

Memorandum of Association and Rules & Regulations

The Andhra Pradesh High Court Advocates Association, Hyderabad.

CHAPTER – I

CONSTITUTION – MEMBERS

1. In these Rules: -

A) "**THE ASSOCIATION**" means the Andhra Pradesh High Court Advocates' Association, Hyderabad.

B) "**THE HIGH COURT**" means, the High Court of Andhra Pradesh, Hyderabad.

C) "**MEMBER**" means a person who is entered on the rolls of the Association as such under Rules 2 & 4.

D) "**THE GENERAL BODY**" means the body consisting of all members of all types.

E) "**THE EXECUTIVE COMMITTEE**" means the governing body constituted under rules.... And to whom by these rules the management of the Association is entrusted.

F) "**ELECTION OFFICER**" The Advocate General or designated senior counsel or advocate having minimum of 25 years standing at the Bar. (vide resolution Dated 26-02-2002).

2. a) The executive Committee shall in its discretion admit as a member of the Association any Advocate borne on the rolls of any bar Council in India who applies for membership and expresses his willingness to abide by the rules and regulations of the Association.

b) Members shall be of the following categories: -

- i) Donor members being those members who pay one time special subscription of Rs. 25,000/- only. They will be members for life.
- ii) Patrons Members being those members who pay one time special subscription of Rs. 10,000/- Only. They will be members for life.
- iii) Life Members being those members who pay one time special subscription of Rs. 3,000/- Only. They will be members for life.

- iv) Ordinary members are those who pay monthly subscription Rs. 25/- or such other amount as may be fixed from time to time by the General Body. The Subscription per month shall be Rs. 40/- for members giving more than fifteen years standing. All ordinary members who pay their total annual subscription in advance during the first month of the subscription year shall be entitled to a 10% rebate.
 - v) The Association may by Resolution confer the status of Honorary member on any eminent person associated with legal sphere.
- c) The subscription year shall be from 1ST April till 31st March of the succeeding year.

3. Every application for Membership of the Association (except Honorary membership) shall be made on the prescribed form and signed by the application forms shall be accompanied by the fee, prescribed hereinafter, two passport size photographs and a Xerox copy of Enrollment Certificate by the Bar Council.

4. All members shall pay an admission fee of Rs. 250/- in a lump sum at the time of admission, and in addition shall pay an amount of Rs. 60/- for Identity Card.

5. The power to admit members to the Association shall vest in the Executive Committee. On such admission, the applicant shall be entered on the rolls of the Association and he shall be a member.

6. 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 10-00 AM to 5.00PM on working days and during the Court Vacation days.
 - ii) Borrow books from the lending Library subject the Library rules amended by the Executive Committee from time to time.
 - iii) Use the Reference Library open for study through out 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.
- B) Members may not invite clients or outsiders into the Association premises or hold discussions with them within the premises.

7. Members desirous of availing Lending Library facilities shall deposit a sum of Rs. 1,000/- as caution deposit. If any 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.
8. The monthly subscription shall be paid before the 15th of every month, provided the subscription for May and June may be paid before the end of July.
9. Any member in arrears of their subscription or owing any other sum to the Association shall not be entitled to utilize any of the facilities of the Association including use of the library or its premises. The member shall not be entitled to vote in the elections and also at the meetings of the Association. When the arrears are cleared, his/ her privileges will be restored as per the orders passed by the Executive Committee at the time of restoration.
 - (a) If Member doesn't renew the membership for more than 2 years he/she has to pay all the arrears including new admission fee of Rs. 1,000/- as per his/her choice and then seek the restoration of membership.
 - (b) An advocate who enrolls himself/herself as a member of association will not be eligible to vote in any election or a general body meeting convened to amend the rules for a period of 365 days for his/her attaining membership.
10. The resolutions of the General Body if not adhered to by the member of the Association the said member shall be called up in the committee for disciplinary action, constituted by the executive committee and on affording him an opportunity to him satisfactory, on the recommendation of the disciplinary committee be placed before General Body for admission and he shall be removed from the rolls of the Association for his/her life.
11. a) Any member of the Association may be removed by the executive Committee from the rolls of the Association if he is finally adjudged to be guilty of professional misconduct by the Bar Council under the Advocates Act.
12. The Secretaries shall cause to be maintained a register of all members.

