

ASIAN OMBUDSMAN ASSOCIATION
ISLAMABAD
CODE OF CONDUCT OF BUSINESS
(Amended up to 5th November, 2009)

I APPLICATION FOR MEMBERSHIP

Full Membership

1-1 The Ombudsman, Parliamentary Commissioner, Minister of Supervision, Commissioner for Administrative Complaints or the head of any similar institution or organisation, known by any designation, who has been appointed or elected according to the constitution or law of the country/region may apply for the Full Membership of the Association subject to the condition that it includes, interalia, the following characteristics: -

- (1) to investigate the grievance of any person or body of persons concerning any decision, recommendation or any act committed or omitted by any administrative authority over which the jurisdiction of such authority exists;

- (2) to make recommendations to authorities under the jurisdiction;
- (3) to discharge functions independent of the organisations over which jurisdiction is held; and
- (4) to report to the Head of State, Government or the Legislature, the results of activities or on any matter arising from an investigation.

1-2 An institution desiring to become a Full Member of the A.O.A. should submit an application in the prescribed form to the President, with a copy to the A.O.A. Secretariat. The following supporting documents shall be annexed to the application: -

- (1) The Law or Charter setting up the office and specifying its functions and powers.
- (2) The last annual report or the latest report on the performance of the office.

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(3) Copies of the applicant's writings, research or other materials on the concept of Ombudsmanship (if any).

1-3 In addition a Demand Draft of US\$ 250/-, as application processing fee (non-refundable) in favour of the A.O.A. Secretariat will be enclosed with the application form. In case of non-acceptance of the Membership, this amount of US\$ 250/- will be retained as application processing fee.

1-4 The A.O.A. Secretariat will process all applications for Full Membership received before the next meeting of the Board of Directors. Cases of all eligible applicants shall be placed before the Executive Committee of the Board of Directors, comprising the President, the Vice-President and the Secretary. The Committee will deliberate to formulate its recommendations in its meeting or by circulation, if necessary, and submit its recommendations along with the original

application and enclosures received with the application to the Board of Directors for its consideration in its next meeting.

- 1-5 The Board of Directors will consider the recommendations of the Committee. The Board may accept, reject, defer the application or make any other recommendations for ratification by the General Assembly of the A.O.A.
- 1-6 Those applicants, whose requests are approved by the Board, will stand provisionally accepted as members of the Association till ratification in the next meeting of the General Assembly. Requests not ratified by the Assembly shall be deemed to have been rejected.
- 1-7 The Full Member shall, within two months of approval of Board of Directors, deposit the Annual Membership fee which at present is US\$ 1000/-.

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- 1-8 The specimen of Application Form (Form 2002-IA) is at Appendix-A

Other Memberships

- 1-9 Persons or heads of agencies involved in Ombudsman like activities and individuals who have shown interest through writings, research or otherwise in the concept of Ombudsmanship and whose Membership shall advance the objectives of the Association, may apply for Associate or Individual Membership, as appropriate.
- 1-10 An agency or a person desiring to become an Associate Member or an Individual Member of the A.O.A., should submit an application on the prescribed form (Form 2002-1A) to the President, with a copy to the A.O.A. Secretariat. Applications for Associate or Individual Membership should be accompanied by the following supporting documents:

For Associate Membership

- (1) The instrument setting up the agency and specifying its functions and powers.
- (2) The latest report on the performance of the office.
- (3) In-house journal (if any).
- (4) A statement from the applicant giving reasons for his interest in A.O.A. Membership.
- (5) Any other documents that elucidates the nature of the agency's work and/or its characteristics.

For Individual Membership

- (1) A curriculum vitae of the applicant.
- (2) A statement from the applicant giving reasons for his interest in A.O.A. membership.

1-11 An application for Associate or Individual Membership should be accompanied by an

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application processing fee, the quantum of which shall be determined by the Board from time to time, in the form of a Demand Draft in favour of the A.O.A. Secretariat. Should application for Membership be denied, the application processing fee will be refunded.

