

# BAR ASSOCIATIONS OF RAJASTHAN RULES, 2013

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**THE BAR COUNCIL OF RAJASTHAN IN ITS GENERAL MEETING HELD ON 31-05-2015 HAS PASSED THE FOLLOWING RESOLUTIONS :—**

**: RESOLUTION :**

“RESOLVED that Bar Council of Rajasthan be and is hereby decided to enforce the amended Rules of the Bar Association of Rajasthan Rules, 2013 w.e.f. 31.5.2015”

**: RESOLUTION :**

“RESOLVED that as per the Bar Associations of Rajasthan Rules, 2013 along with amendments made in the said Rules, the Bar Council be and is hereby decided to hold the next election of the office bearers of all the Bar Associations in the State on 11.12.2015 i.e., on the 2nd Friday of December, 2015.

\* \* \*

**भारतीय विधिज्ञ परिषद्****BAR COUNCIL OF INDIA****(Statutory Body Constituted under the Advocates Act, 1961)****21, Rouse Avenue Institutional Area, New Delhi - 110 002****BCID : 2009 : 2015 (CL)**

Dated : 10-5-2015

Secretary,  
Bar Council of Rajasthan  
High Court Building,  
Jodhpur.

Sir,

I am sending herewith a certified copy of order dt. 9.5.2015 passed by the Hon'ble Chairman, Bar Council of India in the matter of Bar Association of Rajasthan Rules, 2013.

This is for your information and compliance.

Yours sincerely,

sd/-

(Ashok Kumar Pandey)

Joint Secretary  
Bar Council of India

CC to :

Shri Biri Singh Sinsinwar,  
Senior Advocate,  
Former Chairman, BCI  
A-50, Nehru Nagar,  
Pani Pech, Jaipur - 302003.

\* \* \*

भारतीय विधिज्ञ परिषद्

**BAR COUNCIL OF INDIA**

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avene Institutional Area, New Delhi - 110 002

**ORDER 9-5-2015**

Vide Resolution No. 52/2015 dated 29.3.2015, undersigned has been authorized to examine, the amendments proposed by the Bar Council of Rajasthan in The Bar Associations of Rajasthan Rules, 2013 for the purpose of their approval. I have perused the above said proposed amendments sent by the Bar Council of Rajasthan to the Bar Council of India and approve the same subject to the following clarification :—

It is made clear that election of all Executive Bodies of all Bar Associations in the State of Rajasthan whose term expires after 28.2.2015 and before 2<sup>nd</sup> Friday of the month of December, 2015 shall be held only on 2<sup>nd</sup> Friday of the month of December, 2015 and term of such Executive Bodies shall be deemed to have been extended till the aforesaid date.

sd/-

(Manan Kumar Mishra)  
Chairman  
Bar Council of India

Certified to be a true copy

sd/-

(Ashok Kumar Pandey)  
Joint Secretary  
Bar Council of India

\* \* \*

# BAR ASSOCIATIONS OF RAJASTHAN RULES, 2013

## PREAMBLE

The profession of advocacy is a noble one because the advocate serves the society with all decency, responsibility and with dignity. Advocates are the representative class of society. The leaders of bar project the standard and quality of their members. In recent past years the procedure to choose leaders of Bar Associations has been polluted. Also, the fact is there that the welfare schemes introduced by Rajasthan Bar Council and the Bar Council of India are not being properly implemented.

It is the duty of state Bar Council to promote the growth of Bar Associations for the purpose of effective implementation of the welfare schemes prepared by it. Therefore, in order to give effective implementation of the welfare schemes for the advocates of state of Rajasthan and also to provide systematic and disciplined election process for the Bar Associations of state of Rajasthan, these rules are framed under the powers conferred under section 6 (dd) of the Advocates Act, 1961.

# BAR ASSOCIATIONS OF RAJASTHAN RULES, 2013

**1. Name and Commencement.**—(i) These Rules shall be called Bar Associations of Rajasthan Rules, 2013.

<sup>1</sup>[(ii) These Rules shall come into force from the date as and when decided by the Bar Council of Rajasthan and on receipt of approval of amendments of the Rules from Bar Council of India.]

<sup>2</sup>[x x x]

<sup>3</sup>[**Note.**—The Rules have been approved by Bar Council of India vide its Resolution No.101/2014 dated 17.6.2014.]

**[RESOLVED that Bar Council of Rajasthan be and is hereby decided to enforce the amended Rules of the Bar Association of Rajasthan Rules, 2013 w.e.f. 31.5.2015]**

**2. Definitions.**—(a) “**Bar Association**” means registered under the Rajasthan Societies Registration Act, 1958 (Act No. 28 of 1958) and recognized/registered u/s 14 of Rajasthan Advocates Welfare Fund Act, 1987.

