

CERTIFICATE OF REGISTRATION
SOCIETIES REGISTRATION ACT XXI OF 1860

Registration No. 35478 of 1999

I hereby certify that Supreme Court Bar Association located at Supreme Court Premises New Delhi has been registered under the “ **SOCIETIES REGISTRATION ACT-XXI** of 1860.

Give under my hand at **DELHI** on this 25th day of August One Thousand Nine Hundred and Ninety Nine.

Registration Fee
of Rs. 50/- paid

Registrar of Societies
Govt. of N.C.T. of Delhi

**MEMORANDUM OF ASSOCIATION
OF
SUPREME COURT BAR ASSOCIATION**

NAME

1. The name of the Society shall be “ **SUPREME COURT BAR ASSOCIATION**”
2. **OFFICE** The Registered Office of the Association shall be in SUPREME COURT PREMISIS, New Delhi or at such other place where the seat of Court is located. The meeting of Association and the Committee shall generally be held at the office of Association where all records shall also be kept.
3. **AIMS AND OBJECTIVES:** The Aims and Objectives of the association are;
 - i) To promote upholding of rule of law;
 - ii) To encourage profession of law in India;
 - iii) To promote and protect the privileges, interest and prestige of the association and to promote union and co-operation among the advocates practicing in the court and other association and advocates;
 - iv) To promote and maintain high standards of profession among members of the Bar.
 - v) To establish and maintain an adequate library for the use of the members and to provide other facilities and convenience to the members;
 - vi) 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;
 - vii) To express opinion on proposed legislation and other matters of interest and to make representation in respect thereof;
 - viii) To take necessary steps to prevent and remedy any abuse of law or mal-administration of justice;
 - ix) To make representation from time to time to the authorities on matters affecting the Bar;
 - x) To acquire and safeguard the rights and privileges necessary or convenient for the purpose of the association;
 - xi) To arrange for raising funds for legal aid and to do everything including applying of funds that may be necessary to that end;
 - xii) To promote and participate in All India Lawyers’ Association and activities connected therewith;
 - xiii) To adopt all such matters as might be necessary or incidental to the carrying out of the aforesaid objects;
 - xiv) To take measures including founding and applying of funds for aid to deserving members of the association and its employees;
 - xv) To conduct and hold seminars, symposia, conference on issues and topics of interest to the legal profession and to disseminate information in this behalf;
 - xvi) To promote the welfare of the members of the association.
4. All the incomes, earnings, movable, immovable properties of the association shall be solely utilized and applied towards the promotion of aims and objects only, set forth in the Memorandum of Association and no profit thereof shall be paid or transferred directly or indirectly by way of dividends, bonus, profits in any manner whatsoever to the present or past members of the association or to any person claiming through any one or more of the present or the past members. No member of the association shall have any personal claim on any movable or immovable properties of the association or make any profits, whatsoever, by virtue of this membership.

**RULES & REGULATIONS
OF
'SUPREME COURT BAR ASSOCIATION'
(As Amended up-to 8th December, 2010)**

1. **NAME:** The Association shall be called the 'Supreme Court Bar Association'.
2. **TITLE:** These rules shall be called the Rules and Regulations of Supreme Court Bar Association.
3. Unless the context indicates otherwise the following words in these Rules mean:-
 - i) "Association" means the Supreme Court Bar Association.
 - ii) "Associate Member" means an Association of Advocates practicing in a High Court, or Judicial commissioners Court and enrolled as such a Member.
 - iii) "Clerk" means a clerk in the employment of a member and registered as such with the Association.
 - iv) "Committee" means the Executive committee of the Bar Association.
 - v) "Court" means the Supreme Court of India.
 - vi) "Member" means a member of Association.
 - vii) *"Temporary Member":* A temporary member is a member other than a member within the meaning of "Rule vi".
(*inserted by the resolution of Special General Body Meeting dt. 9.9.2010, retrospectively w.e.f. 14.09.2009)
 - viii) "Non-Resident Member" means a Member who is not a resident Member.
 - ix) "Non-Active Member" means a Member whose name is kept on the list of Members not withstanding his accepted an office of profit disentitling him to practice.
 - x) "Resident Member" means a Member residing and practicing as an Advocate in Delhi or its suburbs.
 - xi) "To Employ" includes any direct or indirect utilization of service of a person whether as a servant or agent or otherwise for matters pertaining to or involved in conduct of practice of law.
4. **MEMBERSHIP:** There shall be the following classes of Members:-
 - i) Resident Members;
 - ii) Non-resident Members;
 - iii) Associate Members;
 - iv) Non-Active Members.

