled to vote or contest for any office of the Bar Association;

Provided further, the Associate Member registered with Bar Council of Delhi only shall be eligible to apply and be enrolled as a Member after being enrolled as an Associate Member.

- (ii) "Association" means the "Delhi High Court Bar Association";
- (iii) "Auditors" mean persons appointed for the audit of the accounts of the Association;
- (iv) "Clerk" means a Clerk in the employment of a Member and registered with the Association;
- (v) "Committee" means the "Executive" Committee of the Association";

- (vi) “Extra-Ordinary General Meeting” means a duly convened General Meeting of the Members of the Association other than its Annual General Meeting;
- (vii) “Fund” means Delhi High Court Bar Association Fund for day to day expenditure and administrative Expenditure and shall also include Delhi High Court Bar Association Lawyers Welfare Fund, Library Fund, Infrastructure Fund, Sports Fund or any other fund that may be created by a resolution passed by the Executive Committee of the Delhi High Court Bar Association;
- (viii) “General Meeting” means a duly convened Annual General Meeting of the members of the Association;
- (ix) “Honorary Secretary” means the Honorary Secretary of the Association and includes any person lawfully discharging the duties of the Honorary Secretary for the time being;
- (x) “Honorary Member” means a Honorary member of the Association;
- (xi) “Joint Secretary” means a Joint Secretary of the Association and includes any person lawfully discharging the duties of the Joint Secretary for the time being so entrusted by the Executive Committee;
- (xii) “Lady Member” means a Lady member of the Executive Committee of the Association;
- (xiii) “Life Member” means a Member who is admitted as such by the Association on payment of one-time

subscription equivalent to Rs.3 lakhs (Non-Refundable) or as the Executive Committee may decide from time to time; and is above 50 years of age with a minimum standing of 25 years as a member of this Association;

- (xiv) “Member” means a Member of the Association who regularly practices in the DHC but does not include Honorary Member, Associate Member and a member who ceased to be one by operation of the Constitution, Rules, Regulations and Bye Laws of the Association;
- (xv) “Member Executive” means a duly elected member of the Executive Committee;
- (xvi) “Prescribed” means prescribed by the Rules or by a resolution of the Executive Committee or by regulations or Bye-laws framed by the Executive Committee for the furtherance of the Aims and Objectives of the Association unless specifically excluded;
- (xvii) “President” means the President of the Association and includes any person lawfully discharging the duties of the President for the time being;
- (xviii) “Senior Designated Member’ means an Advocate who is designated as Senior Advocate under Section 16 of the Advocate Act;
- (xix) “Senior Member” means an Advocate who has been in practice for 25 years and has been a Member of the Association for the same period;

- (xx) “Senior Member Emeritus” means a Senior Member who has attained the age of 75 years and has been on the rolls of DHCBA for atleast 40 years.
- (xxi) “Treasurer” means the Treasurer of the Association and includes any person lawfully discharging the duties of the Treasurer for the time being as entrusted by the Executive Committee;
- (xxii) “Vice President” means the Vice President of the Association and includes any person lawfully discharging the duties of the Vice President for the time being as entrusted by the Executive Committee;

MANAGEMENT

- 1-C** The affairs of the association shall be managed by the Executive Committee consisting of the President, Vice President, Honorary Secretary, Treasurer, Joint Secretary and other members as prescribed under the Rules and Subject to the general control of the members of the General Meeting Assembly (wherever specially provided)

POWER OF EXECUTIVE COMMITTEE

- 1-D** That the Executive Committee shall be entitled to frame, amend, alter and vary Rules, Regulations, Bye-laws in respect of membership, monthly subscription, books of account, library, rules of business, meeting of committee, annual, special and urgent annual general meeting, conduct of the day-to-day affairs of the committee / association, matters relating to professional conduct of members and their employees,

inquiry of offences relating to members, removal/expulsion of member and restoration of membership (except elections Bye-laws of the DHCBA) and issue directions, as may be necessary, consistent with the aims and objects.

EFFECTIVE DATE :

I-E The Amended Constitution, Rules and Bye-Laws shall be deemed to come into effect from the date of approval at the General Meeting of the Association;

Provided, however, the Executive Committee (elected in March, 2014) shall announce the elections in conformity with the Election Bye-Laws and notify the election on or before 1st November, 2015.

Part II

MEMBERSHIP

1. Every Advocate who is a Member of the Association or a Designated Senior Member from the date of coming into force of these Rules shall ipso facto become a Member of the Association unless he ceases to be one in terms of the Rules and Bye Laws, as amended from time to time.
2. An Advocate shall be eligible to be a Member of the Association provided :
 - (i) His/her principal place of practice is Delhi High Court and has been continuously and regularly practicing in the Delhi High Court.

- (ii) If no insolvency proceedings are pending against him/her or he/she has not been adjudged insolvent.
- (iii) If he/she has not been convicted for a serious criminal offence including those relating to moral turpitude.
- (iv) If his/her license to practice has not been suspended by the Bar Council of Delhi or the Bar Council of India;

Provided further, from the date of suspension of license by the Bar Council or any other Hon'ble Court debarring the Member from audience, the membership of the member shall be deemed to have come to an end.

