

**THE
CONSTITUTION OF THE
HIGH COURT
BAR ASSOCIATION
NAGPUR**

(Registered under Act No. XXI of 1860)

(Names of the Office-bearers and members of the Executive Council of the High Court Bar Association, Nagpur)

Office-bearers :—

President :—

Dr. Sir Hari Singh Gour, Kt., M.A., D.Litt., D.C.L., LL.D., Barrister-at-Law, Vice-Chancellor, Nagpur University, Civil Station, Nagpur.

Vice-Presidents :—

(1) Rao Bahadur M. B. Kinkhede, B.A., B.L., Advocate, Civil Station, Nagpur.

W. R. Puranik, Esquire, B.A., LL.B., Government Advocate, Civil Station, Nagpur.

Treasurer :—

Dewan Bahadur K. V. Brahma, C.I.E., Advocate, Dhantoli, Nagpur. ...

Secretary :—

A. V. Wazalwar, Esquire LL.M., Advocate, Dhantoli, Nagpur.

Joint Secretary :—

W. R. Pandit, Esquire, M.A., (Cantab), Barrister-at-Law, Sitabuldi, Nagpur.

Librarian :—

G. R. Deo, Esquire, B.A., B.L., Advocate, Dhantoli, Nagpur.

MEMBERS OF THE EXECUTIVE COUNCIL :—

(1) W. H. Dhabe, Esquire,
B.A., B.L., Advocate, Itwari, Nagpur City.

(2) R. N. Padhye, Esquire,
B. A. LL.B., Advocate, Civil Station, Nagpur.

(3) M. R. Indurkar, Esquire,
B.A., LL.B., Advocate, Ayachit Road, Nagpur City.

- (4) H. D. Mulak, Esquire,
Barrister-at-law, Advocate, Dhantoli, Nagpur.
- (5) W. B. Pendharkar, Esquire,
B.A., LL.B., Advocate, Dhantoli, Nagpur.
- (6) N. T. Mangalmoorti, Esquire,
B.A., LL.B., Advocate, Dhantoli, Nagpur.
- (7) A. D. Sathye, Esquire,
B.A., LL.B., Advocate, Dhantoli, Nagpur.
- (8) Abdul Razak Khan, Esquire,
B.A., LL.B., Advocate, Civil Station, Nagpur.

THE CONSTITUTION OF THE HIGH COURT BAR ASSOCIATION, NAGPUR

1. The Association shall be called "The High Court Bar Association, Nagpur".
2. It will organise lawyers practising in the High Court of Judicature at Nagpur.
 - (a) provide them facilities for the study of law by maintaining a library for the use of its members,
 - (b) maintain their high standard of efficiency and integrity,
 - (c) protect their professional interests, and for the purposes aforesaid,
 - (d) exercise such other powers and discharge such other functions as may be necessary.
3. The following persons shall be eligible for the membership of the Association namely :—
 - (a) all advocates practising in the High Court of Judicature at Nagpur,
 - (b) members of the Bar practising elsewhere who desire to make use of the Bar Library, or any of its property, who may be enrolled as visiting members,
 - (c) persons invited to become members of the Association as a mark of distinction.
4. The Association being already registered under Act XXI of 1860 possesses all the rights therein specified. As such it is a body :—
 - (a) Corporate with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings, and to do all things necessary to achieve the purposes for which it is constituted.
 - (b) All proceedings by or against the Association in a Court of law shall be taken in the name of the Secretary, and ser-

vice of a notice, summons, warrant or requisition on the Secretary shall be valid and effective for all purposes to the same extent as if the same had been made upon every member of the Association relating to the business of the Association.

5. The property moveable or immoveable belonging to the Association shall vest in the Executive Council constituted as hereinafter provided, and the said Council shall have full control over its affairs and shall be the governing body thereof to whom the management of its affairs is entrusted for the purposes of the Societies Registration Act (Act XXI of 1860).
6. The Association shall have the following office bearers :—
 - (1) A President.
 - (2) Two Vice-Presidents.
 - (3) A Treasurer.
 - (4) A Secretary.
 - (5) A Joint Secretary, and
 - (6) A Librarian.