(b) “**Court**” means all kinds of Courts and shall include all the Tribunals and Bodies where the Lawyers can appear under any provision of Law.

<sup>4</sup>[x x x]

<sup>5</sup>[(c) “**General Body**” means a body comprising of all the members of the Association” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 9.5.2015).

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<sup>1</sup> Subs. vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :—“(ii) They shall come into force from the date they are approved by the bar council of India.”

<sup>2</sup> Deleted “(iii) After commencement of these rules every Bar Association of Rajasthan State registered under the Rajasthan Societies Registration Act, 1958 (Act No. 28 of 1958) and recognized/registered u/s 14 of Rajasthan Advocates Welfare Fund Act, 1987 shall be governed under these rules.” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>3</sup> Subs. vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :— “**Note.**—The Rules have been approved by Bar Council of India vide its resolution No.\_\_\_\_\_dated \_\_\_\_\_and have come into force in state of Rajasthan with effect from the date.”

<sup>4</sup> Deleted sub-rule (c) of Rule 2 vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015)

<sup>5</sup> Sub-rule (d), (e), (f), (g), (h), (j), (k), (m) of Rule 2 Renumbered as (c), (d), (e), (f), (g), (h), (i), (j) vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

- (d) “**Executive Committee**” means a Committee referred in Rule 14.
- (e) “**Member**” means life member and ordinary member as referred in Rule 05.
- (f) “**Month**” means a month reckoned according to British Calendar;
- (g) “**Advocate**” means a person whose name has been entered on the State roll of advocates prepared and maintained by the Bar Council of Rajasthan State under section 17 of the Advocates Act, 1961 (Central Act 25 of 1961) and who is a member of a bar association <sup>1</sup>[subject to the name/(s) exist in the list prepared under Renewal of Certificate of Practice Rules, 2006 or any rule framed by the Bar Council of India.]
- (h) “**Welfare Scheme**” shall mean any scheme framed under any law for the time being in force to provide financial help, by whatever name called, to an Advocate <sup>2</sup>[x x x]
- (i) “**Year**” means an year reckoned according to the British Calendar.
- (j)] “**Place of Practice**” The Advocate shall be deemed to be ordinarily practicing at the place which is given in his address in the Electoral Roll.

**3. Requirement of Registration.**—(i) The Bar Association (hereinafter referred “The Association”) shall be a society registered under the Rajasthan Societies Registration Act, 1958 (Act No. 28 of 1958) and recognized/registered u/s 14 of Rajasthan Advocates Welfare Fund Act, 1987 and shall consist of all those persons who have signed the Memorandum of Association and all others who become members of the Association under these rules.

(ii) The Association shall have perpetual succession and shall sue and be sued by its name, through its General Secretary <sup>3</sup>[/Secretary] or through such other person as may be authorized by Executive Committee of the Association.

**4. Objects.**—The objects of the Association:—

- (a) To promote the development of legal science and studies and to watch legislation for the purpose of assisting in the progress of sound legislation;
- (b) To safeguard and promote the interest of the legal profession and its members in general and of the members of the Association in particular;

<sup>1</sup> Subs. vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :— “and whose name exist on the roll under Renewal of Certificate of Practice Rules, 2006.”

<sup>2</sup> Deleted “and on his death to a person.” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>3</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).



- (c) To promote a high professional tone, standard and conduct amongst the members of the legal profession and to check unprofessional practices;
- (d) To maintain a library of legal literature and of other subjects likely to be useful to the members of the Associations;
- (e) To provide a meeting place for the members of the Association particularly for study and discussion of law;
- (f) To bring to the notice of the Bar Council, the High Court, the Supreme Court or the Central or State Governments regarding matters affecting the legal profession in general and the members of the Association in particular;
- (g) To prepare and implement schemes for giving assistance to members of their families in distressed circumstances,
- (h) To protect the independency unity and autonomy of the Bar, so provided under the Advocates Act.
- (i) To safeguard the rights, privileges and interests of Advocates on its Roll.
- (j) To promote the growth of Bar Association or the purpose of effective implementation of the Welfare Scheme framed by the Bar Association as well as the Bar Council.
- (k) To promote and support law reforms to conduct seminars and organized talks on legal topics by eminent jurists and public journals and papers of legal interested.
- (l) To organize legal aid to the poor in the prescribed manner to manage and invest the funds of the Bar Association;
- (m) To protect constitution and law of the land.
- (n) To do all such acts or take such steps as might be necessary for the well being of the Association, or for the fulfillment of these objects
- (o) To conduct the election of the Bar Association properly in one day in the State of Rajasthan with right to vote to the Member at one place <sup>1</sup>[in one Bar Association] as per his choice <sup>2</sup>[but he may become the member/(s) of more than one Bar Association as non voting member.].

