

**STATE BAR COUNCIL OF MADHYA PRADESH**

**MODEL -BYE-LAWS FOR BAR ASSOCIATIONS**

The Bar Association shall be known and called as District/Tah. Bar Association.....

**AIMS AND OBJECTS**

- (I) To maintain high standards of legal profession;
- (II) To eradicate toutism and to take effective measures against the touts;
- (III) To protect and safe -guard the professional interest of its Members;
- (IV) To safe guard the fundamental rights and civil liberties of citizens;
- (V) To make arrangements for the Study of Law, provide for a food and reasonably sufficient library and also for the comforts and amenities of its members;
- (VI) To work for the welfare of the members and the litigants public;
- (VII) To promote harmonious relations between the Bench and Bar,
- (VIII) To discus and opine on matters of public interest and to organize symposiums, debates and lectures on various subjects concerning law, Justice. administration of justice and professional ethics;
- (IX) To work out way-s and means to help and train junior lawyers and to provide them facilities in order to establish them in the profession.
- (X) To create an atmosphere so as to maintain grace and dignity of the legal profession
- (XI) To abide by all the directions and orders of the State Bar Council of M.P. and the Bar Council of India issued from time to time;
- (XII) To extend legal aid to the poor and to organize such aid;
- (XIII) To form Co-operative Societies for housing of its Members;

**(ADDITIONAL OBJECTS FOR DISTRICT BAR ASSOCIATIONS)**

- (XIV) To co-ordinate, co-operate and render desired help to the different Bar Associations in the District in furtherance of their activities;
- (XV) To co-ordinate and implement various welfare activities sponsored by the State Bar Council Trust as well as the Bar Council of India.

(XVI) To infuse and inspire in its Members and amongst the Advocates of the District self-confidence and self-respect and create in them a sense of unity and affinity and brother-hood.

(XVII) To act as a Unit of the State Bar Council for all organizational and welfare works

(XVII) To safe-guard the rights and privileges of the Advocates in the District with the help of privilege Committees of the State Bar Council of M. P., whenever necessary;

(XIX) To enlighten the constituent Bar Associations of their rights and duties towards the State Bar Council and to make and recommend -equitable distribution of the Funds, if any, given to the District by the State Bar Council or by the Bar Council of India;

(XX) To implement the aims and objects of the State Bar Council of M. P. Trust with the help and co-operation of that Trust;

(XXI) To collaborate and co-ordinate with the other units of the District Bar Associations and the State Bar Council of M.P. with a view to strengthen and implement the objectives mentioned above;

(XXII) To under-take publication of legal literature or journalism

### 3. MODE OF MEMBERSHIP:

1. Any person enrolled by the State Bar Council of M.P. as an Advocate, may become a Member of the Bar Association, if he submits an application to its Secretary in Form "A"

Provided that a person can be a Member of one Bar Association alone and if he wants to become Member of another Bar Association, he shall obtain a 'NO OBJECTION' No dues certificate' from the previous one.

Provided further that the Secretary of the Bar Association shall intimate the fact of a Member leaving or joining the Bar Association to the Secretary State Bar Council within 7 days thereof.

2. The application for Membership so received shall be placed before the Members of the Executive Body of the Bar Association in its Meeting or before its Members by circulation and the Executive Body shall be authorised to admit such persons as a Member of the Bar Association.
3. If the Executive Body refuses to admit such person as a Member of the Bar Association, it shall specify its reasons there for and in such event, such person shall have a right to appeal to the General Body of the Bar Association which may by its Resolution admit him as a Member of the Association.
4. If the General Body also declines to admit him as a Member. he shall within 15 days of such refusal, move a petition to the State Bar Council along with the certified copies of the orders of the Executive Body and the General Body and the decision of the State Bar Council, thereon, shall be final.

