

THE PAKISTAN LEGAL PRACTITIONERS AND BAR COUNCILS RULES, 1976

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PAKISTAN BAR COUNCIL

NOTIFICATION

Lahore, the 21st May, 1976

S.R.O. 476(I)/76.--In exercise of the powers conferred by Section 55 of the Legal Practitioners and Bar Councils Act of 1973 (XXXV of 1973) and other enabling provisions in this behalf, the Pakistan Bar Council hereby makes and notifies the following Rules:

THE PAKISTAN LEGAL PRACTITIONERS AND BAR COUNCILS RULES, 1976

CHAPTER I

PRELIMINARY

1. (i) These Rules may be called the Pakistan Legal Practitioners and Bar Councils Rules, 1976.
- (ii) They shall come into force at once.
2. In these Rules unless there is anything repugnant in the subject or context:
 - (a) "Act" means The Legal Practitioners and Bar Councils Act, 1973 (Act XXXV of 1973).
 - (b) "Chairman" means-
 - (i) in relation to the affairs of the Pakistan Bar Council, the Chairman of the Pakistan Bar Council.
 - (ii) in relation to the affairs of a Provincial Bar Council, the Chairman of the Provincial Bar Council concerned.
 - ²[(bb) "Division" means and includes a former Division as existed on or before 31.12.1999].
 - (c) ³["Member" in relation to a Bar Council does not include the Chairman thereof].

1. These Rules were framed and adopted by the Pakistan Bar Council as per its Resolution dated 10th April, 1976 and Notification published in the Gazette of Pakistan, Extra, (Part II), May 22, 1976.
2. Added *vide* Notification of the Pakistan Bar Council dated 29-04-2004.
3. The original clause (c) of Rule 2 reads as under:-
"(c) "Member" means a Member of the Pakistan Bar Council".
It was substituted by the present text, with effect from 20.3.1979, as per Notification published in the Gazette of Pakistan, Extra (Part II) March 24, 1979.

- (d) ⁴["Secretary"] means a person appointed as ⁵[Secretary] of the Pakistan Bar Council and includes any other person to whom all or any of the functions of the ⁶[Secretary] are for the time being entrusted by the Bar Council or the Chairman.
- (e) "Section" means a Section of the Act.

CHAPTER II - ELECTIONS

PART-I DEFINITIONS

3. In this Chapter unless there is anything repugnant in the subject or context:

⁷[(a) "candidate" means:--

- (i) in relation to election of the Pakistan Bar Council, an advocate whose name appears in the Roll of Advocates of the Supreme Court maintained by the Pakistan Bar Council and practising generally in a Province from which he seeks election and is qualified to be elected as Member of the Pakistan Bar Council under Section 11A of the Act and does not suffer from any disqualifications under Section 11B of the Act; and
- (ii) in relation to election of the Provincial Bar Council, an Advocate whose name appears in the Roll ⁸[of group of districts] maintained by a Provincial Bar Council from the District wherein he is practicing generally and is qualified to be a Member of a Provincial Bar Council under Section 5A of the Act and does not suffer from any disqualifications under Section 5B of the Act.

Explanation.--If any question arises whether an Advocate is or is not, for the purpose of this sub-rule, practicing generally in a Province or District, for the purpose of election of Pakistan Bar Council it shall be referred to the Attorney-General for Pakistan and for the purpose of election of the Provincial Bar Council it shall be referred to the Advocate-General concerned, whose decision thereon shall be final].

⁹[(aa) "continuing candidate" means any candidate who is neither elected nor excluded from the poll at any given time].

4. The word "Secretary" was substituted by the words "Secretary General", with effect from 1.7.1983, *vide* Notification published in the gazette of Pakistan, Extra (Part II), June 6, 1983. But, thereafter, the word "Secretary" was substituted for the words "Secretary-General", with effect from 22.8.1984, under Notification published in the Gazette of Pakistan, Extra, (Part II), August 22, 1984.