5. **FEES, ADMISSION AND SUBSCRIPTION:**

(i) The Admission Fee and subscription for Member shall be as under:

Status	Admission Fee	Annual Subscription
1. Senior Advocate (Resident/Non-Resident)	Rs, 20,000/-	Rs. 6,000/-
2. Advocate (Resident/Non-Resident) Having practice of more than 10 years)	Rs. 10,000/-	Rs. 1500/-
3. Advocate (Resident/Non-Resident) Having practice of 10 years or less)	Rs. 7,500/-	Rs. 1500/-
4. Non-Active Member		Rs 1500/-
5. Associate Member	Rs. 5,000/-	Rs. 2,000/-

(ii) The Admission fee, one year's annual subscription or half year's subscription (in case the membership is sought in the second half of the year) shall be payable along with the application for membership by the applicant seeking membership to the Bar Association. In case the applicant is not admitted as a member, the amount paid by him at the time of tendering his application shall be refunded in full. In case the applicant is admitted as a member then the subscription shall be payable by the member in advance annually by cheque / demand draft payable at Delhi. Payment of subscription in cash will not be accepted.

(iii) Any member, who is an Advocate, shall on being enrolled as Senior Advocate, pay for the relevant half year and thereafter subscription that may be payable by Senior Advocate. Credit shall be given to him for the amount already paid by him.

(iv) When a Non-Active Member becomes an Active Member he shall pay the increased subscription for the relevant half year and thereafter.

(v)(a) Subject to the provisions of these Rules, every Advocate entitled to practice law, shall be eligible for Membership to the Association. An Advocate applying for Membership of Association shall do so in the 'prescribed form' duly proposed by one Advocate who has been a Member of the Association for not less than 10 years and seconded by 10 existing Member of the Association. The full name, residential address and normal place of practice of the Advocate applying for Membership together with the full name and addresses of the proposer and seconders shall be entered in the register maintained by the Association for this purpose. On the application being checked, verified and found correct, the name of the applicant shall be put on the Notice Board of the Association and also be sent to the Bar Association of which the applicant is a Member for being displayed on the Notice Board of the said Bar Association for a period of at least 10 days, after which the Application shall be placed before the Committee of this Association for consideration and shall be taken up at the meeting of the Committee. The Committee shall amongst other matters consider objections, if any that may be received objecting to the enrolment of the applicant as a Member of this Association. The Decision of the Committee, electing or refusing to elect the applicant as a Member, shall be communicated to the Member. An applicant whose application for Membership has been rejected by the Committee shall not be eligible to apply afresh for such Membership for a period of one year from the date of rejection of his application for Membership.

{(b)*In terms of this Rule, an applicant found to be 'suitable' to be made a member of the association, will be made a member, initially on temporary basis for a period of 2 years (two years). A person so made a Member on temporary basis, will be identified as "Temporary Member". Such temporary member will be entitled to avail the facilities of the Association such as Library & Canteen etc. but will not have the right to participate or cast vote in the Elections or any General Meetings (as prescribed in Rule 18 and 21) of Association, to contest election and to be issued a Library Card.

Explanations: "Suitable" means the person applying must fulfill all the criteria listed in the Rules and Regulations of the Supreme Court Bar Association viz. Rule 5(v) and also satisfy the requirements prescribed in the "Prescribed Form".

"Prescribed Form" means the Form containing conditions for membership including conditions in the Rule 5(v).

