

Enrolment Committee of the Pakistan Bar Council provided that the Enrolment Committee may for sufficient cause extend the period for filing the appeal.

108-H. The Enrolment Committee of the Pakistan Bar Council may make or cause to be made such enquiry as it deems proper for the purpose of deciding the appeal. In case the appeal is accepted, the Provincial Bar Council shall issue an Enrolment Certificate in Form 'E' appended to these rules.

108-I. The following persons shall be exempt from training and examination provided in Rule 108-C supra:-

- (1) applicant who have received an LL.M. degree from any university in Pakistan or a university recognised under Section 26(1)(c)(iii) of the Act, or a degree or diploma which is declared by the Pakistan Bar Council to be equivalent to that degree;
- (2) applicants who have for at least five years held a judicial office in Pakistan or who have for a like period held a post in the service of Pakistan the duties whereof entail interpretation or drafting of laws;
- (3) applicants who after having been called to the Bar in England have completed a full one year training with a senior counsel in England which training thereafter entitled them to appear independently in Courts in England.
- (4) applicants who after having been enrolled as practising lawyers in any place not within Pakistan, have to the satisfaction of the Enrolment Committee of the Bar Council concerned, practiced there for full one year.

108-J. The Provincial Bar Council may refuse enrolment to a person otherwise qualified on the ground of his removal from the roll of Advocates or legal practitioners of any country or the pendency of criminal proceedings involving moral turpitude or proceedings for professional misconduct against him in any country.

108-K. All cases in which the degree on the basis of which application for enrolment has been submitted is a degree recognized under Section 26(1)(c)(iii) of the Act and all cases wherein proceedings have been taken against the applicant for enrolment in any country whether criminal proceedings or proceedings for professional misconduct, shall be placed before the Provincial Bar Council for appropriate action before they are sent to the Enrolment Committee. The Provincial Bar Council may *inter alia*, allow the enrolment of the applicant subject to the passing of such examination as it may think proper to provide.

108-L. (1) No person shall practise as an Advocate unless he is a member of a bar association of the place at which he ordinarily practises, which association has been recognized under the rule next following.

(2) It will be sufficient compliance with the requirement of the preceding clause if within six months of being enrolled as an advocate a person applies for being admitted as a Member of a Bar Association in the district in which he intends to practise ordinarily and his application has not been dismissed.

(3) The certificate of enrolment of a person who has not applied for being admitted as member of a Bar Association within six months of his enrolment as provided above shall stand automatically suspended.

(4) Every advocate whose application for being admitted as a member of a Bar Association has been dismissed by the Bar Association shall have a right to appeal to the Provincial Bar Council and a further right of appeal to the Pakistan Bar Council. The appeal shall be filed within two months of the communication to him of the order appealed against. The appellate authority shall have jurisdiction to grant a stay of the operation of the order passed against the advocate and may for sufficient cause condone the delay in filing of the appeal.

(5) In case the name of an advocate is removed from the roll of members of a Bar Association he shall have the like remedies as he would have if his application for admission as a member of a Bar Association was dismissed and the appellate authorities shall have similar powers.

108-M. (1) Any association of advocates ordinarily practising at a particular place except the Association at the national level, may apply to the Provincial Bar Council for recognition as a Bar Association to which these rules apply. The application shall be filed by the President or Secretary of the Association.

(2) In case the Provincial Bar Council refuses to recognise a Bar Association an appeal will lie against such refusal to the Pakistan Bar Council which shall be filed within a period of two months of the notice of such refusal subject to the power of the Pakistan Bar Council to condone the delay for sufficient cause. The Pakistan Bar Council may set aside the impugned order or pass any appropriate order and it shall also have authority to suspend the operation of order of refusal of the Provincial Bar Council to recognize the Bar Association during the pendency of the appeal.

(3) The Provincial Bar Council shall decide an application for recognition of a Bar Association within four months of the submission of an application in this behalf and in case it fails to decide within this period the members of the Bar Association shall be regarded as members of a recognized Bar Association till the question of recognition of such Bar Association is decided by the Provincial Bar Council.

(4) Any Association of advocates at the national level shall apply to the Pakistan Bar Council for recognition as a Bar Association. The application shall be filed by the President or the Secretary of the Association. Such application will be considered and decided by the Executive Committee of Pakistan Bar Council.

(5) In case the Executive Committee refuses to recognize a Bar Association at the national level, an appeal will lie against such refusal to the Pakistan Bar Council which shall be filed within 30 days of intimation of such refusal. The Pakistan Bar Council may set aside the impugned order or pass any appropriate order and it shall also have the authority to suspend the operation of refusal of the Executive Committee during pendency of the appeal.

⁹³**108-N.** (1) No person shall practice as an Advocate of the Supreme Court unless he is a member of the Supreme Court Bar Association.

(2) It shall be sufficient compliance with requirement of sub-rule (1) if within six months of having admitted as an Advocate of the Supreme Court he applies for being enrolled as a member of the Supreme Court Bar Association and in the case of a person

93. Added *vide* Notification published in the Gazette of Pakistan, Extra, (Part-II), July 29, 2000, after re-numbering existing rules 108-N, 108-O and 108P, as Rules 108-O, 108-P and 108-Q, respectively.

who is already enrolled an Advocate of the Supreme Court he applies for being admitted as a member of the Supreme Court Bar Association within six months of coming into force of this Rule.

(3) The Certificate of enrolment as an Advocate of Supreme Court of an Advocate who has not applied for being enrolled as member of the Supreme Court Bar Association within the period prescribed under sub-rule (2) shall stand automatically suspended]:

⁹⁴[108-NN. (1) The Pakistan Bar Council will issue identity card to every practicing Advocate of the Supreme Court whose name is borne on the Roll of Advocates maintained by it on an application to be made on the prescribed form.

(2) Senior Advocate, Advocate-on-Record or an Advocate of the Supreme Court shall obtain his identity card from Pakistan Bar Council alongwith his enrolment.

