

Constitution 37

Kanina

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- (i) Member of Constitution Drafting Committee  
(ii) Office Bearer of Bar Association

Constitution of ~~The~~ Bar Association ~~Bar~~ Kanina (M) (Kash)

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### Constitution Drafting Committee

- |                                 |          |
|---------------------------------|----------|
| 1. Sh. RamNiwas Sharma Advocate | Chairman |
| 2. Sh. Rajesh Yadav Advocate    | Member   |
| 3. Sh. Satish Kumar Advocate    | Member   |
| 4. Sh. Ramkumar Yadav Advocate  | Member   |
| 5. Sh. Vikram Yadav Advocate    | Member   |

*Rajesh*

**Office bearers**

**2016-17**  
**(2004-2005)**

1. Sh. Vikram Yadav Advocate
2. Sh. RamNiwas Sharma Advocate
3. Rakesh Kumar Advocate
4. Deshbandu Yadav Advocate
5. Vijay Kalson Advocate

President

Vice-President

Secretary

Joint Secretary

Treasurer

Rakesh

**CONSTITUTION OF THE BAR ASSOCIATION, KANINA**  
**(Mahendergarh)**

**PART-1:- Name and Membership**

1. This association shall be called "Bar Association Kanina (Mahendergarh)" with its registered office at Kanina (Mahendergarh)
2. **Definition :-**
  - (a) "Association" will mean the district bar association Kanina
  - (b) "Committee" will mean the managing committee, and constitutional committee of the bar association Kanina formed and constituted in accordance with the rules for the time being in force and member of constitution Drafting Committee will be considered permanent member of managing committee.
  - (c) "Rules" mean the rules of the District Bar Association Kanina duly passed at the general meeting of the association and for the time being in force.
  - (d) "Property" will mean the property of the District Bar Association Kanina and shall include, library, chairs, tables, almeries, stationary and any other article belonging to the association. A property register, library books register should be maintained property.
  - (e) President Vice-President Secretary joint secretary, treasurer shall mean respectively President, Vice-president, Secretary, joint secretary treasurer of the association duly elected in election. Auditor shall mean person nominated by the managing committee.
  - (f) "Arrear" shall mean include arrear of monthly subscription, library fee and any other dues of the association outstanding against a member.
  - (g) "Office bearer's" shall mean and include the president, the vice president the secretary, the joint secretary, the treasurer, auditor and member in charge library of the association.
  - (h) "Member" shall mean the enrolled member of the association.
  - (i) Only those members who are having 10 years of experience will be eligible to elect for the post of president, vice-president, secretary. Provided that remaining post of joint Secretary, Treasurer are exempted such type of experience.
  - (j) The members of the constitutional committee will be considered as a permanent members of managing committee.

**Membership:-**

3. Every legal practitioner practicing in Kanina Civil Court shall be eligible for membership of the association.
4. Every candidate for membership of the association shall have to make an

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application on the prescribed form to the secretary of Association, the application along with a deposit of Rs.50/- as enrollment fee to gather with one month subscription after being recommended by at least 2 member of Bar having 10 years standing and the enrolment certificate of Bar Council and an affidavit regarding membership of single Bar Association.

5. Every member on enrolment shall be bound and shall abide by the constitution of the association.
6. Every member of association shall be liable to pay monthly subscription as fixed by the managing committee from time to time.
7. Every member shall be entitled to use the bar library and the bar rooms including the use of furniture, stationary and the services of the servants of the association.
8. The name of a member of the association may be struck off from the roll of the association for any reason which may be deemed sufficient by members of the association in general meeting of the association specially called for the purpose after he has been given a reasonable notice of the ground necessitating his removal after being heard if so desired by the managing committee.
9. As soon as practicable but within the last week of every sixth month the secretary shall serve or cause to be served a demand notice of the arrears upon the member or members in arrears asking him or them to pay the same within 10 days of the receipt of notice. The notice shall also be put up on the notice board of the association which shall be deemed sufficient service on the defaulting members in case of refusal or avoidance.
10. Any member who is in arrear for six months subscription or more shall unless he clear off the arrear be liable to have his name struck off from the roll of the association. The secretary shall place the names of such defaulters before managing committee which will be competent to struck off the name of such defaulting member from the roll of association after giving the member concerned an opportunity of clearing off the arrear. On the failure of the member concerned to clear off his arrear his name shall be struck off from the roll of association and his name will be referred to the district judge and the high court. Such member shall there for cease to be member of the association.
11. Any other member whose name is struck off from the roll of the

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association under rule 10 may be readmitted to the membership of the association by the managing committee provided he makes an application to the effect and pays in advance fresh admission fee plus arrears which stood against his name on the date of the removal of his name.