CHAPTER – II

General Body Meetings

13. All powers to conduct the affairs of the Association shall vest in the General Body except to the extent indicated in these rules.
14. The General Body shall, inter alia, have the following powers:
 - a) To elect all its office bearers and members of the Executive Committee in accordance with this constitution and rules.
 - b) To appoint an auditor to audit the accounts of the Association.
15. The General Body shall meet periodically as and when summoned by the President or the Secretaries to discuss matters relating to the affairs of the Association. Ordinarily, members shall have one week notice in advance of such meetings. In urgent situations, the General Body may meet at short notice i.e., a minimum period of 24 hours. Notice of meetings will ordinarily be given by displaying such notice on the notice board of the Association or in any other appropriate manner.
16. The Annual General Body meetings shall be held in March every year to consider and approve the report of the Secretaries and the audited annual accounts.
17. The President and in his absence, the Vice President and if both are absent, Secretary or hierarchy of any office bearer of the Association available shall preside over and conduct the meeting of the General Body.
18. The quorum for a meeting of the General Body shall be Two Hundred.
19. All decisions of the General body which are not unanimous shall be in accordance with the wishes of the majority of the members present at voting. In case of tie, the President or other member presiding shall have a casting vote.
20.
 - a) The Secretaries will cause the proceedings of the General Body to be properly recorded as minutes and the same shall be signed by the President or other member presiding over the meeting. The signatures of all members present shall also be obtained for the record.
 - b) The Secretaries shall also convene a meeting of the General Body on the receipt of a requisition, duly signed by members from a minimum number of 1/10 or 300 whichever is higher out of the total number of members of the Association stating the precise purpose for resolution is required to be

convened. Where any resolution is proposed for debate, the requisition notice should also set out the resolution. The signatory must be clear with his name in bold letters, else requisition deemed invalid.

CHAPTER – III

THE GOVERNING BODY

21. The affairs of the Association shall be managed by the Executive Committee consisting of the following:

OFFICE BEARERS

1.	President	-	1
2.	Vice President	-	1
3.	Secretaries	-	2
4.	Joint Secretary (Library)	-	1
5.	Treasurer	-	1
6.	Executive Member:		
	a. More than 30 years	-	2
	b. More than 15 years	-	2 (one post reserved from Lady
	Members)		
	c. Lady Member	-	1
	d. General Members	-	8

	Total		19

(Office bearers	-	6	
Executive members	-	13)	

President : A member having, twenty years standing at bar council of Andhra Pradesh and minimum of 15 years standing at the Association.

Vice President: A member having, fifteen years standing at bar council of Andhra Pradesh and minimum of 12 years standing at the Association.

Secretaries : A member having, 10 years standing at bar council of Andhra Pradesh and the Association.

Joint Secretary: A member having, 7 years standing at bar council of Andhra Pradesh and the Association.

Treasurer : A member having, 7 years standing at bar council of Andhra Pradesh and the Association.

Eligibility of standing of a member in bar and the Association will be counted a on the date of notification of Election Schedule.

In the Executive Committee:

a) Two Vacancies among members shall be reserved for the members who have got at least thirty years standing at this Advocates' Association.

b) Two Vacancies among members shall be reserved for the members who have got at least 15 years standing at this Advocates' Association.

c) One Vacancy among members shall be reserved for a lady member.

d) Only those members having (5) five years standing at the Bar Council of Andhra Pradesh and in the Association are eligible for the other General Members.

22. No Member shall be eligible to contest for the third consecutive term for the post which he/she held in the preceding two terms.