However, already enrolled Senior Advocates, AOR's or Advocates of Supreme Court shall apply for obtaining the identity card within 90 days from the date of notification of this Rule.

(3) The I.D. card to be so issued under signatures of the Chairman, Executive Committee and Secretary of the Pakistan Bar Council shall contain following particulars of concerned Advocate:-

- (i) Name
- (ii) Father's/Husband's name
- (iii) Date of birth
- (iv) Date of enrolment as an Advocate of Supreme Court/AOR/Senior Advocate
- (v) Enrolment No
- (vi) Address
- (vii) Telephone No
- (viii) Photo of Advocate
- (ix) Dates of issue and validity

(4) The ID card fee of Rs. 1,000/- shall be paid by the concerned Advocate in collection account of the Pakistan Bar Council with an authorized branch of Habib Bank Limited.

(5) In case an Advocate discontinues his law practice on joining any other profession, business, vocation, service (Govt. or private) or for any other reason, he shall surrender his I.D card to the Pakistan Bar Council.

(6) In case an Advocate has misplaced or lost his original I.D. card he on making an application together with his affidavit in respect of misplacement or loss of his original I.D. card and after payment of Rs. 500/- to the Pakistan Bar Council will be issued a duplicate of his I.D. card].

94. Added vide Notification of PBC dated 8.11.2008.

⁹⁵[**108-O.** An Advocate having his name on the Roll of a Bar Council shall apply to the later that his certificate be suspended because he intends to join some other profession, business, service or vocation:

Provided that he may apply for restoration of his name on the roll of Advocates if he disassociates himself from such business, profession, service or vocation and provides an affidavit that he has not incurred any disqualification under the Legal Practitioners & Bar Councils Act, 1973 for enrolment as an Advocate during the period his certificate to practice remained suspended:

Provided further that if he fails to seek such suspension within one month of such engagement or employment in such other profession or service he shall be guilty of professional misconduct under the Legal Practitioners & Bar Councils Act, 1973 and his name shall also be removed from the roll of Advocates.]

108-P. All disputes relating to seniority shall be determined by the Enrolment Committee and in case the contestants are not entered in the roll in the correct order, amendment in the roll will be made giving effect to the decision of the Enrolment Committee by pasting correction slips in the roll. An appeal will lie against the order of the Enrolment Committee of Provincial Bar Council to the Enrolment Committee of the Pakistan Bar Council and against the Enrolment Committee of Pakistan Bar Council to the Pakistan Bar Council within one month of the order subject to extension of time for sufficient cause by the Appellate Authority.

108-Q. All additions, alterations and corrections made in the Roll shall be communicated to the High Court within seven days of such additions, alterations and corrections etc.]

CHAPTER VIII

FORMS AND FEES ETC. FOR ENROLMENT AS ADVOCATES

109. (a). A certificate of enrolment shall be given to a person enrolled as an Advocate by a Provincial Bar Council in form 'E' appended to these Rules.

(b) A certificate of enrolment shall be given to a person enrolled as an Advocate of the High Court by a Provincial Bar Council in the form 'F' appended to these Rules.

⁹⁶[(c) The Provincial Bar Council shall issue an identity card to a person enrolled as an Advocate or as an Advocate of the High Court. Such identity card shall contain the name, parentage, date of birth, date of enrolment as an Advocate or as an Advocate of the High Court, number of the Roll of advocates and the address. A latest photograph of such Advocate shall also be affixed on the identity card].

95. The following originally framed Rule 108N was substituted by the present text of rule 108-O *vide* Notification published in the Gazette of Pakistan, Extra, (Part II), July 15, 1998:

"108N. An Advocate having his name on the roll of a Bar Council may apply that his certificate be suspended because he intends to discontinue his practice in order to carry on business or to join some other profession, service or vocation and he may apply also for the termination of such suspension. An advocate may apply that his name be removed from the roll of Advocates".

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

110. ⁹⁷[(a) The enrolment fee for an Advocate shall be Rs. ⁹⁸[600/-]. One-third of the enrolment fee, in terms of Section 17 (2) of the Act, shall be deposited by the applicant for enrolment with the Pakistan Bar Council and two-third of the enrolment fee shall be deposited by the applicant with the Provincial Bar Council, at the time of making his application for enrolment].

(b) The Annual fee payable by an Advocate to the Provincial Bar Council on whose roll his name is entered shall be Rs. ⁹⁹[100/-].

¹⁰⁰[(c) Fee for enrolment as an Advocate of the High Court shall be Rs. ¹⁰¹[3000/-]. One-third of this enrolment fee, in terms of Section 17(2) of the Act, shall be deposited by the applicant with the Pakistan Bar Council and two third of the same shall be deposited by the applicant with the Provincial Bar Council, at the time of making his application for enrolment].

(d) A fee of Rs. ¹⁰²[16,000/-] for enrolment as an Advocate of the Supreme Court shall be paid to the Pakistan Bar Council.

(e) A fee of Rs. 2000/- for enrolment as a Senior Advocate of the Supreme Court of Pakistan shall be paid to the Pakistan Bar Council.

(f) If any applicant wants to pay the fee referred to above in installments he may make an application in this behalf to the Enrolment Committee of the respective Bar Council who shall decide it and its decision shall be final.

(g) (i) The applicant shall deposit the one-third share of the Pakistan Bar Council under Rule 110(a) or 110(c) in the account of the Pakistan Bar Council and the balance two-third in the account of the Provincial Bar Council concerned directly.

(ii) The applicant shall send one copy of the deposit receipt of the aforesaid one-third share to the Pakistan Bar Council and another copy of this receipt will be attached with his application for enrolment to the

97. Substituted, *ibid*, for the following originally framed clause (a):

(a) The enrolment fee for an Advocate shall be Rs. 50/- which shall be deposited by the applicant with the Provincial Bar Council at the time of his making an application for enrolment".

98. The originally provided figure "50" was successively substituted by the figures "75", "300" and "600" *vide* Notifications published in Gazette of Pakistan, Extra (Part II), on 1.7.1983, 4.7.1989 and 15.7.1998, respectively.

