

**MEMORANDUM OF ASSOCIATION
OF
THE RAJASTHAN HIGH COURT ADVOCATES ASSOCIATION.**



1. NAME:

The name of the Association shall be "THE RAJASTHAN HIGH COURT
ADVOCATES ASSOCIATION".

2. PLACE OF OFFICE:

Its office shall be located at the seat of the High Court at Jodhpur or at such other
place or places where the seat of the Rajasthan High Court is located.

3. DEFINITION:

- i) 'Association' means the Rajasthan High Court Advocates Association;
- ii) 'Bar Council' means the Bar Council of the State of Rajasthan;
- iii) 'High Court' means the High Court of Judicature for Rajasthan;
- iv) 'Year' means calender year.

4. AIMS & OBJECTS:

The aims and objects of the Association shall be :-

- i) To promote unity and create follow-feeling amongst the members of the legal profession;
- ii) To maintain a high standard of ethics, honour and dignity of the legal profession;
- iii) To consider and take necessary steps in the matters affecting the interests of legal practitioners and litigant public and to uphold and safeguard their interest;

- iv) To watch and represent its views on all present and proposed legislation of the State of Rajasthan and the Union of India and to arrange discussions, Law Seminars, lectures and debates there on;
- v) To provide legal assistance to the public and to promote legal aid society for helping those who cannot afford to pay for such legal aid either wholly or partly;
- vi) To educate means for their legal rights and duties and to promote legal awareness;
- vii) To take such steps as may be necessary to safeguard and to protect Civil Liberties and right of the people;
- viii) To provide and maintain a suitable library and to provide facilities for the advancement of legal knowledge;
- ix) To associate itself with any work of humanitarian character and research;
- x) To take such measures which generally promote the welfare of the Bar;
- xi) To publish Law books, judgments and legal journals etc.
- xii) To affiliate and get affiliated with any other Association or Associations connected with the legal profession;
- xiii) To provide such other facilities and amenities which are in the interest of the Bar and the litigating public;
- xiv) To promote and protect the privileges, interest and prestige of the members of the Association and to promote union and cooperation among the Advocates practising in the Court and other Associations of Advocates.
- xv) To watch the state of law, progress of legislation and administration of justice and to take such steps as may be necessary for their progress and reform;
- xvi) To make representations from time to time to the authorities on matters relating to and affecting the Bar.

5. MEMBERSHIP OF ASSOCIATION:

An Advocate on the roll of the Bar Council of Rajasthan shall be eligible for being enrolled as a member of the Association provided that these qualifications will not apply in case of Honorary members.

Provided further that a member other than the Honorary member shall not be eligible to be enrolled as member of the Association if he is member of the any other Associations of Advocates other than the member of Tax Bar Association.

6. CATEGORIES OF MEMBERS:

There shall be the following categories of members of the Association:-

i) Ordinary member: Any member depositing an admission fee of Rs.50/- and a monthly subscription of Rs.10 shall be called an ordinary member.

Provided that an existing ordinary member shall not be required to deposit admission fees.

ii) Life member: Any member depositing an admission fee of Rs.50/- and a fee of Rs.500/- shall be called a life member and such a member shall be exempted from payment of a monthly or annual subscription. Provided that a member who has already deposit the prescribed admission fee at the time of being enrolled as ordinary member shall not be called upon to deposit the admission fee again if he wants to be enrolled as life member.

iii) Honorary member: Any Jurist, Educationist, Legal luminary or other eminent personality upon whom the Association at its General meeting confers such honour.

7. ENROLMENT:

An application for enrolment as member shall be submitted to the General Secretary of the Association in the prescribed form together with an admission fee of Rs.50/-

The application so received during each calendar month shall be placed before the Executive Committee as far as possible in its meeting in the following month for consideration. The decision of the Executive Committee on it shall be final. The

Executive Committee shall have the power to reject an application for membership without assigning any reasons.

In case of rejection of the application the admission fee shall be refunded to the applicant.

8. CESSATION OR SUSPENSION OF MEMBERSHIP:

1. A member of the Association shall cease to be so if :-

- a) he expires; or
- b) he resigns from membership and his resignation is accepted by the Executive Committee; or
- c) The monthly subscription falls in arrear for six months or more in case of an ordinary member.

