

The CONSTITUTION
OF THE
HIGH COURT BAR ASSOCIATION
ABBOTTABAD

(1) The Association shall be designated as the High Court Bar Association, Abbottabad (hereinafter shall be called as Association).

(2) The aims and objectives of the Association are:

(a) To keep foremost the spirit of public service and dedication to the task of upholding the rule of law and defending all times, without fear or favour, the rights of citizens;

(b) To consider, safeguard and promote the interests of the legal profession;

(c) To watch and assist the progress of legislation;

(d) To make proper representation to the Khyber Pakhtunkhwa Bar Council, the Peshawar High Court, and Provincial and Central governments to maintain and develop high professional tone and to prevent unprofessional practices;

(e) To safeguard the rights and interests of the members of the Association;

(f) To maintain good working relationship with all Executive Bodies of the District Bar Associations in Hazara Division;

(g) To establish and maintain a well equipped Bar Library with provision of Statute books, commentaries on statutes, Law Reports/Journals, and online research facility; and to encourage the members for their use so as to keep them update with ongoing knowledge of law;

(h) To do all such other things as may be necessary to promote further and secure the aforesaid objects;

(i) To execute and implement all rules, directions and policies as laid down by Khyber Pakhtunkhwa Bar council and the Pakistan Bar Council.

With devotion to the achievement of its aims and objectives, now the Association, in its general body meeting held on 16 Sept 2013, does hereby approve and adopt this Constition:

(3) Title: This Constitution shall be called as the Constitution of High Court Bar Association, Abbottabad

(4) Commencement: This Constitution shall come into force forthwith

Part-I

Membership

(5) All advocates duly enrolled as Advocates of the High Court with Khyber Pukhtunkhwa Bar Council, or with any other Bar Council in Pakistan regularly practicing or desiring to practice regularly in the Peshawar High Court, Bench Abbottabad shall be entitled to become members of the Association.

(6) Every member of the Association shall be subject to the Constitution, rules and bye-laws of the association as well KPK Bar Council and Pakistan Bar Council Rules

(7) Every advocate, eligible for membership under Article-5 and having been proposed by one and seconded by other member of the Association, shall apply for the grant of membership on a prescribed admission form which shall be accompanied by duly certified copies of the Identity Card issued by Bar Council, academic testimonials, two photographs, and deposit slips of admission fee in sum of Rs.1000/- or as may be enhanced from time to time, and of advance monthly subscription for two months.

(8) The application for membership shall be presented to the President who shall place the same before the Executive Committee for consultation within a month from its submission; and the President after consultation with said committee in its meeting having a quorum not less than 25% of its total members may accept, or refuse it by stating the reasons.

(9) The decision of the President, for or against, shall be communicated by the General Secretary through notice board or otherwise, as the case may be. If the decision is against the candidate, any deposit made by him for the purposes of Article-7 will be refundable on his application. Any person who has not admitted for any reason shall not be eligible to apply for membership unless three months have expired from the date of such refusal.

(10) No admission application shall be entertained during the long vacation in the year.

(11) Every member of the Association shall regularly pay to the person authorized on behalf of the Association or in the bank account of the Association a monthly subscription @ Rs. 100/- or on any other rate as may be determined from time to time, and other contributions and monies the association may require under due course from time to time, failing which he shall be open to sanctions/penalties/suspension of membership prescribed herein-after or may be prescribed from time to time.

(12) Every member of the Association shall have the right of vote in all matters put up to the General Body for voting and also in election of the Executive Committee, if not barred by any restriction contained herein or by rules or bye-laws of the Association or the Bar Council.

RESTRICTIONS FOR MEMBERS

(13) Any Member of the Association whose license is suspended from practice by Bar Council, or he has engaged himself with any other profession, business, calling or employment, he shall be suspended from the membership of the Association; and suspension shall not be removed until his membership is restored by the Bar Council in former case, or he in the latter case satisfies the Executive Committee of his having disengaged from such profession, business, calling or employment.

(14) Nothing shall curtail the power of Executive Committee to suspend the membership of any member, if on inquiry in the manner as may be prescribed under bye-laws or otherwise; he is found exhibiting a conduct contrary to the prescribed canons of professional conduct and etiquettes.

(15) During his suspension under the foregoing articles 13 and 14, a member shall not be entitled to exercise his right of vote in any manner.

(16) If a member is in arrears of monthly subscription for a period not exceeding 12 months, he shall not be entitled to exercise his right of vote without prior clearance of his arrears. If he is in arrears of monthly subscription for a period exceeding 12 months, he shall automatically cease to be the member of Association and intimation of this fact shall be given to the member concerned through notice Board. Provided that within six months of such intimation such person may be re-admitted as a member on payment of all arrears of subscription and in addition a fee equivalent to 25% of the admission fee.

