

TRUSTEES & TRUST BYELAWS

DEED OF TRUST OF THE SUPREME COURT BAR ASSOCIATION OF PAKISTAN TRUST (SCBAP TRUST)

THIS DEED OF TRUST is made on this 24th day of October, 2009 at Lahore by the SUPREME COURT BAR ASSOCIATION OF PAKISTAN(hereinafter referred to as the SCBAP).

WHEREAS the 11th Executive Committee of the SCBAP in its 7th meeting held on 8th August, 2009 has unanimously resolved to form and constitute a Trust for carrying out welfare works/projects for the members of the SCBAP.

AND WHEREAS Mr. Ali Ahmed Kurd, President Supreme Court Bar Association of Pakistan and Mr. Shaukat Umar Pirzada, Secretary of the SCBAP have, in order to carry out/implement the afore-said Resolution of the Executive Committee of the SCBAP decided to declare and settle a Trust Mr. Ali Ahmed Kurd and Mr. Shaukat Umar Pirzada shall hereinafter be referred to as "The Settlers" of the Trust.

NOW, THEREFORE, THIS DEED OF TRUST WITNESSTH AS FOLLOWS:

1. DECLARATION

The Settlers do hereby declare and settle this Trust to maintain, operate and manage a Trust Fund for the benefit of the members of the SCBAP , whether living or deceased, and their families.

The Settlers do hereby declare themselves to be amongst the first Trustees and accept the trust herein contained.

1. NAME

The name of the Trust shall be "THE SUPREME COURT BAR ASSOCIATION OF PAKISTAN TRUST" (hereinafter referred to as the SCBAP TRUST).

1. PRINCIPAL AND BRANCH OFFICES

The Principal Office of the SCBAP TRUST shall be the office of the SCBAP at the Supreme Court Building, Constitution Avenue, Islamabad, with Branch offices at the SCBAP'S Registry Offices functioning in all the Provinces.

OBJECTS

The Objects of the SCBAP TRUST shall be to undertake activities for the welfare of the members of the SCBAP, whether living or deceased and their families.

Without prejudice to the generality of the provisions of this Clause, the Objects shall include :

1. to establish pension scheme(s);
2. to provide for medical care;
3. to pay stipends to deserving beneficiaries in accordance with the Rules framed by the Trustees;
4. to formulate and execute schemes for professional development;
5. to promote continuing education schemes;
6. to build and establish libraries;
7. to formulate, establish and execute schemes for the provision of housing and offices; and
8. to formulate, institute, establish and execute such other schemes for the welfare of he beneficiaries as the Board of Trustees may be empowered to do under the Rules.

1. THE BOARD OF TRUSTEES

1. The SCBAP TRUST shall be administered by a Board of Trustees (hereinafter referred to as the Board) which shall comprise all past and future Presidents of the SCBAP as also the sitting President, who shall be the Managing Trustee while he holds the office of the President of the SCBAP.
2. The name of the first Trustees (which includes the Settlers of the Trust), subject to their furnishing to the Settlers their consent in writing to act as Trustees, are as follows:

	1. Mr. Atizaz Ahsan Sr. Advocate Supreme Court 5-Zaman Park Canal Bank, Lahore
	2. Mr. Hamid Khan Sr. Advocate Supreme Court Shahrah-e-Fatima Jinnah, Lahore.
	3. Mr. Ali Ahmed Kurd Sr. Advocate Supreme Court House No. 4-26/2, Mir Ahmed Khan Road, Quetta.

4. Mr. Malik Muhammad Qayyum

Sr. Advocate Supreme Court
51-Justice M. Akram Road, Lahore.

5. Mr. Muhammad Akram Sheikh

Sr. Advocate Supreme Court
17-Lawrance Road, Lahore.
1-A, Street No. 26, F-6/2 Islamabad.

6. Mr. Qazi Muhammad Jamil

Sr. Advocate Supreme Court
22-23, NWR Plaza, New Qayyum Stadium,
Peshawar.

7. Mr. Abid Hassan Minto

Sr. Advocate Supreme Court
78-B, Mozang Road, Lahore

8. Mr. Tariq Mehmood

Sr. Advocate Supreme Court
House No. 408, Street No. 1,
Sector I-8/4, Islamabad.

9. Mr. Muneer A. Malik

Sr. Advocate Supreme Court
F-66/3, Park Lane, Clifton Block V,
Karachi.