5. See foot note No. 4.

6. See foot note No. 4.

7. With effect from 1.7.1983, the original clause (a) of Rule 3 was re-numbered as (aa) and the present clause (a) was added through Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983.

8. Substituted for the words "Divisional Roll" as per Notification of PBC dated 17.10.2005.

9. See foot note No. 7.

- (b) "elected member" means a member duly elected to the Pakistan Bar Council or a Provincial Bar Council as the case may be.
- (c) "Election Tribunal" means:-
- (i) in relation to elections to a Provincial Bar Council and its Vice-Chairman, a Judge of the High Court nominated by the Chief Justice of the High Court concerned; and
 - (ii) in relation to the elections to the Pakistan Bar Council and its Vice-Chairman, a Judge of the Supreme Court nominated by the Chief Justice of Pakistan.
- (d) "exhausted paper" means a ballot paper on which no further preference is recorded for a continuing candidate; provided that a ballot paper shall also be deemed to have become exhausted whenever:-
- (a) the names of two or more candidates whether continuing or not, are marked with the same figure and are cast in order of preference; or
 - (b) the name of a candidate next in order of preference whether continuing or not is marked:-
 - (i) by a figure not following consecutively after some other figure on the ballot paper; or
 - (ii) by two or more figures.
- (e) "first preference" means the figure "1" set opposite the name of a candidate; "second preference" means the figure ¹⁰["2"] set opposite the name of a candidate; "third preference" means the figure ¹¹["3"] set opposite the name of a candidate and so on;
- (f) "member" means a member of a Provincial Bar Council, ¹²[but shall not include its chairman].
- (g) "original vote", in relation to any candidate, means a vote derived from a ballot paper on which a first preference is recorded for such candidate.
- (h) "published" with its grammatical variation includes exhibitions at a place accessible to the public.

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10. Figure "2" was substituted by the figure "H" with effect from 24.3.1979 *vide* Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979 and then again figure "2" was substituted for figure "H" *vide* Notification of Pakistan Bar Council dated 27-10-2005.
 11. Figure "3" was substituted by the figure "I" with effect from 24.3.1979, *vide* Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979 and then again figure '3' was substituted for figure "I" *vide* Notification of PBC dated 17-10-2005.
 12. The words "but shall not include its Chairman" were added, with effect from 24.3.1979, as per Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

- ¹³(i) "Returning Officer" means--
- (i) in relation to election to a Provincial Bar Council, the Advocate-General of that province; ¹⁴[or in his absence the Additional Advocate-General in order of seniority, and where there is no Additional Advocate-General an Assistant Advocate-General in order of seniority];
 - (ii) in relation to election to the Pakistan Bar Council, the Attorney-General for Pakistan ¹⁴[or in his absence a Deputy Attorney] General in order of seniority].
- (j) "surplus" means a number by which the value of the votes original and transferred of any candidate exceed the quota;
- (k) "transferred vote", in relation to any candidate, means a vote the value or the part of the value of which is credited to such candidate and which is derived from a ballot paper on which a second or a subsequent preference is recorded for such candidate;
- (l) "un-exhausted ballot paper" means a ballot paper on which a further preference is recorded for a continuing candidate; and
- (m) "voter means"--
- (i) in relation to election to a Provincial Bar Council, an Advocate whose name for the time being appears on the ¹⁵[roll of group of districts of the Provincial Bar Council] ¹⁶[and to whom an identity card has been issued by a Provincial Bar Council and who is not in arrears of dues of the Provincial Bar Council for a period exceeding six months].

13. The original clause (i) of Rule 3 read as under:--

- "(i) "Returning Officer" means:--
- (i) in relation to election to a Provincial Bar Council, the Advocate-General of that Province;
 - (ii) in relation to election of the member from the Province of Baluchistan to the Provincial Bar Council of the Provinces of Sindh and Baluchistan, the Advocate-General of Baluchistan;
 - (iii) in relation to election to other members to Provincial Bar Council referred to in the sub-clause (ii) the Advocate-General of Sind; and
 - (iv) in relation to election to the Pakistan Bar Council, the Attorney-General for Pakistan".

