

**THE CONSTITUTION OF
DISTRICT BAR ASSOCIATION ABBOTTABAD-1986 AS
AMENDED UPTO JANUARY,2014**

PART-1

ARTICLES	CONTENTS	PAGE NO
1	Introduction	1-2
2	Definitions	2
3	Membership	2
4	Procedure for admission as member	3
5	Disqualification of member	4
6	Exemption from monthly subscription	5

PART-2

7	General Body	6
8	Executive Committee of Association	7
9	Annual General Election	7
10	Nomination for Election	8-10
11	Power and Duties of Chairman Election Board	10
12	Tie Election	11
13	Dispute-Tribunal	11
14	Decision of the Chairman Election Board	12
15	Power of Tribunal	12

PART-3

16	Office Bearer of the Association	13
17	President	13
18	Vice President	14
19	Secretary	14
20	Additional Secretary	15
21	Secretary Library	15
22	Finance Secretary	16
23	Club Secretary	17
24	Bar Club Rules and Regulations	17
25	Functions of Club Secretary	18
26	Income of Club and other relevant Record	18
27	Expenditure of Club	19
28	Functions of Cabinet Members	19
29	Executive Committee	20
30	Removal of office Bearers	20
31	Financial Matters	21-22
32	Decision Validation	23
33	Special Clause	23

34	List of Executive Committee for the year Of 2013-2014	24
35	Appendix “A”	25-29
36	Appendix “B”	30-31
37	Appendix “C”	32-33

(In the name of ALLAH, the most beneficent, the most merciful)

**Constitution of the District Bar Association Abbottabad
1986 (as amended) Up to Date 2013**

Whereas, it is expedient to amend and recast the exiting Constitution of District Bar Association Abbottabad for the smooth and efficient function-Ing of the Association. Now therefore, it is resolved and laid down as follows:-

1. Name

The name of the Association shall be the bar Association, Abbottabad.

2. Definitions:-

In this Constitution, unless the subject or context otherwise Provide:

- I. "Association" shall mean, the District Bar Association, Abbottabad.
- II. "Constitution" shall mean Constitution of the District bar Association, Abbottabad.
- III. "General Body" shall mean General Body of the Members of the Association.
- IV. "Executive Committee" shall mean the Executive Committee constituted under the Constitution.
- V. "Fiscal Year" means period starting from 1st April, to 30th March next year. (* a)
- VI. "Advocate" means an advocate whose name is borne on the roll of Bar Council and in the register maintained under the rules. (**a)
- VII. "Active practice" means, regularly practicing as an advocate and appearing before the court of law regularly. (**a)
- VIII. "Bar Council" means KPK Bar Council. (**a)
- IX. "Act" means the legal practitioners & bar council Act, 1973 (XXXV of 1973) (**a)

3. MEMBERSHIP:-

Any person who has been admitted by Bar Council in Pakistan to practice as an advocate and whose ordinary place of business is in Abbottabad shall subject to the provisions of this constitution be eligible for membership of the Association.

(* a) (**a) Words April and March has been substituted by way of amendment of General Body meeting held on 21/12/2013 in view of Notification of Pakistan Bar Council Vide No. 455/PBC/SEC 2013 dated May 2nd, 2013

4. **PROCEDURE FOR ADMISSION AS MEMBER OF THE ASSOCIATION**

- a) Subject to the Provisions of this Constitution as the existing members shall be deemed to be members of the "Association" from the date of adoption of the constitution.
- b) Any Advocate. Who wishes to become Member of this Association, shall apply on the prescribed Form given in **Schedule-I** (Appendix-c) to the President of the Association, which will be placed before the Executive Committee for consideration. If the Executive Committee refused any such application, it shall record its reason; thereafter the decision of the Executive Committee shall be conveyed to the Applicant and shall also be placed on Notice Board which will be deemed as Notice served on the applicant. Any member aggrieved by the decision of Executive Committee, may prefer an appeal before the General Body of the Association within 30 days. Decision of the General Body shall be final and shall not be challenged before any forum.
- c) The application of a candidate who has once been refused by the Association may be entertained subsequently after disqualification /objection is removed or cleared.
- d) Admission Fee of the Association shall be Rs. 3000/- for fresh graduate and
 - Rs. 3000/- (below thirty years of age)
 - Rs. 6000/- (below forty years of age)
 - Rs. 10000/- (below fifty years of age)
 - Rs. 20000/-(above fifty years of age) for retired applicants.
 - Monthly subscription shall be Rs. 100/-