Provided that such member shall be taken for re-admission as member of Association on submitting application for admission as new member in accordance with the Rule 7.

d) A general meeting of the members of the Association on the recommendation of Executive Committee passes a vote of censure by three fourth majority of the members present in that meeting; provided that such meeting is attended by at least one half of the total number of the ordinary members of the Association.

e) Any member who takes the membership of any other Association of Advocates other than Tax Bar Association or having taken membership previously continues to be the member of such Association shall on expiry of three months period from commencement of these bye laws or on taking such membership as the case may be shall cease to be the member of the Association.

Explanation:

Any member who ceases to be a member of Association by virtue of clause(e) of Sub Rule 1 of this rule shall not be eligible for being enrolled as member of the Association in future.

2. A member of the Association shall be suspended if he is suspended from practice by the Bar Council in any disciplinary proceedings or otherwise for such period he remains suspended from the roll of the Bar Council.

MANAGEMENT AND CONTROL:

9. EXECUTIVE COMMITTEE:

(a) There shall be an Executive Committee of the Association for the management and control of its affairs;

(b) The Executive Committee shall consist of the following members :-

1. President - one
2. Vice President - one
3. General Secretary - one
4. Library Secretary - one
5. Joint Secretary - one
6. Treasurer - one
7. Members - Ten

(to be nominated by President in consultation with the other elected office bearers of the Association.)

9. Out-going President

10. Outgoing General Secretary.

(c) The members of Executive Committee shall be elected every one year at the annual general meeting which shall be held for this purpose ordinarily in the month of December in the year in which election takes place.

(d) The terms of Executive Committee shall be one year or until new Executive Committee takes over the charge.

(e) Only that member will be eligible for election to the office of Additional Joint Secretary who is having membership of Association for 5 years or less on the date of election provided that he has not crossed 30 years of age.

(f) Atleast one of the members of the Executive Committee who is nominated by the President shall be a member of Bar Council of Rajasthan and one member shall be a member of Tax Bar.

10. VACANCY IN THE EXECUTIVE COMMITTEE:

Save in the case of President, General Secretary any vacancy arising in any manner among the members of the Executive Committee during the term, it shall be competent for the remaining members of the Executive Committee to co-opt any member of the Association for the remaining term of the Executive Committee to fill-up the said vacancy.

In the event of the office of the President, General Secretary falling vacant the Vice President, the Joint Secretary, respectively shall automatically act as President, or General Secretary respectively for the remaining term of the Executive Committee.

Provided that in case the term of the Executive Committee remains for more than one year, the vacancy on the part of President or General Secretary so occurring during the year shall be filled in by fresh election for the said vacancy.

11. Any member of the Executive Committee who absents himself from five consecutive meetings of the Executive Committee, without assigning reasonable cause for such absence in writing, may be removed from the membership of the Executive Committee by a resolution of the Executive Committee in this behalf.

12. MOTION OF NO-CONFIDENCE:

Any member of the Executive Committee may be removed from the membership of the Executive Committee by a motion of no confidence carried out by 3/4

majority of the members present in a General meeting of the Association provided that at least 2/3 members of the Association shall be present in the meeting specifically summoned for the purpose in the manner prescribed in the election by-laws of the Association.

13. CESSATION OF MEMBERSHIP OF EXECUTIVE COMMITTEE:

A member of the Executive Committee shall cease to be so if :-

- a) he ceases to be a member of the Association under Art. (8)
- b) he resigns from the membership of the Executive Committee and his resignation is accepted by the Executive Committee.
- c) A motion of no confidence is passed against him.
- d) he is removed under Article 11.

14. MEETING OF THE EXECUTIVE COMMITTEE:

i) The General Secretary/President shall convene the meeting of Executive Committee ordinarily twice a month for which reasonable notice shall be given. An extra ordinary meeting of the Executive Committee may, however be called even at a shorter notice by General Secretary whenever the President deems it necessary or on a written requisition by at least three members thereof.

The notice of the meeting shall contain the agenda of the meeting.

ii) The president or the General Secretary may whenever they deem necessary, circulate any proposal or resolution among the members of the Executive Committee and in case of majority of the members of the Executive Committee agree to such proposal or resolution, it shall be considered to have been passed by circulation and shall be recorded in the minutes;

iii) The minutes of the Executive Committee shall be recorded by the Secretary regularly. The minutes so recorded shall be placed for confirmation in the next following meeting of the Executive Committee.

15. QUORUM:

The Quorum at any meeting of the Executive Committee shall be 1/3rd of the existing members provided that if the quorum is not present at any meeting the same shall stand adjourned to such date and time as president may appoint in this behalf duly notifying the same and such adjourned meeting no quorum shall be necessary.

