

**MEMORANDUM OF ASSOCIATION
OF
ISLAMABAD DISTRICT BAR ASSOCIATION
2016**

{December 16, 2016}

PREAMBLE

Whereas, it is expedient and necessary to provide a guideline and mechanism for regulating, maintaining and conducting the business and affairs of the Islamabad District Bar Association, properly, effectively, efficiently and smoothly and within certain parameters and the circumstances rendered it necessary to formulate and make the Memorandum for Islamabad district Bar Association. Therefore, the General House in its meeting dated 16-12-2016 have passed the following Memorandum of Association which received the approval of Islamabad Bar Council vide letter No. 737/SEC/IBC/2017 dated 13-01-2017.

CHAPTER – 1

1. SHORT TITLE

- (a) This Memorandum shall be called “The Memorandum of Association of Islamabad District Bar Association 2016”.¹
- (b) It shall come into force with immediate effects.
- (c) It shall apply to all the members of the Association.

1. NAME

- (a) An Association of Lawyers of Islamabad shall be called and known as Islamabad District Bar Association.

¹ Memorandum of Association of Islamabad District Bar Association 2016, as amended in the meeting of Executive Committee of Islamabad Bar Association held on 13-11-2019 and as unanimously passed/approved by the General House in a meeting held on 06-12-2019.

2. DEFINITIONS

In this memorandum, unless there is anything repugnant to the subject of context:

- (a) "Advocate" means an Advocate, whose name is borne on the Roll of Advocates, maintained by the Islamabad Bar Council.
- (b) "Association" means the Islamabad District Bar Association. Provide that there shall be no other Association or body or forum of lawyers with any name or style or design at the District level of Islamabad.
- (c) "Committee" means a committee constituted by the President to conduct the affairs of the Association.
- (d) "Council" means Islamabad Bar Council constituted under Act V of 2014 dated 18-06-2014.
- (e) "Voter Member" means an Advocate whose name, for the time being, appears on the Roll of the Association as a Voter member and his name appears in the Voters list and he has not been declared as a defaulter by the Association.
Provide that no member of the Association shall have a right of vote unless he has completed at least six months of his being member of the Association till 5th of November.
- (f) "Non-Voter Member" means a member of the Association, who is registered as a Non-Voter member.
- (g) "Office Bearer" means the President, the Vice-President, the Secretary, the joint Secretary, the Finance Secretary, the Library Secretary and Ten Members of the Executive Committee, as may be elected under this Memorandum or any other person, to whom all or any of the functions of any office, for the time being, are assigned by the Executive Committee.
Provided that the Members of the Council, by virtue of their office, shall be ex-officio Members of the Executive Committee.
- (h) "Election Board" means a board constituted by the President under Chapter II of the Memorandum to conduct the elections, consisting of three senior members of the Association, one of them having not less than 10 years standing to act as a Chairman and two of them having not

less than 7 years standing at the Association to act as members.

- (i) "Eligible Candidate" means a full time and regularly practicing member of the Association, having practiced at the time of filing of nomination papers for a period of not less than (i) 10 years for the office of the President (ii) 8 years for the office of Vice-President (iii) 7 years for the office of Secretary (iv) 3 years for member executive and others offices or as may be determined by the Pakistan Bar Council from time to time.

Provided that the candidates must have been a voter member of the Association at least for a period of 3 years till the day of filing of the nomination papers.

- (j) "Meeting" means the meeting of the Executive Committee, General House and the committees.
- (k) "Annual Meeting" means a meeting of the General House, convened by the President for the approval of annual accounts and report on the performance of the Executive Committee.
- (l) "Special Meeting" means a meeting of the General House, convened by the President for any Special purpose.
- (m) "Emergent Meeting" means a meeting of the General House convened by the President on any urgent issue.
- (n) "General Meeting" means a meeting of the General House, convened by the President to deal with the ordinary business of the Association.

