

THE VISAKHAPATNAM BAR ASSOCIATION
Regd. No.5/1933

BYE-LAWS OF THE VISAKHAPATNAM BAR ASSOCIATION

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BYE-LAWS OF THE VISAKHAPATNAM BAR ASSOCIATION

1. The Bar Association shall be known and called as "The Visakhapatnam Bar Association", District Court Complex, Visakhapatnam.

2. AIMS & OBJECTS:

- i) To maintain high standards of legal profession ;
- ii) To eradicate toutism and to take effective measures against the Touts;
- iii) To protect and safeguard the professional interest of its Members;
- iv) To safeguard the fundamental rights and civil liberties of citizens
- v) To make arrangements for the study of law books, provide for a good and reasonably sufficient library and also for the comforts and amenities of its members;
- vi) To work for the welfare of the members;
- vii) To promote harmonious relations between the Bench and Bar;
- viii) To discuss and opine on matters of public interest and to organize symposiums, debates and lectures on various subjects concerning law, justice, administration of justice and professional ethics;
- ix) To work out ways and means to help, guide and train members of the Bar and to provide them facilities in order to establish themselves in the profession;
- x) To create an atmosphere so as to maintain grace and dignity of the legal profession;
- xi) To organize lectures, seminars and workshops etc. by Bar Association itself or in coordination with the Bar Council of A.P. or with the other Bar Associations;
- xii) To abide by all the directions the State Bar Council of AP. Issued from time to time for effective implementation of the Bye-laws; To adopt the guidelines and directions issued by the Bar Council of A.P. from time to time in the interest of Advocate community;
- xiii) To extend legal aid to the poor and organize such aid
- xiv) To form Co-operative Societies for housing etc., of its Members:
- xv) To coordinate, cooperate and render desired help to the members of the Bar Association;
- xvi) To coordinate and implement various welfare schemes provided by the State Bar Council as well as the Bar Council of India:
- xvii) To influence and inspire the members of the Association for self-Confidence and self-respect and create in them a sense of unity and affinity and brotherhood:
- xviii) To act as an allied unit of the State Bar Council for all organizational and welfare activities;
- xix) To safeguard the rights and privileges of the Advocates with the help of Privilege Committee of the State Bar Council of A.P. whenever necessary;
- xx) To undertake publication of legal literature or journals

3. PROCEDURE FOR MEMBERSHIP

1. **a)** The Executive Committee shall in discretion admit as a member of the Association any Advocate borne on the rolls of any State Bar Council who applies for membership and expresses his willingness to abide by the rules and regulations of the Association.

b) Member means a Donor Member, Patron Member, Life Member, Ordinary Member but not an Honorary Member.

c) Members shall be of the following categories:-

i. Donor Members being those members who pay onetime special subscription of ₹. 25,000/- only or such other amount as may be fixed by the General Body of the Association. They will be Members for life.

ii. Patron Members being those members who pay onetime special subscription of ₹. 10,000/- only or such other amount as may be fixed by the General Body of the Association. They will be Members for life.

iii). Life Members being those members who pay one time special subscription of ₹. 5,000/- only or such other amount as may be fixed by the General Body of the Association. They will be Members for life.

iv). The Ordinary members are those members who pay monthly Subscription as follows:

a) members who are having less than 5 years of standing shall pay @ ₹. 20/-

b) members who are having more than 5 years and less than 15 years of standing shall pay @ ₹. 40/-

c) members who are having more than 15 years of standing shall pay @ ₹. 60/-

OR

Such other amount as may be fixed from time to time by the General body of the Association in respect of (a) (b) (c) categories of Ordinary Member.

To transfer 50% of the subscription received Advocates from account of the Visakhapatnam Advocates Welfare Fund". It is also resolved to open a new account in the name of "The Visakhapatnam Advocates Welfare Fund" in State Bank of India, District Court complex, Visakhapatnam. The account shall be under control of The

Visakhapatnam Bar Association and shall be operated / signed jointly by the General Secretary and Treasurer of The Visakhapatnam Bar Association.