4. **DISQUALIFICATION OF MEMBERS**

- (a) Any member who:-
 - (i) Fails to pay monthly subscription without any reasonable cause for a Period of one year.
 - (ii) Undertakes whole time employment with the GOVERNMENT, local bodies statutory Bodies, Firms, companies or is engaged in domestic affairs by reasons which he neither accepts the brief from the clients, nor visit the Bar Room of the Courts for professional purposes.
Who has been held guilty of professional Misconduct by a competent authority And by reason thereof his license to practice has been cancelled or suspended.
 - (iv) Who has been refused enrollment by KPK Bar Council .(*d)
 - (v) Who has been convicted of an offence involving moral turpitude, shall cease to Be a member form the date of such disqualification .
 - (vi) Is lessee of the District Bar Association in respect of any office, fails to pay Money of such office without any reasonable cause for a period of one year.

5. **EXEMPTION FROM MONTHLY SUBSCRIPTION.**

If any member, at any time prevented from professional practice for a period of more Than four months by reason of illness , preventive detention or any other cause beyond his control , he shall for such period be required, to pay a token subscription of Rs. 30/- per month for such period and his such absence shall not effect his membership Rights.

Provided the Association is informed in writing within four months of his such disability by himself or through any other Advocate of this Bar Association duly supported by an affidavit.

(*d) Ibid. Substituted by the word Kpk

(*dd) Amended by General Body meeting on 06/01/2004

(*ddd) Rs 1/-enhanced to Rs.30/- by way of General Body meeting on 21/12/2013

PART-II

7. GENERAL BODY

- a) 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 and controlling Authority of The Association .
- b) All decisions of the General body shall be expressed in the form of Resolutions.
- c) Except, otherwise, provided in the constitution, all ordinary decisions in the General Body shall be taken by simple majority.
- d) The Quorum for a meeting of the General Body shall be one fourth of the total members of the members borne on the Register of members. Provided a meeting adjourned for lack of Quorum, shall not require any Quorum when held subsequently on the date and time notified by the President in that meeting on the same agenda.
- e) The General Body may make rules to carryout the purposes of this Constitution and to regulate the affairs of the Association, the Bar Club, the Library and Cafeteria of the Association .

8. EXCEUTIVE COMMITTEE THE ASSOCIATION

- (a) There shall be an Executive Committee of the Association consisting of Electing office bearers, namely the President, Vice President, Secretary, Additional Secretary, Finance Secretary (*e), Secretary Library, Club Secretary and four cabinet members.
- (b) The President in consultation with Executive Committee may makes its own procedure for the disposal of business before it.
- (c) The President may co-opt, not more than three members of the Association in consultation with the Executive Committee, to discharge such functions as may be assigned to them by the President, provided they shall not be allowed to vote for or against on any issue before the Executive Committee.

9. **ANNUAL ELECTIONS**

Annual General Elections of the Association shall be held on last Saturday of March every year (*f). The President shall appoint one of the active members of the Association to Act as a Chairman Election Board. The Chairman Election Board shall issue a Schedule of Elections to be held, providing therein the date of nominations, security, withdrawal etc, and the date and time of polling.