- (v) If he/she does not indulge in, permit, or participate in any activity including in the Court premises which, in the opinion of the Executive Committee is not in keeping with the dignity of the profession.
 - (vi) If no other proceeding is pending which in the opinion of Executive Committee is detrimental to the interest of the Bar Association and/or the legal fraternity.
3. For obtaining the Membership of the Association, every Advocate shall apply in the prescribed form, complete in all respect, and furnish e-mail ID, mobile phone number.
- (i) The proposer and the first Secunder shall have to be members of the Delhi High Court Bar Association of not less than ten years standing; they shall be required to furnish their Names and Addresses and a

declaration that there are no arrears against their names; and

(ii) The other ten Seconders must also be members of Delhi High Court Bar Association with not less than five years standing; they shall be required to furnish their Names and Addresses and a declaration that there are no arrears as above; and

A The following documents shall be attached with the application form.

(i) Admission fee as applicable shall be paid by way of cheque issued from the personal account of the applicant favouring “Delhi High Court Bar Association”.

(ii) Subscription as applicable shall be paid by way of cheque issued from the personal account of the applicant favouring “Delhi High Court Bar Association”.

[In case of dishonor of any cheque Rs.500/- will be levied as cheque bouncing charges.]

(iii) Self-Attested photocopy of Bar Council Enrolment Certificate & Law Degree.

(iv) Self Attested photocopy of Metric/High Secondary Certificate in proof of age and all documents must self attested.

(v) Two photograph in robes.

[Note : Cash / Demand Draft / Bankers Cheque shall not be accepted]

B. The following schedule of charges, shall be applicable which is revisable by the Executive Committee from time to time :

Admission Form (With copy of Rules). Rs.250/-

Admission Fee – For Lawyers below 30 Years of age. Rs.2500/-

Admission Fee – above 30 years of age. Rs.5000/-

Admission Fee – Senior Designated. Rs.10,000/-

Re-admission fee. – Rs.1000/-; Rs.3000/-; Rs.5000/-
[See Rule 15]

One year subscription shall also be payable, in advance, alongwith application for membership.

THE MONTHLY SUBSCRIPTION IS AS FOLLOWS:

Members below 5 years of practice. Rs.100/- per month

Members having 5-15 years of practice. Rs.200/- per month

Members having 15-25 years of practice. Rs.300/-per month

Members above 25 years of practice. Rs.400/-per month

Designated Senior. Rs.1250/-per month

Charges for Subscribing to Cause List – as may be determined by the Executive Committee.

Notwithstanding the above, no charges shall be payable towards monthly subscription of the Association by the “Senior Member Emeritus”, however, the charges for Cause-list shall be payable. They shall continue to exercise all their rights including voting at the General Meetings of the Association.

4. The Executive Committee shall either itself or through an Enrolment Sub Committee, consider the Application for membership, and admit him/her as Associate/Outstation/Honorary Member and on being found eligible further admit him/her as a member.
5. Any advocate who has been declared as ‘not enrolled’ shall not be eligible to apply for any membership until after the expiry of 2 years from the date of such declaration.
6. Upon electing to become a member of the ‘Association’, a member shall be bound by the rules, regulation and the bye-laws contained herein, including submission to the jurisdiction of the alternative dispute redressal mechanisms, wherever contained herein.

HONORARY MEMBERS

7. The Committee may, in its discretion for any sufficient reason to be recorded in writing, admit any person not practicing at the Bar to the Honorary Member of the Association. Such honorary members shall be exempted from the payment of fees and subscription

and shall not be entitled to the Cause List and to vote in the management and affairs of the Association. Honorary & Associate Members will be entitled to use the Library of the Association subject to the rules relating thereto.

JUDGES TO BE HONORARY MEMBERS.

8. Every judge for the time being on the Bench of the High Court of Delhi shall be deemed to be an Honorary Member of the Association, without payment of fees and subscription and shall not be authorized to vote in the management of the Association.
9. A copy of the Rules of the Association shall be supplied to every member on payment of requisite charges.
10. Every Member shall be entitled to apply for the allotment of Chamber in the Delhi High Court complex and file a separate application after obtaining the Membership and complying with Rules, provided he does not have in his/her name chamber allotted to him/her in any other Court complex in Delhi.
11. A member shall be disqualified for being or for continuing as Member of the Association if he/she suffers any disqualification and/or is not found possess any of the requisite qualification enumerated above and the membership shall automatically cease.

Provided, however, that any such ceased member, may within 60 days of the cessation, appeal to the Executive against the same on deposit of Rs.1000/- as charges.

12. The Candidate for membership of the Bar Association shall, in addition to the Entrance fee as prescribed also after having been admitted as Member, continue to pay subscription and pay Rs.1000/- towards Delhi High Court Bar Association Lawyers' Social Security and Welfare Fund per year, (hereinafter called the Fund), and shall be bound to pay the subscription and other charges in accordance with the Rules framed and Rates prescribed under the said fund or framed from time to time.

MONTHLY SUBSCRIPTION

13. Every member of the Association of whatsoever description shall pay the subscription and the fund as may be fixed from time to time by the Executive Committee of the Association.
14. The Members shall pay their monthly subscription and other charges to the Bar Association every month in advance by their account-payee cheque, on or before 7th of each English Calendar month.
15. If any member defaults in payment of monthly subscription and yearly subscription to the fund his/her name will be put up on the notice board and on the website of the association and a communication will be sent by e-mail/SMS showing arrears as on 10th July and 10th January, each year and if the member fails

to pay the arrears within 15 days, from the date his/her name is put up on the notice board, on the website of the Association, and upon a communication being sent on e-mail/SMS, he/she shall automatically cease to be a member and his/her name shall be deemed to have been removed from the list of members of the association.