To pay an amount of ₹. 25,000/- (Rupees twenty five thousand only) to the immediate family member of the member of the Association who is/are eligible for benefits as per the Andhra Pradesh Advocates Welfare Fund Rules, with immediate effect.

v). An advocate can be a member of more than one Bar Association, however he/she is entitled to exercise his/her right to vote only in one Bar Association. Every such Advocate shall inform his/her choice of exercise of voting right to the concerned Bar Association to which he/she opts to vote as well as to the Bar Council of AP.

A member is entitled to contest for any post only in the Bar Association, in which he has voting right.

Vi). For any reasons If any such member Intends to change his opinion he/she shall inform the same In aforesaid manner to the Bar Association In which he/she exercises his/her voting rights and also to the Association previously where he/she has exercised the voting right and also to the Bar Council of A.P.

The Advocate who is the member of more than one Bar Association shall exercise his opinion of exercising the voting right six months prior to the date of issuance of election notification by the concerned Bar Association as per the common Bye-laws.

In default of which, the member shall not have right to vote in any of the Associations, of which he/she is a member, till he/she exercises of such option.

Notwithstanding anything contained in these Bye- laws, if any member exercise his/her voting right in more than one Bar Association in the same year, it will be treated as other misconduct.

d). 1). The subscription year shall be from 1" April to 31 March of the succeeding year.

2). Every application for Membership (except Honorary Membership) shall be made in the prescribed form and signed by the applicant and recommended by two members. Such application form shall be accompanied by the fee prescribed hereinafter, two passport size photographs and a xerox copy of Enrolment Certificate issued by the Bar Council.

3). The new Members seeking admission, shall pay an admission fee of ₹.1,000/- and amount of ₹. 50/- towards identity

card or the amount as prescribed by the Executive Committee of the concerned Bar Association for the said purpose.

4). The power of admit members in the Association shall vest in the Executive Committee of the Association. On such admission, the name of applicant shall be entered on the rolls of the Association and he/she shall be a member.

5). a). Members shall be entitled inter alia, to the following facilities

i). Use the premises of the Association for legitimate purpose of rest and study between 09.00 AM to 07.00 PM.

ii). Borrow books from the lending Library subject to the Library rules made by the Executive Committee from time to time.

iii). Use the reference Library open for study throughout the year during all the working days.

iv). Utilize lockers available on payment of monthly charges as fixed by the Executive Committee from time to time.

6). Members desirous of availing Lending Library facilities shall deposit a sum of ₹. 1,000/- or such amount as prescribed by the Bar Association, as caution deposit. If books lent are damaged or not returned within one week, the loss incurred would be recovered from the member from such deposit or otherwise. When the deposit is diminished books will not be lent unless the deposit is replenished.

7). All the Members shall pay the monthly subscription every month without any default for smooth functioning of the Association.

Any Member in arrears of subscription or owing any other sum to the Association for a period of 3 months shall not be entitled to utilize any of the facilities of the Association including use of the library or its premises.

If such default continues for a period of 3 months, such member is not entitled to vote in the ensuing Election in respect of the said year.

If such default continues for a period of one year, such member is ceased to be the member of the Association. However his/her membership can be restored on payment of entire arrears and penalty if any, as prescribed by the concerned Bar Association.

If a member does not restore his/her membership for more than one year he/she can be re-admitted as member subject to payment of entire arrears, penalty if any, as prescribed by the Association together with admission fee. On such re admission, the

concerned member will be treated as member of the association continuously from the date of his/her initial admission.

4. REMOVAL OF MEMBERSHIP:

The Executive Committee of the Bar Association shall have power to remove any Member from Its Register of Members on the following grounds :

- i) If he/she is removed from the Rolls of the State Bar Council
- ii) If he/she is guilty of gross misbehavior or mis-conduct or any conduct detrimental to the Interest of the Association subject to ratification of the General Body of the Association.

Provided that he/she be given an opportunity of being heard by Executive Committee or any other Committee authorized by Executive Committee for the said purpose.

5. RESIGNATION OF MEMBERSHIP

Any member who desires to resign from the Membership of the Association may submit a written resignation to the Secretary of the Bar Association who shall place the same before the Executing Committee. The Executive Committee may accept the resignation subject to payment of arrears.

