

APPROVED CONSTITUTION

CONSTITUTION OF HIMACHAL PRADESH HIGH COURT BAR
ASSOCIATION, SHIMLA.

PART I

NAME

1. The name of the Association shall be
"Himachal Pradesh High Court Bar Association,
Shimla."

DEFINITIONS:

2. For the purpose of this Constitution the
terms used below would mean :-
 - i) Association means H.P. High Court Bar
Association, Shimla.
 - ii) Member means the Member who is entitled
to continue on the rolls of the Association
as Member on a particular day.
 - iii) Complaint means any grievance of a Member
of the Association against other Member(s).
 - iv) Executive Committee means Executive Committee
of the Association.

AIMS AND OBJECTS

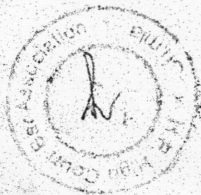
3. The aims and objects of the Association shall
be :
 - i) To protect and promote the interests of the
members of the Association.



- ii) To help in general in the administration of justice.
- iii) To make all efforts to maintain the dignity of the legal profession and to promote legal ethics among its members.
- iv) To provide free legal aid to the deserving poor litigants.
- v) To provide facilities to the members like establishing and maintaining good Library, Bar Room or any other such place for the benefit of the Members.
- vi) To do any other act(s) as decided by the General House, which would be in the interest of the Members.

MEMBERSHIP

- 4. a) All the members on the rolls of Association as on 1st September, 1996 shall continue to be the members of the Association until they resign from membership or cease to be member for any other reason or are removed from the membership.
- b) Every Advocate, whose name is for the time being borne on the rolls of any State Bar Council in India, and who agrees to abide by the Rules of the association shall be eligible for membership of the association.



- c) Any Advocate who fulfils the conditions laid down in Article 4(b) above and desires to be a member of the association, shall apply in writing addressed to the President to be enrolled as a member thereof.

Such an application should be recommended by at least ^{two} ~~existing~~ members of the association of at least 10 years standing and shall contain the following particulars on prescribed proforma.

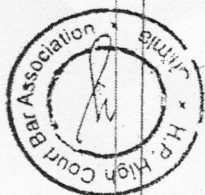
- i) Full name, Father's name and address of the applicant.
- ii) Name of the State Bar Council with which the applicant is enrolled alongwith the enrolment number allotted to him by the State Bar Council. The applicant should also file an attested true copy of his license.
- iii) The application shall accompany ~~the~~ with admission fee and one month's subscription, as may be prescribed at such time.
- iv) In case the applicant had been member of some other Bar Association before applying for membership of this association, the name and address of such Bar Association be given with a declaration that the applicant has not been removed or expelled from such Bar Association.



v) The application when received will be placed by the Secretary of the Association before the Executive Committee for consideration, and the Executive Committee will be entitled to admit the applicant on the rolls of the association or reject such application by assigning reasons for such rejection.

SUBSCRIPTION

5. a) The admission fee and monthly subscription of the association shall be determined by the Executive Committee by 2/3rd majority present and voting from time to time which would be liable to be paid by each member by the 10th of each month in advance.
- b) If any member fails to pay subscription for three months, the Secretary may thereupon, serve the defaulting member with a letter of demand or post a notice of demand on the defaulting member, under UPC cover on the address as supplied to the association, at the cost of the member and paste a copy ^{thereof} on the notice board of the association and if within 15 days from the posting of such letter or affixation of notice, as the case may be, the member fails to pay up all the arrears, the case shall be placed before the Executive Committee for appropriate action including removal from the membership. However, such a member shall be eligible to re-admission if within three months of his removal from membership he pays up all the arrears together



with re-admission fee as fixed from time to time. After the lapse of above period, such a member shall be eligible for re-admission if he pays up all the arrears together with fresh admission fee.

REMOVAL, WITHDRAWAL, RESIGNATION AND READMISSION

6. 1) Any member may be removed by the Executive Committee from the membership of the association, for proved breach of rules or for such conduct on his part which is detrimental to the interests of the association, the legal profession or which in any manner lowers the dignity of the profession.
- ii) A member who finds that any other member is acting against Rules of the association, or the conduct of such a member is detrimental to the interests of the association, may file a complaint in writing to the President of the association who shall place the same before the Executive Committee for consideration. The Executive Committee may refer the complaint for enquiry to a Committee of three members to be appointed for the purpose; such Committee after enquiry shall submit its report to the Executive Committee which shall take such action on the report as it deem fit.



order of his removal shall have a right of appeal to the General House within a month from the date of removal from membership. ^{aggrieved} ~~such an order~~ against

Provided further that General House may condone the delay in filing the appeal if sufficient cause is shown.

iii) Any member ^{may} ~~can~~ resign his membership of the association on paying all the arrears of subscription due from him upto the date of his resignation. The resignation will not be accepted till all the arrears are paid and the concerned member will be liable to be debited with monthly subscription till he has paid up all the arrears.

iv) A member shall cease to be a member of the association in case his name is removed from the Rolls of Advocates by the State Bar Council or Bar Council of India or when a member ceases to be an Advocate on the Rolls of the Bar Council.