16. NOTICE OF EXECUTIVE COMMITTEE MEETINGS:

The notice of meetings of Executive Committee shall be published by affixing the same on the Notice Board of the Association and shall also be circulated amongst the members.

17. POWERS OF EXECUTIVE COMMITTEE:

The Executive Committee shall exercise the powers and perform the functions mentioned below :-

- a) generally manage and control the affairs of the Association.
- b) be responsible for conducting the affairs of the Association, according to the bye- law rules and regulations of the Association;
- c) grant and sanction expenditure in case of emergency over and above the budgeted amount to the extent of Rs.1,000/-.
- d) entertain and approve or reject applications for membership of the Association, as it may deem proper;
- e) hear appeals against the orders of the General Secretary with regard to any disciplinary action against or dismissing a servant or employee of the Association and pass such orders as it may consider proper;
- f) confirm the appointment of any servant or employee made by the General Secretary.
- g) help and guide the General Secretary in the discharge of his duties;

h) form sub-committee or sub-committees for any investigation, enquiry, report or work;

i) recommend to the Association the removal of any member from its membership, whenever :-

(1) it appears that the continuance of any person as member of the Association is detrimental to its interest.

(2) for any other reason affecting the honour and dignity of the profession or the Association, it is deemed expedient to do, provided, always that the member concerned shall be afforded an opportunity of giving his explanation;

j) make rules and regulations for the use of library and reading room, enrolment of members, for conducting elections of the members of the Executive Committee and for the management and proper use of the building, furniture etc. of the Association generally;

k) in the event of a vacancy occurring during the year, the same shall be filled subject to Article - 10.

l) to arrange and organise social, sports and other functions and activities; and

m) take such other steps as may be necessary for carrying out the aids and objects of the Association.

18. The Executive Committee shall cease to be in office on a vote of no-confidence being passed against it in a General Meeting of the Association, specially called for that purpose, provided such resolution is passed by a 3/4 majority of the members present and voting provided that at least 2/3 of the total members of the Association are present in the meeting.

In case such a resolution is passed, the same General Meeting shall elect an Adhoc Committee of five members to carry on the business of the Association till the new Executive Committee is elected and such election shall be held not later than eight weeks from the date of the appointment of the adhoc committee.

Any member of the Executive Committee or any office bearer shall likewise cease to hold office if a vote of no confidence is passed against him in aforesaid manner.

19. THE PRESIDENT:

(a) The President shall be the head of the Association and shall preside over the ordinary extra-ordinary or requisitioned meeting of the Executive Committee and of the Association including the Annual General Meeting and shall control and regulate the business of the Association and its meetings;

(b) The President shall have power to sanction any expenditure, within the budget for a sum of not exceeding Rs.500/- for non-recurring expenses, without the previous approval of the Executive Committee.

(c) The President shall have power to nominate ten members as member of the Executive Committee.

(d) The President shall have power to nominate three members as members of Library Committee.

20. VICE PRESIDENT:

In the absence of the President, the Vice President will exercise the powers, perform the duties and carry out the functions of the President.

21. GENERAL SECRETARY:

The General Secretary shall be the Chief Executive Officer of the Association. He shall be responsible for the proper and systematic working of the Association and in particular shall :-

(a) issue due notice for calling ordinary, extra-ordinary, and requisitioned meetings of the Executive Committee and of the Association including the Annual General Meeting.

(b) carry on all correspondence and maintain the office of the Association;

(c) draw up and record full and accurate minutes of the proceedings of the meetings maintained in clause(a) above;

(d) take all steps for carrying out the resolution passed by the Executive Committee and the General body of the Association.

(e) prepare agenda for such meetings;

(f) represent the Association in all suits and proceedings instituted by or on behalf of or against the Association and to file such suits and take such proceedings in any court of law or office;

(g) spend a sum not exceeding Rs.200/- for non-recurring expenses within the budget without the previous approval of the Executive Committee;

(h) appoint or dismiss any servant or other employee of the Association or take disciplinary action against any such person, subject to confirmation by the Executive Committee and also issue all necessary orders and directions to the staff of the Association.

22. LIBRARY SECRETARY:

The Library Secretary shall be the convenor of the Library Committee and shall -

- 1) be responsible for the proper management and upkeep of the library;
- 2) be responsible for collecting library dues and for taking steps to enforce payment of library and other dues on intimation from the Treasurer;
- 3) recommend to the Executive Committee or a sub-committee, appointed for the purpose, the books, Journals, Magazines and Newspapers to be purchased by the Association;
- 4) with the consent of the President, have power to spend, within the budgeted amount a sum not exceeding Rs.100/- for non-recurring expenses, without the previous sanction of the Executive Committee.
- 5) shall convene meetings of Library Committee at least once a month.