A member thus removed from the membership of the association, on first default, shall be eligible for restoration of his membership within 3 months on payment of the entire arrears of subscription/fund and Rs.1000/- as restoration fee.

If, however, a member is removed from membership of the Association for the second time, after the elections and before the next elections of the association, he/she will be entitled to seek restoration of the membership within six months on payment of entire arrears of subscription/fund alongwith Rs.3000/- as restoration fee but would not be entitled to be on the electoral roll for the forthcoming elections i.e. he/she will not be entitled to contest or vote for the forthcoming elections.

A member who fails to seek restoration of his membership, as provided hereinabove, may apply for restoration of his membership upon paying the entire arrears of subscription/fund and the restoration fee of Rs.5000/-.

The restoration fee can be waived by the Executive Committee alone in a meeting duly convened for the purpose on the ground of exceptional hardship duly substantiated.

16. No member who is in arrears of subscription and/or any contribution as aforesaid shall be entitled to the facilities of the Bar Association including the right to speak at or right to propose or vote at any meeting of the Association. He shall not be eligible to stand for any elective office, nor for being nominated to any sub committee.
17. It shall be mandatory for every member to inform the Association in writing his/her true and correct postal address; email ID and mobile phone number and notify to the Association any change in his postal address; email ID, mobile telephone number within a period of 15 days of the change. In the event of any member not intimating the change of his said particulars, the last recorded particulars in the records of the Association shall be deemed to be the true and correct particulars for sending all communications.
18. A member suspended from practice by any Bar Council shall ipso facto (without notice) cease to be a member of the Association.

Part – III

MANAGEMENT : THE EXECUTIVE COMMITTEE & OFFICERS OF THE ASSOCIATION

19. The affairs of the Association shall be, in furtherance of the Constitution and the rules (and the general control of the members in General Meeting assembled), managed by an Executive Committee consisting of the President, Vice President, Honorary Secretary, Treasurer, Joint Secretary and other members of the Executive Committee comprising of two designated senior members executive, two members executive(25 years standing), one lady member and five member executives.
20.
 - (a) The President, Vice President, Honorary Secretary, Treasurer, Joint Secretary and 10 members of the Executive Committee as mentioned above, shall be elected at elections to be held in terms of the Election Bye-Laws; and they shall hold office for a term of two years and no member of the Executive Committee shall be entitled to contest the elections for the

immediate next term after remaining in office on the same post for two consecutive terms.

The Elections to the various posts shall be held on the 2nd Friday of December at the end of the term. In case the 2nd Friday of December happens to be a holiday, the election shall be held on the preceding working day of the court in December of that year.

The Executive Committee/office shall notify the electoral rolls in terms of Rule 15, and the election schedule and the composition of Election Commission by 1st November of the election year, failing which a committee of preceding 5 past Presidents/Honorary Secretaries shall be deemed to be appointed as the Election Commission on 10th November or thereafter to hold and supervise the elections to elect the office bearers and members of the Executive Committee of the Association for the ensuing term. They shall decide and nominate a convenor amongst themselves.

The Executive Committee failing to declare elections in terms of the rules shall become defunct and will cease to operate account of the association.

The said Election Commission by majority vote elect from amongst themselves Convenor and also two persons to operate the accounts of the association for the purpose of disbursement of salary and meeting the election expenses. They shall notify the elections and conduct the same within the stipulated time so that the newly elected Executive Committee is in place by 23rd December of that year.

- (b) The office bearers and members of the Executive Committee of the Association as aforesaid shall be elected by secret ballot/electronic voting machines. No office bearer or member shall be eligible to hold the same office / post for more than two consecutive terms. He/she can, however, contest the elections for a different post in the next elections or can contest for the same post after a gap of 1 term. No member shall be eligible to hold the same office/post for more than 4 terms at any time.
- (c) The outgoing President/Secretary shall be ex-officio members of the Executive Committee, but in case the outgoing President/Secretary contest the election and are not returned, they shall forfeit the right of being an ex-officio member of the Executive Committee.

- (d) Any member who has held a particular office at any time in the Association for a total number of four terms shall be ineligible to again contest for such office.
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- 21. Should the President/Secretary be absent or office of President/Secretary becomes vacant at any time, the Vice Present shall act as the President and the Executive Committee, may thereupon elect one of its members to act as Vice President or the Joint Secretary, as the case may be, until the President / vice President/returns, the Joint Secretary shall act as the Secretary, as the case may be, for the remaining term..
 - 22. Casual vacancies occurring amongst other office bearers of members of the Executive Committee may be filled up by appointment made by Executive Committee. Every such appointment shall hold good until the next election is held.

QUORUM CASTING VOTE

- 23. Seven members shall constitute quorum of the meeting of the Executive Committee. Each member except the President shall have one vote. The decision of a majority of the members present at a meeting shall (except in any case in which these rules otherwise provide) be deemed to be the decision of the

Executive Committee. Only in cases in which the votes for and against any motion are equal in number, the President of the meeting shall have a casting vote.

