

(2) ⁴⁷[Any] Member of ⁴⁷[a] Provincial Bar Council ⁴⁷[may] propose by a letter, the name of a candidate ⁴⁸[from his Province] for the membership of the Pakistan Bar Council for a seat reserved for such Province. The proposal shall contain the consent of the proposed candidate which shall be delivered to the Returning Officer at any time before 2-00 p.m. on the date fixed in the programme for delivering the proposals.

(3) The letter of proposal shall be supported by documentary proof that the candidate is practicing generally in the Province from where he seeks election and possesses the qualifications as provided in Section 11A and shall be accompanied by a declaration by such candidate that he does not suffer from any disqualification as laid down in the Act and the Rules. The 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 authorized 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.

⁴⁹[(4) Every candidate for election shall pay a ⁵⁰[non-refundable] nomination fee of Rs. 10,000/- alongwith the letter of proposal through Pay Order/Bank Draft in favour of the Pakistan Bar Council].

⁵¹[**31A.** No contesting candidate shall canvass for votes through advertisement, banners, pla-cards and posters. He may, however, solicit support through personal contacts by issuing post cards, letters and hand bills].

32. At the election of the Members of the Pakistan Bar Council, each voter shall have a single transferable vote ⁵²[within the same Province].

⁵³[Provided, however, preferences shall be restricted to the number of seats reserved for a Province].

33. 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.

34. On the date fixed for scrutiny, the Returning Officer shall, after hearing any objection which may be made to any proposal by a candidate or any voter, and after making such summary inquiry as he may think fit, accept or reject the proposal.

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

47. Substituted for the words "A", "the" and "shall", respectively *vide* Notification of Pakistan Bar Council dated 17.10.2005.

48. Inserted *ibid*.

49. Added *vide* Notification published in Gazette of Pakistan, Extra (Part II), July 7,1998.

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

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

52. Added by Notification of Pakistan Bar Council dated 17-10-2005.

53. Substituted *ibid*.

36. The Returning Officer shall, on the date next following the withdrawal day, draw up a list of contesting candidates ⁵⁴[province-wise] in alphabetical order and publish it at some conspicuous place in his office and furnish a copy thereof to each of the contesting candidates.

⁵⁵**[36A.** (1) Where after scrutiny and withdrawal of letter of proposal, the number of validly nominated candidates or, as the case may be, the contesting candidates from a Province is less than or equal to the number of seats to be filled for that Province the Returning Officer shall by notification in the official Gazette, declare such candidate or candidates to be elected un-opposed.

(2) When the number of candidates declared elected under sub-section (1) is less than the number of seats to be filled, fresh proceedings shall be commenced in accordance with the provisions of these Rules, as if for a new election, to fill the seat or, as the case may be, seats remaining vacant].

37. Polling stations shall be established at such places and shall serve such areas as may be determined by the Returning Officer.

38. Each contesting candidate may, before the commencement of the poll, appoint not more than one agent for each polling station.

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

Provided that no voter shall be entitled to vote if he ceases to be a voter before the poll.

(2) ⁵⁶[Deleted]

40. (1) The ballot papers 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 ⁵⁷[English].

(2) The names of contesting candidates shall be arranged on the ballot paper in the same order as shown on the list of contesting candidates prepared under Rule 36.

41. 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.

42. (1) A 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 may, in his opinion, affect 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 poll in accordance with the provisions of these rules.

(3) No canvassing shall be allowed inside the polling station.

54. Inserted *ibid*.

55. Added *vide* Notification published in the Gazette of Pakistan, Extra (Part II), October 6, 1991.

56. Deleted *ibid*.

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

43. 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.

- 44.** (i) The ballot boxes 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 placed before him prior to the receiving of ballot papers.

45. The Polling Officer shall, subject to such instructions as ⁵⁸[the] Returning Officer may give, regulate the entry of members to the polling station and exclude therefrom all persons except:

- (a) any person on duty in connection with the election; and
- (b) the contesting candidates ⁵⁹[or] one polling agent of each contesting candidate.

46. (1) There shall be displayed outside the place of the poll, a list of contesting candidates.

(2) To enable the voters to mark their ballot papers in secret, the Polling Officer shall set up polling booth screened from observation where voters shall record their votes.

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

47. (1) A voter, on receiving the ballot paper, shall forthwith--

- (a) proceed to the voting booth;
- (b) record his vote in accordance with Rule 48;
- (c) fold the ballot paper so as to conceal his vote; and
- (d) insert the ballot paper into the ballot box.

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

48. In giving his vote a voter--

- (a) shall place on his ballot paper the figure 1 beside the name of the candidate for whom he wishes to vote in the first instance; and

58. Inserted, *ibid.*

59. Substituted for the word "and", *ibid.*

- (b) may, in addition, place on his ballot paper the figures ⁶⁰[2, 3, 4] and so on in the order of his preference besides the names of the other candidates.

Explanation.--The figures referred to in these rules may be marked against different names in ⁶¹[English] and shall not be marked in words.

49. 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 paper which shall be placed in a packet labeled "spoiled ballot papers" noting the fact of cancellation on the counterfoil also.

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

51. (1) After the close of the poll, the Polling Officer shall, in the presence of such of the contesting candidates and their polling agents as may be present, open the ballot boxes.

