

CONSTITUTION OF DISTRICT BAR ASSOCIATION



MANSEHRA



The Constitution of District Bar Association Mansehra 2015

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ACKNOWLEDGEMENT

The admirable services rendered by the Constitutional Reforms Committee comprising Mr. Muhammad Muzaffar Khan Swati, (Convener) and Malik Miandad Khan, Mr. Basharat Ahmed Khan, Mr. Shujaat Ali Khan Adv, Qazi Tariq Zaheer and Sheikh Noorul Amin Noor Advocates, (Members), are hereby acknowledged with many, many thanks for hammering out our Basic Law- 'the Bar Constitution', passed and adopted, in the General Body meeting, on the 28th of February, 2015. I am also thankful to my cabinet members Mr. Shafique Ahmed Awan V.P & Sardar Wajih-ul-Mulk G.S for their Cooperation.

Thanks;

MUNIR HUSSAIN LUGHMANI,

Advocate, Supreme Court, Of Pakistan

PRESIDENT

District Bar Association

Mansehra

Foreword

The Constitution of the District Bar Association Mansehra, required to be revamped since long, as the previous constitution was adopted way back in 80s. We owe it to the worthy members of the Bar that they have been consistently asking for necessary amendments in our Basic Law, "The Constitution". With the changing times and the circumstances the amendments in the constitution were utterly needed.

Initially a Constitution Reforms Committee headed by Col.® Abdul Qaddus Khan Advocate, was formed to do the needful, which made valuable efforts and prepared a draft but the same could not be finalized..

So, in the year 2014 another Committee was entrusted with the task of redrafting the constitution. The new Committee under the convenership of Muhammad Muzaffar Khan Swati, Advocate, with Malik Miandad Khan, Mr. Basharat Ahmed Khan, Mr. Shaujaat Ali Khan, Qazi Muhammad Tariq and Sheikh Noor-ul-Amin Noor, Advocates, as its members fulfilled this responsibility.

This Committee worked hard and was successful in presenting the draft constitution in the fag end of 2014. This was in fact the process of first reading which proved very useful and beneficial. Many practical and positive suggestions came forth which were subsequently included, with appropriate modifications, in the final draft. I acknowledge the valuable inputs by the worthy members of the Committee.

On the 28th of February, 2015, the final draft was read out in the House which was very enthusiastically and readily accepted and approved. At end of day, the Bar had the good luck of a new constitution having been formally passed and adopted by the House.

Muhammad Muzaffar Khan Swati,
Advocate, High Court,
Mansehra.

THE CONSTITUTION OF DISTRICT BAR ASSOCIATION, MANSEHRA, 2015

In the name of ALLAH, the most Beneficent, the most Merciful; Whereas it is expedient to have the Constitution of the District Bar Association, Mansehra amended and revised to make it in consonance with the needs, We the Members of the District Bar Association, Mansehra give unto ourselves and adopt this Constitution today on the 28th of February, 2015, in the General Body meeting.

ARTICLE-I:

NAME

1. This Association shall be called the District Bar Association, Mansehra and the building in which it is housed shall be known as "Pineshades"
2. **INSIGNIA:**

The Association shall have the same insignia as that of the Kyber Pakhtunkhwa Bar Council with appropriate modifications, having inscriptions both in English and Urdu.

ARTICLE-II:

DEFINITIONS

- i. **The Association** means the District Bar Association, Mansehra and shall hereafter be called the Association.
- ii. **Constitution** means the Constitution of the Association.
- iii. **Defaulter** means a member who fails to pay monthly subscription for six months consecutively shall be termed as a defaulter.
- iv. **House** means members of the Association present in the meeting fulfilling the Condition of given quorum.
- v. **Member** means the member of the Association, who is holding legal practitioner's licence and whose name is borne on the membership/ monthly subscription register of the Association.
- vi. **Misconduct** shall be deemed to include.
 - a) Misbehaviour of any member inside a court room or within the Premises of the Bar Room (Pineshades)
 - b) Any gross violation of the professional ethics.
 - c) Violation of any rule/resolution passed and adopted by the Association.