- 1-12 Applications for Associate or Individual Membership shall be processed and dealt with in the same manner as applications for Full Membership, except that such applications shall be decided by the Board of Directors.

Appeal

- 1-13 In case of dispute or objection to the decision of the Board of Directors, the applicant shall have the right of appeal to the General Assembly, whose decision shall be ratified by consensus of Full Members.

Membership Fees

- 1-14 The Associate Member or Individual Member shall, within two months of the approval of their

membership, pay the prescribed Annual Membership Fee, the quantum of which shall be determined by the Board from time to time.

II ELECTION OF MEMBERS OF THE BOARD OF DIRECTORS

Notification of and Nomination for Election

2-1 Not later than three months prior to the completion of the term of office of the Board of Directors, the A.O.A. Secretariat shall give notice to all Full Members of the Association –

- (1) notifying them of the election of a new Board of Directors; and
- (2) inviting nominations for all offices on the Board that are expected to fall vacant.

2-2 Nomination shall be made on the prescribed form (Form 2002-2A) and sent to the President, with a copy to the A.O.A. Secretariat, before the stipulated closing date for nominations.

Eligibility for Nomination and Election to the Board of Directors

- 2-3 Only those Full Members with voting rights who have paid their annual membership fees and have no other outstanding dues of the A.O.A., shall be eligible to stand for election to the Board of Directors and/or to nominate candidates for election.
- 2-3-A The host of the General Assembly Meeting shall make arrangements for and provide assistance to the A.O.A. Secretarial staff for holding elections.
- 2-4 Nomination for election to the Board of Directors shall be in writing signed by the candidate and one proposer and one seconder, eligible under para 2-3.
- 2-5 Nominations shall reach the A.O.A. Secretariat at least three days before the date set for the general meeting.
- 2-6 The Executive Committee of the Board of Directors comprising the President, the Vice

President and the Secretary, duly assisted by the A.O.A. Secretariat staff shall scrutinize the Nomination Papers and confirm the eligibility of the candidates, proposers and seconders defined under para 2-3.

- 2-7 All nominations shall be open for inspection at the General Assembly meeting and the declaration of the President of the number of nominations received shall be deemed final.

Procedure for Election

- 2-8 Election of the A.O.A. Board of Directors shall take place in the last session of the General Assembly.
- 2-9 The most senior member as defined in Bye-law 6(6), of the Association, who is not a candidate for any position, shall be invited to conduct the election as Presiding Officer of the session.
- 2-10 The Presiding Officer, assisted by the A.O.A. Secretariat staff, shall conduct the election in the following manner: -

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- (a) Election shall be by secret ballot.
- (b) Where only one nomination has been received for an office, the candidate shall be declared to be elected ipso facto.
- (c) Where more than one candidate have been nominated for an office, a ballot paper listing the names of all eligible candidates shall be prepared and issued to all Full Members with voting rights present at the meeting.
- (d) After the votes have been counted, the Presiding Officer shall announce the result of elections.
- (e) If two or more candidates obtain an equal number of votes, another ballot shall, if necessary, be taken in respect of such candidates. If two or more candidates again obtain an equal number of votes, the Presiding Officer shall elect by lot from such candidates, the candidate or candidates who is or are to be elected.

- 2-11 In case of dispute regarding election procedure or the validity of vote, the Executive Committee's decision on the disputed matter shall be final and cannot be challenged before any forum.
- 2-12 The Presiding Officer, on conclusion of the election, shall invite the new President to preside over the Session.

III. AMENDMENTS TO THE BYE-LAWS

- 3-1 A Full Member may make in writing with full justification, a suggestion for addition, deletion, substitution or amendment in any clause of the Bye-Laws of the Association.
- 3-2 The proposals for amendments shall be forwarded to the A.O.A. Secretariat in writing.
- 3-3 The A.O.A. Secretariat, after approval of the President shall forward the proposal to all the Full Members for their comments/recommendations. The members shall be expected to communicate their views/comments to the A.O.A. Secretariat within three months.