3. AIMS AND OBJECTS

The aims and objects of the Association are to:-

- (a) Struggle for the civil liberties, human rights, supremacy of the Constitution and for rule of law.
- (b) Regulate the professional activities and business of the members of the Association.
- (c) Facilitate the members in performance of their professional duties.
- (d) Preserve, promote and safeguard the interest of its members.

- (e) Maintain higher professional standards of probity and integrity amongst its members and to check and eradicate un-professionalism and mal-practices.
- (f) Promote professional competence; enforce standards of ethical conduct and to encourage a spirit of public service among its members.
- (g) Strive to remove any difficulty faced by the members of the Association.
- (h) Execute and implement all instructions, guidelines and decisions of Pakistan Bar Council and Islamabad Bar Council made from time to time.
- (i) Promote and arrange academic sessions and educational programs in order to enhance the professional capability of its members.
- (j) Launch schemes and programs for providing Housing, Medical and other facilities to its members as deemed necessary and proper.

CHAPTER – II

POWERS AND DUTIES OF THE OFFICE BEARERS

1- PRESIDENT

- (a) The president shall be responsible for ensuring compliance and implementation of the legal Practitioners and Bar Councils Act 1973, the Pakistan Legal Practitioners and bar Councils Rules 1976, this Memorandum and any other instructions or guideline given by Pakistan Bar Council and Islamabad Bar council, from time to time.

- (b) He shall convene and preside over the meeting of the executive Committee and the General House.
- (c) He shall have a casting vote in case of equality of votes while deciding any resolution in the General House or in any Committee.
- (d) He will be the administrative controller and will enjoy the executive authority of the Association.
- (e) He shall maintain the dignity and prestige of the profession.
- (f) He shall exercise control over the employees of the Association.
- (g) He shall have the disciplinary control over the clerks/munshis of the members of the Association.
- (h) He shall, on being satisfied, issue identity cards to the clerks/munshis of the members of the Association.
- (i) He may constitute different committees from members of the Executive Committee for effective management of the affairs of the Association, whenever so required.
- (j) He shall constitute the Election Board comprising of the three senior members of the Association for the Annual General Elections one week before the issuance of the Election Schedule by the Executive Committee.

2. VICE-PRESIDENT

The Vice President, in the absence of the president, shall exercise all the powers of the President and in absence of both, the members of the Executive Committee shall elect one of its members to preside over the meetings.

3. SECRETARY

It shall be the duty of the Secretary to:-

- (a) Keep and maintain all the record and registers of the Association.
- (b) Issue notice for the meeting.
- (c) Record the minutes of meetings.

- (d) Execute the decisions of the Executive Committee.
- (e) Handover all the registers and the record of the Association at the end of his tenure to the newly elected Secretary.

4. JOINT SECRETARY

The joint Secretary, in the absence of Secretary, shall exercise all the powers and duties assigned to the Secretary.

5. FINANCE SECRETARY

- (a) The Finance Secretary shall prepare the budget for the year, showing expected income and expenditure for the year.
- (b) The Finance Secretary shall report for action to the President of any defalcation or misappropriation found in the accounts.
- (c) He shall check the record of deposits.

6. LIBRARY SECRETARY

The Library Secretary shall be responsible.

- (a) To check all books of the Library as entered in the Library Register and to classify the categories of books.
- (b) To check the issuance and return of books by the members.
- (c) To suggest action against the defaulting members.
- (d) To ensure computers, allied facilities and other equipments in the library are working properly.

7. AUDITOR

The Auditor shall conduct the audit of the accounts of the Association and will submit his report to the President.