### 4. ADMISSION FEE MONTHLY OR LIFE'S SUBSCRIPTION:

- (1) The Executive Body of the Bar Association, from time to time may in its meetings decide the admission fee or the monthly or life subscription.
- (2) Every Member of the Bar Association shall pay in advance. his subscription for the month during the first fortnight till he ceases to be a Member of the : Bar Association or is otherwise suspended/removed from the State Roll of the Advocates.

- (3) A Member, who is in arrears of the monthly subscription or any other dues: for a period of 3 months, shall not be entitled to use the Bar premises and the Library or to vote and if after a month's written notice from the Secretary does not make good the dues his name may be struck off from the Membership of the Bar Association by the order of the Executive Body subject to approval of the State Bar Council of M. P.

5. **REMOVAL FROM MEMBERSHIP:**

: The Bar Association shall have a power to remove any Member from its Register of Members:-

- (i) If he is removed from the Roll of Legal practitioners maintained by the State Bar Council;
- (ii) If he is guilty of gross mis-behavior of professional misconduct, subject to previous approval of the State Bar Council;

OR

(iii) Any other just or sufficient cause subject to the approval of the State Bar Council of Madhya Pradesh Council.

Provided that no member shall be removed under sub clauses (ii) & (ii) except by a majority in a meeting of the General Body of the Bar Association in which at least 50% Members of the Bar are present and voting.

6. **RESIGNATION FROM MEMBERSHIP**

Any Member who desires to resign from the Membership of the Association may submit a written resignation to the Secretary of the Bar Association a week before the expiry of the month and a copy of such resignation letter shall be endorsed to the Secretary of the State Bar Council of Madhya Pradesh. The intimation of the acceptances of such resignation shall also be sent in writing by the Secretary of the State Bar Council of Madhya Pradesh the intimation of such resignation shall also be sent in writing by the Secretary, Bar Association to the Member resigning and the Secretary of the State Bar Council of Madhya Pradesh.

7. **GENERAL BODY**

The General Body of the Bar Association shall consist of all the Members on the roll of the Bar Association.

8. **OFFICE BEARERS :**

The Bar Association shall have the following office Bearers.

1. President
2. Vice President
3. Secretary
4. Joint Secretary
5. Treasurer
6. Librarian

Provided that the President of the Association shall be a Member having experience at the Bar or at the Bench or at the Bar and Bench together for NOT less than 20 years and the Secretary of the Bar Association shall at least have 15 years experience at the Bar to be calculated in the manner specified for the President.

9. **EXECUTIVE BODY**

The Executive Body of the Bar Association shall consist of.

- i) President, Vice President, Secretary, Joint Secretary, Treasurer and Librarian who shall be ex – Officio Member of the Executive Body.
- ii) The Executive Body shall consist of such further elected Members not exceeding 25, as the General Body of the Bar Association may resolve from time to time and a copy of such Resolution shall be sent to the State Bar Council of Madhya Pradesh Council within 7 days.

Provided that at least 1/3<sup>rd</sup> members of the Executive Body including, its Office Bearers shall be from a group of Advocates whose practice on date of the declaration of Election Programme is not more than 10 years.

Provided further, the Executive Body may resolve that a particular number of seats in the executive Body shall be reserved for women candidates.

- (iii) (In case of District Bar Association) The Executive Body shall also consist at least one Member from each Bar Association in the District.
- (iv) The Executive Body may form Sub – Committee for management of Library, Furniture and other activities of the Bar Association.

10. **TERM OF OFFICE**

The terms of the office bearers of the Bar Associations will be for a period of two years from the date of election.

11. **MEETING OF THE EXECUTIVE BODY :**

- (i) The Meetings of the Executive Body shall be convened by the Secretary as often as may be necessary to transact its business or when ordered by the President or on written requisition of at least 2 members of the Executive Body stating the business to be transacted at such requisitioned meeting.
- (ii) The quorum required for the meeting of the Executive Body shall be half of its Members.
- (iii) Work done or Resolution passed by the Executive Body shall not be invalid by reason or any vacancy in the body not being filled up or for any defect in its constitution.'
- (iv) The Executive Body may delegate its powers to any of its office-bearers or to any of its sub-committees.