23. No member shall be eligible to contest for any office of the Executive Committee if he/she is in arrears of due of any Lending Library Books beyond the permitted period on the last date of filing of nomination.

24. All the office bearers and the members of the committee shall be elected by a simple majority. The committee shall make suitable arrangements for the conduct of the election. The term of the body shall be two years. The elected executive committee, the post of the office bearers namely, the President, Second Secretary, Joint Secretary, 2nd member of the 30 years category, 2nd member of the 15 years category, Lady member and last four members of the Executive Committee shall have election every alternative year. But the term for elected Executive Committee members i.e., President, 2nd Secretary, Joint Secretary, 2nd member of the 30 years category, 2nd member of the 15 years category, last four members of the Executive committee in the Association shall elect namely, the Vice President, 1st Secretary, Treasurer, 1st member of 30 years standing, 1ST member of 15 years standing and first four members of the Executive committee.

Explanation: In the election to be conducted in the year 2000 the entire Executive committee of the Association will be elected. In the year 2001 the election will be held only for the posts of President, Second Secretary, Joint

Secretary, 2nd member of 30 years category, 2nd member of 15 years category, lady member and last four executive committee members. In the year 2002 election for the other posts namely Vice President, 1st Secretary, Treasurer, 1st member of 30 years standing, 1st member of 15 years standing and first four members of the executive committee.

YEAR – 2001

1 – President
 1 – Second Secretary
 1 – Joint Secretary
 1 - 2nd Member (30 years standing)
 1 – Lady member
 4 – Last 4 members (S. No. 5 to 8)

 10 total

YEAR – 2002

1 - Vice President
 1 - First Secretary
 1 - Treasurer
 1 – 1st Member (30 Years standing)
 4 - First 4 members (Sl.1- 4)

 9 total

First Secretary means highest votes in the Election. If the number of votes are same the Returning Officer shall cast lots in the presence of the candidates and declare the results.

25. a) Any casual vacancy occurring in the Committee for any reason, may be filled up by co-opting any eligible member of the majority vote at a meeting specially convened for the purpose. Such co-opted person shall hold office for the rest of the term of that committee co-opting him.

b) If any member of he Executive committee absents himself from three consecutive meetings of the Executive Committee, he shall forthwith apply to the Executive committee for restoration of his membership within 15 days from the date of cessation of his membership giving reasons and the executive Committee may restore his membership.

CHAPTER – IV

ELECTION PROCEDURE

26. 1. The Secretaries shall in consultation with the president, fix the date of the Annual General Body Meeting and of election schedule and publish the same on the notice board.
2. The Secretaries shall, ten days before the date fixed for election, publish a list of members entitled to vote at the election.

(a) The Secretaries shall display all arrears list on or before 1st February of every year and all arrears will be clear dues by Members by list day of February. All Members who clear the arrears will be placed in the list of members entitled to vote at election.

(b) After the exhibition of list mentioned above on 12th March, objections will be entertained for three working days and 4 final eligible voters list will be published.

3. The electoral roll shall include all members who are not disqualified under of the provisions of this constitution.

4. Nomination papers shall be filed in the office of the Association at least seven clear days before the date fixed for the election.

5. A nomination paper shall be proposed and signed by two members whose names are included in the eligible voter's list aforesaid. All nomination papers shall contain a statement by the persons making the nomination, to the effect that the member nominated by them for election has agreed to serve in the office if elected.

5(a). Every person who files the nomination shall sign in the prescribed form under taking that code of conduct will be adhered to by him during the election and while holding the office code of conduct will include.

- i) not distribute pamphlets in the High Court Premises.
- ii) not to canvass within 100 yards of the polling station, and
- iii) any other condition as stipulated by the returning officer.

6. The nominations shall be scrutinized by the Returning Officer in the presence of the candidates and those not in order shall be rejected and a list of valid nominations shall be prepared. A list of person's valid nomination for various offices shall be published on the notice Board of the Association on the day following the list day for filing of nomination papers.