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- d) Doing or omitting to do any act in contravention of the Constitution and the Rules/or the provisions of the Legal Practitioner's and the Bar Councils Act-1973 and Rules made thereunder.
- vii. **Voting Member** means a member of the Association fulfilling all the conditions as laid down in Khyber Pakhunkhwa Bar Council Rules and having attended 50% of the General Body meetings of the association during the preceding year and whose place of business is at Mansehra.

ARTICLE-III:

AIMS AND OBJECTS

The Association shall have the following aims and objects according to the needs of the time and the welfare of the legal fraternity.

1. To maintain and promote the Rule of Law and equity.
2. To promote, preserve and uphold the dignity and decorum of the Bar and the Bench and inculcate genuine adherence to the professional etiquette and legal ethics.
3. To create and sustain feeling of amity and understanding amongst the members of the Association and develop sense of co-operation and good-will between the Bar and the Bench.
4. To struggle for the civil liberties & human rights.
5. To encourage and promote the members and help them in increasing legal knowledge.
6. To assist honestly and earnestly the Bench in the administration of justice and eradication of all sorts of malpractices/injustices.
7. To keep a constant liaison with other Bar Associations in the country and abroad in order to promote unity and understanding and also to keep in touch with the latest developments in the professional activities.
8. To provide avenues for the creative and constructive activities to the members of the Association, including creation of opportunities to arrange group tours of the members within the country or abroad in liaison with concerned Bar Associations.

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ARTICLE-IV:

ADMISSION/MEMBERSHIP

1. Any person duly enrolled with Khyber Pakhtunkhwa Bar Council or any other Bar Council of the Country (Pakistan) as an Advocate shall be eligible to become a member of the Association as per Rules of the Association: -

ARTICLE-V:

REMOVAL/DISQUALIFICATION OF A MEMBER

- 1) Any Member who becomes defaulter his name shall be struck off from the membership.
- 2) The defaulting member shall not be entitled to enjoy the facilities available and privileges offered by the Association.
- 3) Any member who is practically engaged in any other profession, gainful business or employment and is ostensibly not a practicing lawyer, his membership shall stand suspended.
- 4) A member shall entail disqualification.
 - a) Who is guilty of professional misconduct and has been disqualified as per Khyber Pakhtunkhwa Bar Council Act and Rules made there under;
 - b) Who has deliberately violated any resolution(s) passed by the association.
 - c) Who is a tenant/lessee of the Association and is a defaulter for more than six months without any plausible reason/ground,
- 5) In case of the withdrawal or removal of disqualification, the disqualified member can seek the membership of the Association, fulfilling all the prescribed requisites, denovo.

ARTICLE-VI:**ANNUAL ELECTIONS AND ELECTION BOARD**

- 1) Each year the elections of the Association shall be held on the last Saturday of March and/or on the working day immediately following if the saturday is a closed holiday.
- 2) In its general body meeting the Association shall appoint an Election Board comprising of a Chairman and three (3) members before the 15th of March each year and the Election Board shall announce the election schedule with in three days and shall be responsible for holding the elections of the cabinet/ managing committee.
- 3) The Chairman Election Board shall take into possession/Custody the register of minutes, the register of accounts, the register of the attendance of the General Body and the Cabinet minutes register, stock register of the Association and the Club and the register of monthly subscription/membership and/or any other relevant record.
- 4) The Chairman Election Board shall conduct and supervise the annual election and his decision(s) regarding all the matters relating to the annual elections, shall be final and binding.
- 5) The result of Annual Election shall be declared and announced in the presence of the contestants and/or their authorized agents immediately after the polls and counting of the ballots.
- 6) In case of tie the result shall be obtained through the drawing of lots and the result shall be final and binding.

- 7) Any canvassing and electioneering by the contestants and/or their supporters outside the District Bar Room (Pineshades), offices of the members and premises of the courts, in any form, shall be strictly prohibited and shall entail disqualification.
- 8) The Chairman Election Board can suo-moto or on pointation of any member/candidate stop any member from casting his vote being doubtful about his eligibility as a voter and the burden of proof of innocence/inadvertence will lie on the member in question.
- 9) The Chairman Election Board shall display a list of eligible voters along with the schedule on the notice board and this shall be the final list of the voting members for that year.