(c) At the end of 2 years period from the date of approval of temporary membership by the Executive Committee, if such temporary member pays SCBA dues without any default during such period and produces the proof of either of the following two requirements before the Executive Committee, his name would be considered for being made a "Regular Member" of the Association:

- (i) Appearance in Supreme Court as lead Counsel in at-least 5 matters in each year of the two years period; or
- (ii) Appearance in Supreme Court as a Junior Advocate appearing with any Senior Advocate/Advocate-on-Record in at-least 20 matters in each year of the two years period.
- (iii) Only such of the Temporary Member who satisfy above requirements, at the end of two years period prescribed above, would be made a "Member" of the Association with an entitlement to all the privileges of the Association including the right to vote and Library Card etc. else he/she shall continue to remain a temporary member till such time he/she fulfills these conditions.}

**As resolved by Special General Body Meeting dt. 9.9.2010, this amendment has come into effect retrospectively w.e.f. 14.09.2009.*

(vi) An Association of Advocates practicing in a High court or in a Judicial Commissioner's Court shall be eligible for membership, provided that a Member of an Associate Member shall not ipso facto become a Member of the Association. The President or another Member of an Associate Member duly nominated by the governing body of an Associate Member shall be entitled to represent it and participate in the activities of the Association.

The Application by an association of advocates desiring to be elected as an Associate Member shall be made only upon a resolution to that effect having been passed by its governing body. Such application shall not be required to be proposed and seconded and neither shall an application on its behalf be required to be displayed as in the other case. Such an Application shall, however, be accompanied by resolution of a governing body of the applying association.

6. DUTY OF MEMBERS

A Member of Association shall abide by the following professional duties viz:

- i) A Member shall endeavor to provide full assistance to the Court, competent representation to a client;
- ii) In representing a client, a Member shall not delay a proceeding when it is obvious that such action would serve solely to harass or injure the other party;
- iii) A Member shall not knowingly:-
 - a) Make a false statement of material fact or of law to the Court;

- b) Shall not seek to influence the Court or Judges or Officials of the Court in any matter by means prohibited by law or by false representation on behalf of his client nor shall such Member communicate with such persons ex-parte or engage in conduct intending to bring disrepute to the functioning of the Court.
 - c) Shall participate in serving those persons groups of persons who are unable to pay all or portion of reasonable or who are unable to obtain representation by counsel. A Member may discharge this duty by providing professional services at no fees / at a substantial fee to persons / group of persons who are unable to afford or a counsel or by active participation in the work of Legal Aid Committees.
- iv) A Member shall charge reasonable fees from his client which should be determined on the basis of the time and labor spent over the matter, but shall not charge a contingent fee.

7. SUSPENSION OF MEMBERSHIP

If a Member, who is appointed to or accepts any office of profits disentitling him to practice or otherwise suspends his practice, desires to continue his Membership of the Association during that period, he may apply to that effect and the Committee may permit his name to be kept in the list of Non-Active Members, subject to the payment of dues prescribed in that behalf.

8. ARREARS OF SUBSCRIPTION

When any Member who remain in arrears of subscription for three months after it falls due and after he has been required in writing by the Secretary, fails to pay the same, within 30 days of receipt of such notice, his case will be reported by the Secretary to the Executive Committee who may take such action, including removal from Membership, as the Membership of the Association by the Committee on such terms as it may think proper.

9. REMOVAL FROM MEMBERSHIP

Save as provided in Rule 8, no Member shall be removed from the Association except by a resolution passed by 2/3rd of the Members present and voting at an Extra-Ordinary General Meeting. A Member so removed, may, however be re-admitted by the Committee not earlier than one year from the date of such removal and on such terms, including payment of admission fee, as the Committee may think proper.

10. COMMITTEE

The affairs of the Association shall, subject to these rules and the general control of the Members in the General Meeting assembled, be managed by the Executive Committee consisting of the President, the Vice-President, the Secretary, the Asstt. Secretary, the Treasurer, the Asstt. Treasurer and 15 Members, of whom at least 6 shall be Senior Advocates. The Association or the Executive Committee may appoint other standing or ad-hoc committees. All committees shall work under the control of Executive Committee and report through it to the General Body.

