

# **SINDH HIGH COURT BAR ASSOCIATION**

## **ELECTION BYE LAWS**

**(Amended & Approved by the Committee on October 10, 2023)**

**WHEREAS** pursuant to Article 32 of the Articles of Association of the Sindh High Court Bar Association, the Managing Committee in its Meeting held on **1<sup>st</sup> October 2001** has framed and approved the following Bye Laws for conducting and holding of **Annual General Elections of Sindh High Court Bar Association**, Karachi.

1. The Bye-Laws shall be called "**Sindh High Court Bar Association Elections Bye-Laws**".
2. These Bye-Laws shall be subject to Memorandum and Articles of this Association and in the event of any conflict, the Memorandum and Articles shall prevail.
3. In these Bye-Laws, unless the context otherwise requires:-
  - a. "**Association**" means "The Sindh High Court Bar Association".
  - b. "**Candidate**" shall mean a member of the Association who has professional standing as an advocate and is a regularly practicing advocate and who is not in arrears of the Subscription of the Association.
  - c. "**Regularly Practicing Advocate**" shall mean, an Advocate who practices at the principal seat of the High Court of Sindh regularly and has conducted 10 or more cases in the last preceding.
  - d. "**Professional Standing**" shall mean that the member conducts cases and in the year preceding has conducted at least 10 cases at the principal seat in the High Court of Sindh.
  - e. "**Memorandum**" and "**Articles**" means Memorandum and Articles of the Association.
  - f. "**Election Commissioner**" means a senior member of the Association being a member of this association for at least 15 years or the Registrar and / or any other Hon'ble Judge or Judicial Officer of High Court of Sindh to be nominated by the Honourable Chief Justice High Court of Sindh and duly appointed by the Managing Committee as Commissioner for conducting and holding Annual General Elections. This appointment would be only for one year.
  - g. "**Voter**" means a bonafide member, who has paid his subscription in the manner and by the date **provided by the "Sindh High Court Bar Association Payment of Dues Rules 2011"**, and has paid and is not in arrears of the subscription of the Association.
  - h. "**Voters List**" shall mean a list of 'voters'.
  - i. "**Managing Committee**" Includes all the office bearers and member of the managing Committee elected for that particular year.

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#### **4. CONDUCT OF ELECTION**

- a. The elections shall be held by or under the Memorandum and Articles of Association and these Bye-Laws.
- b. The Voters List shall be submitted to the Election Commissioner by the Managing Committee by the 15<sup>th</sup> of September where after the same shall remain in the custody of the Election Commissioner.
- c. The Election Commissioner may give a print out of the list, after he has scrutinized it, at a cost fixed by the Managing Committee to any member demanding the same. The Election Commissioner may also give such list in the electronic form at a cost fixed by the Managing Committee.
- d. The Voters list when completed and approved by the Election Commissioner, shall be final, unless it can be shown by the member that his / her name has been wrongly omitted or added and in such a case the name may be added or deleted as the case may be under signatures of the Election Commissioner.
- e. There shall be no election dinners, lunches or any form of get together at any public place / hall etc. by an invitation, given by the Candidate or any member or any other person which would in any manner be aimed to project any candidate. If a Candidate attends any such program function or gathering, it shall be a violation of these Bye-Laws and if it comes to the knowledge to the Election Commissioner by any means whatsoever, the Election Commissioner shall take action against the said Candidate, including deletion of his name from the list of candidate. Notwithstanding, the candidates may hold election meetings at his / her or any supporter or associate's office.
- f. No Candidate or any of the supporter, advocate or any other person or persons shall cause to be published any printed material, whether letters, pamphlets, placards, hand bills or any other printed material which promotes any candidate, directly or indirectly, including on the election day. Any violation of the above shall be a violation of these rules which may result in disqualification by the Election Commissioner.
- g. No Candidate or any of his / her supporter, advocate or any person shall give any message on SMS or by Email or on any electronic media directly or indirectly.
- h. There shall be no canvassing in any part of the corridors of the High Court Building on the date of the election. However, before the said date oral canvassing could continue within the High Court or District Court premises except in the Bar Room of this Association and its Corridor where canvassing by the candidates alongwith their supporters is strictly prohibited. However, the candidate may meet the members in the Bar Room individually.