CHAIRMAN OF MEETING OF COMMITTEE

24. The president and in his absence the Vice-President shall Preside at all meeting of the Executive Committee at which he is president. If neither the President nor the Vice President be present at any meeting, the members of the Executive Committee present shall elect one from amongst themselves to be Chairman of the meeting, but the chairman shall not exercise casting vote.

RULES OF BUSINESS

25. The Executive Committee may from time to time make, amend, alter and vary rules for the regulation of its own proceedings and the proceedings of all or any Sub Committee appointed by it and such rules / regulations / resolutions may provide for the conduct of business by the Secretary and Treasurer and for regulating the duties of all or any of the office-bearers and Employees of the Association and the manner in which the property, library, accounts and records of the Association are to be kept and maintained and may from time to time vary, add to or delete any rules / regulations / resolutions so made.

MEETING OF COMMITTEE

26. The Committee shall ordinarily meet not less than once a month (except during the long vacation) for the dispatch of business and receiving accounts from the Treasurer periodically.

The Secretary of the committee shall in consultation with the President convene the meeting and shall set the agenda for the meeting.

27. The Executive Committee shall, in addition to all other powers conferred upon them by these rules have to :
- (i) Maintain such establishment of clerks and employees for the association as it may deem fit;
 - (iii) Appoint, suspend or dismiss any clerks and employees for the association as it may deem fit;
 - (iv) Determine and regulate the remuneration, duties and conditions of service of all such clerks or employees;
 - (v) Expend within budget provision such moneys for the purpose of association as the Committee may deem fit;

(vi) Administer the fund.

28. ANNUAL GENERAL MEETINGS.

In each year, Annual General Meeting shall be held in the Ist week of December.

At the AGM, the business for disposal shall, besides any other business which may be entered in the agenda, include :

(i) The passing of accounts, balance sheet and Secretary's report;

(ii) Appointment of an auditor..

29. SPECIAL GENERAL MEETING.

A. A Special General Meeting may be held whenever the President or the Executive Committee considers it desirable to convene it for the disposal of any business which these rules require to be transacted at the General meeting or which the Executive Committee may deem proper to lay before a general meeting;

B. A Special General Meeting shall be convened by the Executive Committee on directions from the president or on its own motion within 15 days of such direction or resolution, as the case may be, whenever requisition for the same is made in writing in respect of a resolution specified therein, if the requisition is

signed by not less than 10% of the total membership of the Association or 500 members, whichever is more. The requisition shall be made in writing stating concisely the nature of the business to be laid before the meeting and every motion proposed to be put before the General House. No other matter except those enlisted on the agenda shall be taken up in the special general meeting.

EXPLANATION :

Any member in arrear or having incurred any disability because of the preceding rules shall not be eligible to sign the requisition for Special General Meeting and provided further the requisitionists shall give their names and affix their signatures alongwith the serial number of membership as indicated in the current directory of the Members.

The Executive Committee shall within a fortnight of the receipt of any such requisition (if the same is found to be in order) convene a Special General Meeting for the disposal of the business mentioned therein. No business other than that entered in the requisition shall be considered at such a meeting.

30. **URGENT GENERAL MEETING.**

The Executive Committee through its Secretary may convene a urgent general meeting of the Association by giving 3 days notice for disposal of any business that the Executive Committee may deem proper to lay before the General Meeting.

Provided that in the case of emergency the President or in his absence the Vice President or in his absence the Secretary, or in the absence of the aforesaid office bears, any two of the remaining office bears and members of the Executive Committee may further reduce the period of notice required under this rule.

The notice for the meeting shall be given to the members by circulation in the list or otherwise; putting up on the notice board and by email.

Provided that non receipt of the notice by any member(s) shall not render the proceedings of any such meeting irregular or effect the validity of any resolution passed thereat.

31. **NOTICE FOR ANNUAL GENERAL MEETING / SPECIAL GENERAL MEETING.**

Not less than seven clear days notice (excluding the date of issue of the notice) of every Annual General

Meeting shall be given to members by circulation in the List, or putting up on the Notice Board or by e-mail except when emergent meeting as provided for in Rules is convened.

Such Notices shall be given by :

- (i) Pasting the same in some conspicuous place in the Bar Room and
- (ii) Posting it on the website of the Association.
- (iii) By circulating the notice by way of e-mail and SMS.
Provided that when this Rule has been substantially complied with, non receipt of the Notice by any member(s) shall not render the proceedings of any such meeting irregular or effect the validity of any resolution passed threat.

PRESIDENT OR VICE PRESIDENT OR CHAIRMAN TO PRESIDE.

32. The President shall take the chair at all General Meetings at which he is present. If he is absent and the Vice President is present, the later shall take the chair.

In the absence of both, the members present shall choose one of their members to be the chairman of

the meeting. The secretary will call the house to order and conduct the affairs of the meeting.

QUORUM : ORDINARY OR SPECIAL.

33. 300 members shall form a quorum at General or Special General Meeting or Urgent General Meeting.