ARTICLE-VII:

THE CABINET/MANAGING COMMITTEE

1. The Cabinet/Managing Committee shall consist of the President, the Vice President, the General Secretary, the Joint Secretary, the Library Secretary-cum-Finance Secretary, the Club Secretary and Executive Members, five (5) in number, elected directly by the Voting Members.

ARTICLE-VIII:

FUNCTIONS & QUALIFICATIONS OF THE CABINET:

1. The Cabinet/Managing Committee shall consist of the President, the Vice President, the General Secretary, the Joint Secretary, the Library Secretary-cum-Finance Secretary, the Club Secretary and Executive Members, five (5) in number, elected directly by the Voting Members.

1. PRESIDENT:

- a) The President shall have all administrative and supervisory powers and shall preside over all the meetings of the cabinet, General Body and all other functions of the Association.
- b) He may have the powers to spend Rs. 30,000/- a month for contingency expenditures and shall get the approval of all such expenditures in the next general body meeting of the Association.

- c) The President in consultation with the cabinet shall have the power to appoint/constitute ADHOC house committees and sub-committees for the purpose of making rules, audit, disciplinary matters and fund raising etc.
- d) The president shall be the custodian of the entire property both movable and immovable of the Association and shall be responsible for its proper maintenance and shall be answerable in case of its loss/damage to the House.
- e) The President shall have to convene and hold an emergent meeting requisitioned by at least twenty five (25) members through written request after approval of the Cabinet.
- f) The President shall convene and hold a General Body meeting on the first Saturday of every month to discuss the day to day affairs of the Association along with the performance of the cabinet.
- g) Any Voting Member having at least 15 years practice at the Bar can be candidate for the post of the President subject to fulfillment of the other criteria laid down by the Khyber Pakhtunkhwa Bar Council and the Association.

2. VICE PRESIDENT:

- 1) The Vice President shall exercise/discharge all the powers, duties and functions of the President except financial powers in his absence.
- 2) Any voting member having at least 10 years practice at the Bar is capable to be a candidate for the post of Vice President subject to the other criteria laid down by Khyber Pakhtunkhwa Bar Council and the Association.

GENERAL SECRETARY:

- 1) The General Secretary, besides acting as the stage secretary, shall also maintain the record of minutes of the meetings of the Association/the cabinet, record of correspondence, notices issued and notified, the resolutions passed by the Association and attendance register and shall also be one of the co-signatory with the President to issue the cheques pertaining to the account of the Association.

- 2) The General Secretary shall be responsible for the maintenance of proper record of accounts, finances and funds received from different means, sources and the assets of the Association and its expenditures with the assistance of the Finance Secretary.
- 3) Any voting member having at least 7 years practice at the bar shall be eligible to contest for the post of General Secretary subject to other criteria laid down by Khyber Pakhtunkhwa Bar Council and the Association.

JOINT SECRETARY:

- 1) The Joint Secretary shall perform all the duties and functions in the absence of the General Secretary.
- 2) Any voting member having at least 03 years practice at the Bar shall be eligible to contest for the post of Joint Secretary subject to other criteria laid down by Khyber Pakhtunkhwa Bar Council and the Association.

THE LIBRARY-cum-FINANCE SECRETARY

- 1) The Library-cum-Finance Secretary shall look after Bar Library, and shall maintain the complete record of the books, monthly subscription of the members and monthly expenditure of the Association.
- 2) Any voting member having at least 03 years practice at the bar shall be eligible to contest for the post of Library-cum-Finance Secretary subject to other criteria laid down by Khyber Pakhtunkhwa Bar Council and the Association.

THE CLUB SECRETARY

- 1) The Club Secretary shall maintain record of the club members and monthly subscription of the club.
- 2) The Club Secretary shall be responsible for the management of the day to day affairs of the Bar Club.
- 3) Any voting member having at least 03 years practice at the bar shall be eligible to contest for the post of Club Secretary subject to other criteria laid down by Khyber Pakhtunkhwa Bar Council and the Association.

THE EXECUTIVE MEMBER

- 1) The Executive member shall assist the cabinet in all matters of the Association.