7. Any person nominated for election may withdraw by intimating the same to the Returning Officer within the time limit fixed for withdrawals. The Returning Officer after taking note of withdrawals shall publish a final

list of nominations by exhibiting the notice on the Association Notice Board.

8. The Election shall be held between the hours of 11-00 AM To 4-30 P.m. on the date fixed for the election.

(8 A): "The Election shall be held by secret ballot through printed ballot papers or electronic voting machines.

(Added by G.B. resolution dated 27-02-2007.)

9. There shall be no ballot respect of any office for which the nomination does not exceed the number of persons to be elected and such person or persons so nominated shall be declared to have been duly elected to the office or offices by the Returning officer.

10. Ballot papers consecutively numbered and containing the names of candidates shall be printed and distributed to the members entitled to vote from 11-00 to 4-30 PM on the date of the election on their signing the Register kept for the purpose.

11. The member shall produce his/her Identity card issued by the Association if it is insisted by the person issuing the ballot papers. On receiving the ballot papers, the member shall then and there vote and lodge the same in the respective sealed box or boxes kept at the office of the Association for the purpose. Any member found in consultation at the polling booth shall be asked to leave the polling station without casting his/her vote.

12. The Returning Officer shall appoint sufficient member of Life Members of the Association as tellers for the purpose of taking charge of the ballot scrutinizing the ballot papers and ascertaining the result.

13. The teller so appointed shall as soon as possible after the continuing is over, to the returning Officer, the result of the election.

14. Any candidate or his/her authorised representative may apply in writing to the Returning Officer for recounting the ballots before the declaration of the results and in such event, the Returning Officer may in his discretion order for recounting after recording relevant reasons to that effect in writing and the same shall be final.

15. In the event of the votes of candidates in respect of any office being found equal, the Returning officer shall cast lots and declare the result.

16. Where a member has been elected to more than one office mentioned in Rule 1, he shall be deemed to have been elected to the office highest in the order in which they are specified in Rule 21 and his election to the other office or offices shall be deemed to be void and the result of the election to the other office shall be declared as if he member had not stood for election for them.

17. The result of the election shall be notified in the Notice Board of the Association under the signature of the Returning Officer on the following date of the counting of Votes.

18. If there be no nomination available after scrutiny and expiry of the time for withdrawal of nominations for any office (other than a member of the committee), fresh nomination for such office shall be called for and an election shall be held within one month till then, the previous incumbent shall continue.

19. If there are no sufficient number of nominations for the membership of the committee, or if the nominees withdraw their names herein before provided, then the executive Committee elected shall fill up the vacancies by Co-Option as per Rule 23(a).

20. The newly elected Executive Committee shall assume the office with effect from 1st April of the year of Election.

CHAPTER - V

EXECUTIVE COMMITTEE AND ITS POWERS

27. The Committee shall, in addition in the powers conferred on it by these rules, have power:
- a) To purchase books for the Association Library and to subscribe for periodicals.
 - b) To print and publish books, addresses or papers relating to law.
 - c) To sanction the scale of establishment from time to time.

- d) To pass bye-laws not inconsistent with the rules of the Association.
- e) To pay gratuity or bonus to the staff and establish a provident fund for the staff, and
- f) Generally to apply the funds of the Association in furtherance of its objects and to do all other acts relating to the work and management of the Association.
- g) In general and without prejudice any of the rules herein contained, the committee shall have power to direct the affairs of the Association and act on behalf of the Association.
- (h) The committee shall not withdraw/encash the fixed deposits without furnishing the particulars to the General body and without prior approval of General body.
- (i) The committee shall not obtain any loan/ over draft and shall not create any charge against the fixed deposits, without obtaining prior approval of the General body.
- (j) The Committee in its first meeting shall nominate Auditor/ Chartered Accountant for the year.

28. The Committee shall meet at least once in a month, but special meetings of the committee may be convened by the president or secretaries and shall be convened on the written request of not less than seven members of the committee for any specified purpose.