(*f) Amended by way of General Body meeting held on 21/12/2013, as per Notification no.455/PBC/2013 dated May, 2nd, 2013 issued by Pakistan Bar Council and Notification of KPK Bar Council vide no. 1073/KPK/c dated 09/09/2013

9-A . **PREPARATION LIST OF ELIGIBLE VOTERS** (*g)

The President / Secretary of Bar Association shall prepare a list of eligible voters At least two months before the date of election and display it on the notice Board of the Bar Association and shall also notify it to members of the Association inviting objections, if any, the list will be given final shape viz a- viz due for the purpose of election of Bar Association and send it to provincial bar Council for authentication, at least thirty days before the date of election. The Provincial bar Council shall notify the list of earliest but not later than twenty days before the date of election.

9-B **RIGHT OF VOTE** (*h)

- (*a) No member of Bar Association shall have a right of vote in the election unless he has completed at least six months being member of the Bar Association concerned.
- (*b) Before poll of votes, the voter shall have to produce his identity card issued by concerned Provincial Bar Council of the Bar Association.
- (*c) No member of Bar Association shall have the right of dual vote.

(*g), (*h) Amended by way of General Body meeting held on 21/12/2013, as per Notification no. 455/PBC/2013 dated May, 2nd, 2013 issued by Pakistan Bar Council and Notification of KPK Bar council vide no. 1073/KPK/C dated 09/09/2013. (*hh) Rs30/- enhanced to Rs.100/- by way of General Body meeting on 21/12/2013

10. **NOMINATION FOR ELECTIONS**

- (*a) All nominations shall be on a presubscribed forms which shall be supplied by the Election Commissioner on payment of Rs. 100/- (*hh)
- (*b) Every nomination shall be proposed or seconded by a member in writing and shall be signed by such proposer and seconder.
- (*c) No member shall propose or second more than one candidate for the same office.
- (*d) A candidate may be nominated through more than one nominations .
- (*e) Provided that a candidate for the post of President shall have atleast (15 year) (*i)
For the post of vice President (10 years) and Secretary shall have atleast (7 year)
Active practice at the bar.

10-A **CODE OF CONDUCT FOR CONTESTING ELECTION OF BAR ASSOCIATION** .

- (*a) No contesting candidate or his supporter shall canvas for vote through Advertisement , banners, play-cards, stickers and posters.
- (*b) No meal, lunch, dinner by a contesting candidate or his supporter will be Given To voters directly or indirectly in connection with Election campgain.
- (*c) it shall be the pre request that contesting candidate for an office of Bar Association is purely a professional practicing Advocate and is member of The Bar Association concerned for not less than three years having active Length of practice as under :-

(*i), (*j), (*k) Amended by way of General Body meeting held on 21/12/2013, as per notification no.455/PBC/2013 dated may,2nd, 2013 issued by Pakistan Bar Council and Notification of Kpk Bar Council vide No. 1073/KPK/C dated 09/09/2013

POST	LENGTH OF SERVICE
President	15 years (fifteen Years)
Vice President	10 years (ten years)
Secretary	07 years (Seven years)
Other Office i.e. Additional, Finance, Library Secretary/ Members of Executive Committee	03 years (three years)

EXPLANATION

- (i) To meet the requirements being a professional practice Advocate, the Candidate shall file certified copies of power of attorney atleast of 15 Cases per year, relating to proceeding (03) year. And.
- (ii) The length of practice as mentioned above means active practice as an advocate of subordinate courts for contesting election against an office of District Bar Association.

10-B (*1) **QUALIFICATION OF CHAIRMAN AND MEMBERS ELECTION BOARD**

The qualification for Chairman and Members of election Board for holding Election of a Bar Association.

- (a) For election of District Bar Association, the Chairman shall have the standing as an Advocate of lower court for 10 years whereas, the member for seven years.

11. **POWERS & DUTIES OF CHAIRMAN ELECTION BOARD**

- (a) After close of the poll, chairman Election Board shall count the votes in the Presence of the contesting candidate or their duly appointed agents or Nominee or other members as may be allowed by the chairman Election Board.