10. Qazi Muhammad Anwar

Chairman Trust (SCBAP)
10-A, Nasir Mansion, Peshawar.

11. Mrs. Asma Jahangir

President Trust (SCBAP)
Office : AGHS, Law Associates,
131-E/1, Gulberg III, Lahore.

12. Qamar Zaman Qureshi

Secretary SCBAP Trust
Off: Hajwery Complex
Room No. 31,32, 2-Mozang
Road, Lahore.

Provided that Mr. Ali Ahmed Kurd shall be a Trustee and the Chairman of the Board of Trustees for five years and Mr. Shaukat Umar Pirzada shall be a Trustee for five years and the Secretary of the BOARD until such time as he holds the office of the Secretary of the SCBAP.

1. Unless there is anything repugnant in the context, the term 'Trustees' used hereinafter shall refer to all the Trustees for the time being. Every sitting President shall be Trustees for five years in terms Clause 5.1 above and shall be ex-officio, Managing Trustee till he holds the office of the President SCBAP. The Secretary SCBAP shall be an ex-officio Trustee and the Secretary of the Board till he holds the office of the Secretary SCBAP.

2. THE SCBAP TRUST FUND

1. The SCBAP shall contribute a sum of Rs. 100,000/- (Rupees one hundred thousand only) to the SCBAP TRUST FUND as an initial contribution and shall make further contributions to the SCBAP TRUST FUND from time to time.
1. The SCBAP TRUST FUND shall be invested in scheme(s) bearing the highest rate mark-up/profit/interest offered by sound scheduled Banks or Government financial institution(s).
1. The SCBAP TRUST FUND shall include donations (in cash or through Cheques, pay orders or drafts) received from time to time.
1. The SCBAP TRUST FUND shall also include returns form investments of the SCBAP TRUST FUND or part thereof.
1. The SCBAP owns, holds and is in possession of a sum of over Rs. 130,000,000/- (Rupees One Hundred & Thirty Million only). On execution of this Deed of Trust and registration thereof, the BOARD shall take charge of the said amount and it shall form the corpus of the property of the SCBAP TRUST, and shall not be disposed of or subjected t any kind of charge for the purpose of meeting the expenses or for carrying out the subjects of the SCBAP TRUST or for any other purpose unless otherwise resolved by a majority of two third (2/3rd) members of the Board.

7. SCBAP TRUST ACCOUNT, APPLICATION AND INVESTMENT OF TRUST FUND

1. The SCBAP TRUST Account(s) shall be opened maintained in any scheduled Bank in Pakistan (hereinafter referred to as the ("TRUST Account(s)")) and/ or financial institutions of the Government.
2. The BOARD shall authorize the opening Bank account(s) of the SCBAP TRUST in scheduled Bank(s) under the joint signatures of the Chairman, Managing Trustee and Secretary.

1. The SCBAP TRUST FUND may be invested in bond, Special Savings Certificates or any other saving scheme floated by the Government, Government Securities, and fixed deposit in any scheduled Bank.
1. In the event of closure of such investment/ savings institution or Scheme, the BOARD shall determine the appropriate repository for the SCBAP TRUST FUND.
1. Accruals to the SCBAP TRUST FUND shall be accumulated in a scheduled Bank for the realization of the Objects of the SCBAP TRUST at the discretion of the BOARD.
1. The Trustee shall utilize and apply the SCBAP TRUST FUND solely for the purposes of the SCBAP TRUST. Provided that no portion of the TRUST FUND shall be paid or transferred directly or indirectly by way of dividend, bonus, profit or as remuneration for rendering services to any of the Trustees or their relative(s).

1. THE BOARD OF TRUSTEES AND COMMITTEES OF THE BOARD

1. The SCBAP TRUST shall be run and managed by Board of Trustees in accordance with the provisions of this Deed of Trust.