99. Firstly substituted for figure "25", with effect from 26.7.1980, as per Notification published in the Gazette of Pakistan, Extra (Part II), July 26,1980 and then by the figure "100" *vide* Notification published in Gazette of Pakistan, Extra Oct. 14, 1996.

100. Substituted, with effect from 1.7.1983, for the following originally framed clause (c), as per Notification published in the Gazette of Pakistan, Extra (Part II) June 6, 1983:-

"(c) Fee for Enrolment of an Advocate of the High Court shall be Rs. 850/- which shall be deposited by the applicant with the Provincial Bar Council".

101. The originally provided figure "850" was successively substituted by the figures "900", "1500" and "3000" *vide* Notifications dated 1.7.1983, 4.7.1989 and 15.7.1998, respectively.

102. The originally provided figure "250" was successively substituted by the figures "1200", "2000", "4000", "10,000" and "16000" *vide* Notifications dated 1.7.1983, 4.7.1989, 22.8.1993, 15.7.1998 and 17.4.2008, respectively.

Provincial Bar Council together with the receipt showing the payment of two-third share of the Provincial Bar Council.

- (iii) No enrolment shall be granted unless the applicant deposits the enrolment fee in the manner prescribed heretofore.

111. (a). The annual fee referred to in Rule 110(b) above shall be paid by 31st of December each year.

¹⁰³[(b) If an Advocate fails to pay the instalment of the fee or annual fee payable by him by the prescribed date, he shall be liable to pay a further fee of Rs. 5/- for each month of delay or part thereof subject to a maximum of Rs. 30/- for the late payment].

CHAPTER IX

APPEALS AGAINST ENROLMENT

112. (a) An appeal against the order of a Provincial Bar Council refusing enrolment of a person, shall be filed before the Enrolment Committee of the Pakistan Bar Council within one month of the date when the order is communicated to the applicant. The Enrolment Committee shall have the power to extend the time for sufficient cause.

(b) Every such appeal shall be accompanied by a deposit receipt of Rs. 100/- deposited by the applicant with the Pakistan Bar Council.

(c) If the appeal is not dismissed in limini notice of the admission of the appeal and of the date fixed for its hearing shall be served on the Advocate General of the Province in which the application for enrolment is filed.

(d) For the admission of the appeal it shall not be necessary to call a meeting of the Committee and it will be sufficient if the memo of appeal is circulated amongst the members.

(e) If the appeal is admitted, the appellant shall deposit the sum of Rs. 100/- in the funds of the Pakistan Bar Council and notice of appeal shall not be served until this amount is deposited.

(f) If within one month of the notice of admission of the appeal the appellant does not deposit the amount referred to in clause (e) above the appeal shall stand dismissed.

(g) The Committee may for sufficient cause set aside an order of dismissal passed under this rule but the Committee may refuse to set aside the order if the appellant has been guilty of laches in making an application for setting aside the order.

113. The Enrolment Committee shall decide the appeal after hearing the appellant, the Advocate General or his representative representing the respective Provincial Bar Council and after examining the record of the case and recording such evidence as it may deem necessary.

103. The original sub-rule (b) of Rule 111 reads as under:

"(b) If an Advocate fails to pay the instalment of the fee or annual fee payable by him by the prescribed date, he shall be liable to pay a further fee of Re. 1/- per day for the late payment".

It was substituted by the present text, with effect from 12.10.1976, as per Notification published in the Gazette of Pakistan, Extra (Part II), October 12, 1976.

114. All disputes relating to seniority shall be determined by the Enrolment Committee and in case the contestants are not entered in the roll in the correct order, amendment to the roll will be made giving effect to the decision of the Enrolment Committee by pasting correction slips in the Rolls. An appeal shall lie against the order of the Enrolment Committee to the Pakistan Bar Council within one month of the order subject to the extension of time for sufficient cause by the Bar Council.

115. All additions, alterations and corrections made in the Roll shall be communicated to the High Court within one month of the additions, etc.

116. The Roll prepared under the Act and all additions, alterations and corrections made therein shall be notified as under Rule 4(1).

CHAPTER X

DISCIPLINARY PROCEEDINGS

117. (1) A complaint against an Advocate of the Supreme Court of Pakistan shall be addressed to the Chairman of the Pakistan Bar Council and shall contain clearly the charge or charges against such Advocate and shall be accompanied by all documents or copies of documents that are available to the complainant and in case where the complaint is not by Court or a Public Officer acting in his official capacity shall also be supported by an Affidavit as to the facts alleged therein:

Provided that the Bar Council may dispense with the filing of an Affidavit.

(2) The complaint if it is not by a Court shall also be accompanied by a receipt of Rs. ¹⁰⁴[1000/-] only deposited with the Pakistan Bar Council.

118. (a) The Chairman shall refer the complaint to the Disciplinary Committee of the Bar Council which may summarily reject the complaint or may call upon the Advocate concerned to reply to the allegations made against him.

(b) After the perusal of the complaint and the reply, the Disciplinary Committee shall make such enquiries as it thinks fit.

(c) After hearing the complainant and the Advocate concerned, the Disciplinary Committee shall make its report to the Tribunal set up by the Bar Council in this behalf.

(d) When a case is referred to the Tribunal all the relevant documents shall be forwarded to the Chairman of the Tribunal.

(e) Before the Tribunal the proceedings against an Advocate shall be conducted by the Advocate General of the Province concerned or by an Advocate appearing on his behalf. The parties shall also appear in person and be entitled to engage a counsel, but the Advocate General shall have a prior right to conduct the proceedings against the Advocate subject to any directions by the Tribunal.

119. On receipt of a reference from the Disciplinary Committee, the Chairman of the Tribunal shall fix a date for the hearing of the case not earlier than 21 days from such receipt and notice of the date fixed shall be served on the Advocate concerned as well as the Advocate-General alongwith copies of the record that has been forwarded to the Tribunal so

104. Substituted for the figure "10" vide Notification of the Pakistan Bar Council dated 17.4.2008.

as to reach the Advocate as well as Advocate-General not less than 15 days before the date fixed. Notices of the date shall also be served on the complainant in the case the complaint is not by a Court or by a public officer acting in his official capacity. Notices of the date should also be put up on the Notice Board of the Pakistan Bar Council.