**5. Category of Membership.**—The Association shall have the following categories of members;

- (a) **Life Member** : an Advocate on the roll of the Rajasthan Bar Council regularly practicing in the courts by payment of an amount at one time fixed by the Executive Committee.

<sup>1</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>2</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

(b) **Ordinary Member** : an Advocate on the roll of the Rajasthan Bar Council regularly practicing in the courts by payment of an amount fixed by the Executive Committee.

<sup>1</sup>[(c) **Non-Voting Member** : An Advocate on the Roll of the Rajasthan Bar Council regularly practicing in the Courts may become the member of any Bar Association of Non-Voting Member by payment of amount fixed by the Executive Committee.]

<sup>2</sup>[x x x]

**6. Register of Members.**—The Executive Committee shall cause to be prepared and maintain a Register of members of the Association and shall for the purposes of Rule 5 classify all those who have become members under these Rules.

**7. Admission of Members.**—(a) Any person enrolled as an Advocate with the Bar Council of Rajasthan wishing to become an ordinary/life member <sup>3</sup>[/Non-Voting Member] may apply in writing to the <sup>4</sup>[President]/General Secretary <sup>5</sup>[/Secretary] of the Association for admission through an application <sup>6</sup>[x x x] signed by him <sup>7</sup>[along with latest colour photograph] and bearing the signature of at least two members of the Association having at least five years of membership of that Association.

(b) Such person shall be entitled to hold the ordinary membership/life membership <sup>8</sup>[/Non-Voting Membership] of <sup>9</sup>[x x x] Association <sup>10</sup>[x x x] of the court <sup>11</sup>[x x x].

<sup>1</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>2</sup> Deleted “Note.—All the applicants enrolled before 1993 shall have to declare that they are the members of Bar Council of India Advocates Welfare Fund Rule 40.” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>3</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>4</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>5</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>6</sup> Deleted the words “prescribed in Schedule-II” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>7</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>8</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>9</sup> Deleted the words “only one” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>10</sup> Deleted the words “i.e. the Association” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>11</sup> Deleted the words “wherein he is actively and regularly practicing” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>1</sup>[x x x]

<sup>2</sup>[x x x]

(d) The General Secretary <sup>3</sup>[/Secretary] shall finalizes the Roll of members and place it before the Executive Committee after displaying the same on the notice board for ten days inviting objections.

(e) Incase more than twenty members object on any name included <sup>4</sup>[in the list] of members the same shall be placed for consideration before the Executive Committee and its decision shall be final.

<sup>5</sup>[x x x]

(g) The advocate applying for membership will have to pay the admission fee as well as the member fee as decided by the respective Association.

<sup>6</sup>[x x x]

<sup>7</sup>[**8. Order on the Application.**—The General Secretary <sup>8</sup>[/Secretary] <sup>8</sup>[/Secretary] of the Association shall place the particulars of application on the notice Board for 10 days inviting objections from the members of the Association and thereafter shall place the application along with the objections, if received any, before the Executive Committee who will approve or reject the application form in accordance with these rules. Once application for membership having been rejected, he shall not be

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<sup>1</sup> Deleted the proviso “Provided that in case any member of the association wish to become member of any other association then he/she will be required to apply for removal of his/her name from the roll of earlier association and obtain certificate to that effect from that association.” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>2</sup> Deleted sub-rule (c) of Rule 7 “(c) Such Advocate shall file an affidavit bearing his photograph mentioning his Registration Number and Photostat copy of the Enrolment Certificate declaring on oath that he is neither at present nor in future intend to become ordinary/life member of any other Association in the state of Rajasthan.” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>3</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>4</sup> Substituted vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :— “on the Roll”

<sup>5</sup> Deleted sub-rule (f) of Rule 7 “(f) No person other than the one who is on the State Roll of Bar Council will be eligible to become ordinary/life member of that Association.” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>6</sup> Deleted “*Note*:—All the application enrolled before 1993 shall have to declare that they are the members of Bar Council of India Advocate Welfare Fund Rule 40.” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>7</sup> Rule 9 to ... Re-numbered as Rule 8 ..... vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>8</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

entitled to apply again for the membership for a period of <sup>1</sup>[1] years from the date of rejection of the application.

<sup>2</sup>[**Provided** that he may file appeal before the Executive Committee of Bar Council of Rajasthan against the order of the Executive Committee of the Bar Association within 30 days from the communication of the order. The decision of the Executive Committee of Bar Council shall be final.]