PROCEDURE AT MEETINGS VOTING

34. Every Member shall have one vote on every motion made at any General Meeting. All motion put to a General Meeting shall be determined by a majority of votes. Ordinarily, the voting shall be by show of hands, but it shall be by secret ballot, if demanded by 1/5th members present at the meeting. Provided that no resolution for the variation of or addition to or deleting of these rules or any of them shall be deemed to be carried unless not less than three-fourth of the members present shall vote for the same. Provided further no resolution calling in question the conduct and character or expelling a member shall be put to vote except by secret ballot. If in the case of any motion determinable by a mere majority of votes, the votes for and against the same be equal in number, the President shall have a casting vote. No vote may be given by proxy. In the event of a secret ballot the meeting shall be adjourned for a period not more than 7 days to make arrangements for holding the secret

ballot. Procedure for holding the secret ballot shall as far as possible be the same as the procedure for holding annual general election.

MINUTES OF PROCEEDINGS.

35. Minutes of the proceedings of every General Meeting shall be recorded by the Secretary and signed by the President of the meeting and the Secretary and placed on record.

ORDER AT MEETING.

36. The president of every General Meeting shall have full authority to regulate the proceedings and maintain order threat in such manner as he may deem fit.

SECRETARY : CUSTODIAN OF PROPERTY.

37. The Honorary Secretary shall be the Custodian of the furniture, books, stationery and all other properties other than money and securities of the Association. He shall also be the Administrative Officer for administering the Fund.

DUTIES OF SECRETARY

38. It shall be the duty of the Honorary Secretary to conduct business in consultation with the President

and the Committee. The correspondence of the Association / letters addressed by the Association to the High Court or anyone else, shall ordinarily be issued in the name and under the signatures of the President or Vice President or Honorary Secretary.

BOOKS & ACCOUNTS.

39. The Honorary Secretary shall be responsible for maintaining the following registers and books of account in such form and manner as the Committee may from time to time prescribe :
 1. A Register of the Books in the Library showing the value of each book, the amount annually written off from the value of books, the additions made, books lost, destroyed or sold and the like. This register shall be placed before the Committee at least once every six months.
 2. A similar register of the furniture and other properties of the Association.
 3. A catalogue of books in the library showing the classification and arrangement of the books in the library in a convenient form.
 4. Register of Books showing books issued from and returned to the library.
 5. A minute book of the proceedings of the Committee and all sub-committees thereof.

6. Minutes Book of the proceedings at the General Meeting.
7. A letter book / Folder containing copies of all letters issued.
8. A letter/book/folder containing a note of all letters received.
9. A subscription book.
10. A Cash Book of income and expenditure.
11. A ledger.
12. A payment Advance Account.
13. Counterfoil Receipt Book.
14. Suggestion Book.
15. A complaint book.
16. The total records of the fund.
17. Any other book/register / Folder as may be provided for by the Executive Committee.

TREASURER : CUSTODIAN OF MONEY AND SECURITIES.

40. Treasurer shall have the custody of all monies and securities of the Association. All sums due to the Association shall be payable to and recoverable by the Treasurer. If any sum is realized or received by the Honorary Secretary, it shall be forthwith made over by him to the Treasurer. The treasurer shall present to the Executive Committee his report in its monthly meetings.

41. The Treasurer shall keep the money of the Association including the Fund in such Banks and in such manner as the Committee may from time to time direct and shall bring all moneys received into account immediately on the receipt thereof. The Committee may decide to invest in such Schemes as are recognized by the Govt. of India / Reservation Bank of India like Unit Trust of India, Life Insurance Corporation, with regard to the monies of the Fund and the Honorary Secretary and the Treasurer shall ensure the faithful implementation of the decision of the Executive Committee.

RECEIPTS

42. The Treasurer shall grant receipts for all amounts received and shall be responsible to see that books of account are properly and truthfully maintained.

PAYMENTS

43. All receipts of whatsoever description shall be paid into the Bank without delay and only drawn by means of cheques and all payments except those for petty expenditure shall be made by cheques signed by the Honorary Secretary and the Treasurer, and they shall be responsible to make payments by cheque to the beneficiaries of the fund.

VOUCHERS

44. Receipts for all payments made and signed by the payee shall be obtained and placed on record.

BILLS

45. A monthly statement of income and expenditure should be submitted to the Committee instead of bills, which need not be produced unless specially called for. The Honorary Secretary shall also submit to the Executive Committee the monthly statement of the receipt and expenditures of the Fund.

REVENUE ACCOUNT AND BALANCE SHEET BUDGET

46. Once a year in the month of April, the Treasurer shall submit a Balance Sheet of the affairs of the Association as on the 31st March of the previous year duly passed by the Auditor.
47. The audited Revenue Account and Balance Sheet shall be laid before the Annual Meeting of members for approval.

AUDITOR

48. The accounts of the Association shall be audited at least once in a year by an Auditor. The Auditor shall ordinarily be elected or appointed at the Annual General Meeting (any casual vacancy in the office of Auditor may be filled up by the Committee).

AUDIT OF ACCOUNTS

49. The Auditor shall examine the entire account of the Association and shall have access to accounts and vouchers at all responsible times throughout the year. The auditors shall also examine the accounts of the Fund and shall submit a separate and independent report and for this purpose separate auditors may be appointed for the accounts of the Association and for the accounts of the Fund.

BALANCE SHEET REVENUE ACCOUNT TO BE CHECKED.

50. The Auditor shall check the Revenue Account and Balance Sheet and shall after making such comments thereon as he may deem proper countersign the same. The auditor shall submit annually in the month of

January to the Committee a brief report on the state of the accounts. The Auditor's Report shall be laid before the Annual General Meeting with the Revenue Account and Balance Sheet. The Rule applies to the accounts of the Bar Association and also to the accounts of the Fund.