120. The Advocate concerned shall be entitled to file a reply to the allegations against him whether or not he has already filed a reply before the Disciplinary Committee. He shall deliver such reply alongwith two copies to the ¹⁰⁵[Secretary] at least 7 days before the date of the hearing fixed by the Tribunal, and the ¹⁰⁵[Secretary] shall deliver the copies to the Advocate General and the complainant at least two days before such date of hearing.

121. The Tribunal shall determine the matter before it on oral evidence and on documents in accordance with the provisions of the Evidence Act and the Tribunal shall follow generally and to the extent practicable, the procedure provided for suits in the C.P.C. but the Tribunal shall also have the power to call for or permit Affidavits and to decide the whole case or any matter on Affidavits and documents proved by Affidavits provided that the party affected by an Affidavit shall have the right to cross-examine the deponent with reference to the statement in the Affidavit.

122. An Advocate concerned shall be a competent witness on his own behalf and shall be liable if he appears as a witness to be cross-examined but he shall not be compelled to appear as a witness but the Tribunal may examine him if it so desires.

123. The ¹⁰⁵[Secretary] of the Bar Council shall be *ex-officio* Secretary of a Tribunal and shall be responsible for service of notice issued by the Tribunal and for compliance with the Rules in this Chapter.

124. The procedure laid down in this chapter for the Tribunal shall apply, so far as may be, to the proceedings before the Disciplinary Committee of Pakistan Bar Council when under Section 46 of the Act it withdraws a case from the Provincial Bar Council or any conciliation committee or any inquiry committee or when an appeal is heard by the Disciplinary Committee under Section 47 of the Act.

125. The Pakistan Bar Council may suo moto start disciplinary proceedings against an Advocate and in such a case the provisions of this Chapter will apply *mutatis mutandis*.

126. The Tribunal after a case is referred to it shall have the power to suspend the Advocate concerned pending enquiry against him and to vary or rescind such order.

¹⁰⁶**127. Appeals against order of the Tribunal passed under Section 43 of the Act.--**(1) The appeal against the order of a Tribunal provided for under Section 47 shall be filed with the Secretary of the Pakistan Bar Council either personally or through an authorised agent or through registered post acknowledgement due within 60 days from the

105. See foot note No. 3.

106. Substituted for the following originally framed Rule, *vide* Notification published in the Gazette of Pakistan, Extra (Part II), January 1, 1992:

"127-An appeal shall lie against an order of the Tribunal under this rule to the Pakistan Bar Council within one month from the date of the order or within such extended period as on sufficient cause being shown, it may permit".

date on which the order is communicated to the person concerned as provided for in Section 47.

(2) sub-rules (a), (b), (c), (d), (e), (f) and (g) of Rule 112 and Rule 113 shall apply *mutatis mutandis* to the hearing and disposal of the appeal under this Rule as far as applicable and the reference to the Enrolment Committee in the said Rules shall be read as reference to the Disciplinary Committee].

CHAPTER XI

FINANCE

128. (1) The Chairman shall be responsible for realizing all moneys due to the Bar Council and for the management, administration and utilization of the funds of the Council.

(2) All accounts relating to the funds of the Council shall be subject to the supervision and periodical check by the Chairman of the Finance Committee.

129. (a) Every Provincial Bar Council shall contribute ¹⁰⁷[33 1/3]% or such share as is prescribed under the law for the time being in force, of the enrolment fee realized by it from the Advocates enrolled by it, to the Pakistan Bar Council.

(b) The moneys credited to the fund of the Council shall be kept in such bank or banks and the account shall be operated by the Chairman ¹⁰⁸[or Vice-Chairman] with the ¹⁰⁹[Secretary] of the Bar Council or such other person as the Bar Council may authorise.

(c) The Bar Council may invest any portion of the fund of the Council in such manner as it may think proper.

(d) The Bar Council may constitute a separate fund for any special purpose which shall be administered and regulated in such a manner as the Bar Council may specify.

130. The moneys credited to the fund of the Bar Council from time to time shall be applied in the following order:

Firstly, in the payment of the salaries and allowances to the members of the staff of the Council;

Secondly, in the fulfilment of any obligation and in the discharge of any duty imposed on the Council under the Act or these Rules; and

Thirdly, meeting the expenditure declared by the Council to be an appropriate charge on the fund.

131. (a) A Cash Book shall be maintained by the Bar Council in form 'G' appended to these Rules.

(b) The receipt of all cash and cheques received for credit to the fund of the Bar Council shall be entered on the receipt side of the Cash Book as soon as the receipt is

107. With effect from 24.3.1979, the figures and signs "20%" were substituted by the figures and signs "33 1/3%" *vide* Notification published in the Gazette of Pakistan, Extra (Part II), March 24, 1979.

108. The word "jointly" was Substituted by the words "or Vice-Chairman", with effect from 8.3.1978, through Notification published in the Gazette of Pakistan, Extra (Part II), March 19, 1978.

109. See foot note No. 3.

issued. The disbursement of all moneys from the fund of the Bar Council shall be entered on the expenditure side of the Cash Book as soon as the disbursement is made.

(c) At the end of each day the total of the amount received and spent during the day shall be worked out and the balance struck.

(d) The amount remitted to the bank each day shall be shown in the appropriate column of the Cash Book, indicating the number and the date of the deposit voucher with which the amount is thus remitted.

(e) All entries in the Cash Book shall be checked by the ¹¹⁰[Secretary] item by item with reference to the receipt and expenditure vouchers and in token of check the Cash Book shall be signed by the ¹¹⁰[Secretary] daily.

(f) At the end of each month the balance shall be struck and the closing balance verified with reference to the bank Pass Book.

(g) The total of various columns in the Cash Book shall be carried forward into the next month account.