These office-bearers shall be elected from amongst the members of the Association.

7. The Executive Council shall comprise all the office-bearers and nine other members of the Association elected from amongst the members of the Association.

7-A. Any person who is a Member of the Association continuously for one year immediately preceeding the date of declaration of the election programme shall only be entitled to elect the office bearers of the Association and the members of the Executive Council.

7-B. (i) Any Member of the Association who has not less than 15 years standing at the Bar shall only be eligible for being elected as President and Vice-President of the Association.

(ii) Any Member of the Association who has not less than 10 years Standing at the Bar shall only be eligible for being elected as Treasurer and Secretary.

- (iii) Any Member of the Association who has not less than 5 years standing at the Bar shall only be eligible for being elected as a Joint Secretary and Librarian.
- (iv) Any Member of the Association who has not less than 3 years standing at the Bar shall only be eligible for being elected as a Member of the Executive Council.
- (v) A Member can be elected to any of the posts of the Office bearers and Member of the Executive Council only he is a Member of the Association continuously for a period of 3 years immediately preceeding the date of declaration of the Election Programme.

7-C. The Executive Council shall appoint the Election Officer or the Election Committee to conduct the elections of Office Bearers and the Members of the Executive Council.

- 8. All office-bearers and members of the Executive Council shall hold office for a period of **three years** commencing from the date of their election, but they will continue to hold their offices even on expiry of the term until their successors have been duly elected and assumed charge of their duties.
- 9. After the General Election should any vacancy occur in the office of an office-bearer or that of a member of the Executive Council, it may be filled by the Executive Council. A report of the vacancies so filled shall be made to the Association at its next meeting, for record.
- 10. All office-bearers and members of the Executive Council shall act and serve in an honorary capacity.
- 11. The President of the Association shall be the head of the Executive of the Association. He will preside at all meetings of the Association or of the Executive Council. In the case of emergency he may pass such order or take such action as he thinks fit on behalf of the Association. Any such order passed or action taken will be reported by him to the Executive Council at its next meeting.
- 12. At all meetings of the Association or of the Executive Council the President shall preside, and in his absence, a Vice-President shall do so. But in the absence of both, it will be open to the Association to elect a member of the Association to take the chair. The Chairman whether the President, Vice-President or a member of the Association, so presiding, shall while so presiding exercise all the powers of the President.

13. The person presiding shall be entitled to vote as a member of the Association. He will decide all questions of procedure and all points of order raised at the meeting, and his decision thereon, shall be final. In case of the equality of votes on any question to be decided by the meeting and put to its vote he may decide the question by his casting vote.
14. It will be the duty of the Treasurer to receive all moneys on behalf of the Association, maintain accounts thereof, and make such disbursements as he may be authorised to do by the President or by any lawfully constituted body or authority.
15. The Secretary shall be the Executive Officer of the Association and, subject as herein otherwise provided, generally manage all affairs of the Association. He will be responsible for all correspondence which he may carry on in the name of the Association. He will maintain a minute book in which he will record all proceedings of the Association and of the Executive Council, or any other constituted body or authority.
16. The library of the Association shall be in charge of a librarian, which he will manage in co-operation with the Secretary and the Joint-Secretary.
17. The Executive Council shall be in sole charge of and shall be responsible for the due management of the affairs of the Association.