12. A member who at any time owing to illness or any sufficient cause is prevented from practicing a continuous period of three months or more may be exempted from the payment of the monthly subscription and library fee for such period as is deemed proper by the managing committee provided he gives intimation in writing of such cause to the president or the secretary of the association who shall place the matter before the managing committee.
13. Any other member who retires from practice or joins service shall give such intimation in writing to secretary of the association who shall place the matter before the managing committee and the managing committee shall strike off his name from roll of the association. Until such intimation is received by the secretary such member shall remain liable for dues of the association.

**Constitution:-**

14. There shall be president, vice president, secretary, joint secretary and treasurer of the association who shall be duly elected every year amongst the members of the association entitled to attend and vote at general meeting of the association especially convened for the purpose and who has cleared all the arrears before the prescribed date.
15. The terms of the office bearer of the association shall be for one year provided that any office bearer may be removed from his office for any reason deem sufficient by 2/3 th of the body of members present in a general meeting.  
Provided that the office of the president shall not be held by the same person for more than one term in all.
16. There shall be a managing committee of the association consisting of President Vice President, Secretary, Joint Secretary, and Treasure duly elected by the association.
  - (a) There Shall be a constitutional committee consisting of Five member having at list 10 years' experience that committee also shall have power of managing committee the members of constitutional committee also having powers of managing committee while dealing in the matter given in 21 rule. The members of the constitutional committee will be considered as permanent member of the managing committee.

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### Function of the President:

### Function of the Vice-President :

### Function of the Secretary :

Provided that Secretary shall work with the prior approval of President.

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### Functions of the Treasurer :

- ### Functions of the managing Committee

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(22) All the reports and suggestions and resolution made or by the committee shall if required by the rules for the time being in force, be put by the secretary or by any members of the committee before a meeting of the association in the form of a resolution and shall take effect if duly passed by a majority of the members present at a meeting provided that in case of emergency and where prompt and immediate action is, in the opinion of the committee necessary, the committee may by an unanimous vote pending a meeting of the association and subject to the final decision arrived there and have its resolution enforce as if the same were duly passed at a meeting of the association. All such resolution of the committee shall be in writing and shall be open to inspection by the members at all convenient time.

MEETING

- such meeting provided that the following resolution
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- library.
34. No members shall be permitted to take the library books to out station without the written permission of the member in charge of library or in his absence secretary of the association.
  35. There shall be a regular register in which all the books of the library already purchased or to be purchased shall be entered from time to time by the member in charge of library.
  36. No member shall obtain any book from the library for any non-member or member not entitled to the use the library.
  37. There shall be register in which the books removed from the library by any member of the association shall be entered under the clear signature of member or his clerk. The said member or his clerk shall also sign the entry in the register when returning the book, or books and note the date of returning the book or books.
  38. Any member who fails to return the books of the library shall be liable to pay its price or any such price or damage which the managing committee deems fit under the circumstances of the case.
  39. Any dues against a member in connection with the library shall be realizable from him as if they were arrears of monthly subscription standing against his name.
  40. The member in charge shall check the register or registers of library after every 7 days and shall bring to the notice of the secretary or the president the case or case of breach of library or library rules by any member or member of association from time to time.
  41. All new books shall be purchased or subscribe only by the managing committee and the order for purchase shall be placed by secretary on the direction of the managing committee.

**ELECTION RULES:**

42. Every member of the association who is entitled to vote shall have single non-transferable vote.
43. The office of the president shall not be held by the same person for more than two term in all. This clause shall be applied on every member who had been president of Civil Court Kanina Distt. Bar Association, Mahendergarh since formation of ~~Bar~~ Bar Association, Mahendergarh

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i.e. 12-09-2016 Provided that the candidate for office of the president shall have a minimum experience of ten years practicing at Civil Court Mahendergarh.

44. Any member who is entitled to vote and who is a candidate for the election to any office of the association shall file his nomination paper duly proposed and seconded in writing by the member entitled to vote with the election Returning Officer and his associates duly appointed in General meeting of Bar. Provided that the candidate for the office of president and other offices of the association shall also deposit a sum of Rs. 1000/- and Rs. 500/- each respectively with the treasurer under his receipt which shall be attached with the nomination paper. The deposit so made shall be non refundable except in case under rule 45 & 46.
45. A nomination paper which is not in accordance with rule 44 above shall be considered as invalid.
46. Any candidate for the election can withdraw his nomination. On such withdrawal the candidate shall be entitled to the refund of deposit money.
47. The election shall be held by a secret ballot.
48. The annual general meeting for election shall be presided over by the president subject to the proviso of rule 28 in which case the chairman for the meeting will be elected by the members of the association present and entitled to vote in the meeting.
49. Each voter shall exercise his vote by putting a cross mark 'X' against the candidate for whom he wants his vote to be recorded.
50. A member shall be entitled to vote:-
  - (i) Who is paying the subscription of the bar regularly as per Rule-9
  - (ii) Who is not member of any other Bar except Mahendergarh Distt. Bar Association.
  - (iii) Who has been member of Distt. Bar Association Mahendergarh at least one year prior to the date of election.
50. (a) There shall be provision for by-election in case of resignation/death of any office bearer.
51. No member shall receive any brief or otherwise take any case from or through any of the following persons.
  - i Any person whom he knows or has reasons to believe to be a tout.