In view of the establishment of the Baluchistan Bar Council, the sub-clauses (ii) and (iii) were omitted and sub-clause (iv) was re-numbered as (ii), with effect from 24.3.1979, through Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

14. Added *vide* Notification published in the Gazette of Pakistan, Extra (Part II), February 21, 1990.
15. Firstly the word "divisional" was substituted for the word "provincial", with effect from 24.3.1979, *vide* Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979. Subsequently for the words "Divisional Roll" were substituted for the words "roll of group of districts of the Provincial Bar Council" *vide* notification of Pakistan Bar Council dated 17.10.2005.
16. The words " and to whom an identity card has been issued by a Provincial Bar Council and who is not in arrears of dues of the Provincial Bar Council for a period exceeding six months" were added, with effect from 1.7.1983, *vide* Notification published in the Gazette of Pakistan, Extra, (Part II), March 6, 1983. The Lahore High Court, according to its Judgment dated 29.11.83, has declared this amendment of clause (m) of Rule 3 as ineffective in law.

- (ii) in relation to election to the Pakistan Bar Council, a member ¹⁷[of a Provincial Bar Council]

PART - II

ELECTION TO PROVINCIAL BAR COUNCILS

¹⁸4. (1) Each Provincial Bar Council shall publish ¹⁹[...] Rolls of Advocates ²⁰[of group of districts as per the schedule under Section 5(2)(b) of the Act] district-wise on the 1st day of October of the year in which the elections of a Bar Council are to be held, which will constitute as Voters Lists for the elections to the Provincial Bar Council.

(2) The Returning Officer of a Provincial Bar Council, after ascertaining the number of Advocates practising generally in a district and entered on the Roll [of group of districts] from the district on the 1st day of October, as published under sub-rule 4(1), shall notify:

- (a) the number of Members to be elected from each district under clauses (a) & (b) of sub-section (2) of Section 5; and
- (b) the names of the districts which shall for the purpose of election, be joined with one or more adjoining districts under clause (c) of sub-section (2) of Section 5.

5. (1) The Returning Officer shall publish a programme of the election of Members of the Provincial Bar Council in the official Gazette specifying:--

17. The words "of a Provincial Bar Council" were added, with effect from 24.3.1979, as per Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

18. The originally framed Rule 4 reads as under:-

"4. (1) The Chairman after ascertaining the number of the Advocates practising generally in a District and entered on the Provincial roll from that District on the 1st of November, or any other date which is prescribed by law, before the expiry of the term of the Bar Council shall publish by notifying it on the notice Board of the Bar Council:

- (a) a list of Advocates so practicing and entered on the provincial roll;
- (b) the date on or before which claims and objections relating to the list may be filed;
- (c) the date on which claims and objections relating to the list shall be heard and disposed of;
- (d) the date on which the final list of Advocates shall be published;
- (e) the number of members to be elected from each District under clauses (a) and (b) of sub-section (2) of Section 5; and
- (f) the names of the Districts which shall for the purpose of election, be joined with one or more adjoining Districts under clause (c) of the said sub-section (2).

(2) The Chairman shall dispose of the claims and objections filed under clause (4) of sub-rule (1)" *Vide* Notification published in the Gazette of Pakistan, Extra (Part-II), 24th March, 1979 it was amended, with effect from 24.3.1979, in the following terms:

- (i) The words "of a Provincial Bar Council" were inserted between the words "Chairman" and "after" occurred at the beginning of sub-rule (1);
- (ii) the words "provincial" and "November" occurred in sub-rule (1) were substituted by the words "divisional" and "October", respectively;
- (iii) for the word "provincial" the word "divisional" was substituted in clause (a) of sub-rule (1); and
- (iv) the words and figure "of Section 5" were added at the end of clause (f) of sub-rule (1).

With effect from 1.7.1983, Rule 4, amended as aforementioned, was subsequently substituted as per Notification published in the Gazette of Pakistan, Extra (Part-II), June, 6, 1983.