**9. Commencement of Membership.**—Any person, who has been admitted as ordinary/life member <sup>3</sup>[**Non-Voting Member**] by the Executive Committee shall from the date of such admission be entitled to all the privileges of membership, but he shall have no voting right unless he has paid <sup>4</sup>[**all the**] dues against him <sup>5</sup>[**before publication of provisional voter list**].

**10. Forfeiture of Admission Fee.**—If the admission fee has not been paid within the period prescribed by the Executive Committee, the person in such arrears shall cease to be a member of the Association and the portion of the admission fee paid by him shall be forfeited to the Association and shall in no case be refundable.

**11. Arrears of Subscription.**—Any member whose subscription is in arrears for three months, his name shall be notified on board, by the General Secretary <sup>6</sup>[**Secretary**] of the Association informing him, to pay the same within one month from the date of the notice. If such member fails to pay the arrears within that time, he shall forthwith cease to be a Member of the Association on the conclusion of 4<sup>th</sup> month. On payment of the amount of arrears and on his applying for re-admission within one month from the date of his ceasing to be a member, the Executive Committee may admit him to membership without the payment of a fresh admission fee, otherwise his memberships will be forfeited.

**12. Eligibility to Contest and Right of Vote.**—(i) The member, who exercises his right to vote in any other Bar Association of (High Courts, District Courts or Bar Association at any level) either in Rajasthan or India, except the Bar Association of his choice, shall not be eligible to contest and shall have no right to vote.

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<sup>1</sup> Substituted vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :— “2”

<sup>2</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>3</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>4</sup> Substituted vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :— “admission fee”

<sup>5</sup> Substituted vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :— “and his membership attained six months”

<sup>6</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

(ii) Every member before casting or contesting the election his vote shall, in a prescribed form, give a declaration that he is not casting his vote or contesting the election in any other election of advocates in any other Bar Association.

If such a declaration is found to be false, then his membership shall automatically be suspended for three years and he will not be entitled to become member of any Bar Association during that period.

**13. Office Bearers.**—The Association shall have the following office bearers who shall be elected every year in the Annual General Meeting.

- (i) A President
- (ii) A Vice-President
- (iii) A General Secretary <sup>1</sup>[/Secretary]
- (iv) A Joint Secretary
- (v) A Treasurer.
- (vi) A Library Secretary

**14. Executive Committee.**—The affairs of the Association shall be managed and its entire business including the investment of its funds shall be conducted by and under the control of Executive Committee consisting of:—

- (i) Office bearers referred under Rule 13;
- <sup>2</sup>[x x x]
- (ii) <sup>3</sup>[Ten] members (who have rendered more than <sup>4</sup>[15] years of regular and active practice in the <sup>5</sup>[High] Court) nominated by President in consultation with the other elected office bearers of the Association.
- <sup>6</sup>[(iii) 5 Members (who have rendered more than 15 years of regular and active practice in the District and Subordinate Court) nominated by President in consultation with the other elected office bearers of the Association.]
- <sup>7</sup>[Provided that in case, 15 years of regular and active practice

<sup>1</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>2</sup> Deleted sub-rule (ii) of Rule 14 “(ii) Ten Members elected by the Members of Bar Association” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>3</sup> Substituted vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :— “Two”

<sup>4</sup> Substituted vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :— “5”

<sup>5</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>6</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>7</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

Advocates are not available, the President may nominate Member of less than 15 years of regular and active practice of the Executive Committee.]

<sup>1</sup>[15. x x x]

**16. Term of Office.**—The office bearers of the Association and Members of the Executive Committee shall hold the office till the completion of one year from the date of their election <sup>2</sup>[x x x], failing which the administration of the Association will vest in the Committee, which will be constituted amongst the senior members of that Bar Association by Bar Council, who will hold the election <sup>3</sup>[**within a period of 45 days**] as per these rules.

**17. Functions of the Executive Committee.**—The functions of the Executive Committee are as under:—

- (i) to be responsible for the safe custody of the property and assets of the Association and the proper investment of its funds;
- (ii) to make arrangements for the maintenance and up-keep of the library and its proper use by the members;
- (iii) to control the use of the accommodation available to the Association;
- (iv) to frame the Annual Budget of the Association and control expenditure in accordance with the Budget;

<sup>1</sup> Deleted Rule 15 “**15. Qualification of Office Bearers.**—(i) **President.**—A member having rendered at least Twenty (20) years of regular and active practice in the court.

(iv) **Vice-President.**—A member having rendered at least Fifteen (15) years of regular and active practice in the court.