23. JOINT SECRETARY:

The Joint Secretary shall assist the General Secretary in the discharge of his duties and functions and in the absence of the General Secretary, shall perform all his duties and exercise all his powers.

24. TREASURER:

The treasurer shall-

- a) Collect all dues and subscription from the members of the Association;
- b) hold and operate the finances of the Association
- c) make payment only on order from proper authority
- d) maintain proper and up to date accounts and submit the same every month before the Executive Committee;
- e) get the account audited annually before the Annual general meeting of the Association; and
- f) prepare and submit to the Executive Committee, before the Annual General meeting a detailed budget for the next year.

25. GENERAL MEETINGS:

The Annual General meeting of the Association shall ordinarily be held in the month of January every year to transact the following business -

- 1) to discuss the report of the previous year;
- 2) to pass the accounts of the previous year and to consider the budget proposals for the year;
- 3) to appoint an auditor for the year;
- 4) to consider any other matter with the permission of the President.

26. The Executive Committee shall fix a date for the Annual General Meeting and shall notify the same not less than one month before such date. The elections of the members of the Executive Committee shall be conducted in the manner prescribed in the Rules.

Ordinary or extra-ordinary General meeting -

(a) An ordinary or extra-ordinary general meeting shall be called by the General Secretary in the following cases :-

- i) on the resolution of the Executive Committee to that effect, or
- ii) on a written request of at least 10 members of the Association, or
- iii) whenever it is considered necessary by the President.

(b) The requisition under sub-clause(ii) of clause (a) shall always specify the object for which the meeting is sought to be called.

27. NOTICE FOR GENERAL MEETING:

A notice of at least 4 days shall be necessary for an ordinary general meeting and in the case of an extra ordinary general meeting, at least 48 hours notice shall be ordinarily required. The notice shall be published by affixing the same on the notice board of the association and may also be circulated amongst members as can conveniently be informed in that manner.

28. QUORUM:

The quorum at any ordinary or extra-ordinary General meeting shall be one tenth of total membership of the Association or 20 whichever is less. In the absence of such quorum the meeting shall stand adjourned to such date and time as the Chairman may appoint in this behalf after duly notifying the same and for such adjourned meeting no quorum shall be necessary in case of meeting of sub-committee the quorum shall be one half of the members of the said committee.

29. MINUTES OF THE GENERAL MEETING:

The minutes of the proceedings of any General Meeting shall be recorded by the Secretary or any other member authorised in that behalf and signed by the Chairman of the meeting and the Secretary and placed on record.

30. The Chairman of every General Meeting shall have full authority to regulate the proceedings and maintain order there at in such manner as he may deem fit.

31. All matters in any General Meeting shall be decided by a majority of votes of the members voting unless specifically provided for in these bye laws. In the case of there being a tie, the Chairman of the meeting shall have a casting vote in addition to his own.

32. All members shall have a right to vote in the General Meeting subject to the limitations and restrictions imposed by these bye-laws.

33. The financial year of the Association shall commence on 1st January and will end on 31st Dec. The accounts of the Association shall be audited at least once a year by the Auditor. At every annual General Meeting the Accounts of the previous year shall be approved by the meeting.

34. The Auditor shall ordinarily be elected or appointed at the Annual General Meeting. Any casual vacancy in the office of the Auditor may be filled by the Executive Committee.

35. Any member who is in arrear of subscription and/or other dues for a period of three months or more shall be liable to have his right to the use of the Library of the Association and other facilities forfeited provided that this rule shall come into operation only when the General Secretary has given 7 days notice for payment of such arrears and on the expiry of the term of such notice the Executive Committee has passed a resolution to that effect.

36. ELECTION:

(a) The election of the Executive Committee shall be held once in two years.

(b) The elections will be held in the month of December of the year in which the term of existing Executive Committee is to expire.

(c) The election officer for holding the election of the Executive Committee shall be the Secretary of the Bar Council and in his absence his nominee.

(d) The election officer shall prepare a list of the members as on first of November of the year in which the elections are to take place.

(e) The list shall be published by the election officer in the first week of November and 7 days time will be given to make objections regarding the exclusion/inclusion of the names in the voter's list.

(f) That after considering the objections, the Election Officer shall issue final voter's list latest by 25th of November and simultaneously he will issue a programme for holding the elections.