(2) The Polling Officer shall--

- (a) count the ballot papers taken out of the ballot boxes and record their number in a statement;
- (b) scrutinize the ballot papers taken out of the ballot boxes;
- (c) separate the ballot papers which he deems valid from those which he rejects under sub-rule (3) endorsing on each ballot paper so rejected the word "rejected" and the grounds of rejection and record their number in a statement;
- (d) put the valid and invalid ballot papers in separate packets and put his seal on them;
- (e) obtain on each statement and packet the signature of such of the contesting candidates or their agents as may desire to sign it; and
- (f) prepare a ballot paper account showing--
 - (i) the number of ballot papers entrusted to him;
 - (ii) the number of ballot papers taken out of the ballot box and counted;
 - (iii) the number of issued ballot papers; and
 - (iv) the number of invalid ballot papers.

60. Substituted for the figures and signs "٢", "٣" and "٤" through Notification of the Pakistan Bar Council dated 17.10.2005.

61. Substituted for the word "Urdu" ibid.

(3) A ballot paper shall be invalid--

- (a) on which figure "1" is not marked; or
- (b) on which figure "1" is set opposite the name of more than one candidates, or is so placed so as to render it doubtful as to which candidate it is intended to apply; or
- (c) on which figure "1" and some other figure are set opposite the name of the same candidate; or
- (d) on which there is a mark or writing or to which some object is attached by which the voter can be identified; or
- (e) which is unmarked or void on the ground of uncertainty; or
- (f) which does not bear official mark or initial of the Polling Officer.

(4) The Polling Officer shall, immediately after the close of proceedings under sub-rule (2) cause the statements, packets and account prepared by him to be sent to the Returning Officer together with such other records as the Returning Officer may direct.

52. (1) The Returning Officer shall after giving notice to the contesting candidates as to the day, 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 ⁶²[and shall count and credit the votes province-wise, in the manner hereinafter provided].

(2) The Returning Officer shall--

- (a) arrange the ballot papers in parcels according to the first preference recorded for each candidate;
- (b) count and record the number of ballot papers in each parcel and check the total number thereof; and
- (c) credit to each candidate the value of the ballot papers on which preference for him has been recorded.

53. Every ballot paper shall be deemed to be of the value of 100 and the quota sufficient to secure the return of a candidate at the election ⁶³[from each Province] shall be determined as follows:--

- (a) add the value credited to all the candidates under paragraph (c), sub-rule (2) of Rule 52;

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

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

- (b) divide the total by the number which exceeds total number of seats to be filled in by 1; and
- (c) add 1 to the quotient ignoring the remainder, if any, and the resultant number is the quota.

54. (1) For the purpose of counting of votes, the Returning Officer shall disregard all fractions and ignore all preferences recorded for candidates already elected or excluded from the poll.

(2) A candidate shall be deemed to have been elected if at the end of any count or at the transfer of any parcel or sub-parcel of an excluded candidate, the value of ballot papers credited to a candidate is equal to or greater than the quota, and no further ballot paper shall be transferred to him.

55. (1) If at the end of any count the value of the ballot papers credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with provisions of this rule to the continuing candidates, according to the preferences indicated on the ballot papers of that candidate.

(2) If more than one candidates have a surplus, the largest surplus shall be dealt with first and the other in order of magnitude:

Provided that every surplus arising on the first count shall be dealt with before arising on the second count and so on.

(3) If more than one candidates have an equal surplus arising within the same count, the surplus of the candidate credited with the greatest value at the earliest count at which the value credited to these candidates were unequal, shall be dealt with first and where the value credited to such candidate were equal at all counts, the Returning Officer shall determine by lot which surplus will be dealt with first.

(4) If the surplus of any candidate to be transferred arises from original votes only, the Returning Officer shall examine all the papers in the parcel of that elected candidate, sort out unexhausted papers into sub-parcels according to the next available preference recorded therein and shall make a separate sub-parcel of the exhausted ballot papers.

(5) If the value credited to an elected candidate where surplus is to be transferred arises from original and transferred votes, or from transferred votes only, the Returning Officer shall examine the ballot papers contained in the sub-parcel last transferred by the elected candidate.

(6) If the total value of the unexhausted papers is equal to or less than the surplus, the Returning Officer shall transfer each sub-parcel of unexhausted papers to the contesting candidates indicated therein as the voter's next preference, each paper being transferred at the value at which it was received by the candidate whose surplus is being transferred, when the total value of the unexhausted papers is less than the surplus, the exhausted papers

shall be set aside at a value which is equal to the differences between the surplus and the total value of the unexhausted papers.

(7) If the total value of the unexhausted papers is greater than the surplus, the Returning Officer shall transfer each paper in each sub-paragraph of unexhausted papers to the continuing candidate indicating therein as the voter's next preference and the value at which such papers shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers (fractional remainders being disregarded) except that the consequential loss of the value shall be noted on the result sheet.

(8) The papers transferred to each candidate shall be added in the form of a sub-paragraph to the papers already belonging to such candidate.

(9) All papers in the paragraph or sub-paragraph of an elected candidate not transferred under this rule shall be set apart as finally dealt with.

56. If at the end of any count, no candidate has a surplus and one or more seats remain unfilled, the Returning Officer shall exclude from the count the candidate credited with the lowest value; shall sort the unexhausted papers into sub-paragraphs according to the next available preferences recorded thereon and shall transfer each sub-paragraph to the contesting candidates for whom the next preference is recorded.