PART - II

OFFICE BEARERS:

7. In the Annual General House meeting the following office bearers of the association shall be elected :-

- i) President
- ii) Vice President
- iii) Secretary
- iv) Treasurer
- v) Library Secretary



EXECUTIVE COMMITTEE

- 8.(1) The Executive Committee of the association shall consist of the officer ^{or} ~~be~~ elected by the General House as per Article-7 supra and 6 members to be nominated by the President from amongst the members of the association ~~and one auditor who shall also be nominated by the President from the members.~~
- (2) *One member of the Executive shall be appointed as an auditor.* Out of the six nominated members, two members shall be of the Standing at the Bar of more than 10 years and two shall be lady members and at least two shall be from amongst the members having less than 7 years standing at the bar at the time of their nomination.
- (3) The Executive Committee shall manage and control the affair; funds and assets of the association.
- (4) The term of the Executive Committee shall be one year or till such time as fresh elections are held.
- (5) The President or in his absence the Vice President or in the absence of both, the Senior most member of the Executive Committee shall preside over the meeting of the Executive Committee.



- (6) The decisions of the Executive Committee ^{unless otherwise provided} shall be by the simple majority of the members present and the quorum of the Executive Committee shall consist of at least 1/2 of the total members. In case the votes for any motion are equal ~~in~~ in number, the Chairman of the meeting shall have casting vote.

- (7) The Executive Committee shall have powers to appoint, suspend, remove or dismiss any employee of the association.

- (8) The Executive Committee, from time to time, may appoint any sub-committee for transacting a specific business. However, the powers of the such sub-committee shall not exceed in any manner the powers of the Executive Committee and the General House can ratify or nullify any of the decision taken by such sub-committee.

ELECTIONS

9. The office bearers shall be elected in the Annual General House meeting of the association from amongst regular members who are not in arrears of subscription for more than 3 months on the date of elections and whose names appear on the list of members on 30th June of the election year.



QUALIFICATIONS OF THE OFFICE BEARERS

10. (i) President

(a) Age not less than 40 years on the date of election.

(b)(i) Not less than 20 years of standing at the bar with atleast 3 years continuous membership of the association or

(ii) 10 years continuous membership of the association. /

(ii) Vice President

(a) Not less than 10 years of standing at the bar with two years continuous membership of the association; or

(b) 7 years continuous membership of the association.

(iii) Secretary

Member of the association.

(iv) Treasurer

Member of the association.

(v) Library Secretary

Member of the association.

11. / Any member who is in arrears of subscription for more than 3 months as on 31st August of the election year shall have no right to be elected and vote in the

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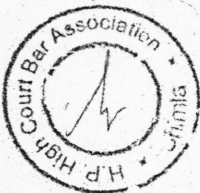
election of office bearers and to be nominated as member of the Executive Committee of the association. The list of eligible members as on 31st August of the election year shall be put up on the notice board by the Secretary in the 1st weeks of September of the election year, objections, if any, may be filed within a week thereafter . If defaulting members clear their dues by the 15th September of the election year, then they shall be entitled to take part in the election for all purposes.

12. No member shall be entitled to hold the office of President, Vice President, Secretary, Treasurer or Library Secretary for more than two consecutive terms.
13. In case the office of the President falls vacant at any time or the President is unable to perform his duties on account of long absence due to illness or for any other reason, the Vice President shall act as President and Executive Committee may thereupon elect one of its member to act as Vice President until the President or new incumbent is elected by the general body. Should the office of Vice President, Secretary or Treasurer become vacant, the Executive Committee may fill up the vacancy



in the same manner. However, in case the office of the President falls vacant on or before 31st May, a meeting of the General House shall be called for electing a President for the remaining period.