(g) That the election officer shall thereafter complete the formalities of inviting nomination papers scrutiny, withdrawal and holding of polls, if necessary.

(h) That the election officer shall declare the result after conclusion of the election.

(i) That the newly elected Executive Committee shall take charge from the outgoing Executive Committee on the first day after Winter break of the High Court.

(j) That any dispute relating to the election of any of the members of the Executive Committee shall be decided by a committee which may be constituted by the Chairman of the Bar Council.

37. SERVICE CONDITIONS OF THE STAFF:

(a) The appointing authority of the staff employed in the Bar Association shall be the General Secretary of the Association. However, the appointment shall be made by the Chairman on the recommendations of the Executive Committee only

(b) That the strength of the staff and their pay and grade etc. shall be such as made be fixed by the Executive Committee from time to time.

(c) That the age of the retirement for the staff of the Association shall be 60 years.

However, it will be open for the Executive Committee to re-employ the employees who has so retired for a period not exceeding 5 years in all.

(d) That the disciplinary action shall be taken against the employees of the Association as far as possible in the same manner in which it has been provided in the Rajasthan Civil Services (Classification, Control and Appeal) Rules 1950, and the employees of the Association shall also be governed by the provisions contained in Rajasthan Civil Services(Conduct) Rules, 1971.

(e) That the Secretary shall be the disciplinary authority for the employees of the Association and the Executive Committee shall be appellate Authority.

38. LIBRARY COMMITTEE:

For the proper management and control of the Library of the Association, there shall be a Library Committee consisting of the Library Secretary as its Convener and 3 other members to be nominated by the President in consultation with the other elected members of the Executive Committee. The general control and management of the Library shall vest in Library Committee only subject to control and supervision of the Executive Committee.

39. MEMBERSHIP OF LIBRARY:

(a) That a member who is desirous of taking the books of library for his use out of the library building shall have to take library membership and for that purpose he shall have to deposit a security amount of Rs.100/- which shall be refunded on such person ceasing to be a member of the library of the Association.

(b) That a library member of the Association will have to pay monthly subscription of Rs.5/-.

40. USE OF BOOKS OF LIBRARY:

(a) Any member of the Association shall be eligible to be enrolled as member of the Library and he shall be free to use the library of the Association for the purpose of reading the books in the Library.

(b) That 3 cards shall be issued to each Library member and the books issued in such cards can be retained for a period of six days and if it is retained for more than six days then the member will have to pay a fine of Rs.1/- per book per day.

(c) That in case the book issued to a member is not returned within a period of 21 days from the date of issue, then the Library Secretary may give one week's notice to the defaulting member to deposit the book, failing which the security of the defaulting member shall be liable to be forfeited and his library membership shall stand terminated.

(d) That for revival of the Library membership the defaulting member will have to deposit fresh security with the Association.

41. VAKALATNAMA:

(a) That every member of the Association will file Vakalatnama/memo of appearance/authority before any Tribunal/Court or office wherever he appears as an Advocate on behalf of any litigant which bears the seal and endorsement made by the Association.

(b) That for this purpose, printed Vakalatnama/memo of appearance/authority will be issued by the Association at such rate which will be determined by the Executive Committee from time to time.

(c) That in case the member wants to use his own printed Vakalatnama then, he will get such Vakalatnama duly sealed and endorsed by the Association on payment of such charge as may be determined by the Executive Committee from time to time.

(d) That any member who is found to use the Vakalatnama/memo of appearance/Authority without seal and endorsement of the Association shall be liable to pay fine of Rs.10/- per default and after commission of 3rd default, he will cease to be member of the Association.

42.AMENDMENT IN BYE LAWS:

Any amendment in these bye-laws shall only be made by a resolution of the General body of the Association in an ordinary general meeting specially held for the purpose after 15 days prior notice of the proposed amendment and with a clear majority of three fourth members voting, provided that such meeting is attended by at least one half of the total number of members of the Association excluding Honorary member.

43. The General body may make Rules for the conduct or regulation of the Association in respect of any of the provisions contained in this Memorandum of Association and for the purposes contained therewith. In particular and without prejudice to the generality of the foregoing powers such Rules may provide for all and following matters namely :-

- i) for the proper conduct of the elections to the executive committee or any sub-committee thereof.
- ii) the manner and procedure for enrolment of new members, Instructions for maintenance of library, its opening and closing hours and Rules and instructions for the proper functioning of the library. The service Rules of the employees of the Association the manner of their recruitment dismissal. Rules of conduct of members of the Association and manner in which any disciplinary enquiry conducted against them.