Amended by way of General Body meeting held on 21/12/2013, as per Notification No. 455/PBC/2013 dated May, 2nd, 2013 issued by Pakistan Bar council and Notification of KPK Bar Council vide No. 1073/KPK/C dated 09/09/2013

- (b) The Chairman Election Board may allow such other members to witness the Count as he may deem proper.
- (c) The Chairman Election Board may require any member to assist him in the count. After the close of the count, the Chairman Election Board shall announce the result and place the result of the count on the Notice Board.

12. **TIE ELECTION**

In case of Tie between the contesting candidates, the result should be secured by Drawing lots.

13. **DISPUTE - TRIBUNAL**

- (a) Any Dispute arising out of election may be referred to the General Body by the Chairman election Board (*m) within three days of the election.
- (b) The General Body may decide itself or may appoint a tribunal to resolve Or decide the dispute referred to it. The decision of the Body of the tribunal Shall be final and shall not be called in question in any court of law. Provided further that if the dispute arising out of Presidential Election, the most senior active member of the Association (as per role) shall preside over the meeting.(*n)

13-A **APPOINTMENT OF TRIBUNAL**

General Body shall appoint by vote of majority, the election tribunal consisting Upon most senior active members as a Chairman and two other members of the Tribunal having the active practice not less than fifteen years (15).

14. **DECISION OF CHAIRMAN ELECTION BOARD**

Subject to the provision of Article (14), above all decisions of the chairman Election Board (*p) made in good faith in the discharge of his functions, shall Be final and shall not be called in question by any candidate or member before Any forum.

15. **POWER OF TRIBUNAL**

The tribunal may declare election of a candidate as void, if after recording such Evidence as may be produced and hearing the parties, the Tribunal finds that the Result of the election was procured by any candidate through illegal and corrupt Practices : the Tribunal shall decide the election petition within ten days, after it

Enters upon the reference, failing which the Tribunal shall become functus officio and the dispute shall be decided by the General Body itself.

PART-III

OFFICE BEARERS OF THE ASSOCIATION

16. THE PRESIDENT

- (a) The President shall be Chief Executive of the Association and shall be Responsible to the general Body for smooth and efficient working of the Association .
- (b) All office Bearers shall act the direction of the President in the discharge of Their respective duties.
- (c) The President shall be the Chief Custodian of the funds and moveable or immoveable property of the Association and shall manage it in the best interest of the Association. As may be desired by the General Body. The President shall sign all correspondence, cheques, bills, vouchers etc for Payment from the funds of the Association.
- (d) All payments shall be made through cheques. The President and Secretary(*q) shall sign payment out of the Bar fund of Association respectively.
- (e) Subject to the Approval of General Body , The President may enter into Agreement/contract on behalf of the Association with any person . Firm Company or the Government, and execute deeds to acquire immoveable Property in the name of the Association or to pledge let on rent or lease nay immoveable property of the Association for a period not exceeding one year.
- (f) All executive function of the Association shall be expressed in the name of The President .
- (g) The President shall preside over all the meetings of the General Body and Executive Committee.
- (h) If the office of the President falls vacant for more than four months before the Expiry of fiscal year, then there shall be held a fresh Election for the office Of the President only within ten days of such vacancy. In any other case, the Vice President for the unexpired period.

17. **THE VICE PRESIDENT**

In the absence of the President, the Vice President shall perform all functions Of the President and such other function as may be assigned to him by President.

18. **THE SECRETARY**

- (a) The Secretary shall be in charge of the office of the Association. He shall Maintain all records of the Association.
- (b) The Secretary shall act under instructions and in consultation with the President In the discharge of his duties. He shall maintain the Accounts and records of as Assets as well as all other records of the Association and shall make such correspondence with any other person or authority as may be necessary in interest of the Association. The Secretary shall issue and sign all notices convening meeting under the directions of the President.
- (c) Any requisition submitted by any member of the Association shall be placed by The President before the General Body within seven days of the receipt failing Which the Secretary of the Association shall place the same for appropriate decision within three days after expiry of seven days above mentioned.