In particular and without prejudice to the generality of the foregoing provision, it shall have the following powers : that is to say :—

- (a) to admit persons to the membership of the Association;
- (b) to sanction all expenditure;
- (c) to appoint such paid staff as may be necessary for the Association, and to exercise all disciplinary power over them; as such, it shall have the power to suspend, dismiss or fine all paid servants of the Association;
- (d) to prepare an annual report and a statement of accounts of the Association and submit the same for its approval;
- (e) to prepare and annually submit a budget estimate of the income and expenditure for sanction of the Association;
- (f) to appoint Sub-Committees or persons, to determine any question, or to be in charge of any business or to delegate

to such committees or persons such powers and functions as it may deem necessary;

- (g) to frame by-laws for the conduct of the affairs of the Association and for regulating the procedure at its meetings and its own meetings;
 - (h) to take disciplinary action against members guilty of improper conduct or those falling into arrears, after giving them an opportunity of being heard.
18. Persons desiring to be enrolled as members of the Association may apply in a form prescribed by the Executive Council. Such application must be accompanied by the admission fee of Rs. 50/- if the applicant resides in Nagpur and ordinarily practises in the High Court of Judicature there, or Rs. 25/- in the case of any other persons except those mentioned in rule 3 (c).
 19. Upon his admission as a member every person must bind himself to obey the rules and orders of the Association. He must pay his monthly subscription at the office of the Association in the first week of each month in advance.
 20. Honorary members may be enrolled on the recommendation of the Executive Council, but not otherwise. Such members shall not be liable to pay any fees or subscription to the Association.
 21. A member may resign his membership of the Association; but such a resignation shall not absolve him from payment of arrears due from him up to the end of the month in which he resigns.
 22. The Treasurer shall intimate to the Secretary the names of members who are in arrears for a period of three months, whereupon the Secretary shall serve a notice on the defaulting members calling upon them to pay up the arrears due from them within a fortnight of the date of his notice. If the defaulter does not pay up the arrears, the Secretary shall report the same to the Executive Council who may realise from him the arrears by suit or otherwise as they may think fit.
 23. Any member who is in arrears for more than three months shall not use the rooms of the Association or any of its properties, including the library, till he pays up the arrears. A demand from the Secretary that arrears are due shall be conclusive evidence that such arrears are due from him, unless the Executive Council decide otherwise.
 24. A member who is in arrears for a period of six months shall be deemed to have ceased to be a member of the Association and

his name may be struck off from such membership by order of the Executive Council.

- 24-A. "Any member who ceases to be a member if he is found to be in arrears for a period of six months, then such member may be readmitted after due payment of all the arrears and dues of the Bar Association till the date of the order of Executive Council striking off the membership of such member, if he applies for the membership again."
25. No member who is in arrears as aforesaid, or who has ceased to be a member, or has resigned his membership, shall use the rooms or any property of the Association, or be present at any of its meetings, or the meetings of any body constituted by it, or record his vote as a member.
26. The Executive Council may hold such meetings as it thinks necessary. Five shall form a quorum for such meetings. If no quorum is present within half an hour of the appointed time the meeting shall be adjourned to another date or time at which the necessity of quorum shall be unnecessary but no business other than that included in the Agenda of the original meeting shall be disposed of at such meeting.
27. The Association shall hold at least one general meeting every year in the month of March. Such meeting shall be called the Annual General Meeting of the Association at which its budget for the ensuing financial year shall be discussed and passed. It shall be competent to the President or, in his absence, the Secretary to convene any meeting of the Association at any other time. All such meetings shall ordinarily be held in the rooms of the Association unless the President directs otherwise.
28. All notices for convening meetings of the Association may be given to the members by posting the same on the notice board of the Association, which shall be deemed to be sufficient service upon them. Seven days' notice shall ordinarily be given of such meetings, but the President may in his discretion dispense with this period of notice in case of emergency or otherwise.
29. All questions to be decided at a meeting of the Association or of its Executive Council or of any of its bodies shall be so decided according to the majority of votes and by a show of hands. But the President may direct that any question shall be decided by ballot when it shall be so decided; and it shall be competent to any three or more members to demand a poll in which case the President shall order it. On the poll being so ordered, the Secretary shall call out roll of the members present and record their votes.