(v) **General Secretary.**—A member having rendered at least Ten (10) years of regular and active practice in the court.

(iv) **Joint Secretary.**—A member having rendered at least Three (3) years of regular and active practice in the court.

(v) **Library Secretary.**—A member having rendered at least Two (2) years of regular and active practice in the court.

(v) **Treasurer.**—A member having rendered at least Five (5) years of regular and active practice in the court.

*Note.*—However in case of any practical difficulties it will be open for the Executive Committee by secret vote, to decrease the Years Bar in case of association at District and Tehsil level with due intimation to Bar Council, its reasons, and implement the same after approval by Bar Council.

If for any reason, there is no contestant on any particular post the same will be filled up by the Executive Committee, within a month from the date of election.”

<sup>2</sup> Deleted the word “/nomination” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>3</sup> Substituted vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :— “immediately”

- (v) to call the Annual General Meeting and other meeting of the Association;
- (vi) to frame bye-laws for the carrying out objects and activities of the Association and
- (vii) to do all other acts necessary for the fulfillment of the objects of the Association.
- (viii) to decide the matter regarding appointment, promotion, leave and dismissal of the servant of the Association and deciding disciplinary and other matter effecting them on the recommendation of the General Secretary;

**Provided** that the Executive Committee may delegate any of its function, or any specific work to any sub-committee appointed by it.

**Note.**—Above mentioned functions of the Executive Committee shall be subject to the limitations of Rule 18.

**18. Limitation on the Power of the Executive Council.**—The Executive Committee shall not have the power, without the previous sanction of the Association:—

- (a) to spend within one year any sum not exceeding Rs. <sup>1</sup>[10,000/-] out of the fixed deposits of the Association;

<sup>2</sup>[x x x]

**19. Functions of the President.**—The president of the Association shall;

- (i) Preside and conduct at all meetings of the Association and Executive Council.
- (ii) The president shall be responsible for the proper functioning of the various office bearers of the Association.
- <sup>3</sup>(iii) give the casting vote in case of equality of votes at any meeting of the Association or the Executive Committee.
- (iv) Represent the Association whenever a formal representation is necessary; and
- (v) Perform such other functions as might be required by these Rules or the bye-laws of the Association.

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<sup>1</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>2</sup> Deleted sub-rule (b) of Rule 18 “(b) to express any opinion on behalf of the Association on any controversial matters affecting the interest of the legal profession.” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>3</sup> Rule 19 sub-rule (vi), (vii) & (viii) Re-numbered as sub-rule (iii), (iv) & (v) vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>1</sup>[(vi) To spend a sum of Rs. 25,000/- at High Court level and Rs.15,000/- at District/Subordinate Court level.]

**20. Functions of the Vice President.**—The Vice-President of the Association shall;

- (i) perform the functions of the President, when the President is absent from District or is not available.
- (ii) perform such other functions as may be required to perform by these Rules or the bye-laws of the Association.

**21. Functions of the General Secretary** <sup>2</sup>[/Secretary].—(i) The General Secretary <sup>3</sup>[/Secretary] shall be the Chief Executive Officer of the Association and it shall be his duty to give effect to the resolutions of the Association and of the Executive Committee.

(ii) Subject to such directions or limitations as may be contained in these Rules or in the resolutions of the Association or of the Executive Committee, he shall have the powers:—

- (a) To spend the funds of the Association in accordance with the Budget, in paying the salaries to employees, in purchasing books, furniture and materials for the printing press and for other purposes connected with the management of the Association, the cause list and the Library, in accordance with the directions of Executive Committee and for this purpose to operate upon the Bank Accounts of the Association alongwith president/treasure.
- (b) To spend a sum not exceeding Rs. <sup>4</sup>[10,000/-] incase of High Court and Rs. <sup>5</sup>[5,000/-] in case of Subordinate Courts Association in any year for extraordinary and emergent purpose of the Association without the previous sanction of the Executive Committee.
- (c) To keep and maintain the accounts and minutes of the meeting of the Association and of the Executive Committee.
- (d) To invest the funds of the Association in current or in fixed deposit in any Scheduled Bank, approved by the Executive Committee, withdrawal of the deposits from time to time and

<sup>1</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>2</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>3</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>4</sup> Substituted vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :— “15,000/-”

<sup>5</sup> Substituted vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :— “10,000/-”



to utilize and spend them for the purposes of the Association and to deal with Government and other securities on behalf of the Association in accordance with the directions of the Executive Committee;

- (e) To generally supervise the working of the various activities of the Association, and
- (f) To perform such other functions as he might be required to perform by these Rules or the bye-laws of the Association.