On such acceptance the member shall cease to be Member of the Association. The Secretary of the Association shall intimate the acceptance of resignation to the Bar Council of A.P.

6. GENERAL BODY

The General Body of the Bar Association shall consist of all the members on the rolls of the Bar Association.

7. OFFICE BEARERS

The Bar Association shall have the following Office Bearers

- a) President
- b) Vice-President
- c) General Secretary
- d) Joint Secretary
- e) Library Secretary
- f) Treasurer
- g) Sports & Cultural Secretary
- h) Lady Representative (if the number of lady advocates is more than 10)
- i) Executive Committee Members

Provided that the President of the Bar Association shall have standing at the Bar for not less than 20 years and the Vice President

of the Bar Association shall have standing at the Bar for not less than 15 years.

The General Secretary and Joint Secretary of Bar Association shall have standing at the Bar for not less than 12 & 10 years respectively.

Treasurer and Sports & Cultural Secretary of the Bar Association shall have standing at the Bar for not less than 8 years.

Library Secretary and Lady Advocates Representative of the Bar Association shall have standing at the Bar for not less than 10 years.

The Executive Committee Members shall have minimum 2 years of standing at the Bar.

In the event of non-availability of a member having required standing as mentioned in the above proviso, it is competent for the General Body of the Association to prescribe standing at the Bar by way of resolution.

8. EXECUTIVE COMMITTEE:

The Executive Committee of the Bar Association shall consist of

- i) President, Vice-President, General Secretary, Joint Secretary, Library Secretary, Treasurer, Sports & Cultural Secretary, Lady Representative and Executive Committee Members.
- ii) The Executive Committee members shall not exceed 14 or as may be fixed by the General Body of the Association from time to time.

However, the Bar Association may resolve to nominate not more than 5 Senior Members of the Bar, who are having not less than 20 years of standing at Bar as Executive Committee Members within a period of two weeks from the date of assumption of the charge by the new Committee.

- iii) Executive Committee Members-

Amongst the Executive Committee Members three members shall be

- a) a member having more than 30 years of standing
 - b) a member having more than 20 years of standing
 - c) a Lady member having more than 10 years of standing
- Provided that at least 1/3 of the Executive Committee Members shall be from the Advocates whose standing at the Bar Association on date of the Election notification is more than 10 years.

In the event of non-availability of a member having required standing as mentioned in the above proviso, it is competent for the General Body of the Association to prescribe standing at the Bar by way of resolution.

- iv) The Executive Committee may form Sub-Committee from amongst the Members of the Executive Committee for management of library, furniture and other purposes of the Bar Association.

9. **TERM OF OFFICE**

The term of the Executive Committee shall be one year. The Election shall be held in the last week of March of every year. The new Body shall assume office from 1st April onwards. The outgoing Committee shall handover the charge forthwith.

10. **MEETINGS OF THE EXECUTIVE COMMITTEE**

- i) The meetings of the Executive Committee shall be convened by the General Secretary every month and as often as may be necessary to transact its business or when ordered by the President or on written requisition of at least 1/3 members of the Executive Committee stating the business to be transacted at such requisitioned meeting.

- ii) The quorum required for the meeting of the Executive Committee shall be more than half of its Members.

Provided that there need not be any quorum for adjourned meeting on the ground of want to quorum.

- iii) Work done or Resolution passed by the Executive Committee shall not be validated by reason of any vacancy in the Body not being filled up or for any defect in its constitution.

11. **POWERS AND DUTIES OF EXECUTIVE COMMITTEE:**

- a) To admit Members to the Bar Association
- b) To appoint sub-committee from out of its members or the members of the General Body to carry out the aims and objects of the Association.
- c) To engage servants, fix their remunerations grant them leave, to impose fine, suspend/discharge or dismiss them.
- d) To estimate budget for the ensuring year
- e) To approve monthly accounts

12) **RIGHT & DUTIES OF OFFICE BEARERS**

- 1) **PRESIDENT**: The President of the Bar Association will have a general control and supervision over the functioning of the Bar Association including the Executive Committee and shall have a right to casting vote in case of equality of votes.
- 2) **VICE-PRESIDENT** : would act as the President in the absence of the President and shall have the same power as that of the President.