12. **POWERS AND DUTIES OF EXECUTIVE BODY:**

- (a) To admit Members to the Bar Association.
- (b) To appoint sub-committees from out of its members or the members of the General Body to carry out the aims and objects of the Association.
- (c) To engage servants, fix their remunerations grant them leave, to impose fine. suspend/discharge or dismiss them.

- (d) To enter into any contract or liabilities or discharge the same in furtherance of its functions and also to compromise any claim or dispute.,
- (e) To frame budget for the ensuing year.
- (i) To make regulations and bye-laws to regulate working and use of the Library. To general watch over the registered Clerks of Advocates and such other matters as may be deemed necessary.

Provided that such regulations and bye-laws shall be put up before the General Body and shall come into force only after they are passed by the majority of the General Body.

Copies of such resignations and by-laws shall be put forwarded to the State Bar Council within 7 days of their approval by the General Body.

### 13. RIGHTS & DUTIES OF DIFFERENT OFFICE BEARERS:

(1) THE PRESIDENT of the Bar Association will have a general control and supervision over the functioning of the Bar Association. He shall preside all meetings of the Bar Association including the Executive Body and shall have a right of casting vote in case of equality of votes.

(2) VICE-PRESIDENT would act as the President in the absence of the President and shall have the same power as that of the President.

(3) THE SECRETARY The Secretary shall be the Chief Executive Officer of the Bar Association.

It shall be his duty :

(a) To convene meetings of the General Body, the Executive Body or Sub Committee the Sub-committees from time to time and to submit to them all applications, resolutions and the suggestions received or other business to be transacted by them:

(b) To issue Agenda for the meeting of the General Body and the Executive Body and fix dates of their meetings in consultation with the President:

(c) To maintain Minutes of the proceedings of meetings of the General Body, Executive Body and Sub-committees and other records of the Association:

(d) To repair reports for submission to the executive body and to carry on all correspondence of the Association:

(e) To maintain the Register of Members and Accounts of Fee, adjournment costs and other dues received from time to time from the Members and to release the same:

(f) To prepare and submit the Budget:

(g) To divide and allot the work between the other office-bearers and sub-committees subject to the approval of the Executive Body.

(h) To open accounts with a nationalized Scheduled Bank in the name of the Bar Association and operate the same under the signature of himself and the President or such other person as the Executive Body may authorize.

(i) To do all such acts as are necessary to be done under these Rules as are beneficial to and in the interest of the Association.

(4) JOINT SECRETARY The Joint Secretary will have the same powers as that of the Secretary in his absence.

(5) **TREASURER** The Treasurer will be responsible for all the funds and properties of the Bar Association and will have a general control over all funds and properties of the Bar Association. He will maintain regular accounts which shall be got audited annually and the report of the Auditor shall be placed before the Executive Body.

(6) **LIBRARIAN** The Librarian shall be the In charge of all the Books in the Library and shall maintain them and keep accounts thereof by maintaining necessary Registers Like Stock Register and Issue Register etc.

14. **MEETINGS OF THE GENERAL BODY:**

(i) The Annual General meeting of the Bar Association shall be held every year as far as possible in the month of March but in no case, shall the interval between the two consecutive meetings exceed 15 months.

(ii) The following business shall be transacted at the Annual General Meeting:-

(a) To receive, consider and pass the duly audited statements of account and balance-sheet for the previous year and the report of the Secretary :

(b) To adopt Budget for the current Year:

(c) To appoint the Auditor and fix his remuneration:

(d) To consider any application or proposal submitted by any members at least 10 days before the date of the meeting:

To transact any other business with the permission of the Chairman of the meeting:

(f) The 'other general meeting of the Association either urgent, special or extra-ordinary, shall be convened by the Secretary with the previous consent of the President or in his absence, the Vice- President or in the absence of both, if found emergent, on his own initiatives or a written request of at least 10 Members entitled to vote to transact such business, as may be notified by him in the Agenda;

(g) At least 10 days clear notice shall be given for the Annual General Meeting while for urgent or special meeting, a clear 3 days notice shall be required. An extra-ordinary meeting could be convened by a day's notice. Though ordinarily a notice of the meeting will be circulated to all the members, the affixation of the notice on the notice board of the Association shall be deemed to be sufficient notice to the Members.