57. (1) The paragraph containing original votes of excluded candidate shall be transferred first, the transfer value of each paper being 100.

(2) Exhausted papers shall be set aside. The sub-paragraphs containing transferred votes shall then be transferred in the order in which and at the value at which the excluded candidate obtained them.

(3) Each of such transfer shall be deemed to be a separate transfer.

(4) When a candidate has been excluded and as a result of transfer of his votes another candidate has been elected with a surplus, in such a case his surplus votes shall be transferred before another exclusion is considered.

(5) In the transfer of each paragraph or sub-paragraph a separate sub-paragraph shall be made of the exhausted papers which shall be set aside at the value at which the excluded candidate obtained them.

58. (1) If at the end of any count as a result of transfer of papers, the number of continuing candidates is equal to the number of vacancies to be filled, no further transfer shall be made.

(2) When the number of continuing candidates is equal to the number of vacancies remaining unfilled, the continuing candidates shall thereupon be deemed to be elected.

(3) When at the end of any count, only one vacancy remains unfilled and the value credited to some one continuing candidate exceeds the total of the values credited to the

other continuing candidates together with any other surplus not transferred; that candidate shall thereupon be deemed to have been elected and no further transfer shall be made.

(4) When at the end of any count, only one vacancy remains unfilled and there are only two continuing candidates and each of them has the same value of votes at all counts and no surplus remains capable of transfer, the Returning Officer shall decide by lot which of whom shall be excluded; and after excluding him in the manner aforesaid, declare the other candidate to be elected.

59. (1) If at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are the lowest on the poll regard shall be had to the original votes of each candidates and the candidate for whom fewest original votes are recorded shall be excluded and if the value of their original votes are equal the candidate with the smallest value at the earlier count at which these candidates had unequal values shall be excluded.

(2) If two or more candidates are lowest on the poll and each has the same value of votes at all counts, the Returning Officer shall decide by lot which candidate shall be excluded.

⁶⁴[**59-A.** During the course of counting the candidate excluded first shall be placed at the last number among the candidates from that province. In the same manner, the next candidate excluded from that province shall be placed at the number above the last and so on].

60. (1) Any candidate, or in his absence, his agent may, at any time during the counting of votes either before the commencement or after the completion of any transfer of votes, whether surplus or otherwise, request the Returning Officer to re-examine and recount the papers of all or any candidate, not being papers set aside at any previous transfer as finally dealt with and the Returning Officer shall forthwith re-examine and recount the same accordingly:

Provided that nothing in this sub-rule shall make it obligatory on the Returning Officer to recount the same votes more than once.

(2) The Returning Officer may, in his discretion, recount the votes either once or more than once in any case in which he is not satisfied as to accuracy of any previous count.

⁶⁵[**60-A.** The list of candidates declared elected shall be prepared ⁶⁶[province-wise] and signed by the Returning Officer who shall cause the said list to be published in the official Gazette of Pakistan. Copies of the list shall also be sent to the Supreme Court of Pakistan and High Courts, the Provincial Bar Councils and District Bar Associations for affixing on their Notice Boards.]

⁶⁷[**60-B.** [Deleted].]

64. Substituted *vide* Notification of Pakistan Bar Council dated 17.10.2005.

65. Added, *vide* Notification published in the official Gazette of Pakistan, Extra (Part II), June 6, 1983.

66. Inserted *vide* Notification of the Pakistan Bar Council dated 17.10.2005.

67. Deleted *vide* Notification of Pakistan Bar Council dated 17.10.2005.

⁶⁸[PART-III A ... Deleted]

PART-IV

ELECTION TRIBUNALS

61. An objection to the election under paragraph (h) of sub-rule (1) of Rule 5 or under Paragraph (h) of sub-rule (1) of Rule 30, may be filed by any candidate at the election or by any five voters to contest the validity of the election of a candidate, by letter signed and delivered to the Chairman of the Bar Council who shall refer such objection to the Election Tribunal concerned for disposal within fifteen days of the date fixed for filing objections. The objection shall be accompanied by a deposit of Rs. 100/-.

62. The letter shall state clearly the grounds upon which the validity of the election is challenged.

63. The objections to the validity of an election of a member shall be heard by the Election Tribunal concerned.

64. The election shall be set aside if the Tribunal finds that an irregularity which has materially affected the result of the election or an illegality has been committed.

68. Part-III A, as mentioned below, was added *vide* Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983, which subsequently was deleted under Notification published in the Gazette of Pakistan Extra (Part II), December 31, 1989.