PROCEEDINGS OF THE EXECUTIVE COMMITTEE TO BE CONFIDENTIAL

51. No publicity shall be given to any statements, expression of opinion or conversation in any meeting of the committee.

52. If any Member(s) at any time acts against the mandate of the committee, in a manner which is in breach of the directions issued by the committee or acts in breach of any rules/regulations/bye laws/regulations or the conduct of the member is otherwise objectionable, shall be viewed as misconduct and the committee may take such action in regard to the same, as it may think proper in the circumstances including suspension and/or termination of membership.

Part – IV

PROFESSIONAL CONDUCT OF MEMBERS AND THEIR EMPLOYEES, PROHIBITION AS TO TAKING BRIEFS FROM CERTAIN PERSONS.

53. All the members of the Association shall strictly observe the code of Professional Conduct and attitude as is prescribed by the Bar Council of India under the provisions of the Advocate Act, 1961 and the Resolution of the Executive Committee/General House, as the case may be touching professional conduct. Any violation of this Rule shall make members liable for expulsion from membership.
54. All members shall ensure the Clerks employed by them hold identity cards issued by the Bar Association under the joint signatures of the Registrar of the High Court and the Honorary Secretary of the Bar Association. In case, it is found any such clerk is indulging in unprofessional and unethical conduct, his card shall stand forfeited and till the card is restored, he shall not be permitted to work as a clerk of the concerned or any member.
55. The form of intimation to be given by a Member when engaging a clerk alongwith the particulars shall be in the manner prescribed by these Rules.

PART – V

POWER AND PROCEDURE IN DEALING WITH MEMBERS ENQUIRY OF OFFENCES.

56. The Committee shall have power, either upon complaint or of its own motion to inquire into the conduct of any member or of any agent, servant or other employee of any member, so far as such conduct relates to any breach or supposed breach of these rules or to the professional conduct or honour of any member and for the purposes of any such inquiry, may do all acts and things which may be necessary or expedient to enable the committee to render such inquiry effective.

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

COMMITTEE'S REPORT IN THE CASE OF MEMBERS

57. If after such inquiry, the Committee (including ex-officio members) is of opinion that a breach of any of these rules has been committed or permitted by any member or that any member has been found guilty of unprofessional or dishonorable conduct, the Committee can only, by a unanimous decision,

suspend/terminate the membership of such member and falling unanimity, the committee may submit a report on the matter to a General Meeting for disposal. Provided that the Committee may before making such report to the General meeting afford the member concerned an opportunity of tendering his resignation.

COMMITTEE'S ACTION IN REGARD TO EMPLOYEES.

58. If after such inquiry, the Committee shall be opinion that any agent, servant or other employee of any member, has been quality of a breach of any of these rules, it may pass such order in the matter as they may deem proper in the circumstances and as may be prescribed.

NOTICE OF GENERAL MEETING.

59. In every case submitted to a General Meeting under the preceding clause, the Committee shall give the member concerned atleast 10 days notice in writing of the date, time and place at which the General Meeting will be held, and shall at the same time supply him with a copy of their report.

SERVICE OF NOTICE.

60. Every notice issued by the Committee under this Rule shall be communicated by posting the same on the

notice board, website of the Association and also by sending e-mail and/or SMS on the mobile phone of the member, made available by the Member to the Association. However, notice so communicated shall be deemed to have been duly served on the date the notice is put on the notice board or posted on the website of the Association and also by e-mail and/or SMS on the mobile is sent by the Association.

EXPULSION :

61. Any member may be expelled from membership by resolution passed in General meeting in terms of these articles, rules etc.

CONSEQUENCE OF REMOVAL OF NAME OR EXPULSION.

62. The removal of any member from the roll of members or the termination of the membership of any member shall carry with it absolute forfeiture of donation, subscription and entrance fee paid by such member to the Association, provided that the Association shall be entitled to recover the arrears of subscription and the fund due from any members at the time of his removal or termination.

CESSATION FROM MEMBERSHIP.

63. Any member whose name is removed from the roll of the Bar Council shall automatically cease to be members and his membership terminated without following the procedure for removal of member from the roll members of Association.

APPEALS :

64. Every order or decision of the Committee affecting any member or any employee of any member shall be subject to appeal to a General Meeting by such member.
- (a) Every such appeal shall be in writing and shall be signed by the member and delivered to the Secretary within 15 days of his becoming aware of the over or decision against which he desired to appeal.
 - (b) The Secretary shall, without delay, lay every appeal received under Sub Clause (a) above before the Committee, who shall thereupon convene a Special General Meeting for the purpose of disposing of such appeal within one month from the date of the receipt of the appeal by the Secretary unless the appellant agrees to or desires a longer date.

COMMUNICATIONS PRIVILEGED

65. All communications made to the Committee or to the House and inquiries held under the preceding rules, shall be deemed to be privileged.

IMMUNITY

66. All acts, deeds and things done by office bearers and the members of the Executive Committee of the Association in good faith and in due discharge of the duties conferred by the Rules shall be exempted from prosecution in any criminal or civil proceedings.