1. The total number of Trustees shall always be not less than seven.
1. The term of office of the Trustees, other than ex-officio members, shall be five (5) years and the Trustees shall be eligible to be co-opted-elected as Trustees again by the existing Trustees. Provided that a Trustee cannot act as a Trustee for more than two terms.
1. A Trustee may, if he so desires, resign his Trusteeship even before the expiry of the term of his Trusteeship.
1. Every sitting President of the SCBAP shall be the ex-officio Managing Trustee. The Managing Trustee in his absence.
1. Mr. Shaukat Uma Pirzada shall be a Trustee for a term of five years.
1. Three Trustee or one third of the total number of Trustees, whichever is greater, shall form the quorum for a BOARD meeting and all decisions of the BOARD shall be taken by majority. In case the Trustees are equally divided on any matter, the Chairman of the meeting shall have a second or casting vote.
1. The Chairman of the BOARD shall act subject to the control of the BOARD. The Chairman shall preside at all meetings of the BOARD at which he is present. In case the Chairman is absent from any meeting of the BOARD, the meeting shall be presided over by the Managing Trustee and in his absence by the senior most member of the BOARD present at the meeting
1. The BOARD shall, from among its members, form different Committees of facilitate the working of the BOARD. The Committees are not authorized to take any decision on behalf of the BOARD.
1. Resolutions of the BOARD in General Meeting shall require a simple majority of the Trustee present thereat, provided the attendance thereat is not less than a quorum.
1. Resolutions of the BOARD may be passed by Circulation. Such Resolutions shall require consent of a majority of the total membership of the BOARD.
1. The Trustees shall possess a single vote each, but the Chairman of the meeting shall also possess a casting vote in case of equality of votes.
1. The BOARD shall meet at least four time in a year or from time to time as and when necessary to transact business and for considering the betterment of the SCBAP TRUST and its assets.
1. Annual Meetings of the BOARD shall be held in the month of December each year.

1. SECRETAR

1. The sitting Secretary of the SCBAP shall be the ex-officio Secretary of the SCBAP TRUST. The Secretary shall be the over all incharge of the office of the SCBAP TRUST and its record and shall carry out the directions given to him, from time to time, by the BOARD, or the Chairman or the Managing Trustee.

1. It shall be duty of the Secretary to supervise the secretarial work and to carry on all correspondence of the SCBAP TRUST. In the performance of his duties, he shall act under any special directions that might issue from the BOARD, the Chairman or he Managing Trustee as the case may be. The correspondence carried on by him on behalf of the SCBAP TRUST shall ordinarily be issued by him under his own signatures, unless for any special reason the Chairman or the Managing Trustee considers it necessary to sign any important communication that may have to be issued on behalf of the SCBAP TRUST.

9.3 The Secretary shall sign all notice/letters to be sent to the Trustee or any person.

1. POWERS AND FUNCTIONS OF THE BOARD

1. The BOARD shall have full power and authority to do all lawful things and take all measures as may be necessary or expedient for the purpose of administering, preserving and managing the SCBAP TRUST and for carrying out any or all of the Objects of the SCBAP TRUST as are mentioned in Clause 4 hereof and for putting this Deed into effective operation.
1. Every power, authority or discretion vested in the BOARD under this Deed, shall be exercised only by a Resolution of the BOARD passed as provided hereinabove.
1. The BOARD may, from time to time, invite persons of eminence or with professional expertise / knowledge to attend meetings of the BOARD on an ad hoc or standing basis but such persons shall not have the right to vote at such meetings.

1. DUTIES OF THE BOARD OF TRUSTEES

The duties of the BOARD shall be:

1. to take any and all measures to put into effective operation the provisions herein appearing for the fulfillment of the Objects and execution of the SCBAP TRUST;
1. to cause to be kept and maintained proper books of account showing all receipts and disbursements made on account of the SCBAP TRUST and ;
1. to prepare and maintain records relating to the affairs of the SCBAP TRUST and ensure the safe custody of all deeds and documents of title pertaining to the SCBAP TRUST and its properties and assets.

1. LIMITATION OF LIABILITIES OF THE BOARD OF TRUSTEES

1. A Trustee, in the discharge of his functions and in the exercise of the authorities and power hereby vested in him, shall be answerable and responsible only for his own acts, omissions, neglects and defaults and not for those of other Trustees.
1. The BOARD shall be responsible only for such moneys, stocks, funds, securities or other properties and assets as they or any one of them actually receive and not otherwise for any losses which are involuntary beyond their control.