3) **GENERAL SECRETARY** : The General Secretary shall be the Chief Executive Officer of the Bar Association. It shall be his duty:

a) to convene meetings of the General Body, the Executive Committee or the Sub-Committee from time to time in consultation with President and to submit to them all applications, resolutions and the suggestions received or other business to be transacted by them.

b) To issue Agenda for the meeting of the General Body and the Executive Committee and fix dates of Their meetings in consultation with the President:

c) To maintain Minutes of the Proceedings of meetings of the General Body, Executive Committee and Sub-Committees and other records of the Association.

d) To prepare reports for submission to the Executive Committee and to carry on all correspondence of the Association.

e) To maintain the Register of members and send the same to the Bar Council on or before 15" March of every year and failure of the same amounts to mis-conduct.

f) To prepare and submit the Budget

g) To divide and allot the work to the sub-committees subject to the approval of the Executive Committee.

h) To do all such acts as are necessary to be done under these Rules and that might be delegated by the General Body as are beneficial to and in the interest of the Association.

i) To implement the resolutions of the Executive Committee/General Body

j) To correspond with the Bar Council of A.P. as well as other authorities.

4) **JOINT SECRETARY:**

The Joint Secretary will have the same powers as that of the General Secretary in his absence and such other powers that may be specially entrusted to him by the Executive Committee,

5) **LIBRARY SECRETARY:**

The Library Secretary shall be the in charge of all the books in the Library and shall maintain them and keep accounts thereof by maintaining necessary Registers Tike Stock Register and Issue Register etc.

6) **TREASURER:**

The Treasurer shall be responsible for all the funds and properties of the Bar Association and shall have general control over all Funds and properties of the Bar Association. He shall maintain regular accounts which shall be got audited annually and the report of the Auditor shall be placed before the Executive Committee and subsequently in the meeting of the General Body. The Treasurer shall submit the income & expenditure; accounts in quarterly meeting of the executive Committee. it shall be his duty to collect subscription regularly payable by the Members of Association

To open account with a Nationalized/scheduled Bank in the name of the Bar Association and operate the same jointly under the signature of himself and the general Secretary.

7) SPORTS & CULTURAL SECRETARY

To conduct games and sports to the members of the Bar Association and also to arrange for cultural programs is fixed by the Executive Committee.

8) LADY REPRESENTATIVE

To represent the issues of the Lady Members of the Bar Association if any, and such other duties as may be assigned by the Executive Committee.

13) MEETINGS OF THE GENERAL BODY

i) Annual General Body Meeting:

The Annual General Body Meeting of the Bar Association shall be held every year as far as possible in the 1 week of March by giving 15 days clear notice.

The following business shall be transacted at the Annual General Body Meeting.

- (a). To receive, consider and pass the statements of account and balance sheet for the year submitted by the Treasurer and the Report submitted by the General Secretary.
- (b). To appoint the Auditor and fix his remuneration.
- (c) To consider any application or proposal submitted by any member at least 10 days before the date of the meeting.
- (d) To transact any other business with the permission of the President of the meeting.

(ii) General Body Meeting:

There can be a General Body Meeting as decided by the Executive Committee by giving 7 days clear notice.

(iii) Extra-ordinary General Body Meeting:

- (a) Any urgent, special or extraordinary General Body meeting, shall be convened by the General Secretary with the previous consent of the President or in his absence, the Vice-President or on a written requisition of at least 1/4 or 200 whichever is lesser out of the total members of the Association specifying the reasons for requesting the meeting within 3 days from the date of receipt of requisition.
- (b) The quorum required for all General body meetings shall be 1/3 or 200 of the members on the rolls of the Bar Association.
- (c) There need not be any quorum for the adjourned meeting.

(d) The affixation of the notice on the notice board of the Association shall be deemed to be sufficient notice to the Members.

14. VACANCIES OF MEMBERS OF EXECUTIVE COMMITTEE:

Any vacancy of the Executive Committee members shall be filled up by the Executive Committee by way of co-option and such members shall hold the office for the residuary term.