14. Casual vacancy occurring amongst other office bearers may be filled up by the Executive Committee. Every such appointment shall hold good until the next election is held. Vacancy arising from amongst the nominated members of the Executive Committee shall be filled by the President by nomination.
15. The President shall preside over all meetings of the Executive Committee at which he is present. In his absence, the Vice President, if present shall preside. If neither the President, nor the Vice President be present at any meeting, the members present shall elect one from amongst themselves to be Chairman of the meeting.
16. The Executive Committee may from time to time make bye-laws consistent with these Rules for regulation of its business or proceedings and proceedings of any Sub-Committee appointed by it as well as for the conduct of business by the Secretary and the Treasurer & for regulating the duties and service conditions of any of servants or staff of the



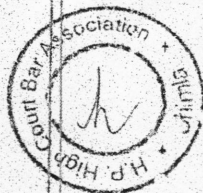
association and the manner in which property, accounts and records of the association ^{are} to be kept. Such ~~by~~ bye-laws shall be placed before the General House for its approval in a meeting specifically convened for this purpose. The bye-laws would be approved by ^{single} ~~single~~ majority of the members present and voting at such a meeting.

17. The Executive Committee shall ordinarily hold a meeting at least once in a month to manage and control the affairs of the association.

PART -III

POWERS AND DUTIES OF OFFICE BEARERS:

18. The President shall preside over all the meetings of the Association : and in his absence the Vice President shall preside and in the absence of both, one of the members, present in the meeting shall be voted to the chair. Chairman presiding any meeting of the association shall have casting vote in the event of an equal division of votes on any question.
19. The President will be entitled to allow a contingent expenditure of Rs. 1000-00 in all within a month without the sanction of the Executive Committee.



20. The Secretary shall keep correct minutes and records of the proceedings of all the meetings of the association and issue notices for and convene the meetings wherever necessary or as and when requisitioned by members of the association in accordance with the Articles of the Association. He shall make correspondence on behalf of the association subject to overall control of the President and the Executive Committee.
21. The Treasurer shall keep and maintain accounts and spend the funds of the association in payment of salaries of the staff, in purchase of books, furniture and other necessities of the Association. He shall be responsible for proper investment and safe custody of the securities of the Association. The President or the Secretary and the Treasurer shall have the power to operate Bank Accounts and Deposits of the Association.
22. The treasurer shall be responsible for the due collection of the subscription and the arrears and shall sign all receipts and vouchers regarding the expenditure incurred by the Association.
23. The Library Secretary shall be responsible to the Association for looking after and maintaining the Bar Library. He shall be the



incharge of all books held by the Association or purchased by it from time to time. He shall be responsible to give his annual report about the total number of books in the Library, books purchased or lost during his tenure. No member shall be entitled to take any book outside the court precincts without his permission. The Library Secretary shall exercise general control and superintendence over the Library.

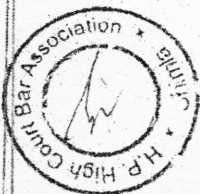
24. The Auditor shall be entitled to inspect the accounts of the Association ^{at} any time. He shall be responsible to submit his audit report at the time of annual general meeting of the Association.
25. All funds of the Association collected by way of subscription and admission fee or in any other manner shall be kept deposited in any nationalised Bank at Shimla and such an account shall be operated by and under the signatures of the President or Secretary and the Treasurer of the Association jointly. Such funds shall be used for payment of salaries, upkeep of the Bar Library and the Bar and for any other purpose as may be decided by the Executive Committee.



PART-IV

MEETINGS

26. The Executive Committee shall be competent to call a meeting of the general house of the association, for which, two weeks notice shall be given to the members. The President may whenever he deems necessary for transacting any business of the Executive Committee, may call its meeting at such notice as he deems necessary.
27. The Annual General House meeting of the association to elect office bearers shall be convened on or before 21st September of every year. If such meeting is not held on the appointed day due to any reason whatsoever or has to be postponed for want of quorum, the next meeting of the general house shall be held before 30th September of the year on a day to be fixed by Executive Committee. No quorum for such adjourned meeting shall be necessary.
28. On the written request of 1/4th members of the association addressed to the President setting forth the object (s) for which such a meeting is desired to be convened, the President within 7 days of the receipt of such a requisition shall order convening of an extraordinary meeting of the general house of the association.



Provided always that such a requisition must be signed by the requisite number of members and shall also bear the name of every signatory member in a legible hand against his signatures.

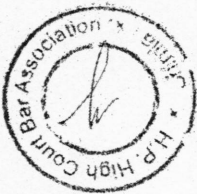
QUORUM

29. Quorum for all general house meetings of the association shall be ^{one half} of the total number of members on the Rolls of the association.
30. In case, the necessary quorum is not present in any meeting of the general house, the meeting shall stand adjourned within half an hour of the appointed time, and no business shall be transacted therein except fixing time and date for the next meeting with the same agenda; provided always that no quorum shall be necessary for the adjourned meeting.
31. All questions brought before general house of the association in its meetings shall be decided by majority of votes of the members present in such a meeting. The voting shall ordinarily be by show of hands but twenty members who are entitled to vote may call for ^a division which shall be by secret ballot.
32. All elections to the posts of office bearers in the annual general meeting of



the Association shall be decided by a majority of votes of the members present and voting. The division shall be by secret ballot. In case votes for any office are equal in number, the matter shall be decided by draw of lots. In all other matters, the Chairman shall have casting vote.