Part-II

MANAGEMENT

(17) The affairs, management and supervision of the Association shall be subject to the provisions as contained in the forthcoming articles:-

GENERAL BODY

- (18) There shall be a General Body of the Association, consisting of all the members of the Association and it shall be the supreme Policy making Body of the Association.
- (19) The Association shall hold an Annual General Meeting of the General Body in the 2nd Week of April each year.
- (20) A special meeting shall be convened by the President, by a resolution of the Executive Committee or upon a requisition under signatures of at least twenty five members of the Association stating in writing the specific purpose for which a special meeting is necessary to be called, and shall be delivered to the General Secretary. Such meeting shall not be at liberty to discuss any subject other than that for which it has been specially called. Notwithstanding the said requirements, the President shall have the authority to convene a meeting of General Body on any issue as he deems fit.
- (21) The date and time of Special Meeting of the General Body upon requisition as mentioned herein-before shall be decided by the President in consultation with Executive Committee, having regard to the nature and significance of the purpose.
- (22) A notice in writing of all General or Special Meeting shall be sent by the General Secretary to all members at least one week before the date of the meeting, but in case of emergency, or on special resolution of the executive committee, or on a requisition signed by twenty five members, or his having been so required by the President, a shorter notice of less than 24 hours by the General Secretary shall suffice.
- (23) No notice of an adjourned meeting shall be necessary, if adjourned for want of quorum. Two days notice of adjourned meeting in any other case shall be sufficient.
- (24) It shall be the privilege of President of the Association to preside over General or Special Meeting of the General Body; and in his absence, Vice-President shall have the similar privilege; and in absence of both of them, a Chairperson elected by the members present at the meeting shall preside over the meeting. The Presiding Officer shall remain neutral in voting but in case of equality of votes, he shall have a casting vote.
- (25) The quorum for a meeting of General Body shall be 1/5th of the total members of the Association. Provided a meeting adjourned for lack of quorum, shall not require an y quorum when held subsequently on the same notice.
- (26) All ordinary decisions shall be taken by simple majority of present members except amendment of the Constitution which shall require 2/3rd (two/third) of total members of the Association. The voting shall ordinary be by show of hands except in any particular case the Chairperson or the majority of the members present may decided that the voting shall be by ballot.
- (27) All rules and bye-laws framed to carry out business of the Association and to regulate its functions shall have effect after their approval by General Body.
- (28) All matters brought before any General Body Meeting and decided by majority shall be binding upon the members of the Association.

Part-III

EXECUTIVE COMMITTEE

- (29) The affairs of the Association, subject to the Constitution, rules, and bye-laws, shall be managed by an Executive Committee, consisting of President, Vice President, General Secretary, Joint Secretary, Library Secretary and eight Executive Members; out of which three from Abbottabad two each from Haripur and

Mansehra one from Battagram/Kohistan shall be elected in the manner herein-after prescribed.

(30) The members of the Executive Committee of the Association shall be elected in the Annual Election held in each year; and the Executive Committee so formed shall hold office for a period of one year only, commencing from 1st May and ending on 30th April of every next year; provided that the Executive Committee for the time being in place shall be deemed to have been elected under this Constitution for all purposes, and shall continue to function till handing over the charge notwithstanding the expiry of its term on 30th April of every year.

(31) The election shall be held on the last Saturday of April each year and process for election shall start in the first week of April every year.

(32) Every member who is desirous of becoming a candidate in the annual election for any office of the Executive Committee including Executive member shall be eligible to contest election provided:

(a) He is not open to any restriction(s) prescribed by this constitution.

(b) He fulfils the requirement of Experience in regular practice as an advocate of the Peshawar High Court, Bench Abbottabad for a minimum period as given below against respective office.

| | | | |
|------|-------------------|----|-------|
| i. | President | 15 | years |
| ii. | Vice-President | 12 | years |
| iii. | General Secretary | 10 | years |
| iv. | Joint Secretary | 3 | years |
| v. | Library Secretary | 3 | years |
| vi. | Executive Member | 3 | years |

PRESIDENT

(33) Subject to generality of his powers as herein contained, the President shall:

(i). Be responsible before the General Body for all matters of the Association;

(ii). Preside over the meetings of Executive Committee;

(iii). Have supervisory control over the affairs of Executive Committee;

(iv). Be the principal custodian of funds and properties (moveable and immovable) of the Association;

(v). Enter into an agreement or contract on behalf of the Association with any person, firm, company or the Government etc in consultation with the Executive Committee;

(vi). All the executive functions of the Association shall be expressed in the name of President;

(vii) The President, on any matter of the Association, may appoint an inquiry committee in his discretion or with consultation of the Executive Committee.