19. **THE ADDITIONAL SECRETARY**

The Additional Secretary shall assist the secretary in discharge of his duties as may be required and shall act as Secretary to perform all functions of Secretary in his absence.

20. **SECRETARY LIBRARY**

Secretary Library shall be overall in charge of the library, subject to general Supervision of president and shall be particularly responsible to do and perform The following functions:-

- (a) Maintenance of proper records of the funds books of library and those which may be purchased from time to time in future.
- (b) To maintain proper account of the funds which may be earmarked for the purpose of the library and maintain proper records of expenditure which may be incurred for the purpose of library.
- (c) To give instructions , which may be considered appropriate for issuance of Books to the members and their return.
- (d) To adhere with and enforce the rules of the library already founded under the Constitution.
- (e) Generally to do such other acts in consultation with the President as may be Considered useful for the proper maintenance and upkeep of library.

20-A FINANCE SECRETARY

- (a) The Finance Secretary shall be overall in charge of finance matter subject To general supervision of the President.
- (b) He shall prepare quarterly financial report of Bar Association along with the Statement of assets and liability of the Association including Bar Club and shall Place it before the committee and submit his recommendation for improvement Of financial position of the Association.
- (c) Subject to the direction and control of Executive Committee, he shall be responsible for raising funds for Association.
- (d) The Finance Secretary shall maintain proper account of Association in such form as the committee may form time to time prescribe.
- (e) The Finance Secretary shall caused to be prepared and place on the notice board Every month, an account showing the amount due from members of Association And issue notices to them.
- (f) The Finance Secretary shall be entitled to hold a cash of Rs. 5000/(five thousands) To meet any urgent expenditure.

21. THE CLUB SECRETARY

The Club Secretary shall be in charge of the Bar Club and shall discharge his Functions in consultation with the President.

22. BAR CLUB RULES AND REGULATIONS

The Association has already made rules for the club, which shall adhere to and Enforce by the society for the smooth and efficient functioning of the Bar Club All members of this Association shall be deemed to be the member of the club.

23. FUNCTIONS OF THE CLUB SECRETARY

The Club Secretary shall sign all cheques ,bills and vouchers etc of the value upto Rs.500/- any cheque voucher or bill more than the value of Rs.500/- shall be counter Signed by the President also.

24. INCOME OF CLUB AND OTHER RELEVANT RECORD

The income of the Club should be deposited in the bank in the name of Bar Club Abbottabad by the Club Secretary and will maintain complete record of the income And expenditure of the Club as well as the assets of the Club (*u) and shall submit income and expenditure statement to the Finance Secretary under intimation to the President.

25. EXPENDITURE OF THE CLUB

- (b) The expenditure of the Club shall be incurred after approval by the Executive Committee.
- (c) The Club Secretary shall prepare the statement of the accounts and expenditure And shall follow the Financial rules of the Association, and shall exercise financial powers as that of General Secretary of the Association.

26. CABINET MEMBERS

- (a) Four Cabinet members shall be elected by the General Body to assist the office Bearers in the discharge of their duties.
- (b) The cabinet members shall perform such functions as may be assigned to them by the President or the Executive Committee.

27. EXECUTIVE COMMITTEE

- (a) The Executive Committee shall consist of all the office bearers and Cabinet Members.
- (b) The Executive Committee shall make arrangements to execute and implement The decisions of the General Body .
- (c) Subject to the approval of the General Body , the Executive committee shall Record sanction for appointment of employees of the Association and shall Determine their term and conditions of service.

28. REMOVAL OF OFFICE BEARERS

An office Bearers may be removed from the office by passing a vote of no confidence In the General Body by 2/3rd majority of the total members on the roll.