8. EXECUTIVE COMMITTEE

There shall be an Executive Committee consisting of the Following Members:-

1. President
2. Vice- President
3. Secretary
4. JointSecretary
5. Finance Secretary
6. Library Secretary
7. Auditor
8. Ten other members elected as member executive

POWER AND DUTIES OF EXECUTIVE COMMITTEE

The Executive committee shall have following powers and duties:-

- (a) To employ, suspend, reprimand and dismiss an employee of the Association.
- (b) To fix and modify their emoluments, grades, terms and conditions of service increments and special allowance etc.
- (c) To sanction the expenditures.
- (d) To impose an emergent subscription fee or donation to meet extraordinary expenses.
- (e) To maintain such establishment for the Association as it may deem necessary.
- (f) To examine the statement of income and expenditures as and when it deemed necessary and to submit to the General House for its approval.
- (g) To enquire and report on all matters referred to it by the president.
- (h) To examine and proceed with the cases of misconduct of any member.
- (i) To suspend the membership of any member on account of

misconduct or mal-practice or on violation of provisions of this memorandum or any other applicable rule after proper inquiry.

- (j) To make policies for achievement of aims and objects of the Association.
- (k) To decide the applications for membership.
- (l) To fix, amend, enhance or modify the membership fee.
- (m) To determine the membership policy and to amend or modify it from time to time.
- (n) To buy and sell assets on behalf of the Association whenever so required.
- (o) To allot, cancel and suspend the chambers after satisfying that the applicant is a voter member of this Association and that he has not been allotted any chamber previously. If a member has sold his chamber than he will not be allotted any other chamber. No member shall sell, exchange or dispose of his chamber without permission of Executive Committee.
- (p) To initiate disciplinary actions and proceedings against the touts and the persons of ill repute.

Note: All the decisions of Executive Committee or by its members will be in writing and duly signed and the record will be maintained accordingly.

CHAPTER-III

VACANCY

If the office of President, Vice- President, Secretary or Joint Secretary becomes vacant during the existing term, and the remaining period is more than three months, then the elections for the vacant post will be held in the ordinary course of General Elections under the supervision of the Council and in case, the remaining period is less than three months and the office of the President is vacant, the Vice President will assume the charge. In case, the office of the Secretary becomes vacant, the Joint Secretary will assume the charge as the Secretary and in case, the seat of any other office becomes vacant during this period, the President will have the discretion to nominate any member to hold the said office for the remaining period.

CHAPTER-IV

BANK ACCOUNT

There will be as many Bank Accounts of the Association, as may be decided by the Executive Committee.

All the Accounts will be operated by the President and the Secretary with their joint signatures.

The annual statement of Account will be affixed on the Notice Board on the last day of tenure of the Executive Committee.

CHAPTER-V

1. AUDIT

There will be annual audit of accounts of the Association by any Chartered Accountant and the report will be placed before the General House in the annual meeting, which will be convened exclusively for this purpose to be held in the month of December every year.

2. ASSETS AND PROPERTIES OF THE ASSOCIATION

There will be a complete list and record of all the assets, stocks, vehicles, machines and properties of the Association like shops, furniture, books, equipments, computers and canteens etc. to be maintained in a register. In case of any shop or canteen which is or has been given on rent, then the proper lease agreements will be executed and copies of such agreements will be kept in the record of the Association.

The said list will be displayed on the Notice Board on the last day of tenure of the Executive Committee.

All movable and immovable assets shall be kept in the name of the Association.

3. MEMBERSHIP

(a) An Advocate, on the Roll of the Council, who is practicing regularly at Islamabad, shall be entitled to become member of the Association.

(b) Applications for membership will be decided by the Executive Committee within a period of 15 days from the date of application.

(c) An Advocate, may seek membership of the Association by paying membership fee as under, which may be amended or modified from time to time:-

- i. Rs. 5000/- (upto the age of 35 years)
- ii. Rs. 10000/- (upto the age of 35 to 45 years)
- iii. Rs. 15000/- (upto the age of 45 to 60 years)
- iv. Rs. 25000/- (upto the age of 60 years)

(d) To get the membership, the original degree/certificate of Matric, F.A/FSC, B.A/BSC, LL.B would have to be shown and copies of all Degrees/ Certificates, CNIC will be annexed with the application.