CO-OPTION OF TWO PERSONS AS MEMBERS OF THE PAKISTAN BAR COUNCIL AND FILLING OF CASUAL VACANCIES

- 60B. (i) At the first meeting of the Pakistan Bar Council immediately after the election of the Vice-Chairman, any member or members, present in the meeting may propose, in writing, the names of Advocates qualified to be co-opted under Section 11(1A) of the Act.
- (ii) Such proposal shall be accompanied by a declaration from such candidate that he is willing to serve as Member, if co-opted, and that he does not suffer from any disqualification as laid in Section 11B of the Act.
- (iii) If there are more than two proposals to co-opt two Members of the Pakistan Bar Council under Section 11(1A) of the Act, the decision shall be taken by majority of the members present in the meeting.
- (iv) After co-option, the Chairman of the Pakistan Bar Council shall cause the names of such co-opted persons to be notified in the official Gazette of Pakistan as Members of the Pakistan Bar Council.
- 60C. (i) To fill in the casual vacancy, any Member present in the meeting, of the Pakistan Bar Council may propose, in writing, the name of an Advocate practising generally in the Province to which the vacancy relates and is qualified to be the Member of the Pakistan Bar Council under Section 11A of the Act.
- (ii) Such proposal shall be supported by documentary proof of his qualifications as a candidate of the Membership of the Pakistan Bar Council as enumerated in Section 11A of the Act and shall also be accompanied by a declaration from such Advocate that he does not suffer from any of the disqualifications as laid down in the Act and the Rules.
- (iii) If there are more proposals for co-option than the number of vacancies to be filled in, the decision shall be taken by majority of members present in the meeting of the Pakistan Bar Council.
- (iv) After the co-option of person to fill in the vacancy the Chairman of the Pakistan Bar Council shall cause name of such co-opted Member to be notified in the official Gazette of Pakistan as Member of the Pakistan Bar Council.
- 60D. If the vacancy falls vacant in the category of Members co-opted under Section 11(1A) of the Act the vacancy shall be filled in the manner prescribed under Rule 60B and in case of other vacancies the same shall be filled in the manner prescribed in Rule 60C.]

65. No irregularity in any proceeding, not even a change of date, as stated in the programme, if such a change be due to unavoidable reasons, shall invalidate any proceedings, if it does not materially affect the result of the election.

66. If the election of any member ⁶⁹[...] is held void, the candidate who would have been elected if the candidate whose election is declared to be void was excluded altogether from consideration while ascertaining the persons to be elected, shall be declared to be elected.

⁷⁰**[67.** If it is not possible to elect a person by the method provided for in Rule 66, such vacancy shall be filled in the manner prescribed in Rule 28A and 60C as the case may be].

PART-V

ELECTION OF VICE-CHAIRMAN

68. At the first meeting of each Provincial Bar Council and the Pakistan Bar Council there will be held elections to the office of Vice-Chairman for these Councils.

⁷¹**[69.** For the purpose of election to the office of Vice-Chairman of a Provincial Bar Council, the Advocate-General of the province and in the case of election to the office of the Vice-Chairman of the Pakistan Bar Council the Attorney-General for Pakistan shall act as Returning Officer].

70. Every member of the Bar Council shall be eligible for election as Vice-Chairman.

71. Any member present at the meeting may propose the name of any other member for election to the office of Vice-Chairman and after another member seconds the proposal the person whose name is so proposed and seconded shall become a candidate for the office of the Vice-Chairman and is hereinafter referred to as a candidate.

72. A candidate may withdraw his candidature before the Returning Officer declares him elected or, as the case may be, proceed to take the poll.

73. If there is only one candidate, that candidate shall be declared by the Returning Officer to have been duly elected as the Vice-Chairman, but if there be more candidates than one, the issue shall be decided by taking a poll.

69. The words "of Provincial Bar Council" were first added on 24.3.1979 *vide* Notification published in the Gazette of Pakistan, Extra (Part II), on 24.3.1979, but the same were deleted, with effect from 1.7.1983; as per Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983.

70. Substituted for the following, with effect from 1.7.1983, *vide* Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983:

"67. If it is not possible to elect a person by the method provided for in Rule 66, a fresh election shall be held, and the provisions of these rules shall apply *mutatis mutandis* provided that a programme shall be published by the Chairman in the official Gazette not less than ten days after the election is declared invalid".

71. 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:-

"69. For the purpose of election to the office of Vice-Chairman of a Provincial Bar Council the Advocate-General of the province, in the case of election to the office of the Vice-Chairman of the Provincial Bar Council for the provinces of Sindh and Baluchistan the senior of the Advocates General of those provinces and in the case of election to the office of Vice-Chairman of the Pakistan Bar Council the Attorney-General for Pakistan shall act as Returning Officer".

74. Voting for the office of the Vice-Chairman shall be by secret ballot.

75. The Returning Officer shall provide a ballot box which shall be shown empty to the members and thereafter nailed or locked and placed in a separate compartment.

76. The Returning Officer shall issue to each member of the Bar Council a ballot paper.

77. After receiving the ballot paper the member shall proceed to the compartment where the ballot box is placed, mark a cross on the ballot paper against the name of the candidate for whom he intends to vote and thereafter drop the ballot paper in the ballot box.

78. When every member present and intending to cast his vote has done so, the Returning Officer shall open the ballot box in the presence of the members and count the votes cast in favour of each candidate.

79. Any doubt or dispute about marking of a ballot paper shall be decided by the Returning Officer after such summary inquiry on the spot as may be necessary.

80. A candidate obtaining the highest number of votes shall be declared by the Returning Officer to have been elected as Vice-Chairman.

81. If for the purpose of declaration of the result there is a tie between two or more candidates who have obtained an equal number of votes the result of the election shall be declared by the Returning Officer by drawing of lots.

82. (1) No election of Vice-Chairman shall be called in question except by a petition presented to the Chairman of the Pakistan Bar Council or as the case may be, the Provincial Bar Council concerned within 30 days of the declaration of the result.

(2) The Chairman of the Pakistan Bar Council or, as the case may be, the Provincial Bar Council concerned shall refer the petition to the Election Tribunal for disposal within the 15 days of the receipt of the petition.

(3) Where the Election Tribunal holds an election to be void, a fresh election shall be held in the manner provided by these rules.

