

**BYE-LAWS
OF THE
ASIAN OMBUDSMAN ASSOCIATION
(Amended upto 5th November, 2009)**

1. Name of the Association

The Association shall be called the “Asian Ombudsman Association”.

2. Secretariat

The Secretariat of the Association shall be located at Islamabad, Pakistan. However, the Secretariat may be shifted to any other place through a resolution of the General Assembly. Further, a member in the host country/region, where the general meeting of the Association is held, may establish an office for the purpose.

3. Association’s Insignia

The Association’s insignia shall be as Annex-I.

4. Objectives

- (1) The Association shall be independent, non-political, democratic and professional body.
- (2) It is formed for the following objectives:
 - (a) To promote the concepts of Ombudsman-ship and to encourage its development in Asia.

- (b) To develop professionalism in the discharge of the functions of an Ombudsman.
- (c) To encourage and support study and research regarding the institution of Ombudsman.
- (d) To sponsor training and educational programmes for the institutions of Ombudsman in the region.
- (e) To provide scholarships, fellowships, grants and other types of financial support to individuals for study relating to the institution of the Ombudsman.
- (f) To collect, store and disseminate information and research data about the institution of Ombudsman.
- (g) To facilitate exchange of information and experiences among the Ombudsmen in the region.
- (h) To plan, arrange and supervise periodic conferences of the Ombudsmen of the Asian countries/regions.

- (i) To undertake such other matters necessary to further the above objectives of the Association.

5. Membership

Types of Members

The Association shall comprise of Full Members, Associate Members, Honorary Life Members and Individual Members.

(1) Full Members

A Full Member shall be a person holding the office of Ombudsman, Parliamentary Commissioner, Minister of Supervision, Commissioner for Administrative Complaints or the head of any office or organisation known by any designation who has been appointed or elected according to the constitution or law of the country/region and whose role includes the following characteristics:-

- (a) to investigate the grievance of any person or body of persons concerning any decision or recommendation made or any act committed or omitted by any

administrative authority over which the jurisdiction exists;

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

For the purpose of sub-paragraph (6) of this Bye-Law, Full Members who participated in the founding of the A.O.A. are referred to as Founding Members.

(2) Associate Members

Persons or heads of agencies interested in or involved in Ombudsman-related activities who do not qualify as Full Members (for example, heads of universities, hospitals, prisons and the press etc.) may join as Associate Members.

(3) Honorary Life Members

Honorary Life Membership may be conferred by the Board of Directors on persons who have made outstanding contributions to the Ombudsman ethos or functions.

(4) Individual Members

The Association may allow any individual to become a member who has shown interest through writings, research or otherwise on the concept of Ombudsmanship and whose membership shall advance the objectives of the Association.

(5) Acceptance

The General Assembly in the case of Full Members and the Board of Directors in the case of other types of members shall decide about membership. 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.

(6) Rights and Obligations

- (a) Besides the Founding Members of the Association each of whom shall have a right of vote, other Full Members shall have a right of vote subject to the following:-
- (i) if there are already one or more Founding Members from a country, that country shall not have any additional vote resulting from the admission of any further Full Members from the same country;
 - (ii) if there are no Founding Members but more than one Full Member from a country, the voting rights shall be exercised by the Full Member performing the functions of or similar to that of the National/Federal Ombudsman; and
 - (iii) if there is no person performing the functions of or similar to that of a National/Federal Ombudsman in a country, or the person performing

such functions is not a Full Member, the voting rights shall be exercised by the consensus of all the Full Members from that country. If there is no consensus among the Full Members, the country shall lose its voting right on the particular issue under consideration of the General Assembly.

- (b) Any member may request the Board of Directors to consider any matter relating to the Association or any of its bodies.
- (c) The Associate, Honorary, and Individual members may participate but shall have no right of vote in the General Assembly.
- (d) All members are entitled to and obliged to do everything in their power to promote the aims of the Association and to observe its statutes and resolutions.

(7) Cancellation

The General Assembly shall be entitled to cancel the Membership by two-third majority when a member has:

- (a) violated the statutes of the Association; or
- (b) damaged its reputation; or
- (c) not fulfilled the conditions set down for membership; or
- (d) not cleared the membership dues after receiving three written notices.

(8) Withdrawal

Any Member may withdraw from the Association at any time by notifying ninety days in advance.

(9) Observers

Persons interested in Ombudsmanship or similar functions being performed by other bodies may be invited as Observers in the conferences and meetings of the Association.