11. VACANCY IN EXECUTIVE COMMITTEE

- a. If any vacancy occurs in the committee, the Committee shall as early as possible, fill up the same in the manner provided by these Rules and the election so made shall continue to be in force until the next general election of the office bearers and Members of the Committee. No act of the Committee shall be invalid by reason of any such vacancy not being filled up.
- b. If any, Member of the Committee fails to attend three consecutive meetings of the Committee without intimation as to reasons for absence, the Committee may pass a resolution that such person shall cease to be a Member of the committee.

12. MEETINGS

The Committee shall ordinarily meet at least once every three months for dispatch of business.

The Committee shall subject to the control of the Members in the General Meeting assembled, have the following powers:

- a) To maintain such establishments and staff for the Association as may be required from time to time.
- b) To appoint or suspend, dismiss or remove any member of the staff of the Association.
- c) To determine and regulate the remuneration and conditions of the services of the staff of the Association.
- d) To spend within the budgeted provisions such monies for the purposes of the Association as may be required from time to time.
- e) To make such bye-laws and regulations as it may consider necessary or expedient to carry out the aims and objects of the Association. Such bye-laws and regulations shall, however be submitted for the approval of the members of the Association in the next General Body Meeting.
- f) To report to the General Body Meeting about its activities and the activities and work done by other committees at least once every year.
- g) Re-constitute all committees at least once every year other than those that may have been elected by the members assembled in General Body Meeting.
- h) The Committee shall normally transact its business by resolutions passed by the majority of the members present and voting. In case of equality of votes the President shall have a casting vote. It shall be open to the Committee to transact its business and to pass resolutions by means of circulars provided that if any 3 members of the committee

desire a particular matter to be brought in a meeting of the Committee such a matter shall be transacted in a meeting of the Committee.

13. QUORUM

The quorum at any meeting of the committee shall be 5 provided that if the quorum is not present at any meeting the same shall stand adjourned to such date and time as the Chairman may appoint and at such adjourned meeting no quorum shall be necessary.

14. OFFICE BEARERS

PRESIDENT (1):The President of the Association and in his absence the Vice-President shall preside at all meetings of the Association and of the Executive Committee or other committees. In the absence of the President or the Vice-President the members present shall elect one of them to preside over a meeting.

(2) If any question arises with respect to any matter not provided for in the rules or in the bye-laws made by the Executive Committee, such question shall, subject to the provisions of these rules, be decided by the President whose decision shall be binding unless the General Body of the members in a subsequent meeting otherwise decides.

15. SECRETARY

Subject to such directions as the committee may, from time to time issue, the Secretary shall be the **Chief Executive Officer** of the Association and shall have the power, among others, of making such disbursements as may be necessary or expedient for the Association including the payments of salaries of the staff and purchases of books, newspapers, periodicals, furniture and materials for the Association. In his absence, the Assistant Secretary shall discharge the functions of the Secretary.

16. TREASURER

The Treasurer shall have the custody of all the monies and securities of the Association and sums due to the Association shall be payable to and recoverable by the Treasurer. Any sums realized or received by the Association shall forthwith be handed over to the Treasurer. The Treasurer shall keep the monies of the Association in such Bank and in such manner as the Committee may direct and shall bring all the monies received into account immediately on receipt thereof. All receipts of whatever description shall be forthwith paid into the bank and only drawn by means of cheque and all payment except for those of petty expenditure shall be made by cheque. The Treasurer may assign such of his work to the Assistant Treasurer as he may think fit.

17. ELECTIONS

The Office-Bearers of the Association shall be elected by secret ballot and the other members of the Committees shall be elected by secret ballot by single distributive votes at the Annual Election. No office bearer or member of the Committee shall be eligible to hold any office for more than two consecutive years. **Canvassing in any form on the date of polling is prohibited.**

17A. ELECTION COMMITTEE

Election to the Association shall be conducted by an Election Committee of 3 members to be nominated by the Executive Committee of the Association. The members of the Election Committee shall not participate in the election, except casting their votes. The Election Committee shall exercise full and absolute control over the election and its decision shall be final and binding.