132. (a) At the end of every six months a statement of the accounts giving full details of income and expenditure shall be compiled and laid before the Pakistan Bar Council by the Finance Committee.

(b) At the end of each financial year an annual account in form 'H' appended to these Rules shall be compiled by the Finance Committee.

(c) The Annual accounts so compiled shall be audited by a Chartered Accountant within the meaning of the Chartered Accountants Ordinance, 1961 appointed by the Bar Council on the remuneration as may be fixed by the Bar Council.

(d) The Auditor appointed under sub-rule (c) shall examine the annual accounts together with the receipts and payment vouchers relating thereto and shall at all reasonable times have access to the books, accounts and other documents of the Bar Council and may with reference to such accounts examine any officer or employee of the Council.

(e) The Auditors shall report to the Bar Council upon the annual accounts and in his report he shall state whether in his opinion the annual account is full and fair account containing all necessary particulars and properly drawn up so as to expedite a true and correct view of the finances of the Bar Council.

(f) The Annual Accounts, balance sheet and Auditor's report shall be laid before the Bar Council for approval not later than 3 months of the close of a financial year.

(g) The Finance Committee, shall furnish to each member of the Bar Council at least 8 days before the date of the meeting of the Council a copy of the Audited Annual Account, balance sheet and the report of the Auditor.

110. See foot note No. 3.

133. (a) The Finance Committee shall prepare an Annual Budget containing the statement of estimated receipts and expenditure of the Bar Council for the next financial year.

(b) The Budget Statement along with report of the Finance Committee shall be presented to the Bar Council not later than 15th of June each year so that it may be passed before the start of the next financial year.

(c) During any financial year if it is found that the amount authorized to be expended for a particular purpose from the current financial year is insufficient or that a need has arisen for new expenditure which has not been included in the annual Budget Statement for that year, the Bar Council shall have power to authorise expenditure through a supplementary budget.

CHAPTER XII

CANONS OF PROFESSIONAL CONDUCT AND ETIQUETTE OF ADVOCATES

A – Conduct with regard to other Advocates:

134. It is the duty of every Advocate to uphold at all times the dignity and high standing of his profession, as well as his own dignity and high standing as a member thereof.

135. An advocate shall not solicit professional employment by advertisement or by any other means. This clause shall not be construed as prohibiting the publication or use of ordinary professional cards, name plates or conventional listing in directories, so long as the information contained therein is limited to professional and academic qualifications, and public offices currently held, and does not contain any matter which savours of personal advertisement.

136. An advocate shall not employ any other person to solicit or obtain professional employment nor remunerate another person for soliciting or obtaining professional employment for him; nor shall he share with an unlicensed person any compensation arising out of or incidental to professional employment, nor shall he aid or abet an unlicensed person to practise law or to receive compensation therefor; nor shall he knowingly accept professional employment offered to him as a result of or as incidental to the activities of an unlicensed person.

137. An advocate shall not communicate about a subject of controversy with a party represented by an advocate in the absence and without the consent of such advocate.

138. An advocate shall not, in the absence of the opposing counsel, communicate with or argue before a judge or judicial officer except in open Court and upon the merits of a contested matter pending before such judge or judicial officer; nor shall he, without furnishing the opposing advocate with a copy thereof, address a written communication to a judge or judicial officer concerning the merits of a contested matter pending before such

judge or judicial officer. The rule shall not apply to *ex parte* matters or in respect of matters not *sub-judice* before the judge or judicial officer concerned.

139. A client's proffer of assistance of additional advocates should not be regarded as evidence of want of confidence but the matter should be left to the determination of the client. An advocate should decline association as a colleague unless the dues of the advocate first retained are paid.

140. Clients, not advocates, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence advocates in their conduct and demeanour towards each other or toward the parties in the case. All personal clashes between advocates should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncrasies of advocates appearing on the other side. Personal colloquies between advocates which cause delay and promote unseemly wrangling should be carefully avoided.

141. No division of fees with any person for legal services is proper except with another advocate based upon the principle of division of work as expressed in the agreement between the advocates.

142. Subject to the precedence of the Attorney-General and the Advocate-General, as established by constitutional usage and practice, it is the duty of advocate to maintain and uphold the order of precedence in accordance with the roll of advocates maintained by the Bar Council.

143. Junior and younger members should always be respectful to senior and elder members. The latter are expected to be not only courteous but also helpful to their junior and younger brethren at the Bar.

144. Where more than one advocate is engaged on any side it is the right of the senior member to lead the case and the junior members should assist him, unless the senior so wants.

B - Conduct with regard to Clients:

145. An Advocate shall not acquire an interest adverse to a client in the property or interest involved in the case.

146. An Advocate shall not accept employment adverse to a client or former client, relating to a matter in reference to which he has obtained confidential information by reason of or in the course of his employment by such client or former client provided that an advocate, who has not been formally engaged by a person and accepted a retainer nor received any fees for such engagement is not precluded from accepting employment adverse to the interest of such person.

147. An advocate shall not accept professional employment without first disclosing his relation, if any, with the adverse party, and his interest, if any, in the subject matter of such employment.

148. An advocate shall not represent conflicting interests.

149. An advocate shall not himself or in *benami* purchase any property at a probate, foreclosure or judicial sale in an auction or proceeding in which such advocate appears for a party, nor shall he accept the whole or part of the property, in respect of which he had been engaged to conduct the case, in lieu of his remuneration, or as a reward or bounty.

150. An advocate shall not commingle the property of client with his own, and shall promptly report to the client the receipt by him of any money or other property belonging to such client.

151. An advocate shall not advise the commencement of prosecution or defence of case, unless he has been consulted in reference thereto, except when his relation to a party or to the subject matter is such as to make proper for him to do so.

152. An advocate in his professional capacity shall not advise the violation of any law. This rule shall not apply to advice given in good faith, that a law is invalid.