- i. The Bar Association shall cause the names of the Candidates under the signatures of the Election Commissioner published in the daily Cause List, and if found feasible and allowed by the Election Commissioner, the photographs of the contesting Candidates may also be published.
- j. After the list of Candidates has been formalized and the list if published, the Election Commissioner or his nominee as moderator shall during recess for one or more days, between 10.30 am and 11.00 am cause all the Candidates to introduce themselves starting from the Candidates for the Post of Managing Committee and upwards till the introduction of the Candidates for the post of President. The members present in such introduction meeting shall have the right to put any question subject to it being allowed by the moderator.
- k. The Candidates for the posts from General Secretary to the post of President shall also be allowed to deliver a speech giving their agenda.
- l. There shall be no lunch hosted by the Bar Association on the Election Day. Any such person(s) either the prospective and contesting candidates and/or his supporter(s) found obstructing or causing to obstruct the process of elections may be referred for disbarring and removal of his name from the Roll of Advocates maintained at the Sindh Bar Council or from the list of members of the SHCBA and be disqualified from voting as well as contesting any SHCBA elections. The referral of the election Commissioner and the evidence, if any, produced by the Election Commissioner shall be used against such delinquent.
- m. Any violation of the SHCBA Elections Rules shall be treated as misconduct disqualifying/disentitling the prospective and/or contesting candidate to contest for the election of the SHCBA. The Power of disqualification as contained in the SHCBA Election Rules is in addition to and without prejudice to any other action which can be taken by the Election Commissioner in accordance with the Election Rules and it can be exercised against any of the Contesting Candidates and/or his/her supporters either found violating the Elections Rules or found misbehaving in any way whatsoever with the Election Commissioner or any of his team member or attempting to intimidate any other candidate or any member of the election team or the Election Commissioner at any time till the finalization of the results and in such a case his name can be scratched from the Ballot paper or his votes can be disregarded and shall not be counted and candidate obtaining the highest number of votes in that category will be elected. In case of disqualification of any contesting candidate for any post of the MMC, the rule with regard to mandatory Nine (09) votes will be disregarded to the extent of the disqualified candidate.
- n. Any violation of the above Rules shall result in immediate disqualification of the Candidate and if the violations are proved with evidence before the elections, his name will be deleted from the ballot paper and if the violations are

proved after the announcement of the Results, and such candidate wins the Elections, the winning candidate will stand disqualified and the candidate obtaining the next highest votes will stand elected. For this purpose, the Complaint in the form of the Appeal may be made to the Managing Committee within the time stipulated by the SHCBA Election Rules which may be considered by the outgoing Committee and the decision of the Managing Committee shall be final in that regard.

- o. Further, if the violation of the Election Rules as regards the qualification of the Candidates to contest the Elections comes to surface after the period provided in the Rule related to Appeal, the same may be taken up by the Managing Committee and considered, in absence of the delinquent, and pass any order in respect thereof. In case the winning candidate who is otherwise disqualified and has been so adjudged by the Managing Committee may be removed from the Managing Committee and the candidate obtaining the next highest votes will stand elected and a Notification to this effect may be issued by the Managing Committee. The managing Committee will be well within its rights to also refer the said candidate to the Bar Council concerned for further action in terms of the Election Rules or Rules of the Bar Council.

## **5. APPOINTMENT OF ELECTION COMMISSIONER**

- a. The Managing Committee shall appoint any of the senior members having a standing of at least 15 years as a member of this Association or the Registrar and / or any other Hon'ble Judge or Judicial Officer of High Court of Sindh to be nominated by the Honourable Chief Justice High Court of Sindh as Election Commissioner for conducting the Annual General Election in terms of Articles 12 to 18 of its Articles of Association. Such appointment will continue even in the case of bye-Election or re-polls, for the same years.
- b. The Election Commissioner may be appointed at least Sixty (60) days prior to the Election date. The Managing Committee shall obtain prior written consent of such Member in writing before appointing him as Election Commissioner. Any Contesting Candidate having objection to such appointment shall within Three (03) days of such appointment may object in writing and the Managing Committee shall decide the same in writing. The Managing Committee has the power to either dismiss the said objections or appoint another Election Commissioner in his place. Either way the same shall be concluded within such time as may be prescribed under the rules i.e. not later than thirty (30) days before the election date.
- c. The duly appointed Election Commissioner shall ensure strict compliance of the Election Rules and that the said Rules are implemented in letter and spirit and in case of any violations whether amounting to the misconduct or otherwise of any Rules may file a Reference to the Sindh Bar Council / Pakistan bar Council for action him / her / them in accordance with the Rules leading to disbaring of the delinquent.