VICE-PRESIDENT:

(34) Vice-President shall exercise all the functions of President in his absence.

(35) If the office of President falls vacant during the current year and the remaining period of term is more than four months, then there shall be held a fresh election within twenty(20) days of such vacancy.

GENERAL SECRETARY

(36) The General Secretary shall keep in his charge all funds and accounts/assets of the Association.

(37) It shall be the duty of the General Secretary to conduct under the direction of the President and the control of the Executive Committee, the correspondence of the Association.

(38) The General Secretary shall be the custodian of all records/files of the Association.

JOINT SECRETARY

(39) The Joint Secretary shall assist the General Secretary in discharge of his duties as may be required.

(40) The Joint Secretary shall perform all the functions of General Secretary in his absence.

LIBRARY SECRETARY

(41) The Library Secretary shall be responsible for the matters relating to Library i.e. book keeping, keeping register of the books in the library, showing the value of each book and maintain the library according to rules framed by Executive Committee and perform any other function as assigned to him for better management of Library.

EXECUTIVE MEMBERS:

(42) Four Executive members shall assist the Executive Committee in performance of its function.

CO-OPTED MEMBERS:

(43) Three Co-opted members may be selected by the President in consultation with the Executive Committee and they shall have no right of vote.

REMOVAL OF OFFICE BEARER:-

- (44) An Office bearer may be removed from the office if his original membership of Association is suspended.
- (45) Any office bearer shall cease to hold his office immediately against whom a vote of no-confidence has been moved in the General Body meeting and passed by 51% of votes cast in the last election.
- (46) The meeting of the General Body for this purpose shall be held at the requisition of at least two hundred members.
- (47) The Executive Committee shall convene the meeting within 7 days of the receipt of such requisition and shall notify the date and time for meeting.
- (48) The office bearer against whom the no-confidence motion is moved shall be informed in writing, of the date and time of such meeting, and shall be given an opportunity to express himself in defense.
- (49) The Quorum for meeting convened for the purpose of no-confidence motion shall be 51% of the votes cast in last. The decision of the General Body shall be final and shall not be called in question before any forum.

Part-IV

FINANCIAL MANAGEMENT

- (50) All the funds of Association shall be kept in a scheduled Bank(s).
- (51) President and General Secretary shall jointly operate the bank accounts of the Association and in the absence of any one or absence of both of them the executive Committee may authorized any two members to jointly operate the accounts to run the affairs of the Association.
- (52) The General Secretary shall submit statement of accounts of income and expenditure every month before the Executive Committee and shall display the same on Notice Board for information of the members.
- (53) The Expenditure exceeding Rs. 150000 (One Lac fifty thousands) per month shall be approved by the General Body. All other expenditure shall be approved by the executive committee.
- (54) Receipts, payments, vouchers, bills etc shall be obtained and placed on record properly.
- (55) A cash book of income and expenditure shall be prepared and maintained by General Secretary. Once a year in the month of April the General Secretary shall submit a revenue account and balance sheet of affairs of the Association, before 10th April and duly passed by Auditor in the presence of Executive Committee of the Association.

AUDITOR

- (56) The Account of the Association shall be audited at least once a year by an auditor. The Auditor shall ordinary be appointed in the Executive Committee Meeting.
- (57) The Auditor shall examine the entire accounts of the Association and shall submit his audit report before the 5th of April which shall be laid before General Body meeting.

Part-V

ELECTION COMMISSION

- (58) The President with the consultation of Executive Committee shall appoint one of the members of Association to act as an Election Commissioner. The Election commissioner shall issue a schedule of election to be held, providing therein the dates for nomination, scrutiny, withdrawal etc and the date of polling.
- (59) The Election Commissioner shall have standing as an advocate of High Court for 15 years whereas for the members for 10 years
- (60) That Election Commissioner shall conduct the election according to Constitution, rules of the Association, KPK Bar Council and Pakistan Bar Council.
- (61) The Election Commissioner may require any member to assist him in the election process including balloting or counting; and shall ensure fair and smooth polling and counting.
- (62) The Election Commissioner shall announce the result soon after completion of the count.
- (63) Any person aggrieved by the order of election Commissioner may prefer and appeal to the Election Tribunal.

Part-VI

Rules of Business

- (64) The Executive Committee may from time to time make rules not inconsistent with Constitution, for the regulation of their business, relating to Election, Library, employment of workers, or for any general function of the Association, with the approval of General Body.
- (65) The Executive Committee may after passing such bye-laws or rules with the approval of General Body prescribe such forms for purposes of this Constitution.
- (66) All acts including election held before passing of this constitution are hereby validated.
- (67) Previous Constitution is hereby repealed:

Approved in the General Body this 16th Day of Sept, 2013

(Fazal-I-Haq Abbasi)

President

High Court Bar Association