153. It is the right of an advocate to undertake the defence of a person accused of crime, regardless of his personal opinion, as distinguished from knowledge as to the guilt of the accused; otherwise innocent persons and victims merely of suspicious circumstances might be denied proper defence. Having undertaken such defence, an advocate is bound by all fair and honourable means, to present every defence that the law of the land permits, to the end that no person may be deprived of life or liberty, except by the process of law.

154. In fixing fees, advocates should avoid charges which over-estimate their advice and services as well as those which undervalue them. A client's ability to pay cannot justify charge in excess of the value of the service, though his property may justify a lesser charge, or even none at all. The reasonable requests of a brother advocate, should also receive special and kind consideration. In respect of widows and orphans of an advocate, all advocates shall assist them free of charge.

In determining the amount of fee it is proper to consider; (i) the time and labour required, the novelty and difficulty of the questions involved and the skill requisite properly to conduct the case; (ii) whether the acceptance of employment in a particular case will preclude the Advocate's appearance for others in cases likely to arise out of the transaction, about which there is a reasonable expectation that otherwise he would be employed, or will involve the loss of their business while employed in a particular case; (iii) the customary charges of the Bar for similar service; (iv) the amount involved in the controversy and the benefits resulting to the client from the service; (v) the contingency of the certainty of the compensation, and (vi) the character of the employment, whether casual or for an established and constant client. Of these considerations, none in itself is the controlling factor. These are mere guidelines in ascertaining the real value of the service.

In fixing fees it should never be forgotten that the profession is a branch of the administration of justice and not a mere money making trade.

155. Controversies with clients concerning compensation are to be avoided by the advocate so far as shall be compatible with his self-respect and with his right to receive

reasonable recompense for his services. Any law suits with clients should be resorted to only to prevent injustice, imposition or fraud.

156. Nothing operates, more certainly to create or foster popular prejudice against advocates as a class, and to deprive the profession of that full measures of public esteem and confidence which belongs to the proper discharge of its duties than does the false claim, often set up by the unscrupulous in defence or questionable transactions, that it is the duty of the advocate to do whatever may enable him to succeed in winning his client's cause.

It is improper for an advocate to assert in argument his personal belief in the client's innocence or in the justice of his cause. His professional duty is strictly limited to making submissions at the Bar consistently with the interest of his client.

An advocate owes entire devotion to the interests of the client, warm zeal in the maintenance and defence of his rights and the exertion of his utmost learning and ability to the end that nothing be taken or be withheld from him save by rules of law legally applied. No fear of judicial disfavour or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of any and every remedy and defence that is authorised by the law of the land, and he may expect his advocate to assert every such remedy or defence. But it is steadfastly to be borne in mind that the great trust of the advocate is to be discharged within and not without the bounds of the law. The office of an advocate does not permit, much less does it demand of him for any client, the violation of any law or any manner of fraud or chicanery. In doing his professional duty to his client he must obey the voice of his own conscience and not that of his client.

157. When an advocate is a witness for his client except as to merely formal matters, such as the attestation or custody of an instrument and the like, he should leave the trial of the case to other advocates. Except when essential to the ends of justice, an advocate should avoid testifying in Court on behalf of his client.

158. In incidental matters, not effecting the merits of the cause in a trial, nor working substantial prejudice to the rights of the client, such as forcing the opposite advocate to trial when he is under affliction or bereavement, forcing the trial on a particular day to the injury of the opposite advocate when no harm will result from a trial at a different time, agreeing to an extension of time for filing written statements, cross interrogatories and the like, the advocate must be allowed to judge himself. In such matters no client has a right to demand that his advocate shall be ungenerous or that he does any thing therein repugnant to his own sense of honour and property.

C - Duty to the Court:

159. It is the duty of an advocate to maintain towards the Court a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamour. At the same time whenever there is proper ground for complaint against a judicial officer, it is the right and duty of an advocate to ventilate such grievances and seek redress thereof legally and to protect the complainant and person affected.

160. An advocate shall not advise a person, whose testimony could establish or tend to establish a material fact, to avoid service of process, or conceal himself or otherwise to make his testimony unavailable.

161. An advocate shall not intentionally misquote to a judge, judicial officer or jury the testimony of a witness, the argument of the opposing advocate or the contents of a document; nor shall he intentionally misquote to a judge or judicial officer the language of a book, statute or decision; nor shall he, with knowledge of its invalidity and without disclosing such knowledge, cite as authority a decision that has been over-ruled or a statute that has been repealed or declared unconstitutional.

162. Marked attention and unusual hospitality on the part of an advocate to a judge or judicial officer not called for by the personal relations of the parties, subject both the judge and the advocate to misconstructions of motive and should be avoided. An advocate should not communicate or argue privately with the judge as to the merits of a pending cause and he deserves rebuke and denunciation for any advice or attempt to gain from a judge special consideration or favour. A self-respecting independence in the discharge of professional duty, without denial or diminution of the courtesy and respect due to the judge's station, is the only proper foundation for cordial, personal and official relations between the Bench and the Bar.

163. The primary duty of an advocate engaged in public prosecution is not to convict, but to see that justice is done. The suppression of facts or the concealing of witnesses capable of establishing the innocence of the accused is highly reprehensible.

164. Publications in newspaper by an advocate as to pending or anticipated litigation may interfere with a fair trial in the courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement or reference to the facts should not reach the public, it is unprofessional to make them anonymously. An ex-parte reference to the facts should not go beyond quotation from the records and papers on file in the Court but even in extreme cases it is better to avoid any ex-parte statement.

165. It is the duty of advocates to endeavour to prevent political considerations from outweighing judicial fitness in the appointment and selection of judges. They should protest earnestly and actively against the appointment or selection of persons who are unsuitable for the Bench and thus should strive to have elevated thereto only those willing to forego other employments, whether of a business, political or other character, which may embarrass their free and fair consideration of the questions before them for the decision. The aspiration of advocates for judicial positions should be governed by an impartial estimate of their ability to add honour to the office and not by a desire for the distinction the position may bring to themselves.

166. It is the duty of advocates to appear in Court when a matter is called and if it is so possible to make satisfactory alternative arrangements.