18. ELIGIBILITY OF MEMBERS TO CONTEST AND VOTE AT ELECTIONS

1) No Member of the Association shall be eligible to contest for any post of the Association unless:

I-A) as inserted by resolution of the General Body dt 28th September, 2004:-

{“He/She must have five years standing at the Bar for contesting for the post of the Office Bearers and three years standing at the Bar for the post of Executive Member. Seniority will be from the date of enrolment as Member of Supreme Court Bar Association.

II) No members shall be eligible to cast his/her vote at the election unless:-

(i) He/She is in possession of Identity Card at the time of casting his/her vote and shows it on demand, if so required.

(ii) He/She has paid his/her subscription by or before the LAST DAY of February of the Calendar Year in which the elections are being held and is NOT IN ARREARS ON ANY ACCOUNT.

(iii) A member who is in arrears of his/her subscription or any dues to the Bar Association will not be eligible, to propose or second the candidature of any members to any of the post. Such member shall not be entitled to contest the election.

(iv) Non-Active Members and Associate Members shall not have right to vote.

III “A member who exercises his right to vote in any year in any High Court or District Court Advocate’s/Bar Association election shall not be eligible to contest for any post of the Association or to cast his vote at the election. Every member before casting his vote shall in the prescribed form give a ‘Declaration’ that he is not voting in any other election of any High Court/District Court Bar Association. Provided, however, that if such a declaration is found to be false, it shall entail

automatic suspension of the member giving such false declaration from membership of this Association for a period of three years.

"The SCBA shall prepare a list of Voters based on the declaration made by the members. Only such members whose names are included in the final voters list shall be entitled to vote, contest, propose and second any candidate in SCBA Election.)

a) He has paid his subscription - whether payable annually or half yearly, on or before the last day of February of the year in which the elections are to be held and has obtained a 'no dues' certificate from the Association.

b) He/She pays by Cheque/DD/Pay Order along-with his/her nomination form the sum mentioned against the post for which he/she is seeking election which follows:-

President	Rs. 5,000/-
Vice-President	Rs. 4,000/-
Secretary	Rs. 3,000/-
Other office bearers	Rs. 3,000/-
Senior Executive Members	Rs. 2,000/-
Member Executive Committee	Rs. 1,000/-

Members whose nominations are rejected on scrutiny and/or those who withdraw their nominations by withdrawal will be entitled to a refund of the above amount.

No Member shall be eligible to cast his vote at the election unless-

- i) He is in possession of his identity card at the time of casting vote;
- ii) He has paid his subscription by or before the LAST DAY of February of the calendar year in which the elections are being held and (has obtained a no dues certificate from the Association is not in arrears on any account;
- iii) A Member who is in arrears of his subscription or any dues to the Bar Association will not be eligible to propose or second the candidature of any Member to any of the post. Such Members shall not be entitled to contest the election.
- iv) Non-Active members and Associate Members shall not have right to vote.

18A as inserted by resolution of the General Body dt 28th September, 2004

A person who becomes a member of the Association after 15th January in a Calendar Year will not be entitled to take part in any elections held in that calendar year in any manner or to vote thereat or to stand for election or propose or second any member to the Committee or any office of the Association thereat.

19. NOMINATIONS

Any eligible member may be nominated as a candidate for the post of an Office Bearer / Member of Executive Committee of the Association by filing the nomination in the prescribed form for such candidature duly proposed by one member and seconded by any other member. The nomination form shall be filed in the office of the Association within the period specified by the Election Committee. A candidate so nominated shall be entitled to withdraw his candidature for election on or before the date specified for this purpose. The names of the candidates seeking election to the various posts of Office Bearer / Members of Executive Committee of the Association, shall be displayed on the Notice Board one day before the election and shall be allowed to contest for any one post only.