33. The members shall engage only those persons to work as Clerks who are eligible to be engaged under the High Court Rules and will not employ any disqualified or unqualified clerks. The members shall intimate the names of their clerks to the Secretary who shall maintain record of the same.
34. The meetings to consider any motion of non confidence against any office bearer of the association shall be in an extra ordinary general house meeting of the Association which shall ordinarily be presided over by the President and in his absence by the Vice President or in the absence of both by the Chairman elected in such an extra ordinary meeting; Provided always that a meeting to consider motion of non confidence against any office bearer shall be convened on the requisition of atleast



one third members of the Association entitled to vote. Such a requisition should be signed as provided in Articles 31 and 32 supra. On receipt of such a notice, meeting shall be convened within 15 days from the receipt thereof.

35. In case of non-confidence motion against the President, the meeting shall be presided over by the Vice President and in his absence by other member who is voted to the Chair in that extra ordinary meeting. Similarly in case of no-confidence motion against the Vice President, the meeting shall be presided over by the President or in his absence by any other member voted to the chair in that meeting.

36. Any person against whom motion of no-confidence is discussed will have the right to take part and vote in the discussions on such motion. Such discussions in the general house shall be privileged. The members shall maintain secrecy about the discussions held in the meetings. The members would be expected to maintain decorum in the course of discussions and would take part in the discussions with the permission of the Chairman of the meeting.



AMENDMENT

37. No rules of the Association framed and embodied herein shall be altered or modified, nor shall any new rules be framed unless approved in a special meeting of the general body convened for the purpose.
38. No member of the Association shall, on ceasing to be a member thereof, have any right or claim upon any property assets or funds of the Association.

NOTICE:

39. Notice shall, whenever necessary, contain the agenda for the meeting. The notice shall be circulated to the members present in the Bar Room or the court premises. Notice shall also be circulated alongwith the cause list and a copy put up on the notice Board of the Association and this shall be deemed to be a valid and sufficient notice to all the members. Notice of annual general meeting shall be given fifteen days in advance from the date fixed for such meeting. Notice of an adjourned meeting under Article 30 should be given atleast seven days before, such meeting.

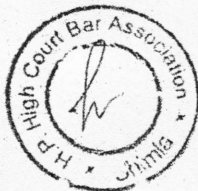


STANDARDS OF PROFESSIONAL CONDUCT AND ETIQUETTE

40. Every member shall, at all times, conduct himself in a manner befitting his or her status as an officer of the Court, a privileged member of the community, and a gentleman, bearing in mind that what may be lawful and moral for a person, who is not a member of the Bar may still be improper or unethical for an Advocate. A member should fearlessly uphold the interest of his client, and his conduct should conform to the rules framed by the Bar Council of India.

DUTY TO THE COURT

41. A member shall, while appearing before a Court, conduct himself with dignity & self-respect. He shall not be servile and whenever there is a proper ground for serious complaint against a judicial officer, it shall be his right and duty to submit his grievance to the Executive Committee/General house.
42. A member shall always maintain towards the Courts, a respectful attitude, bearing in mind that the dignity and independence of the Courts is essential for the survival of free society and democracy.
43. A member shall not wear bands or gowns in public places other than the court premises.



DUTY TO THE CLIENT

44. A member shall not ordinarily withdraw from engagements, once accepted, without sufficient cause and unless reasonable and sufficient notice is given to the client.
45. A member should not accept a brief or appear in a case in which he has reason to believe that he will be a witness. In case after engagement he finds that he is a witness on a material question of fact he should not continue to appear and should retire from the case.
46. A member shall not enter into arrangements whereby funds of his client(s) in his hands are converted into loans. A member shall not lend money to his client, for the purpose of any action or legal proceedings in which he is engaged by such client.

DUTY TO COLLEAGUES.

47. A member shall not solicit work or advertise, either directly or indirectly, whether by circulars, advertisements, touts, personal communications, interview not warranted by personal relations, furnishing or inspiring newspaper comments or producing his photograph to be published in connection with cases in which he has been engaged or concerned.



48. A member shall not enter appearance in any case in which there is already a vakalathana or memo of appearance filed by any Advocate engaged for a party except with his consent; in case such consent is not produced he shall apply to the Court stating reasons why the said consent could not be produced and he shall appear only after obtaining the permission of the Court.
49. This Constitution shall come into force w.e.f. 1-1-97.
50. The Association shall be got registered under the provisions of the Societies Registration Act, 1860, if the Executive Committee so decides.



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