13. RETIREMENT OF TRUSTEES

1. Any Trustee may retire or resign on giving one month's notice in writing thereof to all the other Trustees. On the expiry of the said period of one month, such Trustee shall cease to be a Trustee.
1. The BOARD for the time being shall have the power to appoint any member of the SCBAP as Trustee before the expiry of the notice period to fill in the vacancy in order to maintain the minimum number of seven Trustees.
1. On happening of any of the following events, a Trustee shall stand retired and shall vacate the office of Trustee,
 1. if he becomes of unsound mind
 1. if he is adjudged as an insolvent or if he applies to be so adjudged;
 1. if he is convicted by a Court of Law for an offence involving moral turpitude or has been debarred from holding such office under any provision of any law, rules or regulations for the time being in force; and
 1. if he is found guilty of breach of Trust.

14. INDEMNIFICATION OF THE TRUSTEES

The BOARD shall be indemnified out of the SCBAP TRUST FUND, in respect of any loss arising from or contingent upon any investment made of any of the moneys of the SCBAP TRUST, unless such loss shall have been occasioned by their own willful negligence, misappropriation, theft or fraud. The BOARD shall also be indemnified out of the SCBAP TRUST FUND against all proceedings, suits, claims, damages and expenses occasioned by any claim in connection with the SCBAP TRUST, not arising from their own willful negligence, misappropriation, theft or fraud.

15. REMUNERATION AND EXPENSES OF THE BOARD OF TRUSTEES

1. No Trustee shall receive any salary or remuneration from the SCBAP TRUST for acting as such:

Provided, however, that a Trustee shall not be precluded from receiving an honorarium that may be offered to him by the BOARD for any special services rendered.

1. The Trustees shall be reimbursed by the SCBAP TRUST for all costs, charges and expenses including travel expenses for attending meetings of the Board or Committees actually incurred by them in connection with the performance of their functions as Trustees under this Deed.

1. AMENDMENT OF THE DEED OF TRUST

1. The BOARD may from time to time or at any time by a majority of three fourth (3/4th) of all its members, by deed Supplemental hereto, modify or alter or add to the provisions of this Deed in Such manner and to such extent as the BOARD may consider expedient for any purpose; provided that the BOARD shall certify in writing that their opinion such modification, alteration or addition is required to enable the provisions of this Deed to be more effectively put into operation or the Objects to be more efficiently realized or the SCBAP TRUST to be more conveniently or economically managed and does not alter the fundamental provisions or Objects of the SCBAP TRUST.
1. The BOARD may from time to time, in order to facilitate the effective functioning of the SCBAP TRUST , by a vote of two-third (2//3rd) majority of the total membership of the BOARD, make, amend or repeal Rules and Regulations of the SCBAP TRUST; provided always that no such Rules and Regulations shall be at variance with this Deed of Trust.
1. After the approval of tax exempt status for the SCBAP TRUST, the amendments so made shall conform to the conditions provided for exemption for tax under the Income Tax Ordinance, 2001, and shall be made with the prior approval of the competent authority under the Income Tax Ordinance, 2001 and Rules framed thereunder.

17. DISSOLUTION OF THE SCBAP TRUST

If the Objects of the SCBAP TRUST become impossible of fulfillment or in case of liquidation, dissolution, termination or winding up the SCBAP TRUST, whether voluntary, involuntary or by operation of law, all property and funds remaining after the payment of all debts of the SCBAP TRUST, shall be transferred to the SCBAP.

18. MISCELLANEOUS

1. The accounts of the SCBAP Trust shall be audited annually by a
qualified Accountant appointed by the BOARD.

1. All expenses including Auditor's fee, costs of clerical staff, account books and stationery and all other costs, charges and expenses to which the BOARD shall be put in connection with the SCBAP TRUST, shall be borne by the SCBAP TRUST.
1. The first year ending for the audit shall be 30th June 2010, and subsequently the financial year shall commence on Ist July each year and close on 30th June next year.
1. A report of each audit shall be provided to each Trustee.
1. The Trustee shall exercise all due diligence in the performance of their duties, whether as BOARD members or as office-bearers.

IN WITNESS WHEREOF The Settlor have declared this TRUST by executing this Deed at the place and on the date first above-mentioned.

The Settlor

Raja Zulqarnain
Secretary
SCBAP TRUST

Note: This Deed of Trust of the SCBAP TRUST has been prepared by Mr. Anwar Kamal ASC, President of the Lahore High Court Bar Association, session 2008-2009, on request of the 11th Executive Committee of the SCBAP, session 2008-2009 and under the instruction of Mr. Ali Ahmed Kurd, President and Mr. Raja Zulqarnain, Secretary, SCBAP.