19. The word "Divisional" was deleted *vide* Notification of Pakistan Bar Council dated 17.10.2005.

20. Inserted *vide* Notification of Pakistan Bar Council dated 17.10.2005.

- (a) the date for receipt of proposals for election;
- (b) the date, not being a date later than seven days of the date on which proposals for election are to be delivered at the office of the Returning Officer for the scrutiny of such proposals;
- (c) the date on which list of the contesting candidates shall be published;
- (d) the date by which a candidate may withdraw his proposal;
- (e) the date on which the final list of the candidates shall be published;
- (f) the date on which the voting shall take place;
- (g) the date on which the result of election shall be declared; and
- (h) the date by which objections to the validity of election of a member shall be filed:

Provided that there shall be an interval of at least fourteen days between the date for scrutiny and the date on which voting shall take place and the date on which the result of election is declared and the date for filing objections to the election.

(2) The place of the office of the Returning Officer shall also be specified in the notification and the location of the office shall not be changed during the course of election except for compelling reasons and notice of such change shall be published in at least one leading English and one leading vernacular daily of the province not later than four days before the change takes place.

(3) Copies of the programme shall be sent to the Chief Justice of the High Court for information and to the Presidents of all the Bar Associations for being pasted at the notice boards of their offices.

²¹[6. (1) At any time before 2 p.m. on a date specified by the Returning Officer any Advocate practicing generally in a district and entered on the ²²[roll of group of districts] ²³[who is qualified as voter] may by a letter addressed to the Returning Officer propose another such Advocate ²⁴[qualified as a candidate] for election as a Member of the Provincial Bar Council ²⁵[from that district] by delivering at the office of the Returning Officer nomination paper signed by him and accompanied by a statement by the Advocate whose name is proposed that he is willing to serve as Member if elected. A proposal shall relate only to one candidate and shall be invalid if it relates to more than one. The Returning Officer or any other person specifically authorized by him in this behalf shall note on each proposal as soon as it is received, its number as well as the time and the date on which it is received.

21. The originally framed Rule 6 was re-numbered as 6 (1) and present sub-rule (2) was added, with effect from 1.7.1983, through Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983.

22. Substituted for the word "divisional" as per Notification of Pakistan Bar Council dated 17-10-2005.

23. Inserted, with effect from 1.7.1983, *vide* Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983.

24. Inserted, *ibid*.

25. Inserted, *ibid*.

²⁶[(2) The proposal shall contain number of the identity card issued by the Provincial Bar Council to such candidate and his proposer accompanied by a declaration from the candidate that he does not suffer from any of the disqualifications prescribed in the Act and Rules.]

²⁷[Provided that no voter shall sign more proposals than the number of the members to be elected to the Provincial Bar Council. In case he does so, his proposals received earlier in time upto the number of the members to be elected, shall only be valid.]

7. (1) The Returning Officer shall within two days of the last date fixed for delivery of proposals, cause to be put up a list of the proposals on a notice board at his office containing particulars of the candidates.

(2) Every candidate or a voter shall have the right to inspect the proposals before the scrutiny.

8. On the day fixed for scrutiny the Returning Officer shall after hearing such objections which will be made to any proposal by any candidate or a voter and after making such summary enquiry as he thinks fit, accept or reject the proposal.

9. A candidate may withdraw his candidature before the expiry of the third day after scrutiny of the proposals by the Returning Officer.

10. (1) If the number of valid proposals from the district does not exceed the number of the members to be elected from that district, the Returning Officer shall declare the proposed candidates to be elected.

(2) If after the withdrawal day the number of valid proposals from a district exceeds the number of members to be elected from that district a list of contesting candidates and the seats for which the election is to take place, shall be pasted on the notice board of the Returning Officer within two days of the date of withdrawal.

²⁸[...]

²⁹[10A. No contesting candidate shall canvass for votes through advertisements, banners, pla-cards and posters. He may, however, solicit support through personal contact and by issuing post cards, letters and hand bills].