PART – VI – RULES

RULES TO BE PRINTED

67. The rules of the Association may be printed and shall be brought and kept upto date by the Secretary.
68. It may be noted that for allotment of chamber in the Delhi High Court premises, a separate application form has to be deposited with the General Branch, Delhi High Court after obtaining membership of Delhi High Court Bar Association in conformity with chambers allotment Rules 1980.

[ABHIJAT BAL]

Hony. Secretary
Delhi High Court Bar Association

Election Bye Laws of DHCBA.

1.1 ELECTION –

Elections to the post of the President, Vice President, Hony. Secretary, Treasurer, Joint Secretary and 10 members of the Executive Committee of the Association shall be held on the Second Friday of December every two years in terms of these Bye Laws and they shall hold the office for a term of two years and no office bearer or member of the Executive Committee shall be entitled to contest elections for the immediate next term after remaining in office for the same post for two consecutive terms.

1.2 The President, Vice President, Honorary Secretary, Treasurer, Joint Secretary and 10 members of the Executive Committee as mentioned above, shall be elected at elections to be held in terms of the Election Bye-Laws; and they shall hold office for a term of two years and no member of the Executive Committee shall be entitled to contest the elections for the immediate next term after remaining in office on the same post for two consecutive terms.

1.3 The Elections to the various posts shall be held on the 2nd Friday of December at the end of the term. In case the 2nd Friday of December happens to be a holiday,

the election shall be held on the preceding working day of the court in December of that year.

- 1.4 The Executive Committee/office shall notify the electoral rolls in terms of Rule 20(a), and the election schedule and the composition of Election Commission by 1st November of the election year, failing which a committee of immediate 5 past Presidents/Honorary Secretaries shall be deemed to be appointed as the Election Commission on 10th November or thereafter to hold and supervise the elections to elect the office bearers and members of the Executive Committee of the Association for the ensuing term. They shall decide and nominate a convenor amongst themselves.
- 1.5 The Executive Committee failing to declare elections in terms of the rules shall become defunct and will cease to operate account of the association.
- 1.6 The said Election Commission by majority vote elect from amongst themselves Convenor and also two persons to operate the accounts of the association for the purpose of disbursement of salary and meeting the election expenses. They shall notify the elections and conduct the same within the stipulated time so that the newly elected Executive Committee is in place by 23rd December of that year.

- 1.7 The office bearers and members of the Executive Committee of the Association as aforesaid shall be elected by secret ballot/electronic voting machine. No office bearer or member shall be eligible to hold the same office / post for more than two consecutive terms. He/she can, however, contest the elections for a different post in the next elections or can contest for the same post after a gap of 1 term. No member shall be eligible to hold the same office/post for more than 4 terms at any time.
- 1.8 The outgoing President/Secretary shall be ex-officio members of the Executive Committee, but in case the outgoing President/Secretary contest the election and are not returned, they shall forfeit the right of being an ex-officio member of the Executive Committee.
- 1.9 Any member who has held a particular office at any time in the Association for a total number of four terms shall be ineligible to again contest for such office.

2. ELECTION COMMISSION –

The members of the Election Commission comprising the Chief Election Commissioner and 5 Joint Election Commissioners shall be as decided by the outgoing Executive Committee on or before 1st November of the election year or thereafter as set out in Rule 20 (a) which shall be responsible to supervise and conduct

the elections of the office bearers and members of the Executive Committee of the Association. The said Chief Election Commissioner and Joint Election Commissioners shall appoint Returning Officers as may be required to assist them to successfully hold the elections.

3. QUALIFICATION OF MEMBERS OF ELECTION COMMISSION :-

- (i) No member who is a candidate or who is a proposer or a seconder of a candidate in the ensuing election of the Association will be qualified to be appointed as member of the Commission.
- (ii) Member proposed to be appointed as member of Election Commission should be impartial and a man of integrity and should have atleast 15 years standing of the Association.
- (iii) Member accepting the appointment as member of the Election Commission shall be required to give a declaration that he or she is not associated in any manner with the election of any candidate.

4. ELECTORAL ROLL –

All members of the Association who are on the rolls of the Association as on 30th September of the election

year as provided in the rules of the Association, (subject to Rule 15 of Part II of Rules of Association) shall have the right of vote.

5. ARREARS OF SUBSCRIPTION AND DUES –

No member who is in arrears of subscription or any other dues of the Association as on 30th September of the election year shall have the right to vote or contest in the election held that year.

6. NOMINATIONS –

Nomination for various offices will be received in the form prescribed. There shall be a nomination form for each office with one proposer and a seconder who are members of the Association for at least 5 years. The proposer and the seconder should also be entitled to vote at the Election and they should not be in arrears of subscription or any other dues of the Association on the day of filing of nominations in terms of Bye Laws 5.

7. ELIGIBILITY TO CONTEST FOR VARIOUS OFFICES –

(i) Any person desirous to contest for the post of President, Vice President, Honorary Secretary, Treasurer and Joint Secretary should respectively be a member of Delhi High Court Bar Association for at least 23, 20, 15, 12 and 10

years respectively as on the date of filing of the nomination.