**22. Functions of the 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.

**23. Functions of the Library Secretary.**—The Library Secretary shall be the convenor of the Library Committee and shall:—

- (i) be responsible for the proper management and up keep of the library;
- (ii) be responsible for collecting library dues and for taking steps to enforce payment of library and other dues on intimation from the Treasurer;
- (iii) 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;
- (iv) with the consent of the President, have power to spend, within the budgeted amount a sum not exceeding Rs. 500/- for non-recurring expenses, without the previous sanction of the Executive Committee.
- (v) shall convene meetings of library committee at least once in a month.

**24. Functions of the 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 years.

**25. Annual General Meeting.**—The Annual General Meeting of the Associations shall be held <sup>1</sup>[quarterly] in a year on a date fixed by the Executive Committee.

**26. Business at the Annual General Meeting.**—The Annual General Meeting of the Association shall;

- (a) fix a date for electing office bearers, and other members of the Executive Committee form amongst its ordinary/life Members;
- (b) pass the audited annual accounts, the annual report and sanction the Budget for the year form the 1<sup>st</sup> August to the 31<sup>st</sup> July;
- (c) adopt such resolutions as might be brought forward for guiding the activities of the Association or its bodies; and
- (d) appoint the auditor for the ensuing year.

**27. Other General Meetings.**—The Executive Committee may, at any time, convene a General Meeting of the members of the Association, and, in case of emergency, the President <sup>2</sup>[x x x] may also convene such a General Meeting.

**28. Extra-Ordinary Meeting.**—(a) An extra ordinary General Meeting shall be called by the <sup>3</sup>[President] in the following cases:—

- (i) On the resolution of the Executive Committee to that effect; or
- (ii) On a written request of at least 1/10 (one tenth) <sup>4</sup>[x x x] <sup>5</sup>[voting] members of the Association <sup>6</sup>[x x x].
- (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.

**29. Notice of Meetings.**—A notice of at least four days shall be necessary for an ordinary general meeting and in the case of an extra

<sup>1</sup> Substituted vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :— “twice”

<sup>2</sup> Deleted the words “or the General Secretary” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>3</sup> Substituted vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :— “General Secretary”

<sup>4</sup> Deleted the words “or 50” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>5</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>6</sup> Deleted the words “whichever is less” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

ordinary general meeting, at least <sup>1</sup>[24] 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.

**30. Quorum of Meeting of the Association.**—<sup>2</sup>[x x x] 1/4 of the total <sup>3</sup>[voting] members of the association (including the office bearers) <sup>4</sup>[x x x] shall form a Quorum for the Annual General Meeting or Extra-ordinary General Meeting of the Association.

**31. Adjournment of Meetings for Want of Quorum.**—If the quorum is not complete at any meeting, it shall be adjourned and no business shall be transacted, except, if necessary, the election of a person to preside the meeting, and fixing of the time and date of the adjourned meeting.

**32. Quorum Falling Short During A Meeting.**—If at the time and during the course of a meeting, the attention of the person presiding is drawn to the fact that number of members present have fallen short of the quorum required, the person presiding, after ascertaining the truth of the facts, shall forth-with dissolve the meeting but any business already transacted shall be deemed to be validly transacted.

**33. Adjourned Meeting.**—If a meeting has been adjourned for want of a quorum, no quorum shall be necessary for the next meeting held after issuance of the usual notice and with the same agenda provided that an extra ordinary meeting of the Association called at the requisition of the members under Rule 28 above, shall not on the same requisition be called a second time if it has been adjourned once for want for quorum.

Senior Most Member of the Seniors Committee available may preside the meeting in absence of the President and the Vice-President.

**34.** In the absence of the President or the Vice-president the senior Member present may be elected to preside at a meeting of the Association.

**35. Questions to be decided by a Majority of Votes.**—Except, as here in after provided, all question at the meetings of the Association

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<sup>1</sup> Substituted vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :— “48”

<sup>2</sup> Deleted the words “Sixty members or” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>3</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>4</sup> Deleted the words “whichever is less” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

shall be decided by a majority of the votes of members present and voting. The participation of members will be recorded in the register in their eligible signature. The person presiding shall have a second or casting vote in case of tie. No voting by proxy shall be allowed.

**36. Proceedings to be Recorded.**—The decisions arrived at a meeting shall be binding on all members of the Association. The General Secretary and the Joint Secretary shall keep a record of the proceedings of all the meetings held under the provisions herein contained. Such record shall be open to inspection by members of the Association only.

**37. Reconsideration of Business.**—Any matter which has been the subject of a decision in any Meeting of the Association shall not be reconsidered after the expiry of six months from the date of such decision except on a written requisition for the purpose by 2/3rd majority of <sup>1</sup>[voting] members.