(10) Eligibility for Nomination and Election

Only 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.

(11) Suspension of Membership

Without prejudice to the generality of Bye-law 5(7)(d), the General Assembly shall be entitled to suspend the Membership by a simple majority in case of a member who has not cleared his membership fees by the stipulated date(s) after the issue of three written notices by the Secretariat of the Association to this effect.

Suspension means, in addition to the ineligibility under Bye-law 5(10), that the member concerned shall not be allowed to participate in the proceedings of the General Assembly and any other activity of the Association.

6. General Assembly

- (1) The General Assembly shall consist of the Full Members.
- (2) The General Assembly shall be held within two calendar years. An extraordinary General Assembly shall be convened by the President when important decisions have to be made, or when at least one-fifth of the Full Members request and submit a written agenda within one month.

- (3) The General Assembly shall be convened by sending written notices at least thirty days prior to the schedule and communicating the proposed agenda to the members.
- (4) The General Assembly shall have the right:
 - (a) to accept Full Membership;
 - (b) to elect members of the Board of Directors and the Auditor;
 - (c) to fix the membership dues;
 - (d) to pass amendments in statute and basic organisational issues;
 - (e) to confer special honours on deserving persons;
 - (f) to approve reports of the Board of Directors and the Auditor; and
 - (g) to decide venue of the next meeting of the members.
- (5) The General Assembly shall be deemed to have a quorum when at least half of the Full Members are present. All resolutions of the General Assembly shall require a simple majority of the Full Members with voting rights present. However, for adopting a resolution on matters contained in items (a) and (d) above, a two-thirds majority of the Full Members with voting rights shall be necessary.

- (6) The General Assembly shall be chaired by the President. In the absence of the President, the Vice President shall chair the meeting. During the election proceedings for the office of the President or for the entire Board of Directors, the senior most incumbent Ombudsman present from amongst the Full Members, who is not contesting the election, shall preside over the session of the General Assembly.

7. Board of Directors

- (1) The Board of Directors shall consist of:
 - (a) The President;
 - (b) The Vice-President;
 - (c) The Secretary;
 - (d) The Treasurer; and
 - (e) five other membersAll of whom shall be Full Member with voting rights.
- (2) The Board of Directors shall be elected by the General Assembly, for a term of four years, but shall remain in office until the new Board of Directors has been elected. The Board of Directors shall be entitled to co-opt members;

provided that a co-opted member shall have no voting right.

- (3)(a) The Board shall meet once every year. The place of meeting shall be decided by the Board;
 - (b) The quorum for the Board's meeting shall be five; and
 - (c) The Board may also decide matters of urgent nature by circulation.
- (4) Resolutions by the Board of Directors shall be adopted by majority vote. In the event of a tie, the President shall cast the deciding vote.
 - (5) Directors shall not receive any remuneration for their services, but by resolution of the Board, expenses may be allowed for their attendance at annual or special meetings of the Board.
 - (6) Any Director who ceases to represent the office of the Ombudsman shall cease to be a member of the Board of Directors but his successor shall hold office for the remaining term of the retiring Director.
 - (7) All matters in furtherance of the objectives of the Association including financial, not reserved for the General Assembly as set out in Bye-Law

6(4)(a) to (g), shall be dealt with by the Board of Directors.

- (8) The President shall represent the Association, convene the meetings of the Board of Directors and act as Chairman of meetings.
- (9) In case of absence or temporary disability of the President, the Vice-President shall act on his behalf.
- (10) The President and the Treasurer shall jointly sign all financial account statements.
- (11) The annual budget shall be approved by the Board.

8. Secretariat

- (1) The Secretariat shall consist of the President, the Vice-President, the Secretary and the Treasurer and shall carry out all functions entrusted by the Board of Directors.
- (2) Audited Accounts of the Association shall be presented before the Board by the Treasurer.

9. Miscellaneous

- (1) In case of difficulties in giving effect to provisions of this Statute or interpretation of any Bye-Law thereof, the matter shall be referred to the President who may decide on it, or refer it to the

Board of Directors, or the General Assembly depending on the nature and gravity of the matter. The Decision of the President may be reviewed by the Board of Directors and the Board's by the General Assembly.

- (2) The President of the A.O.A. shall every year prepare and circulate an annual report to all members at the end of each year and submit to the General Assembly all the Annual Reports which may have been prepared during the period when the General Assembly was not in session.

Annex-I

A.O.A. INSIGNIA