- (i). The applicant shall file duly signed by him/her an affidavit of Khatm-e-Nabuwat, duly attested by the oath commissioner, which is as under:

“I, solemnly swear that I believe in absolute and complete finality of the Prophet Hood of Muhammad (Peace Be Upon Him), the last of the prophets and that I am not follower of anyone who claims to be a Prophet in any sense of word or of any description whatsoever after Prophet Muhammad (Peace Be Upon Him), and that I do not recognize such a claimant to be Prophet or a religious reformer, nor do I belong to the Qadiani group or Lahori group or call myself an Ahmadi and I believe that Mirza Ghulam Ahmed Qadiani was an apostate, liar and hypocrite.”

And without filing of such affidavit an advocate shall not be eligible to get the membership of Islamabad Bar Association.

Provided that all the non-Muslims shall be exempted from the filing of such affidavit.²

- (e) The applications for membership will be decided by the Executive Committee and the applicant shall appear in person before the Executive Committee at the relevant time.
- (f) The Executive Committee may accept or reject any application for membership and in case of rejection of the applicant by the Executive Committee, the applicant will have a right of appeal before the Council within a period of one month.
- (g) In case of transfer of membership from any other Association, a NOC will be required from such Association, showing good conduct, moral character and clearance of dues of the Association and Bar Council.

² Clause 3(d) sub section (i) New inserted, as amended in the meeting of Executive Committee of Islamabad Bar Association held on 13-11-2019 and as unanimously passed/approved by the General House in a meeting held on 06-12-2019.

1. LIFE MEMBERSHIP

The members can get life membership on payment of following fee. However, the fee can be modified or amended by the Executive Committee.

Rs. 20,000/-

2. NON-VOTERS

The non-voter membership can be obtained upon payment of fee as under:

- | | | |
|------|-----------------------|----------------------------|
| i. | Rs. 20000/- | (upto the age of 35 years) |
| ii. | Rs. 25000/-
years) | (upto the age of 35 to 45 |
| iii. | Rs. 35000/-
years) | (upto the age of 45 to 60 |
| iv. | Rs. 50000/- | (upto the age of 60 years) |

3. DEFAULTERS

A member (voter and non-voter), who fails to pay his annual subscription for two consecutive years, shall cease to be a member of the Association.

Provided that such member may apply for restoration of his membership on making payment of the outstanding/arrears due from him and additional amount of Rs. 1000/- per annum and upon payment, his membership shall be restored by the Executive Committee.

4. SUSPENSION OF MEMBERSHIP

The executive committee may suspend the membership of any member on any of the following grounds if:-

- (a) He is guilty of misconduct.
- (b) His behavior towards other members is objectionable.
- (c) He acts against the interest of the Association.
- (d) He violates or breaches any provision of The Legal Practitioners & Bar Councils Act 1973, the rules made there under, the rules made by the Council and this Memorandum.

- (e) He brings bad name for the legal profession or legal fraternity.
- (f) He involves himself in any mal-practice or any criminal activity.
- (g) He miss-uses his authority as an Advocate or member of the Association.
- (h) He engages himself, temporarily or permanently, in any profession or business or trade other than the legal profession.
- (i) He acts or behaves contrary to the norms or values or ethics of legal profession.

5. EXPULSION AND CANCELLATION OF MEMBERSHIP

If any member is found guilty of misconduct or violates any provision of applicable laws and this Memorandum, the Executive Committee will refer the matter to the General House who may decide about the expulsion and cancellation of membership. In case of expulsion and cancellation of membership, the member will have right of an appeal before the Council within a period of 30 days.

CHAPTER-VI

ELECTIONS

1. ELIGIBILITY FOR CANDIDATES:-

The candidates must have the standing of practice as under:-

- (a) President : 10 years
- (b) Vice President: 8 years
- (c) Secretary : 7 years
- (d) Joint Secretary, Finance Secretary, Library Secretary, Auditor and member executive: 3 years

Provided that the candidates must have been member of the Association for at least 3 preceding years.

1. The Annual General Elections of the Association shall be

held under the supervision of the Election Board constituted by the President under Chapter-II, on Saturday of the 2nd week of January each year and in case, the Public Holiday falls on Saturday, then on the next working day.