**38. Quorum of the Executive Committee.**—Ten members, of whom at least three shall be those not holding an office, shall form the quorum of meeting of the Executive Committee <sup>2</sup>[of the High Court Bar Association]. <sup>3</sup>[Five Members of whom at least two shall be those not holding an office, shall form the quorum of meeting of the Executive Committee of the District Court / Sub-ordinate Courts Bar Association.]

**39. Meetings of the Executive Committee.**—The Executive Committee shall meet as often as may be necessary and all the provisions in these Rules relating to the meetings of the Association shall apply *mutatis mutandis* to such meetings of the Executive Committee.

**40. Funds of the Association.**—The Fund of the Association shall consist of all sums received by or on behalf of the Association.

**41. Property of the Association.**—The property of the Association shall consist of all property received or acquired by or on behalf of the Association.

**42.** All Funds and properties of the Association shall be under the direct control and management of the Association and shall be acquired, maintained and disposal of in accordance with these Rules or bye-laws, in furtherance of the objects of the Association.

**43.** No Member of the Association shall on ceasing to be a member of the Association, have any right to or claim upon any fund or property of the Association, or to the use of such or property.

**44. Account of the Association.**—(1) The Treasurer shall cause to

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<sup>1</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>2</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>3</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

be kept an account of all receipts and disbursement made by or on behalf of the Association, during the year.

(2) The accounts shall be audited, once every year, by a qualified auditor, appointed at the General Meeting. Any casual vacancy in the office of the auditor may be filled by the Executive Committee.

(3) Audited Annual Accounts shall be presented at the Annual General Meeting.

**45. Expulsion of Members.**—The Association may at a General Meeting specially convened for the purpose, of which 14 day's notice has been given, by a resolution adopted by a majority of not less than two-thirds of the members of the Association present and voting by secret ballot, expel a member on any of the following grounds:—

- (i) <sup>1</sup>[In case of] Professional misconduct <sup>2</sup>[conferred by the Bar Council of India],
- (ii) Conviction for offence involving moral turpitude <sup>3</sup>[conferred by the final court of justice], or
- (iii) Gross misconduct unbecoming of the member of the Bar.

**Provided** that notice of the meeting shall be given to the member concerned and he shall be entitled to be heard before any decision is taken by the Association.

**46. Breach of Rules.**—Any member of the Association who shall be guilty of continued infraction of the rules herein contained or of any bye-laws made there under, shall be liable to expulsion by a vote of the majority of the members present at a General Meeting of the Association.

**47. Bye-Laws.**—Subject to these Rules the Executive Committee may, from time to time, frame bye-laws, for the purpose of carrying out the objects or regulating the activities of the Association. The bye-laws framed shall not be effective till they have been approved by the Bar Council.

**48. Amendment of Rules.**—None of the these Rules shall be altered or modified or rescinded nor shall any new rule be framed unless they have received the assent of two-thirds of the members present and voting, by secret ballot, at a General Meeting Convened for the purpose and be subject to approval by “Bar Council”.

**49.** Bar Association shall provide its email address to Bar Council of Rajasthan for correspondence.

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<sup>1</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>2</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>3</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>1</sup>[x x x]

<sup>2</sup>**[50.] Procedure of Elections.**—(a) The election of the Bar Association shall be held once in a year.

(b) The elections will be held every year on second Friday of December.

(c) The executive Committee will declare the election and appoint the Election Officer one month prior to date of election as mentioned in sub-clause (b). The <sup>3</sup>**[General Secretary/]** Secretary of the Association will inform the Bar Council <sup>4</sup>**[before]** declaring the Election along with the name of Election Officer. <sup>5</sup>**[The Election Officer shall send the detailed programme of the election of the Bar Association to the Bar Council.]**.

(d) The election officer shall prepare the following election schedule to conduct the election.

- (i) Publication of voter list
  - (ii) Publication of the voter list on the notice board.
  - (iii) Issuance of final voter list after considering the objection, if any
  - (iv) Date of nomination
  - (v) Date of withdrawal
  - (vi) Publication of list of candidates after scrutiny of nomination forms.
  - (vii) Publication of final list of candidates after withdrawal.
  - (viii) Formalities for nomination form scrutiny, withdrawal and holding of poll, if necessary.
- (e) The election officer shall declare the result of election.

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<sup>1</sup> Deleted the Rule 50 “**50.** Every Bar Association of Rajasthan shall be required to take affidavit from its members to the effect that such member is not the member of any other Bar Association.