20. RESULT OF THE ELECTION

If the number of candidates seeking election to the post of Office Bearer / Member of Executive Committee do not exceed the number of post available and such contest are unopposed then such candidate shall be declared elected unopposed to that post. In case of contest, election shall be held for the said post under the control of the Election Committee constituted under Rule 17 A. After counting of the ballots, the result shall be announced under the signature of the said Committee.

21. MEETINGS

The Annual General Meeting of the Association shall ordinarily be held not later than 15th day of May every year. Not less than 15 days notice shall be given to the members of the Annual General Meeting. The following shall along with other business that may be required to be transacted, be included in the agenda of the Annual General Meeting.

- a) Auditor's Report on the Account and Balance Sheet of Budget estimate;
- b) Report of the Secretary on the activities of the terms which will include report of the work of committee other than the Executive Committee.
- c) The election of the officers of the Association and Members of Executive Committee or other committees and appointment of Auditors;
- d) The approval of the revenue account and the balance sheet of the affairs of the Association as on 31st March of the previous year duly passed.

22. SPECIAL GENERAL MEETING

The Committee may call a General Meeting on 7 days notice to the Members provided that a Special General Meeting may be called on a shorter notice. Provided that the Secretary may call an emergent General Meeting on any day by affixing a notice to that effect on the notice board of the Association and circulating the same to the Members as can be conveniently informed.

The Committee shall call a General Meeting or a Special General Meeting upon the requisition given in writing by at least 150 Members of the Association in respect of any matter. The requisition specified the matter or question to be laid before the meeting and shall be addressed to the Secretary. The meeting shall be called not later than 2 weeks after the receipt of such requisition. The quorum at the Annual General Meeting or a General Meeting or a Special General Meeting shall be 50 Members. In absence of such quorum the meeting shall stand adjourned to such a date and time as the Chairman may appoint and for such adjourn meeting no quorum will be necessary.

23. NOTICE OF MEETING

1. The notice of the Annual General Meeting of any of the Special Meeting shall be given by:-

- a) Circulating the notice, to such members as can conveniently be informed in that way;
- b) Sending out such notices by post addressed to every non-resident and associate member and to every resident member who may have required the Secretary to send the notice in this way and has registered his address in the office of the Association;

The notice of the meeting other than the Annual General Meeting shall be given by;

- a) Affixing the notice on the notice board of the Association;
- b) Circulating the notice to such members as may be conveniently informed in that way.

24. MINUTES OF GENERAL MEETINGS

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

25. The Chairman of every General Meeting shall have full authority to regulate the proceeding and maintain order thereat, in such a manner, as to him, may deem fit.

26. Once a year in the month of April / May, the Treasurer and the Secretary shall submit to the Committee a revenue account and balance sheet of the affairs of the Association as on 31st March year duly passed by the Auditor.

27. The Audited Revenue Account and the Balance Sheet shall be laid before the Annual General Meeting of the Members for approval.

28. AUDIT

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

29. 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 Committee.

30. The Auditor shall examine the entire accounts of the Association and shall have access to accounts and vouchers at all reasonable time through-out the year.

31. The Auditor shall check the revenue account and the balance sheet and shall, after making any corrections therein as he may deem proper, counter sign the same. The Auditor shall submit, annually in the month of January, to the Committee, brief report on such account. The Auditor's Report shall be laid before the Annual General Meeting with the revenue accounts and the balance sheet.

32. COMMUNICATION TO GOVERNMENT ETC.

All representations or communications to the Government or other authorities shall be by the President or the Secretary. No Member of the Committee or any of the Office Bearer shall issue any press statement or make any publicity of his views/objections or any matter of which Committee is ceased, as a Member, except in the manner authorized by the Committee.

33. CLERKS

All Members of the Association shall get the names and addresses of clerks employed by them entered in the Register to be kept in the office for that purposes. No member shall employ or continue to employ any person as a clerk who has been convicted of any offence involving moral turpitude or has been declared a tout.