- 2) Any voting member having at least 03 years practice at the bar shall be eligible to contest for the post of Executive Member subject to other criteria laid down by Khyber Pakhtunkhwa Bar Council and the Association.

ARTICLE - IX

MEETINGS AND QUORUM:

MEETING:

A. GENERAL BODY MEETING:

- 1) The cabinet shall commence the first General Body meeting soon after taking oath on or before (15th) fifteen of April.
- 2) The cabinet shall present income/expenditure and any other matter related to it in the last General body meeting to be held in the last week of February every year.

A. EMERGENT MEETING:

The President on his own and/or the written request of at least 25 members shall requisition an emergent meeting with the approval of the cabinet.

A. MONTHLY MEETING:

There shall be a monthly General Body meeting to be held on 1st Saturday of every month and in case Saturday is declared a holiday on the next working day to discuss the day to day affairs of the Association.

B. QUORUM:

- a. The quorum for the General body meetings shall be not less than 1/5th of the total membership of the Association.
- b. The minimum quorum for the emergent meetings shall be 1/6th of the total membership of the Association.
- c. In case an Emergent Meeting, fulfilling the condition of requisite quorum is deferred/continued, after some break, there shall be no restriction/ bar of quorum on a meeting held subsequently relating to the previous subject/agenda.
- d. Ensuring the requisite quorum for any and every meeting shall be the responsibility of the cabinet.

ARTICLE -X**NO CONFIDENCE MOTION**

1. The President and/or any other member of the cabinet shall be removable through a no-confidence motion passed by the $\frac{2}{3}$ rd majority of the total voting members of the Association.
2. A notice of no-confidence motion bearing the signatures of at least sixty (60) members shall have to be given at least a week prior to the actual tabling of the motion.
3. The meeting of the Association in which no-confidence motion against the President is to be tabled, discussed and decided shall be presided over by a senior member, of the Association, with the consensus of the House.
4. In case the no-confidence motion is duly carried, the fresh election to the office fallen vacant, as a result thereof, shall be held within 30 (thirty) days of the notification of the passage of the resolution and the same procedure shall be adopted for the fresh election as laid down in Article-VI.
5. In case no-confidence motion fails, no such motion shall be competent before the expiry of ninety (90) days from the tabling of the earlier motion.
6. No-confidence cannot be moved once the election schedule has been announced.

ARTICLE -XI**FINANCES AND FUNDS**

1. The President and the General Secretary shall jointly operate and maintain the Association's account in some local (Mansehra) Branch of any Scheduled Bank, offering the best terms and conditions as well as other banking facilities.
2. Any amount donated to and/or meant for the Association shall have to be deposited in the bank account of the Association.

3. The President shall not be competent to spend more than Rupees thirty thousands (Rs. 30,000/-) per month in his official capacity and this amount shall not include the routine expenses like the salaries of the employees of the Bar.
4. The President shall have to seek prior permission from the House for extra expenses to be incurred on the construction, the renovation and the purchases etc, if and when required.
5. The President shall be answerable/accountable for all the expenses incurred during the given year to the house.

ARTICLE -XII

BAR CLUB AND CANTEEN

- 1) All members of the Association shall be the "ex-officio" members of the Bar Club.
 - a) The cabinet shall maintain and control the Bar Club and a Canteen in the Bar Room.
 - b) The Bar Club shall provide indoor and outdoor games along with other recreational facilities in the club.
 - c) The membership of the club shall be regulated by the cabinet including the membership fee as well as the requisites of the membership.
 - d) The membership of the Bar Club shall be confined to the members of the Association, the government officers and the elite.

ARTICLE -XIII

ANNUAL DINNER

The cabinet shall host an Annual Dinner/Lunch in the honour of the members of the Association, not later than the 15th of September, every year.

ARTICLE -XIV

INTERPRETATION OF AND/OR AMENDMENT IN THE CONSTITUTION/BY-LAWS/RULES.

- 1) The difficulty as to the interpretation of the Constitution and

amendment in the Constitution shall be met and adopted in a meeting by the 2/3rd majority of the voting members of the Association.

- 2) The framing of the by-laws/rules relating to all the matters which come within the ambit of the Constitution shall be in order and competent within the frame-work of the Constitution and shall be deemed part and parcel thereof.