15. FINANCIAL YEAR:

The Financial year of the Association shall be from 1st April of each year to 31st March of the following year.

16. FUNDS:

The Fund of the Bar Association shall be the funds collected by the Bar Association, by donations, collections or grants and from other sources.

17. RESERVE FUND :

The amounts received from the donors, patron members, life members shall be kept in Fixed Deposits as a Reserve Fund. Such fixed deposits made in the name of Bar Association, shall not be withdrawn without prior approval of the General Body.

18. MEETINGS OF THE GENERAL BODY:

The following books & registers shall be maintained by Bar Association:

(i) Membership Register:

- (a) Register of Members with Voting right
- (b) Register of Members without Voting right

(ii) Subscription Book,

(iii) Separate books for the Agenda of the Executive Committee and General Body:

(iv) Separate proceedings books for the Executive Committee and General Body Meetings and those of the Sub-Committees:

(v) The complete list of books of catalogue in the Bar Association Library;

(vi) The list of Furniture and fixtures of the Bar Association;

(vii) Inward and Outward Registers of correspondence and local Day Book.

(viii) Voucher Files, complaint book and such other registers as the General Secretary thinks necessary or as the Executive Committee may direct;

(ix) A list of Registered Clerks of the Members of the Bar Association:

(x) Daily Account Book and Ledger.

19. AMENDMENTS IN BYE-LAWS:

No amendment to the Bye-laws shall be made by the Bar Association without passing any resolution by the General Body of the Association by a 2/3" of the members attended. Provided that such resolution cannot be given effect to without the approval of the AP.State Bar Council.

ELECTIONS**20. ELECTORATE:**

Electorate shall consist of all the members of the Association who are eligible to vote. The Executive Committee shall publish the list of members eligible to vote as per schedule.

21. ELECTION PROCEDURE:

- (1) (a) The General Secretary of the Bar Association shall display the list of members who are in arrears on or before 2 January of every year. The members who are in the list shall clear the arrears on or before 10" February.
 (b) The General Secretary of the Bar Association shall prepare the list of members who are entitled to vote before 15" February of every year and calling objections within 7 days from the date of publication. The General Secretary shall prepare final list of members entitled to exercise their vote and publish the same on or before 1 March of every year.
- (2) The Executive Committee shall fix the Election Schedule for conducting election in the last week of March of every year and appoint Election Officer who shall have at least 20 years of standing or Senior Member available in the Bar, 20 days prior to the date of election.
- (3) The General Secretary shall hand over the schedule to the Election Officer.

22. Election Schedule:

The Election Officer shall follow the Election Schedule fixed by the Executive Committee and conduct Election.

23. Code of Conduct for Election:

Every member who files the nomination shall sign in the prescribed form undertaking that the code of conduct will be adhered to by him during the election.

Code of Conduct will include:

- i) Not to canvas within 100 yards of the polling station on the date of polling.
- ii) The contesting candidates shall not advertise through wall posters, hoardings, banners, newspapers, cinema & TV advertisements etc., and not to make any promises or offer gifts to the Bar Association or individuals. They shall also not address any public meeting except within the premises of the Bar Association. They shall neither host any parties nor get parties hosted by somebody else.
- iii) Any contesting candidate or his agents commit any malpractice in Election process, it shall be treated as "misconduct" as per Advocates Act, 1961.
- iv) any other condition as stipulated by the Election Officer
- v) the contesting candidates can seek votes by Inland letters/post cards/visiting cards or letters of post card size or through SMS. The contents of the letter may be in the nature of information of his candidature and shall not include the voter with promises.
- vi) The contesting candidates shall maintain dignity and decorum of the profession and shall not indulge in any mal practices.