ii. Any person whose name is entered on the list of any court as being tout or as the list of reported touts kept by the committee.

- Explanation : A reported tout is one who is so reported in the opinion of the committee.

CLERK

53. Every member of the association shall appoint his clerk or clerks as per rules framed by the Distt. Judge or Hon'ble High Court.

Servants :

54. The managing committee of the association shall appoint the servants of the Bar and all the powers regarding their appointment, Salary and punishment shall vest in the managing committee of the association.

55. The managing committee shall have power, either upon complaint or of its own motion to enquire in to conduct of any member of any clerk or employee of an member so far as such conduct relates to any breach of these rules or the professional character or honour of any member or for the purpose of any such enquiry may do all acts and things which may be necessary or expedient to enable the committee to render such enquiry effective.

56. If after such the committee shall be of such opinion that a breach of any of these rules has been committed or permitted by any member or that any member has been guilty of unprofessional or dishonorable conduct, the committee shall submit a report on the matter to a general meeting for disposal.

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so, before making such report afford the member concerned an opportunity of  
tendering his explanation.

57. If after such enquiry the committee shall be of the opinion that any clerk or employee of any member has been guilty of breach of any of these rules they may pass such order in the matter as they may deem proper in the circumstances and as may be in accordance with the provisions of these rules.
- (a) In every case submitted to a general meeting under the proceeding clause the committee shall give the member concerned at least ten day's notice in writing of the date time and place at which the general meeting will be held and shall at the same time supply him with a copy of its report.
- (b) Every notice issued by the committee under this rule shall be sent by a registered letter address to each member at his ordinary place of business or last known address. Every notice so sent shall be deemed to have duly served on the date on which letter would ordinarily be delivered in the ordinary course of postal delivery.
58. Any member may after the provisions of rule 54 and have been complied with. Be expelled from membership by resolution passed in general meeting.
59. Any member whose name shall at any time ceased to be born on the rolls of the advocate of the high court shall cease to be member from the date on which his name is removed from the rolls of the said court.
60. Every order, decision of the committee affecting any member or employee of any member shall be subject to appeal to a general meeting by such member.
- (a) Every such appeal shall be in writing and shall be signed by the member and delivered to the secretary within 15 days of his becoming aware of the order or decision, which desires to appeal.
- (b) The secretary shall without delay put every appeal received under rule 60 before the committee who shall thereupon convene a general meeting for the purpose of disposing of such appeal within one month after date of the receipt of the appeal, by the secretary unless the appellant agrees to or desire a long date.
61. All communications made to committee of enquiries held under the preceding rules shall be deemed to be privileged.

**Miscellaneous**

62. Any proceedings or suit in any court by or against the association shall be instituted or defended in the name of the district bar association <sup>Kanungo</sup> ~~Bar Association~~ <sup>Rewari</sup> with its

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(Kanina)  
Registered office at Mahendergarh through its president, duly authorized by the resolution of the managing committee passed in its meeting.

63. The association shall have authority to relay any dues outstanding against a member or an ex-member by a suit if not paid on demand made in that respect.
64. The property of the Bar Associations meant exclusively for professional use of the member of the association only. No property of the association shall be given to the member for their private use.
65. All disputes of professional nature between the member of the association and their clerks or employees interest shall be heard and decided by the committee and the decision of the committee shall be final subject to appeal in writing of the general meeting of the association within a week from the decision of the committee.
66. The Bar association at the sub divisions, Head quarters may be affiliated with the district Bar Association Mahendergarh on payment of Rs. 10/- per year for purpose of dignity, general control and discipline with the approval in the managing committee.

#### Amendments

67. The amendment in the constitution can only be carried out in a General meeting of association in which 50% of the total member will be present and resolution of amendment will be carried by 2/3<sup>rd</sup> majority of the members present.

This constitution has been passed in meeting of Kanina Bar Association, Mahendergarh on 12-09-2016.

List of Bar Members who signed and adopted this Constitution to mark their presence.  
Separate paper annexed herewith.