(h) The quorum required for the Annual General Body Meeting shall be at least half of the Members on the roll of the Bar Association and in other general Body meeting shall be at least 1/3rd of them. However, no quorum will be necessary for an adjourned meeting.

15. **VACANCIES OF OFFICE BEARERS OR EXECUTIVE BODY:**

Any Vacancy of the office bearers or the Executive Body because of any reason, shall be filled by the General Body within two months of the occurrence thereof and the newly appointed office bearers or members shall hold office for the remaining part of the term.

16. **FINANCIAL YEAR:**

The Financial Year of the Association shall be from 1st April of each year to the 31st of March of the following year.

**17 FUNDS:**

The Funds of the Bar Association shall be collected by way of admission fee or life subscription, by deposit of adjournment costs imposed by Courts, by donations, collection or grants and from other sources.

**18. RESERVE FUND:**

10% of the funds annually received by a Bar Association shall be kept under fixed deposit as a Reserve Fund and such amount shall not be disbursed or withdrawn except by the sanction of the General Body.

**19. BOOKS & REGISTERS TO BE MAINTAINED:**

The following books/registers shall be maintained by Bar Association: -

- (i) Subscription Book
- (ii) Collection Register of Adjournment costs;
- (iii) Separate books for the' Agenda of the Executive Body and General Body
- (iv) Separate Proceeding Books for the Executive Body and General Body Meetings and those of the Sub Committee.
- (v) The complete list of Books or Catalogue in the Bar Association Library
- (vi) The List of Furniture and fixtures of the Bar Association;
- (vii) Inward and out-ward Registers of correspondence and local Dak Book;
- (viii) Voucher Files, complaint book and such other registers as the Secretary thinks necessary or as the Executive Body may direct;
- (ix) A list of Registered Clerks of the Members of the Bar Association.
- (x) Daily Account Book and Ledger ~

**20. NO CONFIDENCE MOTION:**

A Resolution of "NO CONFIDENCE" moved by 3 Members of the Association against any office bearer of the Bar Association shall be considered only when it forms a part of the Agenda and for successful motion of "NO CONFIDENCE". It would be necessary that 2/3rd of the 50% members on roll present in the meeting of the General Body vote for the Resolution. The Resolution of "NO CONFIDENCE" shall not be considered in an adjourned meeting.

**21. COMPLAINTS BY MEMBERS:**

(i) If an individual Member of the Bar Association makes a complaint to the Association relating to or arising out of profession, he is expected NOT to compromise the matter independently without approval of the Association.

(ii) It is also expected from a member of the Bar Association that he will place his grievance relating to the profession for consideration of the Bar Association before taking recourse to any other remedy.

**22. AMENDMENTS IN RESOLUTION :**

The Association may add to or amend or reconsider any Resolution whenever it think just and proper.

### 23. THE AMENDMENT IN RULES

Any amendments in these Rules or any other by laws of the Bar Association shall be passed except a 3/4<sup>th</sup> majority of at least 2/3<sup>rd</sup> of the members on Roll present and voting in its favour but no such amendment shall be incorporated in the Rules or by-laws except with the prior approval of the State Bar Council of Madhya Pradesh. The State Bar Council of Madhya Pradesh may refuse to allow such amendment or make any directions and decision of the Bar Council, shall be final.

### ELECTION

#### 24. ELECTORATE

- (i) All Members on Roll of the Bar Association shall be included in the Electoral Roll.
- (ii) The Executive Body shall resolve not to include the names of the following persons in the Electoral Roll :-
  - a) Who have been in areas of subscription and / or other dues of the Bar Association for 3 months on the date of the declaration of the Election Programme.
  - b) Who have left the profession and engaged themselves in any other business or are not practicing.
  - c) Who have been either suspended or removed from the Roll of the State Bar Council.