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- 3-4 After three months of inviting the comments, the A.O.A. Secretariat shall compile the views/recommendations received from the Full Members.
- 3-5 The Executive Committee comprising the President, the Vice President and the Secretary, shall consider the comments/recommendations in its meeting or by circulation.
- 3-6 The recommendations of the Executive Committee shall be forwarded to all the members of Board of Directors well before the next meeting of the Board.
- 3-7 The President may decide to convene a special meeting of the Board for consideration of the recommendations or otherwise place the same before the next meeting of the Board of Directors.
- 3-8 The Board of Directors shall deliberate upon the proposed amendments and formulate its recommendations by a majority vote for

consideration of and submission to the meeting of the General Assembly.

3-9 The General Assembly may adopt/reject/further amend the proposed amendment by 2/3rds majority of the Full Members with voting rights present and voting, provided that the meeting for amendment of Bye-Laws shall be required to have a quorum of at least half of the Full Members.

3-10 The proposed amendment on ratification by the General Assembly shall be formally declared **ADOPTED.**

3-11 The A.O.A. Secretariat shall notify the adopted resolution and incorporate the amendment in the Bye-Laws, get it printed and forwarded to all the Full Members.

IV. RATIFICATION/INFORMATION

4-1 All actions of Board of Directors shall be submitted to the General Assembly for ratification or information as the case may be.

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- 4-2 The General Assembly shall ratify by majority vote or take note of the item reported for information as the case may be.
- 4-3 Those actions of Board of Directors, which are not ratified by the General Assembly, shall be either reassigned to the Board for a second look or shelved altogether as may be directed by the General Assembly.
- 4-4 The procedure for para 4-1 & 4-2 shall be that:
 - a. the Board shall circulate its action duly compiled to all members at least twenty four hours before the General Assembly session commences;
 - b. the Secretary of the Board shall read out each item one by one and seek the vote of the Full Members with voting rights;
 - c. generally the vote shall be taken by count of hand for and against the motion, or an assessment of sense of the General Assembly through voice vote;

- d. after taking a count of the vote or making an assessment, if necessary, the Secretary shall pass on the result to the President who may announce it before the General Assembly item by item;
- e. in case there is any difficulty in counting or making an assessment as to the sense of Full Members with voting rights, those members may be requested by the Secretary to stand up and show their support for or against the motion; and
- f. the Secretary shall compile the result of vote of each item and obtain signatures of the President before the dispersal of the General Assembly for the day.

4-5 No appeal shall lie against a decision of the General Assembly.

V OFFICE OPERATION/PROCEDURE

- 5-1 The Executive Secretary and the other staff shall be appointed by the Board on the recommendations of the President.
- 5-2 The terms and conditions of the appointment and service of the Association's staff shall be approved by the Board of Directors.
- 5-3 Other office staff may be appointed/deputed on requirement/need basis from Wafaqi Mohtasib (Ombudsman)'s Secretariat, by the President and Executive Secretary, with the approval of the Board of Directors.
- 5-4 The honorarium/remuneration of the Association's staff will be fixed with the approval of the Board of Directors of the A.O.A.

Duties and responsibilities of A.O.A. Secretariat

- 5-5 The A.O.A. Secretariat shall be responsible for:
 - a. the publications of the Association;
 - b. on the resolution of the Board preparing and submission of proposals for changes in

the Bye-Laws to the Executive Committee and the Board for approval by them and submission to the General Assembly for decision in accordance with the provision of the Bye-Laws and Code of Conduct;

- c. recommend and provide where practicable, necessary administrative support to members involved in developing or promoting their offices (including conferences, workshops etc.) and provide advice and consulting services generally on matters relevant to the Association;
- d. ensure effective communication between the Association and its members;
- e. develop and maintain liaison with individuals and organisations dedicated to the promotion of cause of Ombudsmanship;