24. ELECTION RULES:

- i) The nominations shall be scrutinized by the Election Officer in the presence of the candidates or their representatives and the nominations which are not in order shall be rejected and a list of valid nominations shall be prepared. A list of valid nomination for the various offices shall be published on the Notice Board of the Association on the day following the last day for filing of nomination.
- ii) Any person who filed nomination may withdraw by intimating the same to the Election Officer in writing within the time limit fixed for withdrawals. The Election Officer after taking note of withdrawals shall publish a final list of nominations by exhibiting on the Notice Board of the Association.
- iii) The Election shall be held between the hours of 10.00 AM and 4.30 PM on the date fixed for the election or as per the Election schedule fixed by the Executive Committee not beyond 04.30 PM.
- iv) There shall be no ballot in respect of any office for which the valid nominations do not exceed the number of posts to be elected and such person or persons shall be declared to have been duly elected to the office or offices by the Election Officer on the date of publication of valid nominations.
- v) The member shall produce his/her identity card issued by the Bar Association/Bar Council.
- vi) The Election Officer can appoint sufficient number of Members of the Association as tellers for the purpose of conducting the Election.

- vii) Any candidate or his/her authorized representative may apply in writing to the Election Officer for recounting the ballots before the declaration of the results and in such event, the Election Officer may in his discretion order for recounting or reject after recording relevant reasons to that effect in writing and the same shall be final.
- viii) In the event of the votes of candidates in respect of any office being found equal, the Election Officer shall cast lots and declare the result.
- ix) The result of the election shall be notified in the Notice Board of the Association under the signature of the Election Officer on the following date of the counting of votes and shall send a copy of the same to the Bar Council and failure of the same will be viewed seriously.
- x) If there is no valid nomination available after scrutiny for any of the posts the newly elected Executive Committee shall nominate and fill up such vacancy within one month.
- xi) The Executive Committee if necessary may also resolve to appoint Assistant Election Officers from amongst Members of the Bar Association.
- xii) In case a member who files nomination for more than one post fails to withdraw the nomination for other posts except one, he shall be disqualified from contest for all the posts.

xiii) The Nomination Fee for each Post is as Follows

Post	Nomination Fee
President	₹. 3,000/-
Vice President	₹. 2,500/-
General Secretary	₹. 2,000/-
Joint Secretary	₹. 1,500/-
Treasurer	₹. 1,000/-
Sports & Cultural Secretary	₹. 1,000/-
Library Secretary	₹. 1,000/-
Lady Advocates Representative	₹. 1,000/-
Executive Committee Members (Senior Members)	₹. 1,000/-
Executive Committee Members (Junior Members)	₹. 1,000/-

or as may be fixed by the General Body of the Association from time to time.

(xiv) The Election Officer may use Electronic Voting Machine or prepare the proforma of the Ballot paper and shall get printed, typed or cyclostyled such number of ballots as are required and shall put his signature and seal thereon, and the expenses to be incurred are to be borne from out of the funds of the Bar Association,

25. DISPUTES:

- (i) Any dispute arises in connection with or in the course of election, the Election Officer shall refer the same to the Bar Council of A.P the Bar Council will constitute a Committee consisting of three senior members of the concerned Association to resolve the dispute and the decision of the said Committee shall be final.
- (ii) The Committee shall dispose of the Election Petition within 45 days.
- (iii) The Committee shall decide the Election Petition duly calling for remarks from the Election Officer and consider the material available on record.
- (iv) However, the Elected Body shall be entitled to continue in office and no act, order or resolution of the Elected Body or any of its Committee shall be called in question on the ground that the Election is invalid.

26. POWERS OF STATE BAR COUNCIL:

In case the Bar Association fails to conduct Election as stipulated in the Bye-laws, on the complaint received in writing from any member of such Association or on suo-moto, the Chairman of the State Bar Council shall appoint an Adhoc Committee from senior members of the said Bar Association to manage the affairs of the Bar Association and to conduct the Election as per the schedule fixed by the Chairman and outgoing Body shall handover the charge to such Adhoc Committee.

27. REPEAL & SAVINGS:

- 1) On adoption of these Bye-laws, the Bye-laws existing as on date shall stand repealed.
- 2) Notwithstanding the Repeal.
 1. Any action or decision taken before said adoption of these Bye-laws shall not be invalid.
- 3) The Office Bearers & Members of the Executive Committee already elected before the adoption of these Bye-laws shall, notwithstanding their term before such adoption, Cease to hold such office with effect from the 1st April of the year of the adoption of these Bye-laws.

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