34. No member shall employ either temporarily or permanently any clerk who is already the clerk of another member without his consent in writing.

35. COMPLAINTS

Regarding Members: (i) On the receipt of a written complaint from any person as to unprofessional or improper conduct on the part of any Member, the Secretary shall place it before the President, and if the President of opinion that it merits consideration, the Secretary shall call a meeting of the Committee as expeditiously as possible.

(ii) The Committee or the Sub-Committee constituted by it generally for the purpose of this rule or especially for any particular case will hold an inquiry into the complaint. If on consideration of its own findings or of the Report of Sub-Committee, the Committee is satisfied that there is a prima facie case against the Member complained against it shall direct that the Complaint together with the report of the Committee or Sub-Committee be placed before a General Meeting of the Association. Provided always that where a prima facie case is made out against the Member complained the Committee or Sub-Committee shall give such Member reasonable opportunity of being heard in person.

(iii) The Association may by a resolution passed at such meeting expel or suspend for a specific period the Member complained against, if in its opinion he is guilty of dishonorable conduct. Such Resolution shall be voted up by ballot and shall be considered to be passed if supported by not less than $\frac{2}{3}$ ^d of the Members present and voting at such meeting. Provided always that before such resolution is passed the member concerned shall be given reasonable opportunity of being heard in person before the ballot by the General Meeting.

(iv) A copy of resolution shall, if the General Meeting so decides be forwarded to the Secretary of the All India Bar Council or the Bar Council where such Member may be enrolled.

36. REGARDING TOUTS

(i) On receipt of a written complaint from any person that any person is acting as tout, the Secretary shall call a meeting of the committee.

(ii) The Committee or the Sub-Committee constituted by it will hold on inquiry. If on consideration of its own findings or of the report of the sub-committee, the committee is satisfied that there is a prima facie case against the person complained of, it shall direct that the matter be place in a General Meeting. Provided always that where a prima facie case is made out against the person complained against the committee or the sub-committee shall give him a reasonable opportunity of being heard.

(iii) The Association may pass a resolution by a majority of the members present at such meeting declaring the person complained against to be a 'Tout' as defined in Section 3 of the Legal Practitioners Act (XVIII of 1879) and make there upon a written complaint to the appropriate authority for suitable action under the provisions of Section 36 of the said Act.

(iv) A copy of the Resolution shall be forwarded to the Registrar of the Supreme Court and any other authority which may be considered proper.

(v) Any member who is in the course of such enquiry is found to have employed a person so declared to be tout shall be dealt with under Rule 35 at if a written complaint had been made against him.

37. REGARDING CLERKS

(I) On receipt of a written complaint against the conduct of the clerk of a member, the Secretary shall place it before the President, and if the President is of the opinion that it merits consideration, the Secretary shall call a meeting of the Committee as expeditiously as possible.

(ii) The Committee or the Sub-Committee constituted by it will hold an inquiry. If on consideration of its own findings or on the report of the Sub-Committee, the Committee is satisfied that there is a prima facie case against the clerk concerned, it may advise the member to dismiss the clerk, if the clerk concerned, is not dismissed by the member, the Committee may direct the matter to be placed before a General Meeting of Association. Provided always that before taking any action against the clerk concerned, the Committee shall afford the said clerk and the advocate employing him, reasonable opportunity of being heard in person.

(iii) the Association may by a resolution passed at such meeting by a majority of the members present and voting take such action against the member concerned as it deem fit.

(iv) A copy of the resolution shall be forwarded to the Registrar of the Supreme Court.

(v) No member of the Association shall knowingly employ any clerk who has been dismissed under sub-clause (ii) hereof and if any member shall employ any such clerk, he shall be dealt under Rule 35 hereof as if a complaint as been made against him.

38. (i) On receipt of a complaint or information against a person who is acting as a clerk without being registered as a clerk of any member the Secretary shall call a meeting of the Committee or the Sub-Committee, if any, constituted for this purpose which may inquire into the matter and if it is satisfied require the member concerned to continue to employ such person without getting him registered.