ARTICLE -XV

REPEAL

The old Constitution adopted in the year 1996 and by-laws/ rules, if any, shall stand repealed immediately with the adoption of this constitution.

THE DISTRICT BAR ASSOCIATION, MANSEHRA RULES 2015.

In exercise of the powers conferred by Article-XIV (2), of the Constitution of District Bar Association, Mansehra 2015.

the District Bar Association Mansehra hereby make the following rules, namely:

The District Bar Association Mansehra Rules 2015.

PRELIMINARY

- 1) i. These Rules may be called District Bar Association Mansehra Rules-2015.
ii. These Rules shall come into force at once.
- 2) i. In these Rules unless there is any thing repugnant to the subject: -
a. The Association means District Bar Association Mansehra.
b. The Constitution means the Constitution of the Association.

3) ENROLLMENT & MEMBERSHIP: -

- a) The membership of the Association shall be sought through an Admission/application form obtainable from the Finance Secretary on the payment of a sum of Rs.200/- only, subject to revision.
- b) The registration fee for the membership for fresh entrant shall be Rs. 1000/- only, subject to revision.
- c) The admission form duly filled in and signed by the applicant shall be submitted to the President who, shall grant or refuse the admission,

giving plausible reasons, within one week of the submission of the admission form.

- d) In case of refusal of the admission, the applicant shall have the right to prefer an appeal to the Cabinet through the President, within one month, who shall convene an emergent meeting of the Association within a week from the date of filing of appeal.
- e) The applicant shall have the right to approach Khyber Pakhtunkhwa Bar Council in case the Cabinet turns down the appeal and the decision of the Khyber Pakhtunkhwa Bar Council shall be final.
- f) The monthly subscription shall be a sum of Rs. 50/- only, subject to revision, and shall be regularly paid to the Finance Secretary, each month.
- g) Any member who failed to pay subscription for four consecutive months his name shall be put up on the notice board as a warning and in spite of the said warning if the default persists for another 2 months, the name of the defaulting member shall be struck off from the membership register and Khyber Pakhtunkhwa Provincial Bar Council shall be duly informed by the President for taking appropriate action against him.
- h) The defaulting member shall not be entitled to enjoy the facilities and privileges provided and offered by the Association.
- i) The President may restore the membership of the defaulting member on his written request after payment of the entire dues outstanding against him alongwith the admission fee as prescribed in Rule-3.

ELECTION BOARD

Qualifications of Chairman and Members Election Board shall be as under: -

- a) The Chairman shall have the standing as an advocate for 10 years whereas the member shall have the standing for 7 years.
- b) The Chairman may appoint any number of Voting Members as required for assistance of holding election.
- c) The Chairman and members Election Board shall have to be the Voting Members of the Association.

LIBRARY

- a) There shall be a librarian who shall assist the library Secretary for maintaining the library accordingly.
- b) The Library Secretary/Librarian shall be responsible for any loss of books, computers and photo copying machine and other electronic devices etc.
- c) The Library shall remain open during the working hours.
- b) No book shall be issued from the library however photocopy of required pages can be obtained from the librarian on the payment after obtaining a receipt thereof.

RECORD & REGISTER OF THE ASSOCIATION.

The following registers shall be maintained by the Cabinet.

- i. Enrollment/membership register
- ii. Account Register.
- iii. Stock Register.
- iv. Library Books Register.
- v. Attendance Register of General Body meetings.
- vi. Register of minutes of General Body meetings and the Cabinet meetings.
- vii. Monthly Subscription Register.

RESTRICTIONS

1. Holding/hosting any Dinners/Lunches/Tea Parties, in the honour of the voting members, during the election campaign shall be strictly prohibited and any violation shall entail disqualification.
2. Providing/arranging any transport/conveyance, for facilitating the voting Members, during the election campaign shall be strictly prohibited and any violation shall entail disqualification.
3. Clearance of dues, outstanding against any voting member(s), by any candidate during the election campaign shall be strictly prohibited and any violation shall entail disqualification.
4. Violation of any article of the constitution by any member of the cabinet shall entail disqualification.