## 6. POWERS AND DUTIES OF ELECTION COMMISSIONER

The Election Commissioner shall have the following powers:

- a. To check the correctness of the Voters List.
- b. To amend / modify the voters list, including the power to add or remove any member from the list, where it is shown that any name is not there despite the fact that he/she is not in arrears of subscription.
- c. To accept or reject nominations of candidates for the purpose of election.
- d. The Election Commissioner has powers to reject the nomination of the candidate at any stage of the election till before the declaration of the results where the candidate at any stage disobeys or acts contrary to the Memorandum or Articles of Association or these Bye-Laws after giving him/her due notice and providing him / her, a proper hearing.
- e. It shall be the duty of the Election Commissioner to ensure free and fair Elections of the Association and the Election Commissioner may take such necessary steps, **including denying/discouraging access to and involvement of non-members outsiders / non-advocates to run the campaign of the candidates**, as may be deemed appropriate for the discharge of his/her duties and achievement of such objective. The Managing Committee and the members of the Association shall assist if desired by the Election Commissioner, in the discharge of his/her duties. The Election Commissioner may appoint a Committee comprising of such Numbers from amongst the members to assist him in the conduct of Elections.
- f. The Election Commissioner shall issue the final list of Candidates **after exhausting the procedure of elections as outlined hereunder**.
- g. The Election Commissioner may nominate his colleagues from amongst the members as Election Officer for helping and assisting him/her in conducting a fair free Election. The Managing Committee may however, consider any objection against the appointment of any of the Election Officers from a candidate and take such decision as it may deem fit.
- h. The Election Commissioner may assign any duty to any Election Officer and may make any changes there in at any time up to the final counts of vote.
- i. The Election Commissioner may at any time, delete or add any name in the list of Election Officer for effectively discharging his duties.
- j. The Election Commissioner shall be the custodian of Election material including the Voters List, ballot papers and other material/ stationary that he may decided to use in the Election.
- k. The Election Commissioner may on objection being raised as to identity of voters decide the issue in such manner as he may deem fit **and the decision of the Election Commissioner shall be final**.

- l. The Election Commissioner may notify any area as polling area and shall ensure no campaigning within the polling area and such area as is contained in these Bye-Laws. The Election Commissioner / Officer may expel any un-desirous person(s) member(s) **including a member obstructing or causing to obstruct the process of elections** where upon such person/member(s) shall not be entitled to remain there.

The Election Commissioner/Officer may take any other action as may be deemed fit **for maintaining law and order and for clearance/removal of obstruction from the Election area.**

- m. The Election Commissioner in his/her discretion may take any action, including declaring a candidate disqualified and a voter incapable of voting, after notice, oral or written, to any candidate or voter in case of any candidate or voter is found violating these Bye-Laws or the Memorandum or Articles of Association or disobeying the instructions of the Election Commissioner/officer.
- n. The Election Commissioner shall be entitled to make necessary arrangement for the conduct of the Election including printing of the ballot paper duly bound and perforated with sequential numbers on the counterfoils. Fund, for the conduct of election shall be made available by the committee at the disposal of the Election Commissioner which shall be accounted for by him/her by relevant vouchers duly approved by him. Any additional amount required by him/her shall be payable by the Association and shall not be unreasonably withheld. The Election Commissioner, in order to make the election process transparent and more efficient, may take any measure to complete the election process in a speedy manner including but not limited to make use of computers / technology / scanners / modern methods / e-voting / email-voting mechanism, proxy voting, etc.
- o. The Election Commissioner shall be the final authority to determine the question concerning the validity of a vote or votes as a whole or in respect of a particular candidate in the matter of preparation of final count of vote secured by each candidate and declaration of overall result based on such count.

## **7. PROCEDURE OF ELECTIONS**

1. Each Candidate as defined hereunder for the membership of the Managing Committee and for the office of the Association, under the Bye-Laws of the Association, shall submit such number of nominations as the candidate deems fit, to the Managing Committee as per the schedule fixed for the Elections. The nomination form shall contain signature of two eligible members as defined in article 14(c) of the Articles of the Association as proposer and Seconder and signature of the candidate indicating his acceptances as a candidate. The Managing Committee shall hand over the nominations to the Election Commissioner.
2. The scrutiny of the nomination paper, duly received in the office of the Association within the time fixed for receiving such nomination shall be done by the Election Commissioner who shall, after scrutiny issue the final list of candidate and/or the elected office bearers in case there is no contest.