Provided further that the President shall publish a list of defaulters on 15th of October. The defaulters shall clear their dues by 31st of October. The President shall paste the final voters list on the Notice Board of the Association on 1st of November and will furnish to the Council, the list of voter members before 5th of November. However, a member, whose name is not included in the voters list published by the President, may prefer an appeal to the Executive Committee of the Council till 15th of November.

2. In case of re-election under the Rules, the Election Board constituted shall continue to function till the final results of the Elections and it shall remain in office for the period of 3 months.
3. All the issues shall be decided by the Election board by majority of votes and all proceedings shall be in writing and open to inspection by any member of the Association after the final decision of the Election Board.
4. The Election Board shall maintain secrecy of ballot and shall ensure free and transparent election process.
5. The Election Board shall follow the election schedule announced by the Executive committee.
6. The contesting candidate for an office shall be proposed and seconded in writing by an eligible voter.
- 7.A Proposer or seconder can propose or second only one candidate for one office.
- 7(a). The contesting candidates of all seats shall submit an affidavit of Khatm-e-Nabuwat duly signed by him/her and attested by the Oath Commissioner along with nomination papers before the election board which is as under:

"I, solemnly swear that I believe in absolute and complete finality of the Prophet Hood of Muhammad (Peace Be Upon Him), the last of the prophets and that I am not follower of anyone who claims to be a Prophet in any sense of word or of any description whatsoever after Prophet Muhammad (Peace Be Upon Him), and that I do not recognize such a claimant to be Prophet or a religious reformer, nor do I belong to the Qadiani group or Lahori group or call myself an Ahmadi and I believe that Mirza Ghulam Ahmed Qadiani was an apostate, liar and hypocrite."

- 7(b). Without filing of such affidavit, mentioned in Rule 7-a, the candidate shall not be eligible to contest the election on any seat of Islamabad Bar Association.
Provided that all Non-Muslims shall be exempted from the filing of such affidavit.³
8. The contesting candidate himself or his proposer or seconder shall submit the nomination papers to the Election Board. The Election Board shall note and mention on each nomination paper, number, time and the date when it is received.
9. The Election Board, after the expiry to time fixed for submission of the nomination papers, shall display on the Notice Board complete list of the nomination papers received for each office, the names of the contesting candidate, their proposers and seconders and the time of receipt of every such nomination.
10. On the date and time-fixed in the schedule, the Election Board shall scrutinize and examine all the nomination papers for all the offices in the presence of the contesting

³ Clause 7 sub section (a) and (b) New inserted, as amended in the meeting of Executive Committee of Islamabad Bar Association held on 13-11-2019 and as unanimously passed/approved by the General House in a meeting held on 06-12-2019. ssed/approved by the General House in a meeting held on 06-12-2019.

- candidates or their proposers or seconders or the duly appointed agents of the contestants.
11. The Election Board shall accept nomination papers if these are found to be in order and complete. The Election Board shall display on the Notice Board list of valid nomination papers.
 12. A candidate may withdraw his candidature before the poll is held.
 13. The candidate for the office, for which there is no other contesting candidate and his nomination papers have been accepted as valid, the candidate shall be declared as elected for the office by the Election Board.
 14. The Election Board shall arrange the ballot papers and ballot-boxes for each office in the manner deemed fit and proper to the Election Board.
 15. On the day of polling, the Chairman Election Board shall provide each eligible voter a ballot paper duly signed and stamped by him and will obtain the signature of voter on the counterfoil.
 16. The eligible voter shall cast his vote for each contested office secretly and with full sense of responsibility to the prestige honor and independence of his profession.
 17. The election board shall count the ballot papers in the presence of the candidates or their polling agents.
 18. After counting votes for each office, the Election Board shall immediately announce the results.
 19. Any member aggrieved by the result of the elections will have a right of an appeal before the Council within a period of 15 days.