83. The Bar Councils (First Elections) Rules, 1973 are hereby repealed.

CHAPTER III

POWERS AND DUTIES OF THE CHAIRMAN AND VICE-CHAIRMAN OF BAR COUNCILS

84. Powers and duties of Chairman:

- (a) The Chairman of a Bar Council shall be responsible for ensuring due compliance with the provisions of the Act and the Rules.
- (b) He shall convene and preside over the meetings of a Bar Council.
- (c) He shall exercise the powers and perform the functions assigned to him by the Act, the Rules and a Bar Council from time to time.

85. Functions and duties of Vice-Chairman:--

- (a) In the absence of a Chairman, the Vice-Chairman shall exercise the powers and the duties of a Chairman.

- (b) He shall be responsible for co-ordinating the functions of all the Committees of a Bar Council.
- (c) He shall exercise control over the employees of a Bar Council and shall be responsible for its smooth running.
- (d) He shall exercise control over the functionaries of a Bar Council.

CHAPTER IV

COMMITTEES OF PAKISTAN BAR COUNCIL

86. (a) The Pakistan Bar Council shall constitute the following Committees and such other Committees as it may decide to do from time to time:--

- | | | |
|------------------------------------|-------|--|
| (1) Executive Committee | | 7 Members |
| (2) Enrolment Committee | | 3 Members including a Judge of the Supreme Court of Pakistan. |
| (3) Disciplinary Committee | | 5 Members including a Judge of the Supreme Court of Pakistan. |
| (4) Legal Education Committee..... | | ⁷² [Such number of Members as may be determined from time to time]. |
| (5) Finance Committee | | -do- |
| (6) Law Reforms Committee | | -do- |
| (7) Rules Committee | | -do- |
| (8) Privileges Committee | | -do- |

(b) The Committees shall exercise such powers and perform such functions as assigned to them by the Act, the Rules ⁷³[or] the Pakistan Bar Council.

⁷⁴[Provided that no Committee shall undertake the business normally performed by another Committee].

(c) ⁷⁵[.....]

72. The number of Members of each committee under clauses (a) (4) to (8), according to originally framed Rule 86, was prescribed as 6. But as per Notification published in the Gazelle of Pakistan, Extra (Part II), July 25, 1987, the figure and word "6 Members" have been substituted by the words "Such number of Members as may be determined from time to time" with effect from 25.7.1987.

73. Substituted for the word "and" with effect from 24.3.1979 *vide* Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

74. Added *vide* Notification published in the Gazette of Pakistan, Extra (Part II), July 15, 1998.

75. The originally framed clause (c) of Rule 86 reads as under:-

"(c) Honorary Secretary of the Pakistan Bar Council shall be ex-officio Member of all the Committees set up by the Pakistan Bar Council".

The words "Honorary Secretary" as appeared in the originally framed clause (c) were substituted by the words "Secretary General", with effect from 1.7.1983, as per Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1983.

Clause (c) was deleted, with effect from 22.8.1984, as per Notification published in the Gazette of Pakistan, Extra (Part II), August 22, 1984.

⁷⁶[86A. (i) The Minutes, proceedings, decisions and resolutions adopted by a Committee shall be laid before the Pakistan Bar Council in its next meeting following the meeting of such Committee.

(ii) Subject to the provisions of the Act, the Pakistan Bar Council may of its own motion or otherwise revise or issue directions to a Committee, to review any proceedings taken, order passed or any decision made by such Committee of the Pakistan Bar Council.

(iii) The Pakistan Bar Council may withdraw any matter or proceedings pending before a Committee and dispose of the same].

CHAPTER V

MEETINGS OF THE PAKISTAN BAR COUNCIL AND ITS COMMITTEES

87. (a) The first meeting of the Bar Council shall be held within a month of the declaration of the result of election of the Pakistan Bar Council.

(b) Ordinary meeting of a Bar Council may be convened by the Chairman or in case he is for some reason unable to act, by the Vice-Chairman.

(c) The Chairman and in his absence the Vice-Chairman shall convene a meeting of the Bar Council on the receipt of a requisition signed by not less than five members of Bar Council, within a week of the requisition but in emergency it may be called within any shorter period so as to suit the emergency. In case the Chairman or the Vice-Chairman do not call on requisition a meeting, the same may be convened by the requisitionists and all expenses in this behalf shall be borne by the Bar Council and the proceedings conducted at the meeting shall be deemed to be the proceedings of the Pakistan Bar Council.

88. Meetings of a Committee of the Bar Council may be convened by the Chairman of the Committee.

89. Notice required for a meeting of the Bar Council shall be 8 days:

Provided that in case of emergency notice for a shorter period shall be sufficient. The agenda for the meeting shall be served 8 days before the meeting in case of the meeting of the Bar Council and 3 days in the case of the meeting of a Committee.

90. Notice for the meeting shall be served either personally or through registered post or by such other method as the Bar Council may determine.

91. ⁷⁷[(1) Necessary quorum for the meeting of the Pakistan Bar Council shall be 7 and for a meeting of the Committee, a number which is not less than 1/3rd of the total number of members of the Committee:

Provided that when a meeting is adjourned for want of quorum, the quorum for the adjourned meeting shall be 5 for Pakistan Bar Council and 1/3rd of the total number of the members of a Committee.