11. The Returning Officer shall notify the polling stations and the areas to be served by each polling station.

26. See foot note No. 21.

27. Substituted for the following, with effect from 24.3.1979, as per Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979:--

"Provided that no voter shall sign more proposals than the number of the Members to be elected to the Provincial Bar Council and in case he does so his signature shall be valid only for such number of proposals as aforesaid".

28. The following Explanation, which originally was made part of Rule 10, was deleted, with effect from 24.3.1979, vide Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979:--

"Explanation.--For the purpose of this Rule the Province of Baluchistan shall be deemed to be a District".

29. Added, with effect from 24.3.1979, as per Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

12. Each contesting candidate may before the commencement of the polls appoint not more than one agent for each polling station.

13. (1) The Returning Officer shall publish, at least 30 days before the polling, a list of voters showing at which polling station a particular voter shall cast his vote:

Provided that the Returning Officer shall have the power to add to the list till the polling is held:

Provided further that no person shall be entitled to vote if he ceases to be an advocate before the poll.

(2) All voters shall cast their votes at the polling stations indicated in the list except voters appointed as polling agents who shall be entitled to cast their votes at the polling stations for which they have been appointed as polling agents. A candidate may cast his vote at any polling station.

14. The ballot paper shall be in such form as may be specified by the Returning Officer and the names of the contesting candidates shall be written on it in ³⁰[English].

15. The Returning Officer shall for the purpose of conducting the election, appoint such number of polling officers to assist the Returning Officer as he may consider necessary.

16. The Returning Officer shall provide the polling Officer with a list of voters of the area for which he has been appointed the polling officer.

17. (1) The polling Officer shall conduct the poll in accordance with the provisions of these Rules and shall exercise all necessary powers for maintaining order at the polling station and shall report to the Returning Officer any fact or incident which in his opinion effect the conduct or fairness of the poll.

(2) It shall be the duty of a Polling Officer to do all such acts and things as may be necessary for effectively conducting the polls in accordance with the provisions of these Rules.

18. (i) The ballot box shall be such as may be provided by the Returning Officer;

(ii) The Polling Officer shall ensure before the commencement of the poll that each box is empty and is properly sealed in the balloting position and is placed before him prior to the receiving of the ballot papers.

19. The Polling Officer shall, subject to such instructions as the Returning Officer may give, regulate the entry of persons to the polling station and exclude therefrom all persons except:

(a) any person on duty in connection with the election.

(b) contesting candidates and one polling agent of each contesting candidate.

30. The word "English" was substituted for the word "Urdu" vide Notification of Pakistan Bar Council dated 17.10.2005.

³¹[(c) No canvassing shall be allowed inside the polling station)]

20. (i) There shall be displayed outside the place of the poll a list of the contesting candidates;

(ii) To enable the voters to mark their ballot papers in secret the Polling Officer shall set up polling booths screened from observation where voters shall record their votes;

(iii) The Returning Officer shall provide sufficient number of ballot boxes, copies of the list of voters, ballot papers, stamps for making official mark, writing material for indicating preferences ³²[on] the ballot papers and such other articles as may be necessary for facilitating the casting of votes.

21. ³³[In] an election of a Provincial Bar Council, each voter shall have as many votes as the number of ³⁴[members] to be elected from that ³⁵[group of districts] to that Bar Council.

22. ³⁶[(1) The ballot paper for the election to a Member of a Provincial Bar Council shall be issued to the voter by the Polling Officer only against the production of an identity card issued to him by such Provincial Bar Council.

(2) A voter, on receiving the ballot paper, shall forthwith:--

- (a) proceed to the polling booth;
- (b) record his vote on the ballot paper by putting a cross ³⁷[(x) or tick (√)] against the name of the candidate for whom the voter intends to vote;
- (c) fold the ballot paper so as to conceal his vote; and
- (d) insert the ballot paper into the ballot box.

(3) No voter shall be allowed to enter the voting booth when another voter is inside it].