CHAPTER-VII

1. GENERAL MEETING OF THE HOUSE

- 1- A general meeting of the House shall be convened by the

President for the disposal of all such matters for which its approval or sanction is necessary.

- 2- President shall convene a meeting of the General House requisitioned in writing and signed by at least 200 members within seven working days of the requisition.
- 3- The annual general meeting of the House shall be held in December every year for the approval of the report on the Annual Accounts and the performance of the Association.
- 4- The secretary shall place copies of all the relevant documents to be presented before the house a week before the discussion for the information of the members.

2. NOTICE FOR MEETINGS

Not less than seven days, notice shall be given to the members of the Association for Special or General Meetings, such notices shall be given by:-

- (a) Pasting of the notice on the Notice board of the Association and through SMS or whatsapp or face book messages.
- (b) By circulating the Notice to all the members of the Association along with the agenda of the meeting.

Note: Not less than 48 hours Notice shall be given to members for an emergent meeting.

Compliance of above procedure shall not render the proceedings of any meeting as irregular or void on account of failure of notice to any individual member.

3. QUORUM

For the meeting of the General body, the quorum will be 30% of the total members.

4. PROCEDURE AT THE SPECIAL OR GENERAL MEETINGS OF THE HOUSE

1. All special or general meetings shall be presided over by the President or in his absence by the Vice-President and in the absence of both, it shall be presided over by any senior member elected by the members present in the meeting.

2. The President or the person presiding over the meeting shall have full authority to regulate the proceedings and the maintain order in such manner as he may deem fit.
3. All the proceedings of the meetings shall be recorded verbatim in the register by the Secretary and signed by the President or the member presiding.
4. All resolutions shall be determined by simple majority of votes when equally divided, the President shall have the casting vote.
5. No resolution to question this Memorandum or to amend its any provision shall be moved in the House unless two-third members on its roll are present in Special or General meeting convened for the said purpose. No resolution shall be dammed to have been carried or passed unless not less than three-forth of the total members have voted for the same. However such amendment will be subject to the final assent of the Council.
6. All other matters brought before the General House shall be decided by a simple majority and shall be binding on all the members of the Association. Such voting shall ordinarily be by show of hands except in any particular case the President may decide this voting to take place by ballot.

CHAPTER-VIII

1. LIBRARY RULES

1. The Library Secretary shall be responsible for the efficient and property maintenance of the Library.
2. The Library Secretary shall check all the books and registers after every three months and shall submit his report to the President regarding the efficiency of the Library Staff, books lost or damaged and about the member or members responsible for such loss or damage and the action to be taken against such members.
3. The Library Secretary shall classify the books:-
 - (a) To be issued to the members for study in the library.

- (b) Books to be issued and removed from the library for reference of citation before the Courts as "Reference Books".

The following books shall not be issued from the library and be classified as Texts:

- (c) i) All Texts.
(ii) All digests.
- (d) All Journals and Report shall be classified "Reference Books" i.e. N.L.R, P.L.D, P.L.J, P.Cr.L.J, S.C.M.R, C.L.C, Y.L.R Law Notes, A.I.R Civil Cases, etc.
- 4. The librarian may issue books classified as text but shall not permit them to be remove from library. The books, classified as "Reference Books", may be issued to members.

2. RIGHT OF APPEAL

Any member aggrieved by any decision made or action taken by the President, the Secretary or the Executive Committee, may file an appeal before the Council within a period of 30 days.

3. REMOVAL OF DIFFICULTIES

In case, any situation arises to which this memorandum is silent or does not give the solution, than the Executive Committee of the Association will decide the matter accordingly. Similarly, if the circumstances require, the opinion or guidance will be sought from the Council.

In case of any conflict of any provision of this Memorandum with The Legal Practitioners and Bar Councils Act, 1973, The Legal Practitioners and Bar Councils Rules, 1976, The Rules framed by the Council, the provisions of the later three shall prevail.

All the decisions and the functions of the Association since the day of its inception will be deemed to have been done and made under this memorandum.