30. Any member of the Association, not otherwise disqualified, shall be entitled to move a resolution at any meeting of the Association of its Executive Council if he is a member thereof. Such resolution must be duly proposed and seconded. If it is proposed and not seconded, it shall be deemed to be dropped. The mover of a resolution, the seconder and all subsequent speakers may address the meeting; but no member shall be entitled to address it more than once except the mover who will confine his second speech to a brief reply to his resolution.
31. The President may impose a time limit for speeches, close a discussion at his own discretion or after accepting a motion that the question be put in which case he will consult the sense of the meeting before ordering the closure.
32. At any time, after a subject has been sufficiently discussed, a member may move for the closure whereupon the president may close the debate.
33. After a motion is moved, any member may move an amendment thereon, and any amendment or amendments so moved shall then be put to the vote in the reverse order, or in such order as might enable the meeting to dispose of the substantial question covered by them and if the amendment or amendments so moved are lost or allowed, it would take the place of the original motion.
34. The Secretary shall call upon a general or an Executive Council meeting when so desired :—
 - (i) by the President of the Association,
 - (ii) by three members of the Executive Committee, and
 - (iii) by seven members of the Association who will specify the purpose of the meeting.
35. A meeting called on a requisition signed by members of the Association, shall only deal with the subject for which the meeting was called.
36. Any defect in the notice convening a meeting or any defect in notice, proceedings or any irregularity connected therewith or otherwise, shall not invalidate the proceedings or any resolution passed thereafter the same has been confirmed.

ILLUSTRATION

The fact that members whose subscriptions are in arrears for over three months have taken part in a meeting is an irregularity which does not vitiate the proceedings.

37. At all meetings of the Executive Council and of the Association the Secretary shall open the proceedings by reading the minutes of the last meeting of the same body if not already confirmed. The President will then decide the order in which the business is to be taken up for the consideration at the meeting.
38. It shall be competent to the Association to expel, suspend, censor or otherwise punish or deal with a member guilty of unprofessional or dishonourable conduct at a special meeting specially convened for the purpose.
39. It shall be competent to the Association to direct an inquiry to be made by the Executive Council or by any of the office-bearers of the Association and to act upon the report of the body or persons so appointed for the purpose.
40. The Association may appoint committee or committees for any purpose for which it deems fit.
41. Any matter not covered by the rules may be decided by the Executive Council or by the Association at its general or special meeting as the President may direct.
42. The aforesaid Rules and Regulations will supersede all the previous rules and regulations in force, and will come into force immediately.

BYE-LAWS FOR THE LIBRARY

1. The Association shall maintain a library for the use of its members.
2. The librarian shall be in charge of the library. It will be his duty to maintain a list of all books in the library and see that they are properly bound and kept free from deterioration and damage and are made available to the members of the Association for reference.
3. All books in the Library shall be classified into two groups :—
 - (a) books which may not be taken out of the Library.

- (b) books which may be so taken out of the Library.
4. No member will be entitled to take home any book from the Bar Library during the court hours or retain the same during Court hours.
 5. Any book or books, taken on loan by a member must be returned in the same condition in which it was received by him. He will be responsible for any loss and damage and will replace, at his own cost, any copy of the book, if it is lost or received in a damaged condition.
 6. A member taking home any book after court hours shall have to return the same on the next working day at 11 a.m. unless under exceptional circumstances he is allowed to retain it with the permission of the Librarian or in his absence of the Secretary. Librarian or the Secretary shall issue the permission in writing before such book is allowed to be retained during Court hours.
 7. No book shall be removed except on a written requisition signed by a member concerned.

BYE-LAW REGARDING THE SUBSCRIPTION

1. The monthly subscription payable by members shall be payable in the first week of each month in advance to the Treasurer in the room or rooms of the Association.
-

Printed At-ASHOKA PRINTING PRESS, Hitavada Annexe,
Wardha Road, Nagpur - 440 012