- (a) If any office of the President falls vacant during the term of the President vacant During the term of term of a fiscal year, the office shall be filled in by the President By nomination in consultation with with the executive Committee for the remaining Period of that fiscal year.
- (b) The meeting of the General Body for amendment of this constitution or for no - Confidence motion shall be held at the requisition of at least fifty members. The President or the Vice President shall convene the meeting within seven days of the Receipt of such requisition and shall notify the date and time for the meeting on Receipt of such requisition. 2/3rd of the total number of members shall form the quorum. Votes of no confidence shall be passed by 2/3rd majority , of the total enrolled members. The same majority can alter, amend or abrogate the Constitution except Article 9-A, 9-B, & 20-A. (*v)

(*t) Amended by way of General Body meeting held on 21/12/2013, as per notification No 455/PBC/2013 dated May 2nd ,2013 issued by Pak Bar Council and Notification of KPK Bar Council vide No.1073/Kpk/C 09/09/2013

- (c) If the No confidence motion is against the President, the Vice President shall preside the meeting.
- (d) If no confidence motion is against the entire office bearer, the Chairman Election Board of the year shall preside over the meeting. The motion for no confidence shall Be tabled by the Chairman of the meeting.
- (e) The office bearers against whom the no confidence motion is to be moved shall be Informed in writing of the date and time of such meeting at least 3days prior thereto, To express himself in defence. If the office bearer against whom no confidence motion is tabled, is absent from the meeting despite service of notice, the proceeding of meeting shall be carried out in his absence . The decision of General Body shall be on the basis of secret ballot and shall be final, and shall not be called in question before any forum.

29. **FINANCIAL MATTERS**

- (a) All the funds of the association shall be kept in a bank in the name of the Association .
- (b) All expenditure shall be incurred with prior approval of the Executive Committee Or the General Body as the case may be.
- (c) The Expenditure for more than 25000/- (twenty five thousands) (*w) shall be approved by the General Body . All other expenditure shall be approved by the Executive Committee.
- (d) The Secretary, Finance Secretary and Club Secretary , Shall be entitled to hold Cash money with them to the extent of Rs. 5000/- each to meet any incidental Expenditure.
- (e) All expenditure in connection with the affairs of the Association shall be supported by a bill or voucher certified by the office Bearer of member through whom the amount is spent.
- (f) All income receipt shall be signed by the President, the Secretary or the Club Secretary as the case may be and shall be deposited in the bank.
- (g) The President of the Association shall appoint the audit Committee consisting of Not less than (3) members one month before the holding of General Election to Audit the accounts of the Association. The Audit Committee shall submits its report within 10 days to the President of the Bar Association who shall within One week from the receipt of report of Audit Committee call the meeting of The General Body and shall submit his detail accounts i.e. Income and expenditure

Together with the report of audit Committee before the General Body . If no discrepancy is found in accounts , the same shall be confirmed by the General Body other wise the President shall be responsible to account for the discrepancy And to remove the same as may Be decided by the General Body meeting.

30. **DECISION VALIDATION**

All acts done, agreements entered into, expanses incurred and decisions taken Shall be deemed to have been done this constitution and shall stand validated.

31. **SPECIAL CLAUSE**

The amendment introduced under Article 9-A, 9-B, 10-A,10-B & 20-A in constitution in view of second amendment in Pakistan Legal Practitioners and Bar Council Act, 1973 (XXXV of 1973) Rules 2013, therefore General Body shall not have power to make any change in the said Article, unless and until any change/amendment made by Pakistan Bar Council.

Noto Beno The previous constitution of this Bar is hereby substituted by this Constitution.

Now, therefore it is resolved to adopt this amended constitution on this 1st day of January, 2014

PRESIDENT
District bar Association.
Abbottabad

(*x) special clause inserted by way of decision of General Body Meeting heald on 21/12/2013 in view of Notification No. 455/PBC/2013 dated May, 2nd, 2013 issued by Pakistan Bar Council (Appendix-A) and Notification of KPK Bar Council vide No. 1073/KPK/C dated 09/09/2013 (Appendix-B)