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

77. Re-numbered as sub rule "(1)" *vide* Notification published in the Gazette of Pakistan, Extra (Part II), July 16, 1998.

⁷⁸[Provided further, in case of an emergency, the Pakistan Bar Council or any of its Committee, on the initiation of three members in case of Pakistan Bar Council and two members in case of a Committee, may by circulation, pass a resolution by a majority of total number of members.

Provided also that the resolution so passed shall be placed before the next meeting of the Pakistan Bar Council or the Committee as the case may be, for confirmation].

⁷⁹[(2) The necessary quorum for the proceedings of a disciplinary Tribunal shall be the Chairman and one member of the Tribunal:

Provided that if the Chairman and the member of the Tribunal differ the case will then be referred for decision of the full Tribunal.]

92. A meeting of the Bar Council shall be presided over by the Chairman and in his absence by the Vice-Chairman and in the absence of both of them by the member voted to the Chair by the members present.

93. A meeting of the Committee shall be presided over by the Chairman of the Committee and in his absence by the member voted to the Chair by the members present.

94. Business shall be transacted at a meeting in accordance with the Agenda issued:

Provided that any other business may, with the permission of the Chairman of the meeting, be transacted if the majority of the members present who at the same time constitute a majority of the total number of the members of the Bar Council or the Committee as the case may be, agree.

95. The order in which the business is to be discussed in a meeting may be changed by the Chairman or the person presiding over the meeting.

96. Decisions at the meeting shall be by a majority vote. Voting shall be by show of hands. In case of equality of votes, the Chairman of the meeting shall be entitled to a second vote.

⁸⁰[**97.** All proceedings of a meeting of the Bar Council shall be recorded by the Secretary under the directions of the Chairman of the meeting, or in case of a meeting of a Committee by the Chairman of the meeting, and such minutes shall be laid before the next meeting of the Council or the Committee, as the case may be, for approval and confirmation and after the confirmation the approved minutes shall be entered in the minutes book duly certified as approved by the Chairman of the Council or the Committee presiding over the meeting.]

78. Added, with effect from 8.3.1978, *vide* Notification published in the Gazette of Pakistan, Extra (Part II), March 19, 1978.

79. Added, *vide* Notification mentioned above against foot note 73.

80. The present text was substituted, with effect from 29.12.1985, for the following originally framed Rule 97, as per Notification published in the Gazette of Pakistan, Extra (Part II), December 29, 1985:-

"97. All the proceedings of the meeting of the Bar Council as well as Committee shall be entered in a Minute Book to be maintained by the Secretary, and the record of the proceedings shall be prepared under the directions of the Chairman of the meeting and shall be signed by him as well as the Secretary. All Members of the Bar Council or the Committee, as the case may be, shall be entitled to an inspection of the Minute Book at all reasonable times."

98. Any matter determined by a resolution of the Bar Council shall not be re-opened within 3 months of the date of the resolution unless 2/3rd of the total number of the members make a requisition to that effect.

99. (a) The Chairman of every committee other than Enrolment Committee and the Disciplinary Committee shall be elected by the members of the Committee concerned:

⁸¹[Provided that the Chairman of the Executive Committee shall be elected from amongst its members every year].

(b) The Chairman of the Enrolment Committee and the Disciplinary Committee shall respectively be a judge of the Supreme Court of Pakistan nominated by the Chief Justice of Pakistan.

100. The term of every committee shall be the same as that of the Council itself unless the Bar Council when constituting the committee provides otherwise.

101. The Chairman of a Committee while convening a meeting shall determine the time and the place thereof and the ⁸²[Secretary] shall prepare and issue the Agenda to the members accordingly.

102. The business of a committee shall be transacted in a meeting of the committee. The decision shall be taken by a majority of the members present. However, where in the opinion of the Chairman of the Committee, it is expedient to transact business to obtain views of its members by circulation he may do so and take a decision accordingly. The decisions so taken shall be deemed to have the same force as if taken in a meeting of the Committee.

103. A Committee shall have power to decide upon its own procedure in matters not covered by the Rules.

104. Unless otherwise directed by the Pakistan Bar Council all Committees that are called upon to submit reports upon the matter referred to them shall submit report in the following manner:

- (a) A comprehensive and clear enunciation of the questions considered by the Committee shall be set out.
- (b) As far as practicable a specific issue will be dealt with separately according to the arguments for and against each proposal.
- (c) A detailed statement should be set out of the data upon which the Committee, have applied their mind and the conclusions arrived at as a result of such consideration and wherever opinion of the Bar Association or any other person has been elicited the substance of the opinion and the analysis thereof.
- (d) A specific draft resolution or draft resolutions setting forth the recommendations, the Committee desires the Pakistan Bar Council to adopt, shall be forwarded with reports.

81. Added *vide* Notification published in the Gazette of Pakistan, Extra (Part II), June 6, 1990.

82. See foot note No. 3.

- (e) The opinion of the Committee can be dissented from by any member of the committee and he may append a note of dissent which shall form part of the report.

CHAPTER VI

COMMON ROLL OF ADVOCATES

105. Preparation of the common roll of Advocates:

- (1) Each Provincial Bar Council shall prepare the ⁸³[Divisional and Provincial] ⁸⁴[rolls] of the Advocates of the High Court and the other Advocates giving their full addresses and forward the same to the Pakistan Bar Council within 3 months of the promulgation of these rules.
- (2) All additions, alterations and corrections made in the Roll maintained under sub-rule (1) by a Provincial Bar Council shall be communicated to the Pakistan Bar Council within a month of such addition, etc.
- (3) The Pakistan Bar Council shall prepare and maintain a common roll of the Advocates of the High Courts and a common roll of the other Advocates which shall comprise of the entries made in all the Provincial Rolls of the Advocates of the High Court and the other Advocates.