23. Voting shall take place generally under the directions, control and supervision of the Returning Officer at such hours as the Returning Officer may direct on the date or dates already fixed for voting in the programme, but the Returning Officer may for sufficient reasons direct that the voting may continue after the date or dates fixed. Directions given by the Returning Officer shall be put on the notice board of his office and a copy thereof shall

31. Added, with effect from 24.3.1979, *vide* Notification published in the Gazette of Pakistan, Extra (Part II), March 24,1979.

32. Substituted for the word "of", *ibid*.

33. Substituted for the word "on", with effect from 24.3.1979, under Notification published in the Gazette of Pakistan, Extra (Part II), March 24,1979.

34. Substituted for the word "seats", *ibid*.

35. Substituted for the word "division" *vide* Notification of Pakistan Bar Council dated 17-10-2005.

36. The originally framed sub-rules (1) and (2) were re-numbered as (2) and (3), respectively, and the present sub-rule (1) was added, with effect from 1.7.1983, *vide* Notification published in the Gazette of Pakistan, Extra (Part II), June 6,1983.

37. Inserted *vide* Notification of Pakistan Bar Council dated 17-10-2005.

be sent to the Presidents of all the Bar Associations for being pasted at the notice boards of the Bar Associations.

24. (1) Voting shall be by secret ballot.

(2) A voter who has inadvertently spoiled his ballot paper so that it cannot be used may, after satisfying the Polling Officer about the fact of inadvertence, return the ballot paper to the Polling Officer who shall issue another ballot paper after cancelling the spoiled ballot paper which shall be placed in a packet labelled "spoiled ballot papers" noting the fact of cancellation on the counterfoil also.

(3) If any ballot paper which has been issued to a voter has not been inserted by him into the ballot box, but is found to be anywhere else it shall be cancelled and counted for as "spoiled ballot paper".

25. (1) At the close of the polling, the ³⁸[Polling Officer] shall count in the presence of the candidates or their agents the votes cast for the various candidates and shall forward the ballot papers and the result of counting in a sealed cover to the Returning Officer.

(2) The Returning Officer shall after giving notice to the contesting candidates as to the date, time and place for the counting of votes, open the sealed packets received from the Polling Officers, in the presence of such of the contesting candidates or their agents as may be present. He shall then proceed to count the ballot papers received from the various polling stations.

(3) The Returning Officer shall reject a ballot paper, if--

- (i) the voter has put a cross ³⁹[(x) or tick (√)] against more candidates than the number of members to be elected;
- (ii) the ballot paper contains a mark other than a cross ³⁹[(x) or tick (√)] put against, the name of a candidate which is not found to be accidental.

26. The Returning Officer shall prepare a report of the votes received by each candidate and the votes held to be invalid and shall declare the result. In case of equality of votes the decision shall be taken by drawing of lots. The ballot papers as well as report shall be preserved in a sealed box for the term of the members elected.

⁴⁰[Omitted]

27. All candidates as well as their agents shall be entitled to be present at the counting.

38. Substituted for the words "person proceeding with polling on any polling Station" with effect from 1.7.1983, as per Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983.

39. Inserted *vide* Notification of the PBC dated 17-10-2005.

40. The following proviso of the originally framed Rule 26 was deleted, with effect from 24.3.1979, *vide* Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979:

"Provided that the Returning Officer in relation to election of the members from the Province of Baluchistan to the Provincial Bar Council of the Province of Sindh and Baluchistan shall after preparing the report forward it to the Returning Officer in relation to the election of the members of that Council and shall after consolidating the result of the count declare the result".

28. A list of candidates declared elected shall be prepared and signed by the Returning Officer and ⁴¹[...] shall cause the list to be published in the official gazette ⁴²[of the Province]. Copies of the list shall also be sent to the Presidents of all the Bar Associations to be affixed on their notice boards.