29. The quorum of all meetings of the Executive Committee shall be 9.

30. In all matters, the decision of the majority shall prevail, and in case of an equality of votes, the president shall have a second of casting vote.

31. A minutes book shall be kept by the secretaries. In which the resolutions shall be recorded, and the same shall be read and confirmed at the next meeting of the committee.

32. The Committee shall have power to dispose of routine and unimportant matter by taking the opinion of the members by circulation instead of a meeting of the Committee.

(a) The executive Committee has power to appoint various committees to run the activities of the Association smoothly. Such as the committees like Canteen Committee, Library Committee, Sports, Games & Cultural Committee, Disciplinary Committee, Election Committee and Grievances Committee etc.

CHAPTER - VI

PRESIDENT – HIS POWERS AND DUTIES

33. The president shall have power:
- 1) To preside at all meetings of the Association.
 - 2) To address the meetings and make a reference before the High Court and on behalf of the Association as and when necessary.
 - 3) To direct the secretaries to convene a meeting of the Committee.
34. The President shall have general powers of superintendence over the affairs of the Association.

VICE PRESIDENT – HIS POWERS AND DUTIES

35. The Vice – President shall in the absence of the president have all the powers and shall perform all the duties of the president.

SECRETARIES- POWERS AND DUTIES

36. 1) The secretaries shall be responsible to maintain the records, books and all other property of the Association.
- 2) The Secretaries shall maintain the registers and books mentioned in Rule 38 and such other records as may be necessary.
- 3) All correspondence for and on behalf of the Association shall be carried on by the Secretaries.
- 4) The meetings of the committee General Body, ordinary and extraordinary and other meetings shall be convened by the Secretaries.

- 5) The secretaries shall be responsible for the collection of all the amounts due to the Association by way of subscription, admission fee or otherwise.
- 6) The Secretaries shall along with the Treasurer cause accounts of the Association to be regularly maintained.
- 7) The secretaries shall cause the accounts of the Association to be audited by an auditor appointed at the Annual General Body Meeting.
- 8) The Secretaries shall open current Account with a scheduled Bank determined by the Annual General Meeting.
- 9) The secretaries shall maintain the Minutes Book of every meeting of the Association and submit the same for confirmation at the following meeting.
- 10) The secretaries shall prepare and submit, after the approval of the Council, the Annual Report, before Annual General Body Meeting together with a statement of accounts duly audited by the appointed by the annual General Body Meeting.
- 11) The Secretaries may institute suits or proceedings or defend the same with the sanction of the committee.
- 12) The Secretaries shall be overall charge of the working of the Association.
- 13) The secretaries shall act in accordance with the directions of the committee and carry into effect all the resolutions of the Association.
- 14) The Secretaries shall power to employ from time to time with prior approval of the Executive Committee such servants as may be required for the Association and its Library, to control and dismiss them. In case of suspension or dismissal, an appeal lies to the Executive Committee.
- 15) The first secretary will be the Returning Officer for Election. Without prejudice to the foregoing provisions, the Secretaries shall have power to do all that is necessary for and on behalf of the Association.

JOINT SECRETARY (LIBRARY)

37. 1) The joint Secretary shall be in charge of all the books of the Association Library and the maintenance of the Library in general.
- 2) The Joint Secretary shall have power to issue necessary instructions to the staff working in the Library.
- 3) The Joint Secretary shall carry out the directions and act in accordance with the directions of the Executive Committee.

TREASURER POWERS AND DUTIES

38. 1) The Treasurer has power to cause day to day accounts of the Association to be regularly maintained.
- 2) The Treasurer shall carry out the directions and act in accordance with discussion of the Executive Committee.
- 3) The Treasurer shall have the accounts audited at the end of every financial year and also before completion of his term in office.
- 4) The Treasurer shall obtain ratification of the Executive Committee in case of expenditure more than Rs. 500/- incurred on behalf of the Association.

**THE AMENDED BYE-LAWS COME INTO FORCE FROM 1ST MARCH 22,
2007**