#### 25. ELECTION PROGRAMME & PROCEDURE

- (1) The Executive Body of the Bar Association shall fix the Election Programme.
- (2) That before 40 days of expiry of term, every Bar Association shall appoint the Election Officer for holding its next Election.
- (3) Before 35 Days of expiry of term, the Bar Association shall publish a preliminary Electoral Roll and on publication, objections shall be invited from the Members of the Bar Association within three days from the date of publication.
- (4) The Bar Association shall scrutinize all the objections so received by them and Within three days, shall publish the Final Electoral Roll.
- (5) On the date of publication of final Electoral Roll, the Election Officer shall declare the program of Election i.e. to say date of withdrawal and date of polling.
- (6) At the time of voting every voter shall produce his Identity Card if he is directed to do so by the Election Officer or any other Election Agent.
- (7) The date of polling shall be published at least SEVEN DAYS before the expiry of the term of its office bearers.
- (8) The Executive Body shall appoint an Election Officer from amongst its I members and such Member shall not be entitled to contest for any post, If, however, all the members of the Executive Body intend to contest, any member of the Bar Association having more than 15 years practice may be appointed as Election Officer by the Executive Body,
- (9) The Executive Body would see that the time between the publication of provisional Electoral Roll and Final Electoral Roll is at least 3 days so that objections, if any, could be invited and decided,



(10) The time between the publication of final Electoral Roll and voting must at least be 10 days and in the meanwhile, the dates and timings of submission of nomination papers, their scrutiny, publication of names of contestants whose nominations have been found valid, the date and time of withdrawal of nominations and publication of final list of contestants may be fixed.

(11) The Executive Body may resolve that the voting may continue for two days if number of voters is bulky or if the members of the Association attend to other Courts situated outside the particular station.

(12) The Executive Body, if necessary may also resolve to appoint an Assistant Election Officer from amongst Members of the Bar Association and such Assistant Election Officer shall also not contest for any post.

(13) No candidate shall contest for more than one post, but may file nominations for more than one post.

(14) The Election Officer shall prepare the proforma of the Ballot Paper and shall get printed, typed or cyclostyled such number of ballots as are required and shall put his signatures and seal thereon, and the expenses to be incurred, are to be borne from out of the funds of the Bar Association.

(15) To elect the members of the Executive Body, a single ballot paper shall be prepared in which the names of the contestants shall be written in English Alphabetical Order. The voters may be required to put as many tick marks ( ./ ) against the names of contesting candidates as are required to be elected. The votes polled by each candidate shall be counted and, the ones getting maximum votes, shall be declared elected.

(16) In case of a tie, the decision shall be by a draw of lot.

## 26. DISPUTES:

(1) An appeal against any election on dispute including rejection of nomination or wrong acceptance of a nomination and the conduct of the election and the results of the election including counting shall be filed before the State Bar Council of Madhya Pradesh within ten days from the declaration of the result of the election and its decision on such election petition shall be final. The election petition shall be heard by the State Bar Council of Madhya Pradesh through Election Tribunal Appeal Committee consisting of Three Members appointed by the General Body of the State Bar Council of MP.

## 27. POWERS OF STATE BAR COUNCIL:

(1) If the Bar Association is not functioning properly or the Elections of the Bar Association are not held within three months of the expiry of the period of the terms of the Office bearers and the Executive Committee the State Bar Council shall have the right to appoint an Ad Hoc Executive Committee for a period of SIX months and the State Bar Council shall get the Elections conducted under its supervision within this period of six months. However, if due to any reason whatsoever it is not possible for the State Bar Council to hold the Elections of the Bar Association within this period of six months, it will have power to extend this period looking to all the circumstances prevailing at that time. The Executive Committee of the Bar Association so appointed will have all the powers of the Executive Committee and the office bearers will be the office bearers within the meaning of the constitution of Bar Association.

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PLACE:

DATED . .