- (ii) For post of “Senior Designated Member” means a Senior Designated Member of the Association who has been designated as a Senior Advocate by the Delhi High Court.
- (iii) For post of “Executive Member – 25 years standing” – A person should be a member of Delhi High Court Bar Association for at least 25 years as on the date of filing of the nomination.
- (iv) For post of Lady Member Executive – Person desiring to contest for the post should have atleast 8 years, standing as Member of the Association as on the date of filing of the nomination.
- (v) For post of Member Executive – Person desiring to contest for the post should have at least 5 years, standing as Member of the Association as on the date of filing of the nomination.
- (vi) For removal of doubt, it is clarified that the expression, ‘member’ appearing in rule 7 shall include period spent as ‘Associate Member’.

(vii) No person who has ceased to be a member or suffered from any disqualification shall be eligible to contest for any office or post.

(viii) No person who has been elected to an office/post for four terms at any point of time shall be eligible to contest for the same office/post.

8. NOMINATION FEE (Non Refundable) –

In view of enormous expenditure incurred by the Association for elections of the Executive Committee, the members contesting for the posts in the election of the Executive Committee shall deposit the following amounts as a non-refundable fee :

President	-	50,000/-
Vice President	-	40,000/-
Hony. Secretary	-	30,000/-
Treasurer.	-	10,000/-
Joint Secretary	-	10,000/-
Designated Sr. Member Executive.		40,000/-
Member Executive (25 years) standing.		25,000/-
Lady Member Executive.		5000/-
Member Executive		5000/-

9. **ELECTION MATERIAL –**

The candidates are prohibited from exhibiting / pasting any posters or banners or issuing / distributing any pamphlets, handbills or any other election material inside the court premises including car parking areas either themselves or through their supporters. However, the candidates except the candidates for the post of President / Vice President and Hony. Secretary / Designated Senior Advocates and Member Executive (25 years standing) can distribute cards, cyclostyled slips of size of not more than 3” x 4” indicating their names and the office for which the election is being contested. A candidate standing for the post of President, shall not indulge in any canvassing. Violation of this rule will result in disqualification of the candidate, if the violation of this rule is duly established after such a candidate has been declared elected, in a petition filed by a person aggrieved before the Tribunal constituted under Rule 15 of these Rules.

10. **CANVASSING –**

Canvassing will stop one day before the date of polling in the entire premises of the Delhi High Court. The Election Commission will earmark the designated area for the seating of the candidates. The Election Commission may also display the profile of each candidate with photograph on Board enroute the polling area. No candidate, his/her supporter shall indulge in canvassing, sloganeering, distribution of

cards, display of hand play cards on the day of the election. Inside the entire court premises or in the vicinity of High Court no candidate or his/her supporter shall obstruct a member on his way to the polling area. No outsider or an intern other than a member of the association holding a valid ID card will enter the premises of the DHC on the day of polling and the election commission shall install CCTV camera to monitor the conduct of the candidate and the members of the association.

If a candidate and/or his/her supporter is found violating the above rules, the Election Commissioner shall in the first instance warn the candidate and/or person supporting the member on the Public Address System. If, however, the candidate and/or his/her member supporter despite warning continue to violate the rule, the same shall amount to employing unfair means and would incur disqualification. The Election Commission may disqualify and debar such candidate(s) from contesting the elections of the association for two terms. The Election Commission may also communicate in writing to the Executive Committee of the Association the names of such erring members found violating the above rules and upon receipt of communication the Executive Committee shall support/terminate the membership of the member(s) for such period as it may deem fit and proper.

11. IDENTITY CARDS –

The members will be required to produce their identity card before the election officer at the time of polling.

12. LIST OF VOTERS –

Any member desirous of obtaining a list of voters shall be supplied the list of voters along with complete postal and e-addresses and telephone numbers from 15th October onwards upon payment, within two working days, upon payment of such charges as the Election Commission may prescribe.

13. CLEARING OF ARREARS.

The last date for payment of subscription and other arrears and dues of the association to be eligible to cast vote at the ensuing elections shall be 30th September of that year i.e. the election year. Subject however to Rule 15 of Part II of the Rules of the Association.

14. RESOLUTION OF DISPUTES -

All disputes relating to nomination papers of any candidate, eligibility to cast vote or identification of a voter at the election, etc. shall be decided by the Chief Election Commissioner and the 4 Joint Election Commissioners on the petition made in this regard by the candidates or any other member of the Association and whose decision on the above shall be final and will not be called into question before any forum.

15. ELECTION TRIBUNAL

An Election Tribunal shall be constituted by the Executive Committee at the time of notifying the elections or the Election Commission as the case may be comprising of three members viz. two designated Senior Advocates and an Advocate having more than 25 years standing in the Association.

- (i) The petition challenging the election result of any candidate for any post / office may be preferred before the Election Tribunal by the candidates or any other members of the Association within a period of 7 days of the declaration of the election results.
- (ii) The election petition shall precisely state the grounds of challenge and shall be accompanied with a fee of Rs.5000/- to be deposited with the Association and the receipt thereof be attached to the election petition.
- (iii) On receipt of the election petition the Election Tribunal shall send notice to respondents and may require the respondents to submit their comments in writing and also record evidence, if necessary. On consideration of the material on record, the Tribunal shall decide the petition within 45 days.

- (iv) The decision of Election Tribunal on election disputes shall be final and binding on all members of the Association. The decision of the Election Tribunal shall be an Award under the Arbitration & Conciliation Act, 1996 for all intents and purposes.

[ABHIJAT BAL]

Hony. Secretary
Delhi High Court Bar Association