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- f. take necessary measures to ensure the presence of the Association in the Asian Region to promote the objectives of the Association;
- g. ensure that all the votes of the Association's members and of the Board of Directors and the minutes of the meetings of the Board, are recorded in a book or books to be kept for that purpose;
- h. ensure that advance notices of meetings of the Board and the Executive Committee are given, and that all records and reports are properly kept and filed by the Association as required in the Bye-Laws and Code of Conduct;
- i. preparation and submission to the Board an Annual Report on Association activities including a report of the activities of the A.O.A. Secretariat and, at the time of the

Conference, submit a report to the regular meeting of the Association members;

- j. perform all duties proper to the A.O.A. Secretariat and such other duties as may, from time to time, be assigned to by the Board or by the President; and
- k the officer(s) of the A.O.A. Secretariat may be called on to sit in an official capacity in any meeting of the A.O.A.

VI ACCOUNTS OPERATION AND FINANCE

6-1 The A.O.A. Secretariat shall keep proper records which reflect:

- detailed income and expenditure of the Association;
- the assets held by the Association;
- liabilities of the Association; and
- the payment of fees by members.

6-2 The financial year shall begin on 1st January and terminate on 31st December.

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- 6-3 Income and expenditure accounts and balance sheets shall be prepared at the end of each financial year.
- 6-4 Copies of income and expenditure statements shall be sent to all members of the Association.
- 6-5 Accounts and balance sheets shall conform to relevant accounting standards and shall be submitted to the Auditor for examination and verification/authentication.
- 6-6 Accounts of the A.O.A. will be jointly operated with the authorised signatures of the President and the Executive Secretary of the A.O.A.
- 6-7 Expenditure up to US\$ 1000/- may be incurred each financial year with the approval of the President to meet operating expenses of the A.O.A. Secretariat including payment of rent of the building, telephone, fax, internet connection charges etc. and payment of remuneration/honorarium to the staff as per approval of the Board of Directors.

- 6-8 Expenditure beyond US\$ 1000/- shall require prior approval of the Board of Directors of the Association.
- 6-9 Invoice and reminders will be issued to members for payment of annual membership fees in case of requirements.
- 6-10 All accounts books shall be maintained/kept in the custody of the A.O.A. Secretariat and will be presented to the Auditor on annual basis or as and when required.

APPENDIX-A
FORM 2002-1A



APPLICATION FORM
FOR A.O.A. MEMBERSHIP

Type of Membership applied for:-

Full Member

Associate Member

Individual Member

1. Office or Person Applying:

2. Details of Office:

3. Address:

4. Telephone: _____ Fax: _____

Email: _____ Website: _____

5. Documents attached:

6. Other information that may be of assistance with communication:

7. I declare and affirm as follow:

- (i) I have read and am cognizant of the requirements of the Bye-Laws of the Asian Ombudsman Association insofar as they apply to matters of Memberships.
- (ii) That the office applying for membership meets the requirements listed under Bye-Law 5.
- (iii) That the attached information confirms eligibility for Membership.

And I make this solemn declaration by virtue of the law applicable to the State or place of the Applicant's domicile.

Declared at _____

Signature (Applicant) _____

Title (Designation of Office) _____

Title _____

FORM 2002-2A



ASIAN OMBUDSMAN ASSOCIATION
ELECTION OF OFFICE BEARERS & OTHER
MEMBERS OF THE BOARD OF DIRECTORS

NOMINATION FORM

We hereby nominate the following Full Members with voting rights to stand for election for the following offices of the Association at the forthcoming General Meeting:

Office	Name and Title of Person Nominated	Signature of Person Nominated
President		
Vice President		
Secretary		
Treasurer		
Members	1	
	2	
	3	
	4	
	5	

We confirm that:

- i. We are paid-up Full Members with voting rights of the A.O.A. and we have no other outstanding dues owing to the Association.
- ii. The candidates have accepted this nomination to stand for election for the office for which they have been nominated.

Proposer's Signature Seconder's Signature

Proposer's Name Seconder's Name

Proposer's Title Seconder's Title

Date..... Date