CHAPTER VII

ENROLMENT OF ADVOCATES OF THE SUPREME COURT

106. No person shall be entitled to appear, plead or act before the Supreme Court unless:--

- (1) he satisfies all the conditions laid down by Rules framed by the Supreme Court in respect of persons entitled to appear and plead before the Supreme Court.
- (2) he has paid to the Bar Council, in case he is an Advocate of the Supreme Court, a fee of Rs. ⁸⁵[16,000/-] and in case he is a senior Advocate of the Supreme Court a fee of Rs. 2000/-.

107. (1) (a) The application for enrolment as an Advocate of the Supreme Court shall be addressed to the Chairman of the Pakistan Bar Council.

- (b) It shall be made in form 'A' attached to these Rules.
- (c) It shall be accompanied by:--
 - (i) a receipt of the enrolment fee;
 - (ii) a certificate from a Provincial Bar Council to the effect that the applicant is an enrolled Advocate of the High Court concerned and his name is still borne on the Roll of Advocates maintained by that Bar Council; he

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

84. Substituted for the word "roll", *ibid*.

85. Substituted *vide* Notification of the PBC dated 17.4.2008.

is not in arrears of dues of that Council; and that he was not convicted for an offence of professional and other misconduct together with details of any case of professional or other misconduct if pending before such Provincial Bar Council.

- (iii) a certificate from the High Court concerned that he is a fit and proper person to appear and plead as an Advocate before the Supreme Court of Pakistan:

⁸⁶[Provided that in case the applicant submits his application after six months of grant of the fitness Certificate he will have to explain reasons of delay to the satisfaction of Enrolment Committee of the Pakistan Bar Council. If the Enrolment Committee is not satisfied with the explanation it may impose penalty ranging from Rs. 2000/- to Rs. 8000/- which the applicant shall pay in account of the Pakistan Bar Council.

If the delay exceeds one year the applicant will be required to get the fitness Certificate revalidated from the concerned High Court and also explain through an affidavit the reasons of delay stating also that during that period he did not join any other service, business or vocation and if so he shall submit details thereof with documentary evidence. The Enrolment Committee will grant enrolment if it is satisfied with the explanation so offered subject to payment of penalty by the applicant].

- (iv) an affidavit by the applicant that he is eligible and not disqualified to practise as an Advocate of the Supreme Court ⁸⁷[and that he was not convicted for an offence of professional or other misconduct and no such case is pending before any Bar Council].

- ⁸⁸(v) a certificate from the Bar Association of which he is a Member to the effect that he is not in arrears of subscription or any other dues of the Bar Association.

- (vi) A list of-selected cases conducted by the applicant in the High Court.

- (vii) Two passport size photographs of the applicant duly attested by the President/Secretary of the Bar Association of which he is a Member or by any Member of a Bar Council].

(2) An application for admission as a Senior Advocate of the Supreme Court shall be addressed to the Chairman in form 'B' appended to these Rules. It shall be accompanied by a receipt of Rs. ⁸⁹[2000/-] as enrolment fee and a certificate from the Pakistan Bar Council that he is enrolled as an Advocate of the Supreme Court of Pakistan.

108. (a) An application for enrolment shall be forwarded by the Chairman to the Enrolment Committee for decision.

86. Added *vide* Notification of the PBC dated 29.4.2004.

87. Added, *vide* Notification published in Gazette of Pakistan Extra, (Part II), March 24, 1979.

88. Added *ibid*.

89. Substituted *vide* Notification dated 6.6.1983.

(b) The Enrolment Committee shall consider the application and may call the applicant for interview.

(c) If the Enrolment Committee grants the application the applicant shall be enrolled as an Advocate of the Supreme Court and a certificate in form 'C' shall be issued to him. If he is enrolled as a Senior Advocate of Supreme Court the certificate in form 'D' shall be issued to him.

(d) If the enrolment committee rejects the application it will record its reasons for not granting the application and shall inform the applicant accordingly.

(e) Where the application is rejected by the Enrolment Committee an appeal shall lie to the Pakistan Bar Council and its decision shall be final.

⁹⁰[CHAPTER VIIA

ENROLMENT AND TRAINING OF ADVOCATES

108-A. Any person qualified under Section 26 to be admitted as an Advocate may make an application in Form 'A' prescribed by the Provincial Bar Council, for admission as an advocate to the Provincial Bar Council within whose jurisdiction he proposes to practise generally.

108-B. The application shall be accompanied by:--

- (a) satisfactory evidence of the applicant's date of birth;
- (b) satisfactory evidence of qualifications under Section 26;
- (c) two testimonials from Advocates of 10 years standing as to the character and conduct of the applicant;
- (d) an affidavit stating fully, truly and accurately if any criminal proceedings or proceedings for professional or other misconduct were instituted against him in any country and if so with what result;
- (e) receipts of payment of prescribed enrolment fees to the Pakistan and Provincial Bar Council;
- (f) an undertaking that he would become a member of a Bar Association within six months after his enrolment;
- (g) list of at least 10 cases in which he has assisted his senior, duly signed by the senior giving the nature of each case;
- (h) six attested copies of his passport size photograph;
- (i) an affidavit stating as to what the applicant was doing during the period of gap, if there was a considerable gap, in between his academic examinations and the application for enrolment;

90. New Chapter VIIA was added *vide* Notification published in the Gazette of Pakistan, Extra (Part-II), January 7, 1992.