3. In case of rejection or other wise of any nomination paper by the Election Commissioner, the aggrieved candidate may within 48 hours of such rejection file an appeal before the Managing Committee, which will decided within three days after receipt of such appeal, and decision shall be final.
4. A list of candidate so nominated shall be circulated in the cause list, not latter than 8 days before the date of the Election.
5. A candidate may withdraw from the contest by communicating / filing such withdrawal in writing to the Election Commissioner within the date fixed by the Managing Committee. The Commissioner shall there after issue the final list of candidates.
6. The voter's list of the Association shall be provided by the Managing Committee to the Election Commissioner and after scrutiny **and upon confirmation of having paid dues of the Association in accordance with the Sindh High Court Bar Association Payment of Dues Rules, 2011**, the Voters List shall be issued by the Election Commissioner. The draft list of voters shall contain all relevant and necessary particulars of the voter showing his eligibility as a voter, and shall also contain the date till when the subscription has been duly paid and on what day.
7. The Election Commissioner shall after getting the Voter List countersigned by the President and the Honorary Secretary may make it available on line on the website of Association and also display the same on the notice board of the Association at least 21 days before the scheduled date of elections.
8. The Election Commissioner is empowered to restrict the number of persons present at the time of Counting of Votes which may limited to Candidates and their authorized representatives, who must be members of the SHCBA, whose names may be mentioned in the list already supplied to the Election Commissioner. Any person whose name is not appearing in that list or is not a member of the SHCBA will not be allowed inside the Voting/Counting area and if any such person enters the Voting/Counting Area he will be asked to leave and the counting may be suspended, at the discretion of the Election Commissioner, till such time.
9. The Election Commissioner may use his discretion to secure the ballot papers and/or seal the ballot boxes under his signature and/or suspend the Counting Process till such time as deemed appropriate in any circumstances. The decision of the Election Commissioner in this regard will be final.
10. There shall be no celebration of any kind in the Voting Counting Area till the final results are announced by the Election Commissioner. the Election Commissioner may announce the result on completion of the entire election process.
11. The Election Commissioner may decide objections, if any, received from the Candidates, as regards the elections, on the election day within Three (03) days after the Elections.

## **8. THE VOTERS**

1. The Voters shall be supplied with printed ballot papers on the day of Election and each Voter shall put only **one (X) Mark** Opposite the

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name of each of the candidates for whom he desires to vote, whereafter, the ballot papers shall be lodged in the Ballot Box provided for such purpose. The votes shall cast his/her vote on all the posts and for all positions as required by the ballot paper. Any mark other than a **(X)** or casting of votes less than the required numbers shall cause the ballot paper to be rejected.

2. Each voter, while presenting him/herself at the Election booth, shall establish his/her identity by producing any of the following I.D cards.

- i. **National I.D Card**
- ii. **Sindh High Court Bar Association I.D. Card**
- iii. **Sindh Bar Council I.D. Card**
- iv. **Supreme Court Bar Association I.D. Card Provide the Election Commissioner may on objection being raised as to identity of voter, decide the issue in such manners as he may deem fit.**

3. Each Ballot paper shall have a counterfoil duly sequentially numbered and shall provide for inter-alia obtaining the signature and record of relevant I.D. Cards and the Election Officer issuing the ballot paper shall obtain the signature of each voter and note the ID Card particulars on the counterfoil.

#### **9. APPEAL**

1. In case of request in writing by a contesting candidate accompanied by a fees of Rs. 2,000/- the votes shall be scrutinized and recount by the Election Commissioner or his Committee and the decision of the Election Commissioner in such respect shall be final and binding.
2. In case of an Election Petition filed by a contesting candidate, Election Commissioner will decide the same after hearing all necessary parties.
3. Any party aggrieved by the decision of the Election Commissioner may file appeal before the Managing Committee consisting of the President, the Vice President and Honorary Secretary, or such appellate Committee as may be nominated by the Managing Committee, within three days after decision of the Election Commissioner, whose decision shall be final and binding.
4. That the above rules shall come in to force with immediate effect and the elections shall also be conducted according to the Memorandum and the Articles and these Bye-Laws.

**PRESIDENT**  
Sindh High Court Bar Association  
Karachi

**HONORARY SECRETARY**  
Sindh High Court Bar Association  
Karachi

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