(ii) If it is shown to the satisfaction of the Committee that any person has already been declared a tout by any other court, it may notify the name of such person and upon such notification no member of the Association shall knowingly and in any manner employ such person for his professional purposes.

(iii) No member shall knowingly employ directly or indirectly a person whose name has been notified by the Committee under Rule (i) and (ii) hereof. Any member employing such persons shall be dealt with under Rule 35 as if a complaint had been made against him.

39. AMENDMENT OF RULES

The rules and bye-laws of the Association shall be subject to such additions and / or modifications as may be made from time to time by resolution passed by at least 2/3rd of the members present and voting at a General Meeting.

Povisio: The Voting on any amendment /modification to the Constitution/ Rules of the Association shall be only by way of "Secret Ballot" (inserted by SGBM dt: 8.12.2010)

40. SOURCES AND INCOME /UTILISATION OF FUNDS

(i) The association shall receive funds through contribution and grants from institutions (s), organization(s) and general public, whether Indian or foreign, subject to the Indian Laws and Regulations.

(ii) The funds of the association shall be invested in or upon one or more securities or investments as may be approved by the General Body or the Executive Committee from the time to time being subject to the provisions of Income Tax Act, 1961.

(iii) The Executive Committee may (without being obliged to do so) at any time appoint or provide for the appointment of one or more persons as separate or holding trustees (including a banking company or other corporation which is authorized by its Memorandum and Articles of Association to act a such) to hold any land, funds and other properties, investments, securities belonging to the association subject to the Rules and Regulations as the Executive Committee may from time to time think. A holding trustee need not be a member of the Executive Committee.

(iv) Such securities shall not be sold or dealt with except with the permission of the General Body and the Executive Committee.

(v) The surplus from any activity of the association shall be exclusively used for the furtherance of the aims and objects of the association.

41. ANNUAL LIST OF GOVERNING BODY

Every year after the Annual General Meeting, list of the office bearers and members of the Executive Committee of the Society shall be filed with the Registrar of the Societies, Delhi as required under Section 4 of the Societies Registration Act, 1860.

42. LEGAL PROCEEDINGS

(i) The Society may be sued in the name of its President / Secretary as per the provisions laid down under Section 6 of Societies Registration Act, 1860 as applicable to the National Capital Territory of Delhi.

(ii) To amend, alter, extend or abridge of the objects and aims of the Society or to amalgamate with such society either wholly or partially with any other society. The Executive Committee shall submit a written report of the proposition to the Members of the Society and shall convene a special meeting for consideration thereof. No proposition shall be carried out into effect unless each Member of the Society has been informed by post ten days previous to the special meeting to be convened by the Executive Committee. The proposition shall have to be agreed and confirmed by not less than three fifth of the Members present at the special meeting so convene.

(iii) Further, Sections 12 and 12A of the Act shall be applicable with regard to alteration, extension or abridgement of the objects and aims of the Society.

43. DISSOLUTION AND ADJUSTMENT OF AFFAIRS

I) If the association needs to be dissolved, the Executive Committee shall submit a written report to the Members of the association and shall convene a special meeting of the Members and upon proposal being approved by not less than three fifth of the Members of the association, present at the special meeting so convened. In case the Members approve the association shall stand dissolved, the dissolution shall be as per Section 13 and 14 of the Act.

ii) If upon a winding up or dissolution of the association, there remains any property whatsoever, after the satisfaction of the debts and liabilities, the same shall not be distributed amongst the members of the Association but shall grant or donate to any other Society, Unit, Association, Federation, Organization or Company having objects similar to the objects of this Society. The Court at Delhi shall have jurisdiction in such matters.

44. APPLICATION OF THE ACT

All the provisions under all the sections of the Societies Registration Act, 1816 as applicable to the Union Territory of Delhi shall apply to this Society.

45. ESSENTIAL CERTIFICATE

Certified that this is the correct copy of the Rules and Regulations of the Society.

Verified at New Delhi on this 15th day of December, 2010.

PRESIDENT

SECRETARY

TREASURER