In affidavits above said will be required to be furnish within a period of four months from the date of commencement of these rules, if any member does not furnish such affidavit, his name shall be removed from the roll of members of the Association.” vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>2</sup> Rule 50 Re-numbered as Rule 50 vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :—

<sup>3</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

<sup>4</sup> Substituted vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its substitution :— “after”

<sup>5</sup> Added vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015).

(f) Newly elected office bearers shall take charge from the outgoing office bearers in the first day of working in the month of January.

(g) That any dispute relating to the election of any of the members of the office bears of association shall be decided by a committee which may be constituted by the Chairman of the Bar Council of Rajasthan.

<sup>1</sup>[x x x]

<sup>1</sup> Deleted the Schedule I vide Order dt. 9.5.2015 of Bar Council of India (w.e.f. 31.5.2015). Prior to its deletion Schedule I read as under :—

#### SCHEDULE 1

##### APPLICATION FOR ADMISSION AS MEMBER OF THE BAR ASSOCIATION

1. THAT the Applicant wishes to become the Member of the Bar Association as Ordinary/Life Member.
2. THAT the application of the Applicant has been proposed and seconded by continuing Member of the Association for last 5 years.
3. THAT the Applicant neither applied nor intends to obtain the Membership of any other Association than this.
4. THAT the Applicant is actively and regularly practicing in the Court, the Association of which he wishes to become the Member.
5. THAT the particulars of enrolment with Bar Council of Rajasthan are given hereunder:—
  - (i) Name of the Applicant .....
  - (ii) Father's and Mother's name of the Applicant .....
  - (iii) Permanent Address of the Applicant .....
  - (iv) Local Address of the Applicant .....
  - (v) Registration Number with the Bar Council of Rajasthan .....
  - (vi) Name of the Association, if any, of which he is Member.....
6. THAT the applicant's name finds place at Serial No..... on the Roll of the Advocates regularly practicing in the Court prepared by the Secretary of the Bar Association duly approved by the Executive Committee.
7. THAT the applicant has not been convicted for any offence related to moral turpitude or is involved in any criminal case pending under the provisions of the I.P.C./Cr.P.C.
8. THAT the applicant is not facing any trial before the Bar Council of Rajasthan for professional misconduct/any other misconduct under section 35 of the ADVOCATES ACT, 1961 nor has been punished.
9. THAT the applicant has also read over and understood the Rules governing the professional misconduct and etiquette framed by the Bar Council of India provided by the Bar Council of Rajasthan at the time of enrolment and undertakes to adhere to it.
10. THAT the applicant is hereby submitting the Admission fee as well as undertakes to pay the Membership Subscription of the Association regularly as and when it falls due and in case his Membership dues exceeds for more than 3 months and will be deemed to have surrendered my Membership of the Association and the same shall be deemed to have seized after the conclusion of one month unless the dues are cleared.
11. THAT the applicant is a Member and has paid mandatory fees under the Bar Council



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of India Advocates Welfare Fund Rule 40 of the Bar Council of India Rules.

12. THAT the applicant has read over the Bar Associations of Rajasthan Rules, 2013 framed by the Bar Council of Rajasthan and adopted by the Bar Association and he undertakes to act as per the provisions of the Bar Associations of Rajasthan Rules, 2013 and in case of violation of any provisions the Bar Association will be entitled to cancel my Membership.
13. THAT the applicant further commits that in case of violation of any provision of BYE LAWS deliberately, he can be tried by the Bar Council of Rajasthan under Section 35 of the ADVOCATES ACT, 1961.
14. THAT the applicant has personally inquired and verified that the Bar Association for which he proposes for Membership is affiliated to the Bar Council of Rajasthan, and has adopted and obtained registration as per the Bar Associations of Rajasthan Rules, 2013.
15. THAT the applicant declares that he has not obtained the Memberships of any other Association and in any case he is not availing voting right in any other Association to which otherwise he is entitled to be a Member Under Bar Associations of Rajasthan Rules, 2013.
16. THAT the applicant hereby declares that he has read over the Bar Associations of Rajasthan Rules, 2013 duly approved by the Bar Council and adopted by the Bar Association duly registered under the provisions of Societies Registration No. \_\_\_\_\_ and undertakes that he will abide by such Rules and in case of violation face penal consequence.
17. THAT the applicant undertakes to intimate the President /Secretary of the Bar Association in case he wants to change his membership for any other associations. The applicant also undertakes that he shall intimate to the office of association in case he is punished by the competent court for the offence involving moral turpitude.

**Note.**—The applicant shall file an affidavit along with the application form mentioning the fact that above said informations are true and correct.

**Note.**—In case any contents of the above said affidavit are found incorrect then such person shall be liable to be punished under section 35 of the Advocates Act, 1961.