167. An advocate should in general refrain from volunteering his legal opinion or addressing any arguments in cases in which such advocate is not engaged unless called upon to do so in open Court by a judge or judicial officer. In advancing any such opinion he must do so with a sense of responsibility and impartiality without any regard to the interest of any party.

D - Conduct with regard to the public generally:

168. An advocate shall not accept employment to prosecute or defend a case out of spite or for the purpose of harassing anyone or delaying any matter; nor shall he take or prosecute an appeal wilfully motivated to harass any one or delay any matter.

169. An advocate should always treat adverse witnesses and parties with fairness and due consideration, and he should never minister to the malevolence of prejudices of a client in the trial or conduct of a cause. The client cannot be made the keeper of the advocate's conscience in professional matters. He has no right to demand that his advocate shall abuse the opposite party or indulge in offensive arguments. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

170. An advocate must decline to conduct a civil cause or to make a defence when convinced that it is intended merely to harass or to injure the opposite party or to work any oppression or wrong. But otherwise it is his right, and having accepted a retainer, it becomes his duty to insist upon the judgement of the Court as to the legal merits of his client's claim. His appearance in Court should be deemed equivalent to an assertion on his honour that in his opinion his client's case is one proper for judicial determination.

171. No advocate is obliged to act either as adviser or advocate for every person who may wish to become his client. He has the right to decline professional employment. Every advocate upon his own responsibility must decide what business he will accept as an advocate, what cause he will bring into Court for plaintiffs, and what cases he will contest in Court for the defendants.

172. No client, corporate or individual, however powerful, nor any cause civil or political, however important, is entitled to receive, nor should any advocate render, any service or advice involving disloyalty to the law whose ministers advocates are, or disrespect the judicial office, which they are bound to uphold, or corruption of any person or persons exercising a public office or private trust, nor indulge in deception or betrayal of the public. When rendering any such improper service or advice the advocate invites and merits stern and just condemnation. Correspondingly, he advances the honour of his profession and the best interest of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law; though until a statute shall have been finally construed and interpreted by competent adjudication, he is free and indeed is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all, an advocate will find his highest honour in a deserved reputation for fidelity to private trust and to public duty as an honest man and or a patriotic and loyal citizen.

173. An advocate shall not communicate with, nor appear before a public officer, board, committee or body, in his professional capacity, without first disclosing that he is an advocate representing interests that may be affected by the action of such officer, board, committee or body.

174. An advocate should not accept employment as an advocate in any matter upon the merits of which he has previously acted in a judicial capacity.

An advocate having once held public office or having been in the public employment, should not, after his retirement accept employment in connection with any

matter which he has investigated or dealt with while in such office, nor employment except in support thereof.

¹¹¹[**174-A.** No Advocate will use his previous designation or post such as "Retired Justice", "Ex Judge", "Retired General", "Ex Attorney-General", "Ex Advocate-General" or use any ex-designation, post or calling in any manner whatsoever, as prefix or suffix, either on letters-heads, name plates, sign boards, visiting cards or in any form during the period of his practice as an Advocate at any time.]

¹¹²[**174-B.** No Advocate shall display outside his office or anywhere else his name on the name plate or Board of the size of more than 1½' x 2'.]

¹¹³[**175.** (1) An Advocate shall not join or carry on any other profession, business, service or vocation or shall not be an active partner or a salaried official or servant in or be subject to the terms and conditions of service of the Government, semi-Government or autonomous body or any other organization or institution, public or private.

(2) Any violation of sub-rule (1) by an Advocate shall entail consequences as provided in Rule 108-O.]

¹¹⁴[**175-A.** Non observance or violation of the canons of professional conduct and etiquette mentioned in this chapter by an advocate shall be deemed to be professional misconduct making him liable for disciplinary action.]

¹¹⁵[**175-B.** Non observance or defiance of decisions/instructions of the Pakistan Bar Council by any Bar Council or Bar Association or any Member of the Bar/Advocate shall be deemed to be a gross professional misconduct.]

¹¹⁶[**CHAPTER XII - A** **BAR ASSOCIATIONS**

175-C. (1) Only the following Bar Associations of lawyers shall function in Pakistan:--

- (i) at national level there shall only be the Supreme Court Bar Association which will function in accordance with Rules framed by the Pakistan Bar Council.
- (ii) In each Province there may be High Court Bar Associations at principal seat and at the places of Benches of the respective High Courts.

111. Added *vide* Notification published in the Gazette of Pakistan, Extra, (Part-II), December 31, 1989.

112. Added *vide* Notification published in Gazette of Pakistan Extra (Part-II), January 7, 1992.

113. The present text was substituted for the following originally framed Rule 175, *vide* Notification dated 15.7.1998:-

"175. An advocate should not as a general rule carry on any other profession or business or be an active partner in or a salaried official or servant in connection with any such profession or business."

114. Added, *vide* Notification dated 24.3.1979.

115. Added, *vide* Notification dated 18.2.2009.

116. Chapter XII-A, added, *vide* Notification dated 18.2.2009.

- (iii) In each District there may be a District Bar Association.
- (iv) In each Tehsil and/or sub-division there may be a Tehsil or Sub-divisional Bar Association.

(2) No other Bar body of lawyers shall be recognized except for the above Bar Associations.

(3) The Provincial Bar Councils shall make Rules regarding recognition/de-recognition and functioning of Bar Associations at High Court, District and sub-divisional/Tehsil level.

175-D. The Pakistan Bar Council being controlling and supervisory body shall frame rules for recognition/de-recognition and functioning of the Supreme Court Bar Association.

175-E. No Bar Association or group of Bar Associations, any bar body or forum shall be authorized to give strike or protest call to members of legal fraternity at national level without prior approval of the Pakistan Bar Council.

175-F. The Pakistan Bar Council may remove any office bearer of Provincial Bar Council or of any Bar Association for commission of professional misconduct.]