⁴³**[PART-IIA**

FILLING OF CASUAL VACANCIES]

- 28A.** (i) Any member of a Provincial Bar Council present in the meeting may propose, in writing, the name of an Advocate whose name appears in the Roll ⁴⁴[of group of districts] from that District or Districts to which the vacancy relates, who is qualified to be a Member of the Provincial Bar Council under the provisions of the Act and Rules.
- (ii) Such proposal shall be supported by documentary proof of the qualifications of a candidate for the membership of Provincial Bar Council as enumerated in Section 5A of the Act and shall also be accompanied by a declaration from such candidate that he does not suffer from any of the disqualifications as laid down in the Act and Rules.
- (iii) If there are more than one proposals for co-option to fill in the vacancy, the decision shall be taken by majority of the members present in the meeting of the Provincial Bar Council.
- (iv) After the co-option of a Member against a casual vacancy, the Chairman of the Provincial Bar Council shall cause the name of such co-opted person to be notified in the official Gazette of the Province as Member of such Provincial Bar Council].

PART-III

**ELECTION OF THE MEMBERS OF THE
PAKISTAN BAR COUNCIL**

29. A list of the candidates declared elected by each Provincial Bar Council shall be prepared and signed by the Chairman of each Provincial Bar Council and it shall be sent to the Chairman of the Pakistan Bar Council who shall cause the list to be published in the official Gazette of the Government of Pakistan. It shall be electoral roll for the election to the Pakistan Bar Council ⁴⁵[for each Province as provided under sub-section (1A) of Section 11 of the Act].

41. The words "shall be sent to the Chairman who" were deleted with effect from 1.7.1983 under Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983.

42. Added, with effect from 24.3.1979, as per Notification published in the Gazette of Pakistan, Extra, (Part-II), March 24, 1979.

43. Part-II A was added, with effect from 1.7.1983, *vide* Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983.

44. Inserted through Notification of Pakistan Bar Council dated 17-10-2005.

45. Added *ibid*.

30. (1) After the publication of the list under Rule 29 the Returning Officer shall publish a programme of the election of the members of the Pakistan Bar Council in the official gazette, specifying:--

- (a) the date, not being a date later than fifteen days of the notification under Rule 29, by which proposals for election are to be delivered at the office of the Returning Officer;
- (b) the date for the scrutiny of such proposals;
- (c) the date for the publication of the list of candidates;
- (d) the date by which the candidate may withdraw his nomination paper;
- (e) the date by which the final list of candidates shall be published;
- (f) the date on which the voting shall take place;
- (g) the date on which the result of election shall be declared; and
- (h) the date by which objections to the validity of election of a member shall be filed:

Provided that there shall be an interval of at least seven days between the date by which proposals are to be delivered and the date for their scrutiny, an interval of at least ten days between the date for scrutiny and the date on which voting shall take place, and an interval of at least seven days between the date on which the result of the election is declared and the date for filing objections to the election.

(2) The place of the office of the Returning Officer shall also be specified in the notification and the location of the office shall not be changed during the course of election except for compelling reasons and notice of such change be published in at least one leading daily of each province not later than four days before the change takes place.

(3) Copies of the programme shall be sent to the Chief Justice of Pakistan for information and to all the voters.

31. ⁴⁶(1) Every candidate for election as a Member of the Pakistan Bar Council shall be an Advocate of the Supreme Court, generally practicing in a Province from where he seeks such election, possessing the qualifications as laid down in Section 11A and does not suffer from any disqualification as enumerated in Section 11B.

46. The present text of Rule 31 was substituted for the following originally framed Rule 31, with effect from 1.7.1983, as per Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983:-

“31. Every candidate for election as Member of the Pakistan Bar Council shall be an Advocate.—He shall be proposed by a letter signed by a voter and shall contain the consent of the proposed candidate. The letter shall be addressed and delivered to the Returning Officer at any time before 2 p.m. on the date fixed in the programme for delivering of the proposal. A letter of proposal may relate to one candidate and shall be invalid if it relates to more than one. The Returning Officer or any other person specifically authorised by him in this behalf shall note on each proposal as soon as it is received its number and the time and the date on which it is received”.