- (j) a character and good conduct certificate from the employer if he had been in service anywhere;
- (k) a certificate of training from the senior in form 'B' prescribed by the Provincial Bar Council.
- (l) Certificate/Result Card issued by the National Testing Service (NTS) or any other authority duly notified by the Pakistan Bar Council, as to applicant's having passed the Assessment Test. The National Testing Service (NTS) shall hold the Assessment Test twice in a year.

Explanation.--The date of birth recorded in the University or Board of Secondary Education from which the applicant secured his Matriculation Certificate shall be presumed to be correct but the Bar Council may for the reasons to be recorded determine otherwise.

⁹¹[**108C.** (1) Every apprentice (except a person mentioned in Rule 108-I infra) shall, before being admitted as an Advocate, have to undergo a comprehensive training regularly for a continuous period of six months as a pupil in the chamber of an advocate, who has been entitled to practice as an Advocate for a period of not less than ten years:

Provided that before commencing the pupillage and filing intimation to the Provincial Bar Council concerned the applicant must undertake and pass an Assessment Test as mentioned in Rule 108B(l). The applicant may apply to the National Testing Service (NTS) or any other authority duly notified by the Pakistan Bar Council, to appear in the Assessment Test after passing the LL.B. examination and will be afforded three chances to qualify the Assessment Test.

Provided also that a pupil may commence his apprenticeship with such advocate after having passed his LLB. Parts I & II and having appeared in all the subjects of his LL.B. Part III examination:

Provided further that such an apprentice shall furnish copies of the result of his LL.B. Parts I & II examinations and an affidavit to the effect that he has appeared in all the papers of his LL.B Part-III examination.

91. The following originally framed Rule 108-C(1) was substituted for the present text of Rule 108-C(1) & (2), *vide* Notification published in the Gazette of Pakistan, Extra (Part II), July 15, 1998:

"108-C. (1) Every apprentice (except a person mentioned in Rule 108-J (infra), shall, before being admitted as an advocate have to undergo a comprehensive training regularly for a continuous period of one year as a pupil in the chamber of an advocate, who has been entitled to practise as an advocate for a period of not less than ten years.

A pupil may take training with more than one advocates for a total period of one year which are substantially continuous. Intimation of joining each advocate should be sent to the Secretary of Provincial Bar Council in accordance with this rule:

Provided that no advocate shall take more than three pupils at a time; that the advocate taking pupils was practising at the Bar during the whole period of pupillage, and that a written intimation of person joining an advocate as pupil, signed by both of them, has been sent to the Secretary of Provincial Bar Council within one month after the commencement of pupil-age. In case an advocate has more than three pupils at any particular time only the first three in the order in which they were taken shall be regarded as under training."

(2) A pupil may take training with more than one advocate for a total period of six months which are substantially continuous. Intimation of joining each advocate shall be sent to the Secretary, Provincial Bar Council in accordance with this rule:

Provided that no advocate shall take more than three pupils at a time, that the advocate taking pupils was practicing at the Bar during the whole period of pupilage and that a written intimation of a person joining an advocate as pupil, signed by both of them, has been sent to the Secretary of Provincial Bar Council within one month after the commencement of pupilage. In case an advocate has more than three pupils at any particular time, only the first three in the order in which they were taken, shall be regarded as under training].

⁹²[(3)] An advocate with whom a person received training in accordance with sub-rule (1) of Rule 108-C shall give a Certificate in Form 'B' prescribed by the Provincial Bar Council and shall specify in the certificate or as a separate annexure thereto at least ten cases in which he had the assistance of the pupil.

⁹²[(4)] An advocate who gives a false certificate in this behalf shall be guilty of professional misconduct.

⁹²[(5)] Every applicant applying for admission as an advocate shall have to pass a written examination in addition to a viva-voce examination, held quarterly under the directions and supervision of the Enrolment Committee of the Provincial Bar Council in the following subjects:

- (i) Civil Procedure Code;
- (ii) Criminal Procedure Code;
- (iii) Qanoon-e-Shahadat;
- (iv) Constitution of the Islamic Republic of Pakistan;
- (v) Legal Practitioners and Bar Councils Act, 1973 and the rules framed thereunder; and
- (vi) Canons of Professional Conduct and Etiquettes.

The written examination shall be of 3 hours duration carrying 100 marks each paper with a pass percentage of 50%.

Copies of the Constitution, bare Acts and Rules shall be made available to the applicant at the examination.

108-D. The Enrolment Committee may, before it passes an order granting the application or returning it to the Bar Council, make such summary enquiry as it thinks fit.

108-E. Where an Enrolment Committee or the Bar Council grants the application, a certificate for enrolment shall be issued to the applicant in Form "E" appended to these rules.

108-F. If the Bar Council rejects the application, the decision shall forthwith be communicated to the applicant.

108-G. The applicant whose application is rejected by the Bar Council shall be entitled to prefer an appeal within 30 days of the notice of rejection of his application to the

92. Re-numbered, *ibid*.