CHAPTER XIII

MISCELLANEOUS

¹¹⁷[**176.** Members of the Pakistan Bar Council when on duty shall be entitled to club class fare by air service or first class air conditioned train fare plus Rs. ¹¹⁸[500/-] as conveyance allowance. If a member travels by road he will be entitled to Rupee ¹¹⁹[ten] per kilometer].

117. The original Rule 176 reads as under:-

"176. Members of the Bar Council when on duty shall be entitled to economy class fare where the air service is available. Where the air service is not available they shall be entitled to 1st class air conditioned train fare".

It was substituted by the following (except the words "Rupee one") *vide* Notification published in the Gazette of Pakistan, Extra (Part II), July 30, 1980:

"176. Members of the Pakistan Bar Council when on duty shall be entitled to economy class fare by air service or first class air conditioned train fare or if the members travels by road Rupee one per kilometer".

The above rule was again substituted by the following, *vide* Notification published in the Gazette of Pakistan, Extra (Part II), July 31, 1990:-

176. Members of the Pakistan Bar Council when on duty shall be entitled to economy class fare by air service or first class air conditioned train fare plus Rs. 200/- as conveyance allowance. If a Member travels by road he will be entitled to Rupee two per kilometer".

The present text was substituted for the above *vide* Notification published in the Gazette of Pakistan, (Extra (Part II), August 20, 1997.

118. Substituted for the figure "300", *vide* Notification dated 17.4.2008.

119. Substituted for the word "three *vide* Notification dated 8.11.2008.

177. (a) Every Member of the Bar Council attending a meeting of Bar Council or its Committee shall be entitled to an allowance of Rs. ¹²⁰[5000/-] per day for the days of a meeting so attended by him;

(b) If a member arrives earlier than the date of the meeting he shall be entitled to additional allowance of one day and similarly if he returns from the meeting after the date of termination;

(c) If a member returns from the meeting after the date of termination of the meeting he shall be entitled to a further additional allowance for one day; and

(d) If Government accommodation is made available at concessional rates in a Government Rest House, a member shall be entitled to draw Rs. 50/- per day instead of ¹²⁰[Rs. 5000/-].

178. A member of a Bar Council shall vacate his seat if:--

- (a) He resigns his seat by delivering his resignation to the Chairman;
- (b) He is removed from the roll; or
- (c) He is absent for 3 or more consecutive meetings of the Bar Council:

Provided that a meeting for the absence from which the member has taken permission of the Chairman shall not be regarded as a meeting from which he is absent.

- (d) the resignation dispatched by a member to the Chairman shall be effective from the time it is so delivered.
- (e) a member of the Bar Council who is suspended as an advocate shall not act as a member during the period of his suspension but shall vacate his seat only if his suspension is for a year or more or covers the whole term as a member.

179. (a) A register shall be maintained with regard to the disciplinary proceedings and the election petitions and all the record of the disciplinary proceedings as well as election petitions shall be preserved till they are ordered to be destroyed by the Bar Council. All parties to the proceedings shall be entitled on payment of the prescribed fee to a certified copy of all proceedings before the Council, or the Tribunal or any Committee of the Bar Council. Any other person interested, may subject to the orders of the Chairman or of the Bar Council, be supplied with a certified copy of any such proceedings as is mentioned above. The same fee shall be charged for the certified copies as are charged by the Supreme Court.

(b) All applications filed in the disciplinary proceedings by any party shall be accompanied by a payment of Rs. 5/- except in case of an application filed by an Advocate-General or any Advocate appearing on his behalf.

120. Originally the figure "100" was provided in clauses (a) and (d) of Rule 177.

It was successively amended substituting figures "100", "200", "300", "600", "750", "1000", "1500", "2000", "3000" and "5000" *vide* Notifications published in the Gazette of Pakistan, Extra (Part II), on 9.3.1978, 5.10.1981, 31.7.1990, 6.7.1993, 14.9.1995, 20.8.1997, 12.7.2002, 17.4.2008 and 8.11.2008.

(c) All Advocates appearing before the Bar Council or before any Tribunal or Committee of a Bar Council except the Advocate General or Advocate appearing on his behalf shall file a power of Attorney with a deposit of Rs. 5/- to be paid to the ¹²¹[Secretary] of the Bar Council.

180. All moneys required to be paid under these Rules shall be paid to the Secretary of the Bar Council concerned or such other person as may be authorised in this behalf by the Bar Council and the receipt for the money paid shall be attached to the proceedings in respect of which the payment is made.

181. Parties to the proceedings shall be entitled to inspection of the record in the presence of the ¹²¹[Secretary] on payment of Rs. 2/- per hour or part thereof.

182. An Advocate of the Supreme Court shall be entitled to obtain a duplicate copy of his enrolment certificate on payment of a fee of Rs. 10/-.

183. The Secretariat of the Pakistan Bar Council shall be at Islamabad with branch offices at Peshawar, Lahore and Karachi, as decided by Pakistan Bar Council from time to time.

184. (1) Each Provincial Bar Council shall:--

- (a) send copies of the proceedings of the Council to the Pakistan Bar Council within 7 days of its meeting.
- (b) send the copies of the Rules framed by it to the Pakistan Bar Council.
- (c) send a copy of its annual audit report to the Pakistan Bar Council.

¹²²[(d) send to the Pakistan Bar Council a quarterly report giving the following particulars of persons enrolled as Advocates of the Lower Courts and High Court during the preceding quarter:-

- (i) Names with parentage and date of birth;
- (ii) Dates of enrolment as an Advocate of Lower Courts and High Court;
- (iii) Full address; and
- (iv) Dates of deposit of enrolment fees with the name of Bank branch and amount so deposited].

(2) The Pakistan Bar Council may give any direction to a Provincial Bar Council if its action is not in accordance with the Act or Rules made by it.

(3) The Pakistan Bar Council may issue instructions to the Provincial Bar Councils in order to co-ordinate their activities and achieve uniformity in action.

121. See foot note No. 3.

122. Added *vide* Notification published in the official Gazette, Extra (Part-II) January 7, 1992.